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ON THE COVER: Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

Turkey

Turkey has a democratic government and a strong tradition of "secularism," defined in that country as the exclusion of religion from public life. Turkey's active civil society, media, and political parties influence the climate for religious freedom as part of that country's continuing debate about the appropriate role of religion in society. Nevertheless, the Turkish state's interpretation of secularism has resulted in religious freedom violations for many of Turkey's citizens, including members of majority and, especially, for minority religious communities. According to the State Department's 2008 religious freedom report, the government of Turkey "generally respected religious freedom in practice; however, the government imposes limitations on Islamic and other religious groups and significant restrictions on Islamic religious expression in government offices and state-run institutions, including universities, for the stated reason of preserving the 'secular state.'" In February 2008, the Turkish parliament passed amendments to the constitution removing the longstanding ban on wearing headscarves on university campuses. However, in June, the Constitutional Court held that these amendments violated the secular nature of the Turkish state and were unconstitutional, and the amendments were not implemented. The significant restrictions on religious freedom for religious minority communities, including state policies and actions that effectively deny non-Muslim communities the right to own and maintain property, to train religious clergy, and to offer religious education, have led to the decline—and in some cases virtual disappearance—of some religious minorities on lands they have inhabited for millennia. Because these and other religious freedom problems persist, and the existence of several religious communities in Turkey remains imperiled, the Commission decided this year to place Turkey on its Watch List.

In 2001, the European Union (EU) accepted Turkey's bid to join the Union, which encouraged Turkey to undertake a series of reforms. Despite some improvements, however, a late 2008 EU report stated, "Turkey needs to make further efforts to create an environment conducive to full respect for freedom of religion in practice." The Commission traveled to Turkey in November 2006 and met with Turkish government religious affairs officials, as well as parliamentarians and leaders of diverse religious communities and civil society activists. Throughout the Commission's visit, people of almost every religious 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 in the country's constitution. Moreover, most groups reported that conditions for religious freedom had improved in the past decade, particularly citing the reforms undertaken during the EU accession process. However, the Commission also learned of significant restrictions on religious freedom, including for the majority Sunni Muslim community, the minority Alevis (usually viewed as a unique sect of Islam), as well as Christian and other minority communities. As will be discussed below, these concerns continue.

Secularism and Political Parties

Turkey's constitution establishes the country as a "secular state," under a policy set by Mustafa Kemal Ataturk, the country's founder and first president. This concept of secularism was built on Ataturk's conviction that religion was the primary cause for the Ottoman Empire's lag in modernization vis à vis Europe. Consequently, Ataturk and Turkey's subsequent political leaders were determined to remove the influence of religion, including expressions of personal belief, from public life in Turkey and to subject religion to state control. As such, the Turkish government's concept of secularism differs from the American version of separation of religion and state, as it reflects state control over any religious activity in the public sphere.

Over the decades, political parties that confronted the state's definition of secularism have been suppressed or banned under Article 68 of the Turkish Constitution. Nevertheless, for many Turks the absence of religion from public life has remained controversial. In 1950, the Democrat Party, which was less rigid on government policies of religious expression for Muslims, won the country's first free

parliamentary elections but was overthrown by a 1960 military coup. The military has staged two additional coups to oust governments in 1971 and 1980, the latter in part because the military determined that the policy of secularism was under threat. In the 1990s, the *Refah* (Welfare) Party, which also confronted the state's definition of secularism, won a plurality in the polls, but was "maneuvered" out of power by the military in 1997 in a "soft coup" and forced to disband.

Turkey's current governing party, the Justice and Development Party (known by its initials in Turkish, the AKP, or the AK Party), which has roots in the *Refah* Party, won a majority 34 percent in national elections in November 2002. Although its platform under leader Recep Tayyip Erdoğan included Turkey's accession to the EU and the reintegration of Islam into public life in a manner consistent with modernity and democracy, observers in and outside Turkey have conflicting views on the AK Party's true goals. Some view the party as a moderate, religiously-oriented party that espouses Islamic religious values within a modern, democratic society, while others contend that the AK Party has more radical intentions, including the eventual introduction of Islamic law in Turkey. In July 2007, the AK Party won parliamentary elections in Turkey by a wide margin of 47 percent; in March 2009 local elections, however, AK Party support declined to 39 percent.

