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# Minority Rights in Turkey

*Ilhan Yıldız\**

## I. INTRODUCTION

The country of Turkey has been a very important crossroad between Europe and Asia for centuries, not only because of its location but also because of the cultures and religions that have traversed its land.<sup>1</sup> This juncture of civilizations has helped develop the political and cultural society of Turkey today. Turkey has had a democracy for almost a century now, and its progression toward its goal of entrance into the European Union (EU) has been substantial. It has shown a commitment to create a better environment for its many citizens, especially by increasing freedoms and toleration for all religions.<sup>2</sup> As a model for other Islamic countries who may wish to adopt democracy, Turkey is proof that an Islamic majority and democracy can truly coexist in peace.<sup>3</sup>

This Article discusses the status of religious minorities in Turkey and reforms undertaken by the country to move towards EU entry. Part II of this Article sets forth the history of religious freedom in Turkey. It also introduces the internal governing documents with

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1. See Talip Küçükcan, *State, Islam, and Religious Liberty in Modern Turkey: Reconfiguration of Religion in the Public Sphere*, 2003 BYU L. REV. 475, 475.

2. See BUREAU OF DEMOCRACY, HUMAN RIGHTS, & LABOR, U.S. DEP'T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2006: TURKEY (2006), <http://www.state.gov/g/drl/rls/irf/2006/71413.htm> [hereinafter INTERNATIONAL RELIGIOUS FREEDOM REPORT 2006].

3. See generally Ali Bardakoğlu, *Moderate Perception of Islam and the Turkish Model of Diyanet*, in RELIGION AND SOCIETY: NEW PERSPECTIVES FROM TURKEY 21, 29-33 (2006) [hereinafter Bardakoğlu, *Moderate Perception*].

provisions on religious freedom, including Turkey's Constitution and the Treaty of Lausanne, as well as international documents such as the Universal Declaration of Human Rights (UDHR), the 1981 Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief ("1981 Declaration"), and the Treaty Establishing a Constitution for Europe ("European Constitution"). After this brief introduction, Part III will set out the problems and obstacles facing the small minority of non-Muslims in Turkey.<sup>4</sup> Part IV presents current developments in religious freedom and the change in status of non-Muslim minorities in Turkey that have resulted from Turkey's efforts to meet the EU's membership requirements. Part V offers a brief conclusion.

## II. BACKGROUND

Turkey has often been characterized as an intersection between Eastern and Western culture.<sup>5</sup> This is particularly true with regard to its church-state relations. As a secular state<sup>6</sup> with a population that is ninety-nine percent Muslim, Turkey's history and government structure present an interesting study in the co-existence of religion and democracy. Turkey's unique history, though only briefly discussed here, provides the background against which the modern secular state exists. Several key documents, which form the legal basis

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4. Turkey's population is over ninety-nine percent Muslim, and the remaining less than one percent consists of a diverse group of non-Muslim minorities. INTERNATIONAL RELIGIOUS FREEDOM REPORT 2006, *supra* note 2. There are approximately 65,000 Armenian Orthodox Christians; 23,000 Jews; and fewer than 2500 Greek Orthodox Christians. Other minorities include about 10,000 Baha'is; 15,000 Syrian Orthodox Christians; 5000 Yezidis; 3300 Jehovah's Witnesses; 3000 Protestants; and small numbers of Bulgarian, Chaldean, Nestorian, Georgian, Roman Catholic, and Maronite Christians. *Id.* Under Turkish law, one "cannot be listed officially as an agnostic or atheist." Otmar Oehring, *Turkey: Is There Religious Freedom in Turkey?*, Forum 18 News Service, Oct. 12, 2005, available at [http://www.forum18.org/Archive.php?article\\_id=670](http://www.forum18.org/Archive.php?article_id=670).

5. See, e.g., Küçükcan, *supra* note 1, at 475; *Religion & Ethics Newsweekly: Secular Islamic Turkey* (PBS television broadcast Dec. 15, 2006), available at <http://www.pbs.org/wnet/religionandethics/week1016/newsfeature.html>.

6. The Presidency of Religious Affairs describes Turkey's "secularism" in this way:  
Secularism is respect shown for religious affairs by the state and the lack of religious intervention in state affairs. However, this does not mean total severance of the two.  
Secularism does not entail total independence and operation in two separate areas . . .  
[I]t is rather a relationship based on mutual respect and balance.

