Turkey*

FINDINGS: Due to the Turkish government's systematic and egregious limitations on the freedom of religion or belief that affect all religious communities in Turkey, and particularly threaten the country's non-Muslim religious minorities, USCIRF recommends Turkey be designated a "country of particular concern." The Turkish government, in the name of secularism, has long imposed burdensome regulations and denied full legal status to religious groups, violating the religious freedom rights of all religious communities. These restrictions, including policies that deny non-Muslim communities the rights to train clergy, offer religious education, and own and maintain places of worship, have led to their decline, and in some cases, their virtual disappearance. Turkey has a democratic government, and the country's constitution protects the freedom of belief and worship. While the political climate in Turkey is generally more open to public debate on religious freedom matters and the government has recently taken some positive steps on property, education, and religious dress, these *ad hoc* announcements have not resulted in systematic changes in constitutional and legal structures that would remedy violations of religious freedom for non-Muslim minorities. Longstanding policies continue to threaten the survivability and viability of minority religious communities in Turkey.

Based on these concerns, USCIRF recommends in 2012 that Turkey be designated a country of particular concern (CPC).** Turkey was on the USCIRF Watch List from 2009 to 2011.

The state's strict control of religion in the public sphere significantly restricts religious freedom, especially for non-Muslim religious minority communities – including the Greek, Armenian, and Syriac Orthodox Churches, the Roman Catholic and Protestant Churches, and the Jewish community – as well as for the majority Sunni Muslim community and the country's largest minority, the Alevis. Other concerns include the Turkish government's intervention into minority religious communities' religious affairs; societal discrimination and occasional violence against religious minorities; limitations on religious dress; and anti-Semitism in Turkish society and media. Additionally, Turkey's military control over northern Cyprus supports numerous arbitrary regulations implemented by local Turkish Cypriot authorities. These regulations limit the religious activities of all non-Muslims living in northern Cyprus, deny these religious communities the right to worship freely and restore, maintain, and utilize their religious properties, and threaten the long-term survival of non-Muslim religious communities in the area.

PRIORITY RECOMMENDATIONS: The United States regards Turkey as an important strategic partner and continues to support Turkey's European Union accession process. By designating Turkey as a CPC, U.S. policy should urge Turkey to comply with its international commitments regarding freedom of religion or belief by ending its longstanding denial of full legal recognition for religious communities and permitting 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. With respect to northern Cyprus, the United States should urge the Republic of Turkey and the Turkish Cypriot authorities to end all restrictions on the access, use, and restoration of places of worship and cemeteries for religious minorities, and cease the ongoing desecration of religious sites. Additional recommendations for U.S. policy can be found at the end of this chapter.

* 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."

**Commissioners al-Hibri, Gaer, Shaw, and Van Der Meid dissented from the CPC recommendation for Turkey. Their dissenting statements can be found at the end of the chapter.

Religious Freedom Conditions

The Constitution and Secularism in Turkey

Under the 1923 founding constitution, and reiterated in the current constitution drafted in 1982, 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. The Turkish military ousted governments in 1960, 1971, and 1980 in part due to concerns that secularism was under threat. In line with Atatürk's interpretation of secularism, Turkish governments over the years have adopted and enforced policies that severely limit the free practice of all religions, including limiting expressions of personal belief in the public sphere. Turkish policies subject Islam to state control through the *Diyanet* (the Presidency of Religious Affairs), and systematically restrict the ability of religious minorities to function through the *Vakiflar* (the General Directorate for Foundations), threatening their survival. The Turkish state has also interfered continuously with religious communities' internal affairs, especially for minority faiths, including their rights to train clergy and provide religious education, and has hindered their right to own property and build and maintain houses of worship.

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 September 2010, in an attempt to comply with certain EU standards, a constitutional reform package on judicial reform was adopted by a wide margin in a popular referendum. The package increased presidential appointments to the judiciary and granted parliament the power to prevent the closure of political parties. It also addressed several human rights issues, such as the creation of an ombudsman office to mediate between the state and Turkish citizens, and, starting in September 2012, citizens will have the right to file individual petitions with the Turkish Constitutional Court. Critics, however, viewed the measures as solidifying power for the AK Party, particularly over the judiciary. The enacting legislation for the ombudsman's office has yet to pass parliament.

In its platform for the June 2011 elections, the AK Party pledged to replace Turkey's current constitution, which was drafted by a military government in 1982, with a civilian constitution that, in the words of Prime Minister Erdoğan, would be "short, compact, open, focused on the

individual, and committed to freedom." Since the election, in which the AK Party won nearly half the vote, the Turkish government has met regularly with various religious communities, the Kurdish community, civil society groups, and constitutional experts. The government also has said publicly that it will consult with the Council of Europe's Venice Commission. In November 2011, the Constitutional Reconciliation Commission was established, comprised of three special subgroups tasked with collecting information and recommendations from civil society, associations, foundations, and religious and minority representatives.

In February 2012, the Greek Orthodox Ecumenical Patriarch, Bartholomew I, addressed the Turkish Parliamentary Constitution Commission, a first in the history of the modern Republic, and submitted an 18-page proposal on new constitutional protections for religious minority communities and religious freedom. Religious minority communities, including the Ecumenical and Syriac Patriarchs, the Chief Rabbi, and Alevi representatives, have welcomed these changes, and reportedly are "hopeful" that these reforms will be part of a redrafted constitution. For example, the Ecumenical Patriarch is said: "Unfortunately there have been injustices toward minorities until now, these are slowly being corrected and changed. A new Turkey is being born."

However, the constitutional redrafting process will likely continue for years, in part because it faces the major difficulty that the Constitution's first three articles, which include the definition of Turkey as a secular state, are considered by some as irrevocable. Moreover, the AK Party faces continuing opposition from the "deep state," comprised of entrenched supporters of traditional Turkish secularism found in the judiciary, military, and elsewhere. Turkish society and the government are grappling with religious and ethnic diversity, but serious questions remain as to the ruling AK Party's will – or ability – to match its *ad hoc* gestures with action and fully recognize Turkey's religious and ethnic diversity by codifying religious freedom in law and practice.

Restrictions on Non-Muslim Minorities

Turkey has a diverse but small (approximately 0.1% of the total population) non-Muslim minority population, one that is historically and culturally significant. The Turkish government does not maintain population statistics based on religious identity, but according to estimates by the State Department, in 2010, Turkey's non-Muslim religious minority population included: 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.

Since the founding of the Turkish Republic, the government has imposed burdensome restrictions on the ability of all religious minorities to own, maintain, and transfer both communal and individual property, to control internal governance, and to train clergy. These restrictions have contributed to a critical shrinkage of these communities, and in many cases, make it impossible for them to chart a sustainable and vibrant future. Although most religious minority communities in Turkey have noted that Prime Minister Erdoğan's government has made positive gestures towards them in recent years, these generally have not been through

permanent, institutional, or legal reforms. Rather, rights and privilege have been granted on an *ad hoc* basis, leaving open the possibility that they could be revoked or discontinued. In addition, members of these minority groups continue to face societal discrimination and occasional violence, partly because most are both religious and ethnic minorities and, therefore, are viewed with suspicion by some ethnic Turks.