In April 2009, the Turkish Military General Staff Chief, General İlker Başbuğ, publicly addressed a range of issues, including religion and secularism. Unlike his predecessors who assert their claim as the traditional defenders of Ataturk-style secularism, the general reportedly avoided politically charged terms referring to religious fundamentalism in the country. Rather, he distinguished the religious practices of devout Turks from certain faith "communities" with significant economic and media profiles, a possible reference to particular independent Islamic movements in Turkey.

Muslims

The Directorate of Religious Affairs, or the *Diyanet*, a government body under the Prime Minister's office, controls all 80,000 mosques in Turkey and employs all imams as state functionaries. Through the *Diyanet*, the government is able to exert control over the practice of Islam by permitting only government-sponsored mosques and government-paid imams to teach, while also only allowing the propagation of the Hanafi Sunni branch of Islam. Religious practice and education (compulsory in the state schools for all Muslim children, but non-Muslim religious minorities are exempted) exclusively follows Hanafi doctrines, although up to 20 percent of Turkey's Muslims are Alevis (see below). The individual or communal practice of Islam outside of government-regulated institutions is not condoned. For example, although Turkey is renowned for its Sufi orders and while they still exist, they have been officially prohibited since the 1920s. Only the *Diyanet* is authorized to provide religious education courses outside of school, and only children ages 12 and older may register for these state-sanctioned classes.

Under the Turkish concept of secularism, religious dress, including the wearing of a head scarf, has long been banned in all public institutions, including government buildings, both state and private universities, and schools. Women who wore headscarves or their advocates lost their public sector jobs, including as nurses or teachers. Students who wore headscarves were not officially permitted to register for classes, even at private institutions. Members of the military have been charged with "lack of discipline" for performing Muslim prayers or for allowing their wives to wear headscarves. Even the private sphere is affected, as in 2006, a court upheld a school's decision to fire a teacher who wore the headscarf outside of school hours. More recently, in March 2009, the Supreme Election Committee declared that workers at polling stations could not wear the headscarf during their work at the station.

The "headscarf issue" has long been the subject of considerable political debate in Turkey. In 2005, the issue went before the European Court of

Human Rights (ECtHR), which ruled that while the headscarf ban by a Turkish university contravened religious freedom standards, it did not violate the European Convention on Human Rights in view of Turkey's historical legal definition of secularism. In February 2008, the Turkish Parliament voted overwhelmingly to change the 1982 constitution (which had been written by a military-led caretaker government that took power in 1980) to guarantee all citizens the right to attend university regardless of dress. Under the amendment, only traditional scarves—tied loosely under the chin—would be allowed; headscarves that cover the neck, as well as the full veil, would still be banned, as would headscarves in government buildings. On June 5, 2008, however, the Turkish Constitutional Court ruled that these amendments violated the secular state and were therefore unconstitutional. As a result, the ban on the wearing of Islamic headscarves in government offices, as well as in public educational institutions, remains in effect.

Alevis

Alevis are a minority religious community in Turkey comprising 15 to 25 percent of the population, though they are not recognized as an official minority by the state. The beliefs and practices of the Alevis are described in many, often contradictory, ways and even today, remain somewhat obscure. Some consider the Alevi to be a sect of Twelver Shi'a Islam, which also incorporates aspects of Sufi, Gnostic, and Zoroastrian theology and pre-Islamic ritual. The Turkish government generally views the Alevis as heterodox Muslims, but many Sunnis and some Alevis maintain that Alevis are not Muslims. Though not granted status as a religious minority, Alevis reportedly are able to practice their beliefs relatively freely. Nevertheless, the Alevi continue to be subject to some discriminatory state practices, though reportedly their situation has improved in recent years.

Alevis do not worship in mosques but in what are called "gathering places" (or "*cem evleri*," in Turkish). Technically, however, *cem* houses are not officially recognized as houses of worship and officials usually referred to them as "cultural centers." In 2008, a Turkish regional court affirmed that policy by ruling that *cem evleri* are not houses of worship, though two municipalities also ruled in 2008 that in their jurisdiction they will consider *cem* houses as places of worship. While they generally are allowed to build *cem* houses, Alevis reportedly sometimes have been denied permission to do so. According to an Alevi leader, obstacles to building new *cem* houses include long delays—often lasting years—on building requests, although reportedly the process recently has become easier. Alevis also point out that while Turkish taxpayers, including Alevis, fund the building of Sunni mosques in Alevi villages, Alevis may be denied permission to build *cem* houses even in areas where they constitute the majority population.