Ali Bardakoğlu, *The Structure, Mission and Social Function of the Presidency of Religious Affairs*, in RELIGION AND SOCIETY: NEW PERSPECTIVES FROM TURKEY 12 (2006) [hereinafter Bardakoğlu, *Presidency of Religious Affairs*].

for freedom of religion provide vital context for a discussion of religious minorities in Turkey. These include Turkey's Constitution and the Treaty of Lausanne, along with international standards such as the UDHR, the 1981 Declaration, and the European Constitution. The section below discusses these documents in connection with Turkey's history.

### A. History

During the Ottoman Empire, the State categorized each religious community as a separate nation.<sup>7</sup> This system, first implemented when the Ottomans took over Istanbul in 1453,<sup>8</sup> led to a situation where tolerance and accommodation of different cultures and races thrived.<sup>9</sup> Under the "millet system," as it is commonly referred, religious communities enjoyed a great deal of autonomy.<sup>10</sup> The Ottoman State was ruled by a Sultan-Caliph, who functioned as the temporal and spiritual leader.<sup>11</sup>

Although hints of growing Turkish nationalism were present as far back as the mid-eighteenth century,<sup>12</sup> most historians divide the history of Turkey into an early era and a modern era, with the recognition of the Republic of Turkey in 1923 by the Treaty of Lausanne providing the turning point.<sup>13</sup> At this watershed moment,

7. Küçükcan, *supra* note 1, at 480. This system of categorization is referred to as the millet (nation) system because it "defined each religious community as a separate nation." *Id.*

8. *Id.*

9. RODERIC H. DAVISON, *TURKEY: A SHORT HISTORY* 44-46 (Eothen Press 1988) (1968). Within the Ottoman Empire, the major non-Muslim groups included Greek Orthodox, Gregorian Armenian, and Jewish people. Foreign visitors noted the Empire's religious and ethnic diversity. *Id.* at 44.

10. Feroz Ahmad, *Politics and Islam in Modern Turkey*, 27 *MIDDLE E. STUD.* 3, 3-4 (1991). Mehmed the Conqueror, who instituted the millet system, appointed an Orthodox cleric to be the civil head of all Orthodox citizens, an Armenian patriarch to be the head of Armenian adherents, and a Jewish rabbi to be head of the Jewish community. DAVISON, *supra* note 9, at 45. The authority granted to these leaders extended beyond typical religious matters into civil authority, including administration of justice through the court system and tax collecting, though criminal cases were still tried by the sultan's judges. *Id.*

11. Ahmad, *supra* note 10, at 3. Under Ottoman rule, the Muslim Government was manifest through the caliphate, or Islamic head of state. In the late 1800s, the Turkish sultan was declared to be the caliph. DAVISON, *supra* note 9, at 87.

12. BERNARD LEWIS, *THE EMERGENCE OF MODERN TURKEY* 2 (2002).

13. NICOLE POPE & HUGH POPE, *TURKEY UNVEILED: ATATÜRK AND AFTER* 51 (1997). The Lausanne Treaty divided portions of the Ottoman Empire and reestablished Turkish independence. LEWIS, *supra* note 12, at 254. For further discussion of the events surrounding the signing of the Lausanne Treaty, see, for example, DAVISON, *supra* note 9, at

Mustafa Kemal Atatürk shifted the nation from an Islamic ideology and “imposed a strict secular nationalism in an effort to westernize the country.”<sup>14</sup> His goal in doing this was “to create a modern, rational state with institutions and laws which would facilitate the development of capitalism in Turkey.”<sup>15</sup> As part of these modernizations, the Grand National Assembly voted to abolish the caliphate on March 3, 1924.<sup>16</sup> While this action formed the basis of Turkey’s modern secular government, the principle of secularism was first officially articulated in the 1937 Constitution.<sup>17</sup> Although the Turkish State is officially secular, a Department of Religious Affairs exists that is “given the mandate to carry out religious affairs pertaining to faith, worship and moral principles, to inform society on religion and to administer places of worship.”<sup>18</sup>