Restrictions relating to Property

Turkish law places minorities in two general categories: 1) the three non-Muslim minorities acknowledged by the Turkish government as protected by the 1923 Lausanne Treaty (the Armenian Orthodox, Greek Orthodox, and Jewish communities), as well as the Syriac Orthodox, Chaldean, and Roman Catholic communities, which existed in Turkey in 1923 but are not viewed by the Turkish government as covered by that treaty (together referred to as the "Lausanne Treaty plus three" minorities); 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 the "Lausanne Treaty plus three" 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; and the Associations Law, which applies to all religious minorities. However, only the Armenian Orthodox, Greek Orthodox, and Jewish minorities have the technical 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.

For the last 75 years, Turkish governments have expropriated properties from religious minority communities, including schools, businesses, hospitals, orphanages, and cemeteries. Most of the confiscations occurred during three distinct periods of time: first, in 1936, with the passage of the Foundations Law; second, with the passage of the 1971 Private University Law, which required all private colleges to be affiliated with a state-run-university; and third, in 1974, when Turkey ruled that non-Muslim communities could not own properties other than those registered in 1936. The government continues to retain the power to expropriate religious minority properties.

Under the Foundations Law, generally only the "Lausanne Treaty plus three" groups are permitted to form foundations, which can purchase, own, and sell property in accordance with appropriate zoning and safety rules. When the original law was passed in 1936, 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. A government agency, the General Directorate for Foundations (the *Vakiflar*) regulates the activities of all foundations in Turkey, with particular emphasis on their religious and cultural property.

In 2008, the Foundations Law was amended to allow foundations to change their scope or purpose from that specified upon the original incorporation, permit the Armenian Orthodox, Greek Orthodox, and Jewish communities to have one elected representative on the *Vakiflar*, and allow foundations to apply for the return of confiscated property still under Turkish state control. The 2008 amendments, however, did not solve fundamental problems of the Foundations Law. For example, there was no mechanism for foundations to apply for the return of property that had been sold to third parties or for compensation for irretrievable property. After the 2008 amendments went into effect, the *Vakiflar* received around 1,400 applications for the return of confiscated minority properties, some 150 of which were immediately approved and the property returned, according to the *Vakiflar* Director General. In addition, 940 applications were deemed by the *Vakiflar* to have insufficient documentation and the *Vakiflar* extended the application deadline, but, of these, only about 500 were resubmitted. Between the passage of the 2008 amended law and August 2011, a total of 200 properties were returned to religious minority foundations of various denominations.

In August 2011, Prime Minister Erdoğan announced a new decree creating a process for the restitution of previously-expropriated foundation property that was surveyed and registered in 1936, and for which the foundation has a deed or title to the property. The new decree allows for the restitution of property that was registered in 1936 but not specifically described in the official documentation (i.e. the registration could show four properties, but not explicitly say that a property was a church, hospital, school, etc.). The decree also differs from the 2008 amendments to the Foundations Law in permitting foundations to receive financial compensation if their property was sold to a third party and cannot be retrieved. Since August 2011, 19 additional properties have been returned to minority foundations, and the *Vakiflar* is still considering some 1,500 applications (although some of these may be duplicate applications or different foundations applying for a single property).

While this action is commendable, it is not codified by law. In addition, the 219 properties returned since 2008 represent only a small portion of the minority properties expropriated by successive Turkish governments over many years. Moreover, despite the 2008 amendments and the August 2011 decree, the Turkish government retains the right to expropriate land from religious communities, although it has not confiscated any religious foundations' properties since 2007.

Under the Associations Law, which was adopted in 2004 and amended in 2007, any religious minority may form a legally-recognized association, and has the right to conduct religious services and determine religious curriculum. An association cannot, however, own property. In addition, association status is granted and may be revoked by provincial governors, providing little long-term protection.

During its February 2011 visit to Turkey, 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 societal discrimination or harassment. 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.

Actions relating to Property

On January 12, 2012, an Istanbul court imposed an interim injunction to prohibit the *Vakiflar* from using or selling an historical Armenian building, Sansaryan Han. Although the Armenian Patriarchate filed an application for the return of the property, the *Vakiflar* claims that the Patriarch does not control the foundation with the recognized title and therefore cannot claim ownership.

Also in January 2012, the Ministry of Education announced that a Greek Orthodox school on the Aegan island of Imvros (Gökçeada) could open to replace a school closed in 1936. The curriculum of the school will be determined by the Ministry of Education, as is the case for all schools, but the island's Greek Orthodox foundation will control the school's funding and daily operation. The community on the island reports that they are pleased that a school will open, but fear there will not be enough students for the school to operate. Reportedly, five families with school-aged children will relocate to the island to attend the school.

The same month, the *Vakiflar* recognized the Izmir Jewish Community Foundation, resulting in the foundation's full control over 22 immovable properties, including 18 synagogues and four stores.

In 2008, the European Court of Human Rights (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.

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 January 2011, the Turkish Supreme Court overturned a lower court's decision and granted substantial parts of the land, on which the monastery and adjacent religious center are located, to the Turkish treasury. Reportedly, the Syriac community has filed a petition with the ECtHR for the full return and control of the territory where the Mor Gabriel Monastery is located.

In a meeting with USCIRF in February 2011, the Syriac Orthodox Patriarch verified that his community's foundation owns only one church in Istanbul, which is inadequate to meet the community's needs. This means that the Syriac Orthodox Church must rely on the goodwill of other Christian denominations to use their churches. However, in October 2011, the Syriac Christian community secured from the Turkish government the right to build a church in the

Yeşilköy neighborhood in Istanbul. Construction will begin when an appropriate location can be determined. In addition, Syriac Christians have one recognized foundation in Istanbul.

In February 2012 in Malatya, three buildings in an Armenian cemetery, including a chapel, a guard house, and an annex, were demolished. The guard house was scheduled for demolition, but the chapel and annex were demolished accidently as well. The governor and mayor have publically apologized, and the municipality has agreed to rebuild the demolished buildings. The governor also has publicly confirmed that the municipality will restore another Armenian church in the neighborhood where Hrant Dink, a Turkish-Armenian journalist killed in 2007, lived.

In the last reporting period, the government did permit some religious minority communities to use ancient religious sites for religious purposes. In August of 2010 and 2011 the Turkish government granted permission to the Greek Orthodox community to hold a liturgy at the Sümela Orthodox Monastery in Trabzon. In September of 2010 and 2011, several thousand worshippers were permitted to attend a service in the 1,000-year-old Akdamar Armenian Orthodox church on Lake Van, abandoned since 1915 and restored by the Turkish government in 2007. In October 2011, Archbishop Khajag Barsamian, Primate of the Diocese of the Armenian Church of America, led a group to the city of Dikranakert, where they were permitted to re-consecrate the St. Giragos Armenian Church. The church is controlled now by the St. Giragos Armenian Church Foundation. In July 2011, for the first time in 90 years, the Syriac community consecrated and held a liturgy service at Mor Petrus and Mor Paulus Church in the eastern province of Adiyaman. Again, while these are positive developments, the government still controls access and use of the various sites.