Some of the 300 groups within the Alevi community have called for the abolition of the *Diyanet* because it exercises state control over Islamic religious life, totally favors Sunni Islam, and is funded by taxes from all Turkish citizens, including the Alevi. Important *Diyanet* functions include the recruiting of tens of thousands of Muslim imams and paying their salaries, as well as making *hajj* arrangements, though neither of these is relevant to the Alevi community. Nevertheless, the Alevi community is divided on appropriate remedies. Some question whether the Alevi community should fall under the jurisdiction of the *Diyanet*; others contend that private contributions should fund the *Diyanet*; while others advocate the establishment of a government department for Alevis either inside or outside the *Diyanet*.

Alevis report some harassment and official discrimination, particularly regarding compulsory religious education for Muslims. Again, the community is divided as to possible remedies: some Alevis believe that these classes should be optional for members of their community, others have advocated for curriculum reform to ensure that their religion is presented in an accurate fashion, while others advocate the abolition of required religion courses. A member of the Turkish Alevi community brought the issue of compulsory Muslim education before the ECtHR, which in October 2007 ruled that religious education should be optional for Alevis

since the curriculum only presented information about Sunni Islam. A Turkish regional court has since upheld that ECtHR opinion. While the religion curriculum for Turkish schools was modified in 2008, Alevis maintain that the new texts relegate their community to the status of a mystic order within Islam, which they contend does not adequately represent their religion.

Reha Çamuroğlu**,** an AK Party deputy of Alevi origin and formerly Prime Minister Erdoğan's consultant on the Alevi community, resigned from his post in June 2008, claiming that the promises regarding the Alevis had not been kept. In November 2008, the Alevi Bektaşi Federation held a rally in Ankara in which thousands of Alevis took part to urge the government to make state-run religious courses optional; to abolish the *Diyanet*, which they alleged conducts missionary activities to convert Alevis to Sunni Islam; to grant official recognition to *cem evleri*; and to establish a museum at the Madimak Hotel, where 37 Alevis were killed 15 years ago. They also demanded that the principle of "equal citizenship" be implemented. In a positive response, the AKP government announced in November 2008 that it will pay a monthly salary to Alevi religious leaders, provide state-funded water and electricity to *cem evleri* as is the case for mosques, establish a museum at the Madimak hotel, and make religion courses optional as of the 2009 academic year. In another significant move, the Turkish Culture and Tourism Minister, Ertuğrul Günay, made an official apology in December 2008 to the Alevi community "for past mistakes."

Non-Muslim Minorities and Property Issues

The 1923 Treaty of Lausanne, a peace treaty signed between Turkish military forces and several European powers that formally established the Republic of Turkey, contained specific guarantees and protections for all non-Muslim religious minorities, which have since been interpreted by the Turkish government to refer only to the Greek Orthodox, the Armenian Orthodox, and the Jewish communities. There are approximately 65,000 Armenian Orthodox in Turkey, 23,000 Jews, and 2,500 Greek Orthodox in Turkey today. Despite their unique status, legal recognition of these religious minority communities has not been implemented in Turkish law and practice, and religious groups which fall outside the Turkish government's view of the Lausanne Treaty's definition of religious minorities are severely limited in their means to obtain official government recognition. The absence of legal personality has, over the decades, resulted in serious problems with regard to minority communities' right to own, maintain, and transfer property as a community and as individuals, and to train religious clergy, leading in some cases to a critical decline in these communities on their historic lands. The problems for the Christian minorities—including on property rights, education, and, in some instances, physical security— partly arise from the fact that most are not only religious but also ethnic minorities, and thus face suspicion by some ethnic Turks about their loyalty to the Turkish state.

The three officially-designated "Lausanne minorities" may operate community primary and secondary schools under the supervision of the Ministry of Education. Until February 2007, in violation of the Lausanne Treaty, these schools were required to appoint a Muslim as deputy principal; but a new law was passed allowing non-Muslims to take up the position. Nevertheless, regulations dating back to the 1980's have made it more difficult for non-Muslim children to register and attend their community schools. School registration must be carried out in the presence of inspectors from the Ministry of National Education, who reportedly ensure that the child's father is from the relevant minority community—thereby leading to the gradual disappearance of the community schools protected under Lausanne.