### *B. Turkish Documents Dealing with Religious Freedom*

#### *1. The Turkish Constitution*

The current Turkish Constitution, adopted in 1982, establishes Turkey as a secular state and provides Turkish citizens freedom of religion and belief, subject to the integrity of the state and its secular nature.<sup>19</sup> While it does not refer directly to minorities, the Constitution does guarantee “all individuals ‘equality before the law,’ without any discrimination, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or other such considerations.”<sup>20</sup> The Constitution declares that “there shall be no interference whatsoever of the sacred religious feelings in state affairs and politics” in accordance with and “as

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125–27; ERSIN KALAYCIOGLU, *TURKISH DYNAMICS: BRIDGE ACROSS TROUBLED LANDS* 41–43 (2005); LEWIS, *supra* note 12, at 239–93; ERIK J. ZÜRCHER, *TURKEY: A MODERN HISTORY 160–65* (I.B. Tauris 2001) (1993).

14. *Religion & Ethics Newsweekly*, *supra* note 5.

15. Ahmad, *supra* note 10, at 3.

16. DAVISON, *supra* note 9, at 129.

17. Oehring, *supra* note 4, at 4.

18. Bardakoğlu, *Presidency of Religious Affairs*, *supra* note 6, at 10.

19. CONST. OF REP. OF TURK. pmbl., arts. 2, 14, 24.

20. NURCAN KAYA & CLIVE BALDWIN, *MINORITY RIGHTS GROUP INTERNATIONAL, MINORITIES IN TURKEY: SUBMISSION TO THE EUROPEAN UNION AND THE GOVERNMENT OF TURKEY* 6 (2004).

required by the principle of secularism.”<sup>21</sup> Article 2 further describes the Turkish State as a “democratic, secular and social state.”<sup>22</sup> Article 24 specifically grants freedom of religion and conscience as follows:

Everyone has the right to freedom of conscience, religious belief and conviction.

Acts of worship, religious services, and ceremonies shall be conducted freely, provided that they do not violate the provisions of Article 14.

No one shall be compelled to worship, or to participate in religious ceremonies and rites, to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions.<sup>23</sup>

Article 24 also gives the State control over “[e]ducation and instruction in religion and ethics” and mandates “[i]nstruction in religious culture and moral education”<sup>24</sup> in primary and secondary schools. Article 24 further articulates Turkey’s secular nature by stating that

[n]o one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets.<sup>25</sup>

As with all other “rights and freedoms” provided in the Turkish Constitution, the right to freedom of belief and conscience is limited by the State’s interest in preserving its integrity.<sup>26</sup>

## *2. The Treaty of Lausanne*

The Peace Treaty of Lausanne (the “Treaty”), signed on July 24, 1923, also contains important provisions relating to religious

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21. CONST. OF REP. OF TURK. pmbl.

22. *Id.* art. 2.

23. *Id.* art. 24.

24. The mandated education is in the Sunni Muslim tradition, which seems to contradict the State’s secularism. See Niyazi Öktem, *Religion in Turkey*, 2002 BYU L. REV. 371; see also DAVID SHANKLAND, *ISLAM AND SOCIETY IN TURKEY* 23 (1999).

25. CONST. OF REP. OF TURK. art. 24.

26. *Id.* art. 14.

freedom and the treatment of minorities. The Treaty is the key document governing minority rights within the Turkish secular state. Articles 37 through 45 directly discuss “non-Moslem minorities” and provide for their protection.<sup>27</sup>

Article 37 establishes the authority of Articles 38 through 44 as “fundamental laws,” mandating that “no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.”<sup>28</sup> Article 38 establishes basic non-discrimination principles for all “inhabitants of Turkey.”<sup>29</sup> It affords all citizens “full and complete protection of life and liberty” without regard to “birth, nationality, language, race or *religion*.”<sup>30</sup> Furthermore, it specifically allows for freedom of religion, both for the Muslim majority, and for minority groups, by stating that all those who live in Turkey “shall be entitled to free exercise, whether in public or private, *of any creed, religion or belief*, the observance of which shall not be incompatible with public order and good morals.”<sup>31</sup> Article 39 takes this freedom of religion for minorities one step further, providing specifically that non-Muslim minorities are entitled to the same “civil and political rights” as Muslims.<sup>32</sup> It also ensures each citizen’s equality before the law and prohibits religious discrimination in employment.<sup>33</sup>

The Treaty gives religious minorities the right to establish charitable, educational, and social institutions,<sup>34</sup> with the specific right to run primary schools in areas where “a considerable proportion of non-Moslem nationals are resident.”<sup>35</sup> While this provision does not do away with “obligatory” instruction in the

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27. Treaty of Peace with Turkey, § 2, arts. 37–45, July 24, 1923, 28 U.N.T.S. 11 [hereinafter Treaty of Lausanne]; see also Oehring, *supra* note 4, at 6.