Interference in Internal Governance

The Turkish government officially does not accord the ecclesiastical title "ecumenical" to the Greek Orthodox Ecumenical Patriarch. In March 2010, the Venice Commission, a Council of Europe advisory body, urged the Turkish government to recognize the status and role of the Ecumenical Patriarchate, although the Commission also stated that Turkey is not obligated to legally recognize the ecumenical title. The Commission noted, however, that Turkey must comply with Article 9 of the European Convention of Human Rights, which guarantees religious freedom, and "cannot force anyone to deny a historical title that is defined and universally accepted." During an official visit to Athens in May 2010, Prime Minister Erdoğan said that the Turkish government has "no issue with the title of ecumenical."

The Turkish government has interfered in the internal governance of the Greek Orthodox community by insisting only Turkish citizens can be members of the Greek Orthodox Church's Holy Synod and vote in patriarchal elections, although this is not required by the Treaty of Lausanne or the Turkish constitution. However, in 2004, the government did not block the Ecumenical Patriarch's appointment of six non-citizen metropolitans to participate rotationally on the Holy Synod. In 2010, Prime Minister Erdoğan 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. As of this report, 13 Metropolitans have received their citizenship papers, 11 are still being processed, and one was denied, reportedly for having a criminal record in his home country. The line of succession for the Ecumenical

Patriarch, and thereby the survival of the religious community, only can be elected through the Holy Synod. Although the recent dual citizenship approvals are a positive development, these *ad hoc* accommodations, while helpful, fail to ensure institutional integrity and independence in intra-religious decisions.

The government also has interfered in the selection process of the Armenian Patriarchate's religious leadership, which lacks a legal procedure to replace Mesrop Mutafian, the current Patriarch, who is very ill. An 1863 regulation sets procedures only after the Patriarch's death or resignation. In late 2009, two factions in the Turkish Armenian community separately approached the Turkish government: 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 Turkish Interior Ministry proposed a new post of Patriarchal Vicar-General be created until Mesrop's death; in July 2010, an Armenian Orthodox council selected Archbishop Aram to this temporary post. The Patriarchal Advisory Council had rejected this proposal because it was not consistent with Armenian Orthodox Church tradition and it placed the Turkish government in the role of arbitrator.

Restrictions on Training of Clergy

In 1971, the government's nationalization of higher education institutions included the closing of the Greek Orthodox Theological School of Halki on the island of Heybeli, thereby depriving the Greek Orthodox community of its only educational institution in Turkey for training its religious leadership. Furthermore, in November 1998, the General Authority for Public Institutions dismissed the school's Board of Trustees. The Halki seminary remains closed. In February 2011, USCIRF was told by various Turkish officials 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.

In late February 2012, Turkey's Deputy Prime Minister stated publicly that no law prohibited the re-opening of Halki and that the government would support such a move. However, the government and the Greek Orthodox community disagree over the seminary's status. The government wants Halki to open as a school under the broader umbrella of a national university via the Turkish Higher Education Board (YÖK) and operate and train its clergy in a similar way to how imams are trained in the country. The Ecumenical Patriarch wants it to be under the purview of the Ministry of Education and be given legal vocational school status, which is the status it had prior to its closing in 1971. The YÖK, a separate body from the Ministry of Education, sets the regulations for high schools and higher education.

The Turkish state also has closed other minority communities' seminaries, denying these communities the right to train clergy and thereby the ability to build church communities for succeeding generations in Turkey. 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.

The lack of institutions to train future religious leaders of the religious minority communities further erodes their long-term viability.

Restrictions on Muslims and Alevis

The government officially does not 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, officially allows only the practice of Hanafi Sunni Islam. Some groups have recently proposed 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 also are owned by local communities or individuals, and 22 mosques are owned by the 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. Since 2007, each of Turkey's 81,000 imams can write their own sermons, indicating greater official openness towards the country's Sunni Muslim majority. However, the President of the *Diyanet* told USCIRF in February 2011 that it continues to produce and disseminate themes for sermons.

Other Muslim groups independent of the *Diyanet* technically are banned under Turkish law, but generally are able to function. Sufi brotherhoods and other Muslim social orders (*tarikats*) and lodges (*cemaats*) officially have been banned since 1925; nevertheless, unofficially they remain active and widespread. The Caferis, Turkey's main Shi'a Muslim community, is comprised largely of Azeris and Iranians in eastern Turkey and in Istanbul; *de facto*, they are permitted to build and operate mosques and appoint imams.

The legal vacuum in which non-Sunni Muslim groups exist outside the *Diyanet* results in a lack of transparency on various matters, including funding sources. In addition these communities have reported being subject to discrimination, including in public-sector employment.

The Alevis 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 view them as heterodox Muslims, many Sunni Muslims do not accept that definition. Some Alevi identify as Shi'a Muslim, while others reject Islam and view themselves as a unique culture. While the *Diyanet* President told USCIRF in February 2011 that most Alevi want a closer relationship with the *Diyanet*, the President of the Alevi Bektasi Foundation told USCIRF that his group believes that the *Diyanet* should not exist in a secular state.

Over the past several years, the Turkish government has held regular workshops with the Alevi community to discuss their concerns, though some Alevi have complained that these discussions

include only community 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; 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*). In Ottoman times, they worshipped in Sufi dervish lodges (*tekke),* which were banned in 1925. The Turkish government officially does not recognize *cemevi* as houses of worship, but considers them to be "cultural centers." In November 2011, an Ankara court upheld a ruling that the Alevis could publicly refer to their *cemevis* as houses of worship, but the court did not confer official legal recognition; therefore, they still cannot receive the legal and financial benefits that are associated with such legal status. In January 2012, Mersin Governor Hasan Güzeloğlu vetoed a decision by the provincial assembly to pay for the operation of local *cemevis*. In late January 2012, the Alevi Cem Foundation filed a petition with the European Court of Human Rights seeking legal recognition of *cemevis* as houses of worship.

The inherited title of Alevi leaders is *Dede* (elder) for men or *Ana* for women, but the Alevis 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.

Restrictions Affecting All Religious Communities

Education

With regard to Turkish education policy, there have been two longstanding religious freedom issues for religious minorities: first, the inability of religious minority communities to educate their youth in schools that are in line with their religious beliefs; and second, derogatory comments about and/or misrepresentations of religious groups and their historical legacies in school textbooks.

Since the Turkish government maintains that there are only three officially-designated Lausanne minorities, it therefore allows only the Armenian Orthodox, Greek Orthodox, and Jewish communities to 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 continue to 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.

