

# UNIVERSAL PERIODIC REVIEW

## Session 35

### Republic of Turkey

#### Freedom of religion or belief

#### Stakeholder Report

Submitted: 18 July 2019

*Jointly submitted by:*



#### **European Baptist Federation (EBF)**

The EBF was founded in 1949 to unite European Baptists as Europe emerged from WWII. Today the EBF is comprised of approximately 825,000 members in 61 member bodies representing nearly every country in Europe and Euro-Asia as well as five Baptist Unions in the Middle East. The EBF is one of the five regions that make up the Baptist World Alliance and serves as European representative for the BWA. The EBF is diverse in language, culture, and tradition but remains united in Baptist identity, evangelistic zeal, and a concern for human rights and religious freedom.



**Baptist World Alliance (BWA)** The Baptist World Alliance is a global movement of Baptists founded in 1905 in London, England. Today, the BWA is headquartered outside Washington D.C., USA and is a fellowship of 240 Baptist conventions and unions in 125 countries and territories comprising 47 million members in 169,000 churches.

## Summary Report:

1.) The Republic of Turkey is a secular state by constitution. By its own records 90% of its population is Muslim, the majority of which are Sunni Muslim and represented officially by the *Diyanet İşleri Başkanlığı*, heretofore referred to simply as the *Diyanet*. All other registered religious groups fall under the jurisdiction of the General Directorate for Foundations (GDF). Continuing issues in areas of religious freedom in Turkey include; limitations to the right to legal entity for religious minority groups; heavy restrictions to the right to religious education for religious and non-religious minorities; and discrimination against religious minorities in the larger society.

2.) Since the last UPR cycle there have been some notable positive developments in Turkey in regard to religious freedom. In the past, national identity cards included information regarding a person's religious affiliation. Every person must provide data to the government pertaining to their religious affiliation, and prior to 2016 that information was listed on national identity cards. In December 2015 the Turkish government announced that this information would no longer be visible on ID cards but would continue to be present on a chip.<sup>1</sup> This is considered a win for minorities in terms of religious discrimination, as it prevents potential religious discrimination from officials handling ID cards.

3.) Many of our Baptist and Protestant contacts in the country have reported positive cooperation with local police in recent years in times of high religious tension. In late 2018 social tensions were high in Turkey regarding the case of American Protestant missionary Andrew Brunson. Many publications and news sources published and aired highly inflammatory content against Christian minorities, in some cases urging violence against them. Our joint report with our partners at the World Evangelical Alliance (WEA) and the Association of Protestant Churches in Turkey (*Protestan Kiliseler Derneği*) address these instances and document them in greater detail. Protestant communities in multiple cities report a positive and proactive response to these threats from local police who offered their protection and security services to churches during these times of high tension. Increased protection is also offered at Christian holidays, especially Christmas and Easter, because during these times hate crimes have historically occurred at higher rates. Christian communities are grateful to these offers of protection, and they have the added effect of helping these communities to feel accepted as valued members of the society. We find this to be a fine example of interreligious cooperation led by Turkish officials contributing to the overall peace and wellbeing of their respective communities.

4.) Significant challenges and restrictions regarding religious freedom in Turkey remain. We outline these in the following sections and conclude with a selection of supported and noted suggestions to The Republic of Turkey during the previous 2014 UPR cycle, including our suggestions for recommendations regarding freedom of religion or belief for the UPR 35 cycle in the Republic of Turkey.

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<sup>1</sup> MacDonald, A. *Turkey ditches religion from IDs as it eyes EU membership* (2016, February 17). Middle East Eye

### **Legal personality of religious minorities and their access to places of worship:**

5.) The Republic of Turkey officially recognizes three other religious groups outside of the Hanafi-school of Sunni Islam represented by the *Diyanet*. These three religious are Greek Orthodox Christians, Armenian Apostolic Christians, and the Jewish community. The recognition and legal entity of all other religious groups in Turkey is a complex matter. The Catholic community, the Protestant community, minority Muslims, and virtually all non-Abrahamic religious groups in the Republic of Turkey face a similar situation. As an alternative to lacking legal entity entirely, many religious groups seek recognized status of “foundation” under the General Directorate for Foundations (GDF). This status is like that of a charitable foundation and provides functional legal entity for religious communities, but as a result of their categorization, their rights to houses of worship, religious education, and overall stability are limited. Further, many groups are routinely rejected even this status of foundation, and as a compromise seek to establish themselves as ancillary or representative bodies of other religious communities in possession of this status of foundation.

6.) Religious groups acting as foundations do have the right to acquire property, with a significant limitation. Many groups, including most Protestant Christian communities, tend to rent or purchase commercial and residential spaces and convert them into functional houses of worship. However the GDF may expropriate property in areas where the local non-Muslim community drops significantly, or where the GDF determines the foundation no longer serves its original purpose. The Greek and Armenian Orthodox communities have faced repossession of their properties in the past, and a 2008 ruling of the European Court of Human Rights (ECHR) led to the return of an orphanage to the Ecumenical Patriarchate. At the heart of this case was the question of the legal personality of the Ecumenical Patriarchate, and the court ruled repeatedly in favor of the rights of the Patriarchate as a legal entity.<sup>2</sup> This ruling has the potential to set precedent for the legal recognition of churches and religious organizations across Turkey.

### **Religious education:**

7.) Currently only Sunni Muslims enjoy the right to provide their own formal religious education in the Republic of Turkey. Even the officially recognized Greek Orthodox, Armenian Orthodox and Jewish communities are officially denied their rights to religious education. This includes the right to establish seminaries, religious training centers, or religious primary or secondary education. This conflicts with the right to manifest religion or belief in private or in community especially as it prevents a barrier to the right to religious practice and teaching. The right to religious education is a fundamental right for all religious confessions and is not respected for all persons of all confessions in the Turkish legal framework.