28. Treaty of Lausanne, *supra* note 27, art. 37.

29. *Id.* art. 38.

30. *Id.* (emphasis added).

31. *Id.* (emphasis added).

32. *Id.* art. 39.

33. *Id.* (“Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries.”).

34. *Id.* art. 40 (“[T]hey shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.”).

35. *Id.* art. 41.

Turkish language, it does allow minorities to give instruction in their own languages.<sup>36</sup> Importantly, Article 41 puts minority groups on equal ground with the majority by mandating an “equitable share” in public funding for educational, religious, or charitable purposes.<sup>37</sup>

Article 42 of the Treaty acknowledges the important role of tradition in minority communities by allowing “family law or personal status” to be settled “in accordance with the customs of . . . minorities.”<sup>38</sup> Article 42 also provides government protection of current religious establishments and requires the government to approve necessary physical facilities for the formation of new religious and charitable organizations.<sup>39</sup> Article 43 continues the protection of minority religious traditions by declaring that “minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances.”<sup>40</sup> It does, however, maintain the State’s supremacy by limiting religious freedom when State obligations that may encroach on religious freedom are necessary for the “preservation of public order.”<sup>41</sup> Finally, Article 44 reiterates that the Treaty is an international obligation with authority under the League of Nations, and that Article 45 extends the rights articulated in the Treaty for non-Muslim minorities in Turkey to the Muslim minority in Greece.<sup>42</sup>

### *C. Relevant International Standards*

Several key documents form the basis for the international definition of religious freedom. Two of the main instruments are the United Nations’ UDHR<sup>43</sup> and the 1981 Declaration.<sup>44</sup> More recently, the European Constitution has also become an important

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36. *Id.*

37. *Id.*

38. *Id.* art. 42.

39. *Id.*

40. *Id.* art. 43.

41. *Id.*

42. *Id.* arts. 44–45.

43. DEP’T OF PUB. INFO., UNITED NATIONS, MILESTONES IN UNITED NATIONS HISTORY, <http://www.un.org/Overview/milesto4.htm> (last visited Mar. 30, 2007).

44. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, G.A. Res. 36/55, U.N. GAOR, 36th Sess., Supp. No. 51, U.N. Doc. A/36/684 (Nov. 25, 1981) [hereinafter 1981 Declaration].



international religious document.<sup>45</sup> Because of its membership in the UN since October 24, 1945, Turkey is a party to both UN documents. In recent years, Turkey has also worked to abide by the European Constitution as part of its effort to gain EU membership. In August 2000, Turkey signed the International Covenant on Civil and Political Rights<sup>46</sup> and the International Covenant on Economic, Social and Cultural Rights.<sup>47</sup> Each of these documents defines freedom of religion in close relation to freedom of conscience and freedom of thought.<sup>48</sup>

Over the course of time, the discussion of religious freedom has also been more “broadly extended”<sup>49</sup> to encompass rights not specifically set out in the UN human rights documents. As pointed out by Ali Bardakoğlu, the President of Religious Affairs for Turkey, “certain rights that were not stated explicitly in the Universal Declaration of Human Rights were later clarified and enumerated in subsequent texts.”<sup>50</sup> These rights include “the right of minorities to preserve their religion<sup>51</sup> . . . the right of families to give their children religious and ethical education in accordance with their beliefs,<sup>52</sup> and [others].”<sup>53</sup> Bardakoğlu hypothesizes that this evolution and expansion of the right to religious freedom will continue, and that

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45. EUR. CONST., available at <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2004:310:SOM:EN>.

46. Office of the United Nations High Commissioner for Human Rights, *Ratifications and Reservations, International Covenant on Civil and Political Rights*, <http://www.ohchr.org/english/countries/ratification/4.htm> (last visited Mar. 30, 2007).