In February 2011, the Acting Armenian Patriarch told USCIRF that the Turkish government does not allow some 12,000 school-age children of Armenian migrant workers to attend Armenian minority schools in Turkey. However, the Ministry of Education currently is working on a bill to allow children of Armenian, Greek, and Jewish non-citizen residents of Turkey to attend

minority schools as "visiting students." Since September 2011, some Armenian school children who are not Turkish citizens have been permitted to attend minority schools in Turkey.

In December 2011, Erol Dora, a deputy of Syriac origin from the Peace and Democracy Party (BDP), publically stated that Education Minister Ömer Dinçer has promised to "alter clauses in Turkish history books that are antagonistic toward Armenians and Syriac Christians."

Members of the Alevi community have long objected to their children having to take part in compulsory religious education for Muslims. Some Alevi 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 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. In September 2011, the Turkish government announced it would revise 2012-13 textbooks to provide a more accurate description of Alevi beliefs and practices. The changes to the textbooks are to reflect recommendations made during the governmental and community workshops held over the last couple of years. Nevertheless, some Alevi still object to their children participating in compulsory religious and ethics education.

In December 2011, the YÖK ended the application of different grading scales for university entrance exams. This change ended the penalization against graduates of Muslim vocational schools who are applying for non-religious university programs.

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. In addition, there 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.

Religious Dress

Due to the emphasis on Turkish secularism, the government has long banned 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. In the past, women who wore headscarves, and their advocates, have been expelled from universities and have lost public sector jobs, such as nursing and teaching.

In 2005, the 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 2008, the Turkish parliament voted

to amend the 1982 constitution to guarantee all citizens the right to attend university, but the Turkish constitutional court invalidated the amendment for violating Turkish secularism. In October 2010, the YÖK reportedly issued a directive that universities could not expel women for wearing headscarves, and in July 2011, the Council of State upheld the circular. However, some school and university administrators and professors reportedly are not adhering to the circular. According to press reports, students from the Kastamonu Abdurrahmanpaşa High School in Ankara have filed a criminal complaint against an administrator who forced them to remove their headscarves in order to take an examination in March 2011.

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.

Conscientious Objectors

Turkish law does not include a provision for alternative military service. The ECtHR has made two recent rulings on two Turkish conscientious objector/Jehovah's Witnesses cases. In November 2011, the court found Turkey in violation of the Articles 6 (fair trial) and 9 (freedom of religion, conscience and thought) of the European Convention. On January 17, 2012, the court found Turkey in violation of European Convention Articles 3 (mistreatment and torture), 6, and 9.

In mid-February 2012, Bariş Görmez, a 33-year-old Jehovah's Witness who had been imprisoned since 2007 for being a conscientious objector, was acquitted of all charges stemming from his conscientious objection and released from a Turkish military prison. Also, in early March 2012, just after the end of the reporting period, a Turkish military court ruled that conscientious objection should be recognized, citing ECtHR rulings against Turkey and Armenia on conscientious objectors and the religious freedom provision of the Turkish constitution. Reportedly, the Turkish parliament also is discussing options for legally recognizing conscientious objection and offering alternatives to military service.

According to a July 2008 Ministry of Justice decree, police require a court warrant before they can arrest or detain deserters. Therefore, conscientious objectors no longer can be arrested at a military recruitment office. 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 refuse any form of 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.

The Ergenekon Conspiracy and Violence against Religious Minorities

In recent years, Turkish authorities have acted against an alleged conspiracy by Ergenekon, which some view as an underground, ultra-nationalist organization with ties to the military and security forces, as well as the judiciary, secularist political elites and journalists (collectively known as "the deep state"). Allegedly, Ergenekon has plotted to overthrow the AKP government and reportedly it has been implicated in carrying out and planning violence against religious minorities. Members linked to the alleged group reportedly have been implicated in the 2006 murder in Trabzon of a Catholic priest, Father Andrea Santoro; the 2007 murders of three Protestant employees, Necati Aydın, Uğur 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 alleged Ergenekon conspiracy. According to the non-governmental organization Compass Direct, in April 2012, the Third Criminal Court of Malatya likely will announce the indictment of five individuals allegedly associated with the Malatya murders. The delay of trials through lengthy procedures and the lack of convictions on some high profile cases is a concern.

Protracted trials and lengthy detentions of individuals allegedly associated with the alleged Ergenekon conspiracy continue to occur, including governmental and military officials, academics and journalists. The exact number of jailed journalists is not known. According to Prime Minister Erdoğan, 27 journalists currently are imprisoned in Turkey. The Journalists' Union of Turkey and the Turkish media group Bianet report 106 jailed journalists. The Turkish government claims that there are no journalists in jail for freedom of expression matters, such as for their criticisms of the AKP party or the Prime Minister, but rather because of various activities defined as terrorism under the Turkish Penal Code and the Counterterrorism Code. 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.

Those alleged to be part of the purported Ergenekon plot also allegedly planned to assassinate the Ecumenical and Armenian Orthodox Patriarchs, an Alevi leader, and a prominent Jewish business leader. The May 2011 case pending against Ismet Rençber, the man accused in the assassination attempt of Greek Orthodox Ecumenical Patriarch Bartholomew I, was merged with the larger Ergenekon trials. 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.

Observers have widely divergent views on whether the so-called Ergenekon case represents progress or regression on the Turkish road to democratization and the rule of law. Some analysts suggest that current government officials themselves are engaged in political manipulation of the purported plot around the Ergenekon investigation, pointing out that many of the detainees, including those who were arrested preemptively, are prominent critics of Prime Minister Erdoğan's government and individuals who support strict secularism. Turkish researcher and USCIRF Crapa Fellow Ziya Meral noted in 2011 that, although there have not yet been final verdicts in the Ergenekon cases, fatal attacks on Christians decreased after key figures who called for vigilance against Christian activities were arrested in the Ergenekon operation. However, in early 2012 the Association of Protestant Churches' Committee for Religious Freedom and Legal Affairs in İzmir reported an increased number of attacks, ranging from harassment and vandalism to death threats, against Protestant churches and individuals in 2011, as compared to 2010.

In addition, government officials have issued statements that could incite violence against ethnic and religious minorities. For instance, in late February 2012, during a rally in Taskim Square to remember Azerbaijanis who were killed during the 6-year war with Armenia over Nagorno-Karabakh, an ethnic Armenian enclave in Azerbaijan, Interior Minister İdris Naim Şahin reportedly said, "As long as the Turkish nation stays alive that blood will be answered for."

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. The court also cited Turkey's refusal 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. In 2011 and 2012, two individuals, Ogun Samast and Yasin Hayal, were convicted for their involvement in the assassination of Dink. However, an additional 19 other suspects were acquitted from charges of belonging to the alleged Eregenkon group and its role in the slaying of Dink. In late February 2012, the State Supervisory Council (DDK) of the Turkish Presidency released the findings of its 649-page report on the Dink verdict, which among other things, found negligence by the court. In response, Justice Minister Sadullah Ergin announced that a retrial or new charges could be filed against those allegedly involved in the Dink assassination, including governmental officers.