8.) As a corollary, the right to exemption from Islamic education in primary and secondary schools is extended only to those who are formally registered with the State, meaning either

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<sup>2</sup> *ECLJ welcomes the ECHR decision in the Christian orphanage case v. Turkey*. (2010, June). European Centre for Law and Justice.

Greek or Armenian Christians and Jews. The possibility for exemption should be extended to all faiths, confessions, or those who lack a confession on the basis of self-declaration.

**ICCPR Article 27 reservation:**

9.) The Republic of Turkey ratified the International Covenant on Civil and Political Rights (ICCPR) on 23 September 2003 with (among others) a reservation regarding Article 27. Article 27 states “*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.*” Turkey opted to interpret Article 27 in accordance with the Turkish Constitution and the Treaty of Lausanne 1923. This reservation has clear consequences for the diverse religious, cultural, and ethnic minorities within Turkey. The Republic of Turkey should withdraw this reservation and/or implement anti-discrimination legislation within the country in accordance with international human rights standards.

**UPR 2014:**

10.) There have been some positive developments in FoRB in Turkey, that could be traced to UPR recommendations from 2014. The effective changes to national identity cards and the positive collaboration with and protection of Christian communities are especially good examples of concerted anti-discrimination efforts from the side of the government. Turkey has made commitments to change the situation of legal personality and restrictions on religious education in the past cycle but has to date not fulfilled those commitments.

11.) The Republic of Turkey is not among the countries that has implemented UPR Mid-term Reporting mechanisms. It should be priority this cycle that the Turkish government begin to engage this process. Below are a set of samples of supported and noted UPR recommendations from the 2014 UPR cycle as well as a set of suggested 2020 recommendations.

**Sample of supported 2014 UPR recommendations:**

12.) *Continue efforts to efficiently combat discrimination against non-Muslim minorities (Togo).*

13.) *Comply with international treaties and standards for the full enjoyment of the rights of members of non-Muslim communities and their institutions (Greece).*

14.) *Implement the policy of return of the confiscated properties to the Armenians and other religious minorities, such as places of worship, including monasteries, church properties and religious and cultural sites through close consultations with their legal owners (Armenia).*

15.) *Adopt comprehensive anti-discrimination legislation and take measures to prevent and combat discrimination on any grounds, including based on sexual orientation and gender identity, and religion (Brazil).*

16.) *Overcome the continuous lack of legal personality for non-Muslim organized religious communities and to ensure the necessary respect for the beliefs of religious minorities, especially following the introduction of compulsory religious education in Turkish schools (Italy).*

17.) *Work constructively with all religious communities to address undue constraints on designated places of worship, training of clergy, and lack of legal personality (Australia).*

18.) *Support interfaith dialogue as a means to enhance mutual understanding, peace and tolerance among different religious, ethnic and linguistic communities (Philippines).*

19.) *Fully respect the right to choose and express religious beliefs freely, including for members of both recognized and unrecognized religious minorities (USA)*

20.) *Take steps to combat religious intolerance, as exemplified by the characterization in textbooks of missionary activities as a national threat. (USA)*

**Sample of noted 2014 UPR recommendations:**

21.) *Put an end to mandatory religion courses for the "Alevi" (France).*

22.) *Adopt laws recognizing and regulating the right to conscientious objections and ensure that the civilian alternative to military service has no punitive or discriminatory effects (Croatia).*

23.) *Allow all religious or belief communities to train their religious instructors in accordance with their own dogma and traditions (Cyprus).*

24.) *Ensure the protection of all components of the right to freedom of religion or belief, as protected under the ICCPR, including by withdrawing its reservations to article 27 on minority rights (Canada).*

25.) *Set a time frame within which restrictions with regard to, among others, the enforcement of property rights, training of the clergy, and deprivation of legal personality of non-Muslim minorities, including the Greek orthodox minority, will be lifted so that members of these minorities can fully enjoy their human rights (Cyprus).*

**UPR 35 (2020) suggested recommendations:**

26.) *Modify the Laws for Foundations (Vakıflar Yasası) to allow churches to establish religious foundations and therefore gain legal status.*

27.) *Remove restrictions upon non-Muslim faith communities to train their religious instructors in country, in accordance with their own beliefs and traditions.*

28.) *Withdraw reservations to Article 27 of the ICCPR regarding minority rights.*

29.) *Provide for the legal personality of Christians and other minority religious communities, affording these groups full enjoyment of the full rights of religious organizations in Turkey.*

30.) *Provide for conscientious objection from military service with civil alternatives that are not punitive in length.*

31.) *Provide for interreligious and intercultural educational programs in the country to promote interreligious understanding, peacebuilding, and non-discriminatory attitudes.*

32.) *Develop a mechanism by which religious minorities may regularly meet with officials to express their concerns and develop solutions.*

## References

*ECLJ welcomes the ECHR decision in the Christian orphanage case v. Turkey.* (2010, June ). Retrieved from European Centre for Law and Justice: <https://eclj.org/eclj-welcomes-the-echr-decision-in-the-christian-orphanage-case-v-turkey>

MacDonald, A. *Turkey ditches religion from IDs as it eyes EU membership* (2016, February 17). *Middle East Eye*. Retrieved from <https://www.middleeasteye.net/news/turkey-ditches-religion-ids-it-eyes-eu-membership>