47. *Id.*

48. Ali Bardakoğlu, *Freedom with Religion: The Turkish Experience*, in RELIGION AND SOCIETY: NEW PERSPECTIVES FROM TURKEY 41–42 (2006) [hereinafter Bardakoğlu, *Freedom with Religion*].

49. *Id.* at 42.

50. *Id.*

51. The most notable international documents conferring this right are Article 27 of the UN International Covenant on Civil and Political Rights, adopted on December 16, 1966 and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted on December 18, 1992. International Covenant on Civil and Political Rights, art. 27, Dec. 19, 1966, 999 U.N.T.S. 171 (“[P]ersons belonging to . . . 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.”); Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, G.A. Res. 47/135, U.N. GAOR, 47th Sess., U.N. Doc. A/RES/47/135 (Dec. 18, 1992).

52. This right can be found in Article II-74 of the European Constitution. See *infra* Part II.C.3.

53. Bardakoğlu, *Freedom with Religion*, *supra* note 48, at 42.

“[c]ertain religious practices that were not considered to be within the scope of human rights today may possibly be included in this framework in the near future.”<sup>54</sup> The following sections discuss specific protections of religious freedom found in three of these international instruments that inform Turkey’s understanding and implementation of the right to religious freedom.

### *1. Universal Declaration of Human Rights*

As a UN member state on the day the UDHR was adopted, Turkey was one of the first nations to be party to that document. Article 18 of the UDHR addresses the right to religious freedom, stating that “[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”<sup>55</sup> The UDHR has become widely recognized as an international standard on human rights generally, and on religious freedom specifically.<sup>56</sup>

### *2. 1981 Declaration on the Elimination of All Forms of Intolerance*

The UN passed the 1981 Declaration to further define international standards for religious freedom. As a member state of the UN, Turkey is also bound by the provisions of the 1981 Declaration. This document contains several relevant articles, including Article I, which articulates the basic right to religious freedom as follows:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

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54. *Id.*

55. Universal Declaration of Human Rights, G.A. Res. 217A, art. 18, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948) [hereinafter UDHR].

56. See, e.g., Derek H. Davis, *The Evolution of Religious Freedom as a Universal Human Right: Examining the Role of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, 2002 BYU L. REV. 217, 228 (recognizing the preeminent importance of the UDHR as a “path-breaking” international document defining religious rights).

No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.<sup>57</sup>

In addition, Article 2 prohibits state discrimination on the basis of religion, and Article 4 requires states to take measures to "prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms."<sup>58</sup> Article 5 addresses religious education both by giving parents the right of access to religious teaching on behalf of their children and by prohibiting compelled religious education.<sup>59</sup> Article 6 defines specific activities encompassed by the right to religious freedom.<sup>60</sup> Finally, Article 7 takes the ideas espoused elsewhere in the 1981 Declaration one step further by encouraging member states to create national legislation so "everyone shall be able to avail himself of such rights and freedoms in practice."<sup>61</sup>

### 3. *European Constitution*

The European Constitution was signed by a committee of the member states of the EU on October 29, 2004.<sup>62</sup> Though it has not yet been ratified by all the member states, the European Constitution represents some of the aspirations of the EU members and has been influential with Turkey in its continued quest to meet

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57. 1981 Declaration, *supra* note 44, art. 1.

58. *Id.* arts. 2, 4.

59. *Id.* art. 5.

60. *Id.* art. 6. These rights include, among others, the following: worship and assembly, maintaining charitable and humanitarian institutions, making and using necessary articles and materials, writing and issuing publications, teaching religion, soliciting voluntary contributions, training and appointing or electing clergy, observing days of rest and celebrating holidays, and establishing and maintaining communication with religious communities at national and international levels. *Id.*

61. *Id.* art. 7.

62. *Ratification of the Treaty Establishing a Constitution for Europe*, [http://europa.eu/constitution/referendum\\_en.htm](http://europa.eu/constitution/referendum_en.htm) (last visited Mar. 30, 2007).