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. Currently, the alleged assassin is awaiting trial. The motive and any connection to the alleged Ergenekon group is not clear.

The Jewish Community and Anti-Semitism

Representatives of the Jewish community in Istanbul told USCIRF in February 2011 that their situation in Turkey is better than that of 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, Isak Haleva, if Jewish property is vandalized, the Turkish police generally are responsive. Jews also operate their own schools, hospitals, two elderly persons' homes, and welfare institutions, as well as a newspaper.

However, the Jewish community reported to USCIRF in 2011 that a rise in anti-Semitism in Turkey is often "directly linked to events in the Mideast." Jewish community organizations reportedly have received anti-Semitic mailings and phone calls, allegedly as a result of public opinion and some Turkish media reports that links the country's Jewish minority community to the policies of the Israeli state, giving rise to concern that criticism of Israeli actions may result in acts of hostility and anti-Semitism against the Jews of Turkey.

On January 29, 2012, International Holocaust Remembrance Day, Turkey reportedly became the first Muslim-majority country to screen on state television *Shoah*, a nine-hour documentary on the Jewish Holocaust.

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. Since 2002, in accord with this goal, Prime Minister Erdoğan 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 some 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 2011 EU Progress Report stated "freedom of worship continues to be generally respected," but found "limited progress on freedom of thought, conscience and religion." It also noted, "[a] legal framework in line with the ECHR has yet to be established, so that all non-Muslim religious communities and the Alevi community can function without undue constraints."

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.

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." Consistent with House Resolution 1631, the USCIRF delegation investigated only religious freedom issues in northern Cyprus. 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 clergy to access and hold services at their places of worship and cemeteries in the north, particularly those in 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.

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 unclear, although most experts agree that Turkey exercises substantial control over the politics and security of the local Turkish Cypriot authorities. In early March 2012, Egemen Bağiş, Turkey's Minister of EU Affairs and Chief Negotiator for the Republic of Turkey commented publicly that if reunification talks between the Republic of Cyprus and northern Cyprus fail, Turkey would annex northern Cyprus. However, in subsequent reporting, Bağiş claimed he was misquoted and clarified his statement by saying a reunified island is still the goal but annexation is one option if reunification talks fail. Currently, northern Cyprus is only recognized by Turkey and only has direct air connection with Turkey. Further, northern Cyprus is excluded from all international finance and trade, cannot be considered for international development aid and is banned from all international sporting and cultural events. The presence of the Turkish military in northern Cyprus directly impacts all aspects of religious freedom 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.

Since 1974 the island of Cyprus has been divided into two parts, with a UN Peacekeeping Force (UNFICYP) patrolling the "Green Line" between the two. The Green Line virtually was 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 Greek Orthodox, Armenian Orthodox, Maronite, and Jewish citizens of the Republic of Cyprus living in the south who wish to access the north are subject to review by the Turkish Cypriot authorities and Turkish military.

In areas not directly under the control of the Turkish military, there is greater access to religious sites, but restrictions exist. In February 2011, soon after USCIRF's visit, the Turkish Cypriot administration changed its policy regarding applications for permission to access some religious sites and hold services. The policy now allows 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. Since February 2011, 43 applications have been submitted, 34 were approved, and nine rejected. The Bishop of Karpasia has twice been denied permission to perform religious services in northern Cyprus.

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.

In February 2012, the Bicommunal Technical Committee on Cultural Heritage organized under the auspices of the United Nations announced that it would proceed with an emergency plan to support and restore the Saint Andreas Monastery located on the Karpasia peninsula in northern Cyprus. The plan was by the Patras University in Greece. As USCIRF learned in February 2011, the monastery's main arch is damaged badly and recently has further shifted. Previous attempts to restore the monastery failed because of different views on whether the Greek Orthodox Church, northern Cypriot authorities, or the United Nations should be responsible for the renovation. Currently, the Bicommunal Committee will have the general responsibility for the maintenance and it will be overseeing the emergency and restoration work.

In May 2011, the 200-year-old Greek Orthodox Chapel of Saint Thekla in the village of Vokolida was demolished, reportedly by accident. The Turkish Cypriot authorities publicly condemned the demolition. In addition, two individuals were arrested for demolishing the church and the "department of antiquities and museums" promised to rebuild it. However, according to the U.S. embassy, the rebuilding has been stalled because the Greek Orthodox Archbishop wants the Greek Orthodox Church to have a say in the church's rebuilding but opposes any interaction between the church and the northern Cypriot authorities.

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. During the reporting period, high-level U.S. officials, including Vice President Joseph Biden, Secretary of State Hilary Clinton, U.S. Deputy Secretary of State William Burns, and Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook, travelled to Turkey. Each addressed religious freedom and human rights matters in Turkey, including the re-opening of the Greek Orthodox seminary of Halki. Since the turbulent events of the so-called Arab Spring, the United States has relied heavily on Turkey's relationships with Syria, Libya, Egypt, and Iran to attempt to quell tensions in the region. The United States' bilateral and multilateral agenda with Turkey spans stability and security in the region, including in Iraq and Afghanistan, trade and investment, and counterterrorism.

The United States continues to support Turkish accession to the EU, encouraging Turkey to continue the reforms necessary for accession, and arguing that a Turkey that meets EU membership criteria would be good for the United States, for the EU, and for Turkey. The United States has designated the Kurdish Workers' Party (PKK) a Foreign Terrorist Organization and has supported Turkish military operations against the PKK in northern Iraq. At the same time, the United States has criticized Turkish domestic limitations on human rights.

Since President Carter, every U.S. president has called for Turkey to re-open 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 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 for their alleged links to the purported 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 and the detention of journalists. The next day, some AK Party members accused the ambassador of interfering in Turkey's internal affairs.

The United States officially does not recognize the "Turkish Republic of Northern Cyprus." The U.S. 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 Bicommunal 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

Due to systematic, ongoing, and egregious violations of religious freedom, USCIRF recommends that the U.S. government designate Turkey a CPC, and 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

In addition to designating Turkey as a CPC, the U.S. government should urge the government of Turkey to address restrictions on the legal status of religious communities and governance of their own internal affairs by:

- fully implementing the 1923 Lausanne Treaty the Universal Declaration of Human Rights by granting full legal recognition for all religious communities in Turkey;

- fully respecting articles 18 and 27 of the International Covenant on Civil and Political Rights by withdrawing the reservation that limits its application to the three Lausanne minorities;

- permitting religious communities to select and appoint their leadership in accordance with their internal guidelines and beliefs, 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;

- encouraging the Prime Minister's office and the *Diyanet* to work with the Alevi community regarding the recognition of that community in Turkey; and

- allowing the independent and peaceful practice of Islam outside of the *Diyanet* and ending the legal prohibitions on Shi'a Islam and on Sufi spiritual orders.