Many of the problems faced by religious minorities in Turkey involve property rights and ownership. While the Directorate of Religious Affairs has oversight and control of Sunni Muslim affairs, another government agency, the General Directorate for Foundations (*Vakiflar*), regulates all activities of non-Muslim religious groups and their affiliated houses of worship and other property. The Lausanne Treaty also permits the three minority

communities to establish foundations to own property, including worship buildings, schools, and other institutions. In practice, the Turkish Government has only permitted the three Lausanne religious minorities to open foundations. Although establishing a foundation enables a religious community to gain the status of a collective legal entity, the rules on foundations are intrusive and onerous. The Commission also learned during the country visit that, contrary to the Lausanne provisions, minority properties are systematically expropriated and requirements for legal personality for existing and new religious groups are either irregularly applied or arbitrarily suspended.

A religious organization may also apply to register as an association, which provides a certain official status. Associations must be nonprofit in nature, can only receive income through donations, and cannot own property. The State Department reports that the process for obtaining association status is simpler and faster than that to gain foundation status. However, association status is granted by provincial governors, and can be also removed by them, thereby providing fewer long-term protections than foundation status.

Over more than fifty years, the Turkish government has used convoluted regulations and undemocratic laws to confiscate hundreds of religious minority properties, primarily those belonging to the Greek Orthodox community, as well as Armenian Orthodox, Catholics, and Jews. The state also has closed seminaries, denying these communities the right to train clergy. In 1936, the government required all foundations to declare their sources of income; in 1974, at the time of Turkey's invasion of Cyprus, the Turkish High Court of Appeals ruled that minority foundations had no right to acquire properties other than those listed in those 1936 declarations. Since that time, the government has seized control of hundreds of properties acquired after 1936. Religious minority foundations that are recognized by the state can acquire property, but previously expropriated property cannot be reclaimed, nor is there any compensation provided by the state for expropriated properties. These government actions are not subject to appeal, so there is no due process available to these religious minority groups on property rights. Greek and Armenian Christians have also been subjected to limitations on the maintenance of religious and cultural sites, due in part to bureaucratic obstacles in gaining the required official documents. Groups cannot use funds from their properties in one part of Turkey to support their existing population elsewhere in the country.

In November 2006, the Turkish parliament, as part of the reforms related to possible EU accession, passed a new law governing Lausanne religious minority foundations, easing procedures to establish foundations and allowing non-Turkish citizens in Turkey to open them. The law also enabled religious minorities to recover limited categories of expropriated property: the law did not enable foundations to regain property that the state had already sold to third parties, nor did it enable religious minority foundations to recover property that is under government control, reportedly a major category. The law also enabled the *Vakiflar* to continue to expropriate additional properties. Then-President Ahmet Necdet Sezer, however, vetoed the legislation. In February 2008, the parliament passed a similar law on the return of property confiscated from non-Muslim minorities, including orphanages, hospitals, and churches, although this law still does not apply to property sold to third parties and left in place the Vakiflar's expropriation authority.. President Gul signed the legislation, which was also supported by Prime Minister Erdoğan, but was vehemently opposed by Turkish nationalists on the grounds that the law granted too many rights to minority communities. Reportedly, 13 non-Muslim congregations have applied to Turkish courts to reclaim 128 properties; as of this writing, three of these cases have been successful.

Other Issues for Non-Muslim Minorities

Members of non-Muslim communities continue to face other governmental and societal obstacles to the full enjoyment of their religious freedoms. Many Turkish nationalists view these communities with suspicion due to past conflicts with Christian European powers and believe that they constitute a potential threat to Turkey's territorial

integrity or national identity. In addition to the so-called Lausanne minorities, in Turkey there are approximately 15,000 Syriac Christians, 10,000 Baha'is, 5,000 Yezidis, 3,300 Jehovah's Witnesses, and 3,000 Protestant Christians, as well as small communities of Chaldean, Nestorian, Georgian Orthodox, Roman Catholic, and Maronite Christians.