EU membership requirements.<sup>63</sup> Article II-70 of the European Constitution deals with freedom of thought, conscience and religion. This Article protects the right to “change religion or belief” and the freedom to “manifest religion or belief in worship, teaching, practice and observance.”<sup>64</sup> Article II-74 allows parents the right to ensure education for their children “in conformity with their religious . . . convictions.”<sup>65</sup>

### III. MINORITY GROUPS IN TURKEY

Ninety-nine percent of Turkish citizens are Muslim.<sup>66</sup> The other one percent consists of a handful of religious groups concentrated in Istanbul and other populous cities.<sup>67</sup> Precise membership figures are not available, but state-recognized religious groups include roughly 65,000 Armenian Orthodox Christians; 23,000 Jews; and fewer than 2,500 Greek Orthodox Christians. Among the non-recognized groups there are also approximately 10,000 Baha’is; 15,000 Syrian Orthodox Christians;<sup>68</sup> 5,000 Yezidis; 3,300 Jehovah’s Witnesses; 3,000 Proresrants; as well as a small, undetermined number of other Christian groups.<sup>69</sup>

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63. After the Treaty was signed in October, 2004, France and the Netherlands rejected the Treaty in state referenda. After the Treaty failed in these two states, other member states also expressed concerns. As of March 2007, Austria, Belgium, Bulgaria, Cyprus, Estonia, Finland, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Romania, Slovenia, and Spain (sixteen of the twenty-seven member states) have ratified the Treaty. Germany and Slovakia have begun the ratification process. BBC News, *EU Constitution: Where Member States Stand*, <http://news.bbc.co.uk/2/hi/europe/3954327.stm> (last visited Mar. 30, 2007).

64. EUR. CONST. art. II-70.

65. *Id.* art. II-74.

66. INTERNATIONAL RELIGIOUS FREEDOM REPORT 2006, *supra* note 2; Ali Bardakoglu, *The State and Religion in Modern Turkey*, in RELIGION AND SOCIETY: NEW PERSPECTIVES FROM TURKEY 101, 105 (2006).

67. INTERNATIONAL RELIGIOUS FREEDOM REPORT 2006, *supra* note 2.

68. There was not always such a small number of Syrian Orthodox Christians in Turkey: The number of Syrian Christians in the southeast was once high; however, the war against the terrorist Kurdistan Workers Party (PKK), has forced many Syrians to migrate to Istanbul, Western Europe, or North and South America. Over the last several years, small numbers of Syrians have returned from overseas to the southeast, mostly from Western Europe. In most cases, older family members returned while younger ones remained abroad.

*Id.*

69. These include Bulgarian, Chaldean, Nestorian, Georgian, Roman Catholic, and Maronite Christians. *Id.*

In Turkey, minority groups are classified exclusively by religious affiliation.<sup>70</sup> For minorities, “[t]he situation . . . in Turkey is extremely complex in respect to the prevailing legal framework” because “[t]he official view [of the State] is that different regulations apply to the various non-Muslim religious communities.”<sup>71</sup> Turkey’s minority rights policies are based on classifications first set out in the Treaty of Lausanne in 1923.<sup>72</sup> As a result, there are three types of status for non-Muslim minority groups in Turkey: (1) non-Muslim minorities recognized by the State at the signing of the Treaty; (2) non-Muslim minorities that existed, but were unrecognized by the State at the signing of the Treaty; and (3) non-Muslim minorities that did *not* exist at the time of the Treaty and remain unrecognized by the State.<sup>73</sup> I will discuss each of these groups in turn.

*A. Non-Muslim Minorities Recognized by the State with the Treaty of Lausanne*

The only minority groups recognized by Turkey at the time of the Treaty of Lausanne were Armenians, Bulgarians, Greeks, and Jews.<sup>74</sup> These groups were extended recognition based on a combination of national and religious status, and therefore enjoy autonomous legal status and the full freedom of worship and religion guaranteed by the Treaty.<sup>75</sup> In addition to these freedoms, the government has also granted other privileges to these recognized groups that it has not extended to other religious minorities.

For example, only recognized minorities have the right to open church-owned private schools in Turkey.<sup>76</sup> At the signing of the

70. Freedom House, *Country Report: 2006 Edition: Turkey* (2005), <http://www.freedomhouse.org/template.cfm?page=22&country=6851&year=2006> (last visited Mar. 12, 2007) (“[M]inorities are defined solely by religion . . .”).

71. OTMAR OEHRING, THE HUMAN RIGHTS OFFICE, HUMAN RIGHTS IN TURKEY: SECULARISM = RELIGIOUS FREEDOM? 20 (2002).

72. Nigar Karimova & Edward Deverell, *Minorities in Turkey*, OCCASIONAL PAPERS NO. 7 (Swedish Institute of International Affairs, Stockholm, Sweden), 2001, at 7, available at [http://www.ui.se/admin/product\\_pdf/op19.pdf](http://www.ui.se/admin/product_pdf/op19.pdf).