Regarding restrictions on religious expression, including dress, the U.S. government should urge the government of 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;

- allow women the freedom to express their religious or non-religious views through dress so as to respect their beliefs, 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 an alternative service to military service, on the grounds of conscientious objection and release any imprisoned conscientious objectors; and

- omit the legal requirement to list religious affiliation on official identification cards and adopt specific steps to implement this new requirement.

Regarding property and education rights for religious minorities, the U.S. government should urge the government of Turkey to:

- expand and expedite the process to regain clear title or fair compensation for expropriated holdings, end the authority of the *Vakiflar* or any government agency to seize the property of any religious community, and submit the Supreme Court decision on the land property case of the Mor Gabriel Syrian Orthodox monastery to Turkey's constitutional court;

- permit all religious minorities to train clergy, including by:

  --permitting the reopening of the Greek Orthodox Theological School of Halki, according to Turkey's international obligations, and allowing 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; 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 that incorporates instruction from the Patriarch, as required under Turkey's international obligations.

Regarding combating intolerance, the U.S. government should urge the government of 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; publicly expressing commitments to a democratic and diverse Turkish society at a high political level; 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 condemning 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 prevent and punish discrimination against Alevi.

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:

  --provide an assessment of Turkey's legislation affecting religious freedom;

  --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 in 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.

Dissenting Statement of Commissioners Ted Van Der Meid, Azizah al-Hibri, and William J. Shaw, with whom Commissioner Felice D. Gaer Joins:

We strongly dissent from recommending that the Republic of Turkey be named a Country of Particular Concern (CPC). There is nothing in the country's record that indicates Turkey has regressed in terms of religious freedom in the past year. In fact the record is clear, Turkey should be commended for the progress it has made and encouraged to do more. To dwell on the past, as the majority does, without noticing new developing opportunities for advancing religious freedom in Turkey, is counterproductive. We reject that approach, and remain hopeful.

The International Religious Freedom Act (IRFA) sets forth a clearly defined standard for CPC designation. The government "has engaged in or tolerated particularly severe violations of religious freedom," which is defined as "systematic, ongoing, egregious violations of religious freedom, including violations such as – (A) torture or cruel, inhuman, or degrading treatment or punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or (D) other flagrant denial of the right to life, liberty, or the security of persons." In our opinion Turkey does not qualify for CPC status under any of the above criteria.

To the contrary, Turkey has begun to rectify many of the religious freedom restrictions that have been in place for some time. A careful reading of the chapter shows that in the last year Turkey has moved forward with returning properties to some religious minority communities, is allowing headscarves to be worn in schools and universities, is restoring churches and allowing greater worship, and has begun implementing reforms relating to textbooks and educational opportunities for religious minority communities. This is just a small example of recent developments in Turkey that are connected to religious freedom. There have been several more, which are scattered throughout the Turkey chapter.

Our colleagues in the majority believe recommending CPC designation is appropriate for Turkey because they judged the developments in Turkey as simply mere gestures or ad hoc acts that could be easily revoked because they are neither codified in law nor enshrined in the Turkish constitution. This may be a fair point, however, as the media widely reports Turkey is well into the process of redrafting its constitution. In consideration for a new constitution the government has met with, solicited the opinions of, and heard the recommendations of every religious minority community including the Greek, Syrian, and Armenian Orthodox communities, the Jewish community and the Alevi. For example, in February 2012, the Greek Orthodox Patriarch, Bartholomew I, made an unprecedented presentation to the Parliament's constitution-making commission in his religious garb. Afterwards he said "Unfortunately there have been injustices in the past. These are all slowly being rectified. A new Turkey is being born. We are leaving the meeting with hope and are extremely grateful."

In light of actions taken by Turkey with regard to religious freedom in the last year, the positive words from the Ecumenical Patriarch, and the ongoing constitutional drafting process, which may very well codify the religious freedom matters about which USCIRF has been concerned, recommending CPC designation now is unwarranted and maybe counterproductive. Further, recommending CPC designation presupposes a conclusive judgment that despite its encouraging actions, Turkey is not genuine in its endeavors. We are not ready to reach that judgment yet. We choose to judge Turkey on the steps it has taken in the last year, and wait for further actions next year to ascertain its intentions.

Further evidence that Turkey is moving in the right direction with respect to religious freedom can be found in comments USCIRF received from religious minorities who live in Turkey. One said "I think Turkey should be monitored but it is nowhere near other countries on the CPC list." A second said "I think Turkey belongs where it is (Watch List). Certainly no move up to CPC status." A third said "…the status of Christian faith in Turkey today is infinitely better than in virtually any other Muslim country in the world. Turkey's respect for and adherence to the international conventions it has signed to support freedom of religion and conscience far surpass any of those other countries. It is to be congratulated on the steps it has taken, and encouraged to continue on the path to full citizenship for all its people." We share their sentiments that Turkey should not be recommended for CPC designation.

In February, 2011, USCIRF travelled to Turkey where we had the opportunity to meet with representatives of the Jehovah's Witness community. They informed us about Barış Görmez, who is a member of their religious community in Turkey. Mr. Görmez has been imprisoned since 2007 because he refused to serve in the military. His refusal was based on his religious beliefs. USCIRF raised his situation with the Turkish embassy in Washington, DC on a few occasions, and now he is a free man. While we cannot say categorically USCIRF had influence on his release, it is no less significant that the Turkish government has secured his release from prison; for it demonstrates the commitment to reform and signifies progress towards religious freedom. It also demonstrates that Turkey is moving towards, not regressing from, upholding international standards of religious freedom.

A major argument throughout USCIRF's deliberations was that (a) Turkey has not moved fast enough or that (b) the steps it has taken were not codified in law. In our opinion, the government has moved forward in their commitments, although there are additional actions that we very much would like for it and urge it to take, such as the re-opening of the Halki Seminary.

The Turkish Deputy Prime Minister's new and important public affirmation at the end of February that the Halki Seminary can be re-opened is discussed in the chapter, including the current controversy over the status of the school and whether it is to be under the authority of one or another Turkish governmental institution.

It is our view that the governmental policy in Turkey restricting the freedoms of religious institutions must come to an end for both majority and minority populations alike; and that private religious institutions should be permitted to operate freely in Turkey.
As to (b), we note that codified laws are also readily revocable or can remain unenforced by a government. The issue is really about intent, not form; and that in our view has not been conclusively established yet. To hinge Turkey's religious freedom status on whether the advancements were codified in law or some other vehicle is too narrow a criterion and does not give Turkey the credit or encouragement to do better next year. It is perhaps for such reasons that Secretary of State Clinton has commended Turkey on its progress. So should the U.S. Commission on International Religious Freedom.

In conclusion, the recommendation to designate Turkey as a CPC is extremely unfortunate, and unwarranted on the facts with respect to the IRFA standards. We encourage Turkey to continue moving forward in rectifying many of its long-standing religious freedom issues.