When Turkey was founded in 1923, there were approximately 200,000 Greek Orthodox Christians in the country. In 1955, by which time the number had fallen to 100,000, progroms targeted the Greek Orthodox community, resulting in destruction of private and commercial properties, desecration of religious sites, and killings. As a result of these pogroms and other difficulties, the Greek Orthodox Christian community has fallen to its current low level, which the State Department reports to be no more than 3,000. Although the Ecumenical Patriarch of the Greek Orthodox community in Turkey has been under Ottoman Turkish jurisdiction since 1453, the Turkish government today still does not recognize the Greek Ecumenical Patriarchate as a legal entity. Moreover, the Turkish government also refuses to acknowledge the Patriarch's Ecumenical status, recognizing only his role as head of the Greek Orthodox community in Turkey. Although Prime Minister Erdoğan reportedly stated in parliament in January 2008 that the issue of Patriarch Bartholomew's title as "Ecumenical" is an "internal" one for the Patriarchate and that the state should not interfere, the Turkish government still does not officially recognize the Patriarch's Ecumenical status. The Turkish government also maintains that only Turkish citizens can be candidates for the position of Ecumenical Patriarch and for hierarchs in the Church's Holy Synod.

In 1971, the government's nationalization of institutions of higher education included the Orthodox Theological School of Halki on the island of Heybeli, thereby depriving the Greek Orthodox community of its only educational institution for its leadership in Turkey. Furthermore, in November 1998, the school's Board of Trustees was dismissed by the General Authority for Public Institutions. Due to the factors mentioned above and because of the continuing expropriation of income-generating properties from Greek Orthodox private citizens, the very survival of the Ecumenical Patriarchate and the Greek Orthodox community in Turkey is at risk.

In the summer of 2008, the European Court of Human Rights ruled unanimously in a case brought by the Greek Orthodox Ecumenical Patriarchate that Turkey was in violation of Article 1 of Protocol No. 1 (protection of property) of the European Convention on Human Rights. The case concerned an orphanage on the Turkish island of Buyukada owned by the Ecumenical Patriarchate. The Turkish government has yet to implement the court's ruling.

The Armenian Patriarch, head of the Armenian Orthodox Church, also lacks the status of legal personality and there is no seminary in Turkey to educate its clerics. As with the Ecumenical Patriarch, the Armenian Patriarchate experiences direct Turkish government interference in the selection of its religious leadership, and the Turkish state also prevents the Armenian Orthodox community, which the State Department estimates at 65,000, from operating an independent seminary. In 2006, the Armenian Patriarch submitted a proposal to the Minister of Education to enable his community to establish a faculty in Armenian at a state university with instruction by the Patriarch. Under current restrictions, only the Sunni Muslim community can legally operate institutions to train new clergy in Turkey for future leadership.

Syriac Christians experience problems similar to those of the Greek and Armenian Orthodox, particularly in obtaining permission to maintain ancient sites. The number of Syriac Christians in southeastern Turkey was once much higher, but government pressure and the war against secessionist Kurdish forces resulted in a significant migration from that area to other countries. In recent years, some older members of the Syriac community have returned, and in one case, the Turkish government helped to evict a local group who had occupied the homes which had belonged to Syriac Christians. Metropolitan Yusuf Çetin of the Syrian Orthodox Church told the Commission in 2006 that the Turkish government had also provided some

assistance in restoring churches and monasteries. In November 2007, a Syrian Orthodox priest in southeastern Turkey was kidnapped and released unharmed several days later. The motive apparently was ransom.

More recently, a dispute has arisen over the attempted seizure by Turkish authorities of the territory of the 1,600-year-old Mor Gabriel Syrian Orthodox monastery. Turkish officials reportedly have attempted to redraw the monastery's boundary lines, claiming that when the monastery had drawn the boundaries 15 years ago, it impinged on land belonging to three neighboring, primarily Kurdish, villages. Some village leaders also have accused the local monks of "proselytism" for communicating their beliefs and language (Aramaic) to their students. Earlier efforts reportedly had been made to declare that the monastery had been reconstructed illegally. Two local court hearings in the case, initiated in early 2009, are ongoing.

Most Jews in Turkey (96 percent) are descendants of those who fled religious persecution in Spain or Portugal in 1492 and have lived in Turkey for centuries. According to representatives of the Jewish community in Turkey, the situation for Jews in Turkey is better than in other majority Muslim countries. Jews report being able to worship freely and their places of worship generally receive government protection when it is required. Jews also operate their own schools, hospitals, two elderly persons' homes, and welfare institutions, as well as a newspaper.