73. The division of minority groups into these three categories has been discussed by Otmar Oehring. OEHRING, *supra* note 71, at 20.

74. See SÜREYYA ŞAHİN, TÜRKİYE DEKİ PATRIKHANELER 100–37 (2003); MINORITY RIGHTS GROUP INTERNATIONAL, WORLD DIRECTORY OF MINORITIES 379 (1997); ADNAN SOFUOĞLU, FENER RUM PATRIKHANESİ VE SİYASİ FAALİYETLERİ 176–203 (1996).

75. Karimova & Deverell, *supra* note 72, at 7–12.

76. Treaty of Lausanne, *supra* note 27, art. 41.

Treaty, recognized minority groups in Turkey obtained the right to open church-owned private schools. These schools operate under the supervision of the Ministry of Education, beginning at preschool and continuing through high school.<sup>77</sup> The principals of these schools are Turkish Muslims<sup>78</sup> who receive salaries from the government. However, only minorities are allowed to attend such schools, and all other expenditures (besides the salaries of the principals) are paid for by the minority groups operating the schools. The school curriculum includes Greek Orthodox, Armenian Orthodox, and Jewish instruction.<sup>79</sup>

Despite their privileged status, recognized minority groups still face a number of challenges, including (1) the Minorities Committee's unappealable authority over religious groups, (2) the limitation of clergy to Turkish nationals, and (3) the lack of state funding. Each of these challenges is discussed below.

According to representatives of the recognized minorities,<sup>80</sup> the Minorities Committee presents the greatest difficulties in Turkey. For example, the Armenian Patriarchate of Istanbul, the Greek Orthodox Ecumenical Patriarchate of Istanbul and the Chief Rabbinate of Turkey have never been legally recognized—even though they function as leaders of their respective religious groups.<sup>81</sup> As a result, any state business pertaining to these groups is conducted by the Ministry of the Interior according to resolutions passed by the Minorities Committee, which imposes its own interpretations of the religious communities' traditions.<sup>82</sup> Although the Minorities Committee is supposedly the state body with the greatest power over minorities, the scope of its authority remains unclear.<sup>83</sup> Minorities must receive permission from this committee for any activity, but this is difficult to obtain. In addition, the decisions of the Committee are final and cannot be challenged or

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77. INTERNATIONAL RELIGIOUS FREEDOM REPORT 2006, *supra* note 2.

78. *Id.*

79. *Id.*

80. See Eryen Mahçupyan, *Türkiye'de Gayrimüslim Cemaatlerin Sorunları ve Vatandaş Olamama Durumu Üzerine*, [http://www.tesev.org.tr/etkinlik/demokratiklesme\\_cemaatler.php](http://www.tesev.org.tr/etkinlik/demokratiklesme_cemaatler.php) (last visited Apr. 17, 2007).

81. OEHRING, *supra* note 71, at 22; Jonathan Gorvett, *Istanbul's Greeks Seek New Claim to Past*, BOSTON GLOBE, Feb. 8, 2003, at A6.

82. OEHRING, *supra* note 71, at 22.

83. *Id.*

appealed.<sup>84</sup> A recent example of the difficulties posed to recognized minorities by the Minorities Committee involved the committee's refusal to allow a group of minority school students to attend summer camp because the committee concluded that it would endanger national security.<sup>85</sup>

A second challenge facing minority religions in Turkey is that generally only Turkish nationals are eligible to act as clergy.<sup>86</sup> The Greek Orthodox community has recently faced significant difficulties regarding this issue. For example, the Heybeliada Seminary was established in 1844 to train clerics and provide religious unity among Orthodox communities. However, after 127 years of religious education, this school was closed in 1971 when Article 24 of the Turkish Constitution, which joined all private schools to the State, came into effect.<sup>87</sup> The Fener Patriarchy refused to join the Heybeliada Seminary with the State and consequently closed the school.<sup>88</sup> Recently, the Armenian Patriarch Mutafyan suggested connecting the Rum-Orthodox Theology Department with the Theological Faculty of Istanbul for training Christian clerics,<sup>89</sup> but after the Higher Education Council enforced their dress code regulations, requiring nuns to remove their head scarves, the project was discontinued.<sup>90</sup> In this way, even though recognized minorities were given some rights under the Treaty of Lausanne, they still have

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84. *Id.*

85. Sükri Küçükahin, *Sessiz azınlık devrimi*, HÜRRIYET, Feb. 23, 2004, available at <http://webarsiv.hurriyet.com.tr/2004/02/23/417561.asp>.