Dissenting Statement of Commissioner Felice D. Gaer, with whom Commissioners Azizah al-Hibri, William J. Shaw, and Ted Van Der Meid join:

Turkey has long been a country with a very troublesome human rights record on matters such as excessive use of force, torture, disappearances, and limits on free speech, as has been documented extensively in the U.S. State Department country reports on human rights, and by many international human rights groups, for years. Since USCIRF's first visit to Turkey in November 2006, our Annual Reports have also detailed the many substantial issues regarding measures affecting freedom of thought, conscience, and religion or belief that merit attention. But USCIRF has also in those reports acknowledged improvements, progress, and clear-cut changes that citizens and religious leaders praised. It is therefore particularly worrying that the Commission would declare this year, even as it detailed even more positive steps, that Turkey had deteriorated to such an extent that it had to be characterized as a "country of particular concern." While many matters may not have been resolved definitively, there is no indication of a deterioration regarding freedom of religion and on the contrary, there have been specific improvements, raising hopes that further changes will be in store. In sum, this is not a point at which the determination of "CPC" status is or seems warranted and I respectfully dissent from it.

USCIRF has obtained ample testimony of positive developments regarding religious freedom in Turkey, notwithstanding other ongoing endemic problems, particularly affecting minority religious communities in Turkey. Many of these longstanding measures, legal and practical, are

being addressed by government officials as they engage with European institutions and the United States.

USCIRF Commissioners were informed in a staff memorandum detailing developments in the past year that "...since its June 2011 general election, Turkey has implemented numerous reforms to begin to rectify some of the restrictions imposed on Turkey's diverse religious communities... Turkey's new policies begin to address many of USCIRF's long-standing concerns, including the return of expropriated minority properties...while the Turkish government retains absolute control over religion in the public sphere, the reforms implemented in the past year indicate movement in a positive direction." Reforms in return of property, religious dress, and reform of textbooks have also resulted from "new policies," according to staff. It is incomprehensible to me that such a nuanced assessment would be met by the Commissioners declaring that current Turkish policy and practice had actually deteriorated to such an extent that Turkey should be recommended for "country of particular concern" status.

A bit of history is in order. USCIRF's previous scrutiny of Turkey also offers evidence of a vibrant, complex and changing society that has seen a number of specific improvements regarding human rights including religious freedom. USCIRF visited Turkey in November 2006 on what it then explicitly termed a "fact-finding" visit – meeting with representatives of eight religious communities, several non-governmental policy experts, and a number of working level government officials in Ankara. It reported in May 2008 that "Throughout its visit, people of almost every tradition stated that, despite serious problems regarding the opening, maintaining, and operation of houses of worship, they were free to gather and worship as provided for in the country's constitution. Moreover, most groups reported that conditions for religious freedom had improved in the past decade and particularly due to the reforms undertaken by the government during the accession process to the European Union. However, the Commission also learned of significant restrictions on religious freedom…" (USCIRF, 2008, p. 277)

The Commission had reported earlier that "Without exception, everyone the delegation met with in Turkey, including those from among all of Turkey's religious communities, stressed EU membership as the most promising means to advance religious freedom and other human rights protections and to drive democracy forward in Turkey." (USCIRF, 2007, p. 23) It stated that "Ankara undertook important legal changes…" but cautioned that the lack of full legal recognition created a number of serious problems for minorities, including with regard to property rights, attacks on minorities, closure of religious institutions, and other items.

The same issues were addressed again in May 2009 when USCIRF decided to place Turkey on its "Watch List" of countries whose religious freedom violations are serious but fall short of the statutory requirement for "Country of Particular Concern" status, and yet require close monitoring.

Along with identification of the Ergenekon plot and government efforts in response, the USCIRF 2010 report offered similar argumentation on religious freedom concerns, including citation of the State Department's conclusions that freedom of religion was largely observed "in practice" although serious limits were maintained on religious expression in state institutions in order to

preserve the "secular state." Turkey has a constitutional provision separating religion from public life, known as "secularism."

In February 2011, USCIRF travelled again to Turkey, where Commissioners met with senior government officials for the first time: these included the Deputy Prime Minister, the Minister for European Union Affairs, as well as the Directors of the *Diyanet* and *Vlakiflar*, which address religious affairs and "foundation" affairs, respectively. USCIRF also met with heads and other leaders of eight minority faith communities, and various journalists, academics, and civil society representatives. As a result, USCIRF declared in 2011 that "the government has failed to take decisive action to address the climate of impunity against religious minorities," that it intervenes in the internal governance of religious communities, and that serious "limitations" on freedom of religion or belief continue, "threatening the continued vitality and survival of minority religious communities" in the country.

The Commission also reported that "Most religious minority communities have noted that the ruling AK party has made positive gestures towards them, but that the Turkish government has not made institutional reforms, particularly on corporate legal status." Yet, then and since, the Commission was informed about numerous steps taken to comply with European Court of Human Rights decisions and return property, new discussions exploring reopening of the Halki Seminary closed since 1971, the Prime Minister's unprecedented visits to the leaders of the religious minority communities, the religious services conducted at Soumela monastery, at Armenian Holy Cross church on Lake Van – for the first time in 90 years – and, significantly, efforts made to begin a process of restoration of property through the Foundation law, and more.

Once more, USCIRF cited the European Union Progress Report which affirmed that "Turkey generally respected freedom of worship." In its own voice, USCIRF also acknowledged the following: "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 women and men." It cited a constitutional amendment to ensure primacy on international human rights treaties over domestic law.

In the 11 months since then, events have brought a variety of welcome official measures related to restoration of property/the foundations law, along with other steps continuing along the lines cited above and in the current USCIRF chapter. True, the government maintains ultimate control over many of the facilities and their use and it has not acted in accord with its international human rights obligations in many areas, but the trend for many of the issues affecting minority communities is hopeful.

The Turkish government's handling of the so-called Ergenekon conspiracy and the related due process abuses in the Sledgehammer case have been worrying to the Commission, which has reported on them briefly, along with the arrest of journalists. Plenty of other concerns remain about which direction the AK Party will take regarding the Constitutional reform and the protection of members of minority communities, as opposed to measures related to the majority. This is reason to continue monitoring developments. But it does not merit reaching a

determination that Turkey's incomplete reforms cast it into the CPC, worst violator status, as set forth in the International Religious Freedom Act (IRFA).

Weighing the reforms in Turkey in 2011, I recall the words of Nobel Laureate Elie Wiesel, author and survivor of Auschwitz, who cautioned: "Because I remember, I despair. Because I remember, I have the duty to reject despair." Indeed, I choose to be hopeful: it is the traditional response to adversity that has enabled Jews to survive over the centuries.

Dissenting Statement of Commissioner William J. Shaw, with whom Commissioners Azizah al-Hibri and Ted Van Der Meid, join:

I strongly dissent to the decision of USCIRF, by a 5 to 4 vote, to designate Turkey as a CPC. My dissent is grounded in the following reasons: Turkey was named a Watch List country in our 2011 report. Since that naming in 2011, the listing of initiatives both taken and accomplished by the government of Turkey set forth in the 2012 analysis do not justify the negative listing of the country to CPC status. If the initiatives and accomplishments do not fully satisfy Commission wishes or desires, the country should at least continue on Watch List status.