Nevertheless, concerns have arisen in recent years because of attacks by extremists on synagogues in 2003 and 2004, as well as growing anti-Semitism in some sectors of the Turkish media and society. Such anti-Semitism is viewed by some as linked to wide popular opposition in Turkey to the U.S. invasion of Iraq and to the 2009 Israeli military campaign in Gaza. The traditionally warm relations between Turkey and Israel were severely strained in late January 2009 after Prime Minister Erdogan left a roundtable at the G-8 meeting in Davos to protest comments by Israeli President Peres about his country's military campaign in Gaza. During the Gaza campaign, virulently anti-Semitic signs, posters and caricatures appeared at anti-Israel demonstrations and in many newspapers throughout Turkey, and Jewish community organizations reportedly received anti-Semitic mailings and phone calls. Nevertheless, in a January 2009 interview with Turkey's *Milliyet* newspaper, the president of the Turkish Jewish Community said that he "does not believe that anti-Semitism exists throughout Turkey." He also praised Prime Minister Erdoğan for publicly denouncing anti-Semitism, stating that the Jewish community's "only problem is the majority's tendency to view minorities as removed from the general population."

Roman Catholics have sometimes also been subjected to violent societal attacks. In February 2006, an Italian Catholic priest was shot to death in his church in Trabzon, reportedly by a youth angered over the caricatures of the Muslim prophet in Danish newspapers. Prime Minister Erdoğan and other government officials strongly condemned the killing. A 16 year-old boy was subsequently charged with the murder and sentenced to 19 years in prison. In December 2007, a 19 year-old stabbed a Catholic priest outside a church in Izmir; the priest was treated and released the following day. According to newspaper reports, the assailant, who had been arrested, admitted that he had been influenced by a recent television program that depicted Christian missionaries as "infiltrators" who take advantage of poor people. Roman Catholics also have had their property confiscated by the government.

Protestants in Turkey, who number about 3,000, are primarily ethnic Turkish converts from other religions. Protestant Christians often meet in the churches of other denominations, homes, and in other venues. Meeting in homes is often viewed with suspicion and possibly subversive. Police sometimes bar Protestant groups from holding services in private homes and have detained and prosecuted individual Protestants for holding unauthorized gatherings. Although engaging in public religious expression and persuasion is not illegal in Turkey, persons involved in such activities are sometimes harassed and arrested.

Protestant individuals and/or property also have been subject to violent attacks. In April 2007, three employees of an Evangelical Protestant publishing house in the city of Malatya were murdered. Five persons suspected of committing the murders were arrested soon after the attack, and five others were detained days later. Later evidence indicated that the five who confessed to the murders were linked to local political officers, members of the special military forces, as well as regional members of Turkey's nationalist political party. In December 2007, Turkey's Interior Ministry also opened a judicial investigation into the alleged collusion of public officials in these murders. By January 2009, lawyers in the case reportedly were lining up additional witnesses to include members of the Turkish ultra-nationalist group *Ergenekon*, which allegedly had planned to engineer a coup d'état in Turkey as well as the killings of members of religious and ethnic minorities.

The murder of Hrant Dink in January 2007 was also allegedly linked to the *Ergenekon* group. Dink, a Turkish citizen and respected journalist of Armenian ethnicity whom the Commission met in 2006, had been convicted under Article 301 of the Turkish Penal Code for "insulting" the Turkish state due to his public use of "Armenian genocide." Dink's conviction on this charge was later changed to a suspended sentence due to pressure from the EU and other foreign governments. Some reports suggested that Dink had been targeted because he was not a Muslim, indicating that for some religious extremism has fused with extreme nationalism. When Commission members met with Dink in Istanbul in 2006, he referred to the repeated threats against his life, which included references to his identity as an Armenian Christian.

Jehovah's Witnesses reportedly experienced continuing harassment of their worship services because they are not members of an officially recognized religion. In a positive development, the EU reported in November 2007 that the Jehovah's Witnesses gained legal personality as an association, thereby enabling the group to rent meeting space and collectively defend its legal interests in court. The State Department reported, however, that the group's stance on conscientious objection to military service often results in governmental and societal harassment.