Further, once again I dissent to including portions of the Republic of Cyprus in the report on Turkey. Neither the government of Cyprus nor the U.S. government recognizes Northern Cyprus as a separate country. If Cyprus is to be reviewed by the Commission, it is my conviction that the total country, north and south, should be examined. Hence, I dissent from the Turkey report both in terms of substance and in terms of the inclusion of the part of the Republic of Cyprus in the report on Turkey.

Statement of Commissioners Nina Shea, Leonard Leo, and Elizabeth Prodromou:

We join the majority in recommending Turkey for Country of Particular Concern designation on the basis that it is in flagrant denial of the right to liberty under the International Religious Freedom Act. We cannot overlook the still unaltered overall decline of Turkey's Christian minorities that is hastened and made inexorable by the laws and regulations enforced by the current government. Nor can we forget the urgent words of a senior Christian religious leader in Turkey, who requested anonymity for fear of reprisals against his community: "We are an endangered species here in Turkey."

2011 was s a pivotal year. In June 2011 elections, the Justice and Development (AKP) party won a popular mandate and a third term for Prime Minister Erdogan. As we observed during the USCIRF visit to Turkey that spring, expectations were palpably high for the country's long-oppressed and now very fragile Christian minorities – expectations that relief to loosen the hangman's noose of religious freedom restrictions was in the immediate offing. But those expectations again went unfilled as the government failed to undertake the substantial reforms needed to permit the Christian Church to finally breathe free.

Instead, in that regard, the past year was much like the other ten years of AKP rule. The Christian minorities continued to struggle to find places in which they could worship, went without seminaries in which to train future leaders, were barred from wearing clerical garb in

public, saw the trials of the murderers of their prominent members end with impunity, and, above all, lacked the legal right to be recognized as churches so that their members can be assured of their rights to gather freely in sacred spaces for religious marriages, funerals and baptisms and otherwise carry out the full practice of their respective religions.

They confront a dense web of legal regulations that thwart the ability of their churches to perpetuate themselves and, in some cases, even to meet together for worship. These laws, aimed at promoting extreme secular nationalism, also encourage a climate of animosity toward Christians, who are seen to undermine "Turkishness" despite Christianity's two thousand year presence there.

Last year marked the 40th year that the Greek Orthodox seminary of Halki remained closed and in government hands, and standing now at less than 2, 000 in number, that minority remains unable to educate and train its clergy. Indeed, none of the Christians of Turkey are permitted to train its leaders in the country. The Armenian Church is anxious to train more priests and in 2006 petitioned the Education Minister to allow the establishment of a state university faculty on Christian theology including instruction by the Patriarchate. Their request was ignored again throughout the past year. The Syriac Orthodox community continued to be denied permission to have a second church to accommodate its flock of 20,000 in Istanbul, where the group has gathered for security after having been driven by violence out of its traditional lands over the last century. In 2010, the Supreme Court had granted the state's treasury parts of the 1,600 year old Mor Gabriel monastery, a site that is a second Jerusalem for the Syriacs. In November 2011, the government removed from museum status St Sophia church in Iznik – where the first Christian Ecumenical Council had met in 325 AD – and turned it into a mosque.

Turkey's 3,000 or so Protestants have very few church buildings and frequently turn to worshipping in house churches. In a 2012 interview, Protestant Association chair Zekai Tanyar expressed their frustrations in trying to navigate the regulations and obtain government permission to obtain a place of worship:

"There has been dialogue several times but with no result. There is need for more talk. However, these visits do not go beyond polite stalling.... Churches find themselves shuttled between municipalities and governorships in their search for a solution to this problem. Even if one municipality responds positively, often the state Governor does not give approval. Sometimes the authorities respond with ridiculous excuses saying 'there are not enough Christians in the neighbourhood.' So are we supposed to do head counts and form ghettos?"

In January 2012, five years after the murder of Turkish -Armenian writer and editor Hrant Dink, the case ended with the conviction of a handful of young men. Many in the international human rights community concluded that the failure of the court to find a broader plot defied the evidence. This continues a pattern of impunity in cases of religious violence. Even starting a discussion on genocide of Christians that occurred 100 years ago is a criminal offense in Turkey. Dink himself was convicted of "insulting Turkishness" for trying to do so.

While Turkey's Muslim converts to Christianity have greater rights than those in Saudi Arabia and Iran, this is "damning with faint praise," as a Christian leader in Turkey put it. He explains that the societal approbation, pressure and fear faced by these converts is relentless:

"They have to contest for every inch of legal territory. They are constantly surveilled by national security agencies. They have been threatened, attacked, hauled into court on bogus charges, and even brutally murdered by ultra-nationalists linked to a nationwide plot to destabilize the Turkish government. It is a disheartening, and sometimes dangerous, environment in which to worship and share one's faith. Although many Turkish congregations meet quietly and safely on a Sunday, no group anywhere in the country meets without carefully taking the measure of each new person who walks through the door."

With its flag conspicuously planted and its troops ever present in northern Cyprus, Turkey, which alone recognizes the north as a separate country from the rest of the Republic of Cyprus, is the looming reality there. On its watch, Christian practice throughout northern Cyprus is being suppressed, in some instances, directly by strict prohibitions, and, in others, indirectly by a shifting regime of bureaucratic regulations. Church buildings, some historically important, are being vandalized, looted and stripped of their artistic treasures, or allowed to decay under the watchful eye of the Turkish military. May 2, 2011, saw the demolition of the 200-year-old Greek Orthodox Chapel of Saint Thekla in the northern village of Vokolida. Over time, all vestiges of Christianity's rich cultural history there are being destroyed, dismantled and erased. Today, in the north, the only Christians are some 400, most elderly Greek Orthodox who live enclaved.

To be sure, the AKP government has ushered in some improvements for Christians, including the addition of worship services allowed for a particular church, citizenship for the leaders of another, and accurate national identity cards for converts. But, overall, the downward trajectory continues: Turkey's Christian communities struggle for survival even into the next generation.

Despite ten years of rule, despite its revolutionary measures in other spheres, such as in the economy, and despite its powerful mandate from the 2011 elections, the AKP government has failed to take critical action for religious freedom. Specifically, it has failed to rescind the regulatory regime that is contributing to the steady decline into statistical insignificance of its Christian minorities, who now number a mere 0.15%.

As one of Turkey's Christian leaders told us in a weary voice, heavy with irony: "I'm full of hope. I've been hopeful for ten years, so I am full of hope."

After past genocide, and other violence, and current, suffocating legal restrictions, Turkey's Christian communities are barely hanging on.

Every year that passes without substantial religious reform places these minorities in greater peril and helps seal their fate. In the Arab Spring, Turkey holds itself out to be an Islamist model. But it is no model for religious freedom. We have waited for ten years for the AKP to make a real difference in the Christians' fate. We can no longer sit by and just "Watch."