Religious affiliation is listed on national identity cards, but some religious groups, such as the Baha'is, are unable to state their religion because it is not included on the official list of options. In April 2006, Parliament adopted legislation allowing persons to leave the religion section of their identity cards blank or change the religious designation by written application. However, according to the State Department, the government reportedly continued to restrict applicants' choice of religion and individual Baha'is have reportedly been informed they would not be able to list their religion. The lack of a correct religious identity also makes it difficult for students from minority religious communities to opt out of Islamic religion classes in public schools.

Legal Reforms and EU Accession

In March 2001, the EU adopted the Accession Partnership as a roadmap for the process of Turkey's bid to join the Union, requiring the Turkish government to implement numerous reforms to ensure that its laws are consistent with EU standards. As part of his aim of EU membership, Prime Minister Erdoğan since 2002 has instituted a number of unprecedented democratic reforms, including domestic human rights reforms. Various laws, including the Penal Code, Anti-Terror Law, and the Press Law, have been amended; the Constitution was also amended to ensure the primacy of international and European human rights conventions over domestic law. The changes to the Penal Code included limiting convictions on incitement charges, narrowing the scope of defamation, and strengthening the principle of equality between men and women. In addition, Turkey has boosted efforts since 2002 to comply with the decisions of the ECtHR.

The most recent Progress Report on Turkey issued by the European Commission (EC) in late 2008 stated that, "The government expressed its commitment to the EU accession process and to political reforms." However, the report also added that, "despite its strong political mandate, the

government did not put forward a consistent and comprehensive programme of political reforms." The EC report also noted that while Turkey has continued to make progress on implementation of ECtHR judgments, further efforts are needed, such as the ratification of additional international human rights instruments and increased independence and transparency for the Turkish institutional human rights framework. For example, the Human Rights Advisory Board, a Turkish body representing NGOs, experts and ministries, has not operated since it published a report on minority rights in October 2004.

Regarding religious freedom, the progress report stated that, "freedom of worship continues to be generally respected. The Law on Foundations adopted in February 2008 addresses, among other things, a number of property issues regarding non-Muslim minorities." However, the report cited as continuing problems the inability of minority religious groups to obtain legal personality and the limitations on religious training. The report also cited attacks against non-Muslim clergy and places of worship throughout the country, and said that "[m]issionaries continue to be portrayed and/or perceived as a threat to the integrity of the country and to the Muslim religion." The report also criticized Turkey for "not following through" on its initiative to increase dialogue with the Alevis. The report concluded that "[a] legal framework in line with the [European Convention on Human Rights] has yet to be established, so that all non-Muslim religious communities and Alevis can function without undue constraints" and that "Turkey needs to make further efforts to create an environment conducive to full respect for freedom of religion in practice and to carry out consistent initiatives aimed at improving dialogue with the various religious communities."

The Turkish government has ratified three major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) in September 2003. However, the Turkish government placed a reservation on Article 27 of the ICCPR, thereby setting conditions on its commitment to religious freedom for those religious minority groups to which the Lausanne Treaty refers. 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 stated, "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." Considering the government's narrow definition of the rights and status of those minorities under the treaty, the reservation potentially undermines the guarantees to "profess and practice" religion in Article 27, and possibly the more extensive religious freedom guarantees found in ICCPR Article 18.

Finally, in a set of EU reforms passed in April 2008, the parliament amended Article 301of the Turkish Criminal Code, which criminalizes alleged insults to the Turkish state or "Turkish identity." While the amendment seems to expand free speech protections, its vague language increases the possibility of abuse, as has occurred in the past. The EC progress report highlights these shortcomings in regard to freedom of expression, but there are also implications for freedom of religion or belief. Turkish prosecutors have brought suit under Article 301 to restrict the rights of religious expression and persuasion of members of minority religious and ethnic groups.

Recommendations for U.S. Policy

Regarding Turkey, the Commission recommends that that U.S. government should:

I. Urging Legal Reforms to Improve Religious Freedom

- explore cooperation with Turkish authorities to allow women the freedom to express their religious or nonreligious views through dress so

as to respect their beliefs as well as the secular status of the Turkish republic, while ensuring a lack of coercion for those choosing not to wear headscarves and protecting the rights and freedoms of others, and providing access to public education and to public sector employment for those choosing to wear a headscarf;

- urge the government of Turkey to remove restrictions on the ability of leaders of majority and minority religious communities to wear clerical garb in public areas, state institutions, and public and private universities, and to remove restrictions on leaders of the Christian, Jewish or other communities from wearing clerical garb in the public space;

- urge Prime Minister Erdogan to follow-up on his January 2008 statement that the Ecumenical status of the Greek Orthodox Patriarchate should be an internal church issue by granting official recognition to the Ecumenical status of the Patriarch;

- urge the government of Turkey to permit all religious minorities, including those not covered by the Lausanne Treaty, to train religious clergy, including by:

  --permitting the reopening of the Halki Seminary under the control of the Ecumenical Patriarch, and not under the supervision of the Turkish government, and allowing for religious training to occur;

  --instructing officials to drop their legal case to seize the property of the Mor Gabriel Syrian Orthodox monastery; and

  --encouraging the Ministry of Education to respond favorably to the official request of the Armenian Patriarch to permit his community to establish an Armenian language faculty at a Turkish state university, including instruction by the Patriarch;

- urge expansion of the process to regain clear title or fair compensation for expropriated holdings to include properties sold to third parties or held by the government, and to end the authority of the *Vakiflar* or any government agency to seize the property of any religious community;

- urge the government of Turkey to permit religious communities to select and appoint their leadership in accordance with their internal guidelines and beliefs;

- urge Turkish officials to allow for the independent and peaceful practice of Islam outside of the *Diyanet* and end the prohibition on Sufi spiritual orders;

- encourage the Prime Minister's office and the *Diyanet* to work with the Alevi community regarding the recognition and the administration of that community in Turkey, and grant official status to Alevi *cem* houses of worship to those communities which have applied for such status; and to prevent general societal discrimination against Alevis in other areas of life in Turkey;

- urge the government of Turkey to address the absence of full legal recognition for religious minorities, including Alevis; Greek, Armenian, Georgian and Syrian Orthodox; Roman and Syriac Catholics; Protestants; and Jews; by:

  --fully implementing the 1923 Lausanne treaty and providing all non-Muslim communities with legal status that affords them the right to inherit, purchase, possess, maintain, and sell property; or

  --amending the Law on Associations so that it provides religious communities with legal status that affords them the right to inherit, purchase, possess, maintain, and sell property;

- urge the Turkish government to further amend Article 301 of the Turkish Penal Code, which restricts freedom of expression and has

associated negative effects on freedom of religion or belief;

- urge the government of Turkey to omit the legal requirement to list religious affiliation on official identification cards;

- encourage the Turkish government to undertake practical initiatives to establish and enhance trust among the country's diverse religious and ethnic communities, including convening public roundtables on the local and national levels; at a high political level publicly expressing commitments to a democratic and diverse Turkish society; and developing civic education programs that reflect the religious and ethnic diversity of Turkish society, past and present;

- urge Turkish officials to continue to condemn violent hate crimes against members of religious and ethnic communities and to ensure prompt investigation and prosecutions, especially in regard to the Alevi, Greek and Armenian Orthodox communities, as well as against members of the Catholic and Protestant communities, and growing anti-Semitism in some sectors of the Turkish media;

II. Raising Religious Freedom Concerns through Multilateral Fora

- in view of Turkey's standing invitation to receive visits by UN special rapporteurs on human rights, encourage the government to invite relevant rapporteurs, including the UN Special Rapporteur on the Freedom of Religion or Belief, in the near future;

- encourage the Turkish government to remove its reservation to Art. 27 of the ICCPR, which limits the protection of freedom of religion or belief for members of minority communities;

- urge the European Commission to raise with the Turkish government the issue of the headscarf ban, its implications for freedom of religion or belief as well as the right of Turkish women to education and perform professional functions consistent with their beliefs and without fear of coercion;

- 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 on respect for freedom of religion or belief; and

- urge the Turkish government to request that the OSCE Office of Democratic Institutions and Human Rights (ODIHR) Panel of Experts on Freedom of Religion or Belief to:

  --provide an assessment of Turkey's legislation relating to that issue;

  --conduct conferences with relevant government officials, leaders of religious communities, and members of civil society on teaching about religion in public schools from a human rights perspective; and

  --provide training sessions for members of the Turkish judiciary and law enforcement on how to combat hate crimes, including those motivated by religious prejudice.