86. OEHRING, *supra* note 71, at 24 ("Only Turkish nationals can act as clergy or be appointed bishops or patriarchs. The only exceptions are the Roman Catholic Church and congregations attached to diplomatic missions.").

87. *Id.*

88. See International Strategic Research Organization, *Gul in Sofia: We Will Not Open the Heybeliada Seminary*, J. TURKISH WKLY., May 2, 2006, available at <http://www.turkishweekly.net/news.php?id=30983>.

89. DIRECTORATE FOR MOVEMENTS OF PERSONS, MIGRATION AND CONSULAR AFFAIRS, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, OFFICIAL GENERAL REPORT ON TURKEY 82 (2001) ("The Armenian Patriarch has recently argued in favour of setting up an expert group of Armenian theologians in the theology department of one of the existing Turkish universities.") [hereinafter UNHCR REPORT]; see OEHRING, *supra* note 71, at 24.

90. See INTERNATIONAL HELSINKI FEDERATION FOR HUMAN RIGHTS, TURKEY: A MINORITY POLICY OF SYSTEMATIC NEGATION 21 (2006), available at <http://147.102.5.230/EFECON/Links/TurkeyAMinorityPolicyofSystematicNegation.pdf> (citing *Turkey Rules out Reopening of Greek Seminary, Report Says*, TURKISH DAILY NEWS, May 3, 2006, available at <http://www.turkishdailynews.com.tr/article.php?newsid=42350>).

also had to live under the prohibitions of Turkey's unique secularism.<sup>91</sup> Another political reason for closing the school was because of sanctions imposed by Greece and Bulgaria on Turkish minorities.<sup>92</sup> In response to these sanctions, Turkey declared that religious and moral education must be given by the State, and no religious organization can open private schools for higher education.<sup>93</sup>

A third challenge facing the recognized minority communities is that ecclesiastical leaders do not receive regular income from either the State or their respective communities.<sup>94</sup> Legally, there is no connection between the minority communities and their religious leaders because the legal entities behind these religious groups are maintained by community foundations known as *Vakıflar*.<sup>95</sup> These foundations are comprised of members of local religious communities who act as property owners and are only accountable to the State.<sup>96</sup> After 1936, Armenian Orthodox, Greek Orthodox, and Jewish foundations were not allowed to buy or sell property.<sup>97</sup> In recent years, the situation has improved somewhat. In order to meet EU membership requirements, the government declared in August 2002 that Armenian Orthodox, Greek Orthodox, and Jewish foundations could buy and sell properties with permission from the Minister's Council.<sup>98</sup> In addition, they can now be members of foundations outside of Turkey.<sup>99</sup> Although the situation has improved, minority religions still face challenges in funding and

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91. Ertural Özkök, *Heybeli Rubban Okulu'nda bir imam hatipli*, HÜRRIYET, July 11, 2003, available at <http://webarsiv.hurriyet.com.tr/2003/07/11/315515.asp>.

92. MURAT HATIPOĞLU, STRATEJİK ARAŞTIRMA VE ETÜDLER MİLLİ KOMİTESİ, YUNANİSTAN'DA ETNİK GRUPLAR VE AZINLIKLAR (1999); ADNAN SOFUOĞLU, FENER RUM PATRIKHANESİ VE SİYASİ FAALİYETLERİ 177-202 (1996).

93. Hadi Adanali, *The Many Dimensions of Religious Instruction in Turkey*, International Association for Religious Freedom, <http://www.iarf.net/REBooklet/Turkey.htm> ("[S]ince non-secular schools are not allowed in Turkey, religious education must be given by the State in public schools.") (last visited Mar. 12, 2007).

94. OEHRING, *supra* note 71, at 24.

95. *Id.* at 23; UNHCR REPORT, *supra* note 89, at 73.

96. OEHRING, *supra* note 71, at 23; UNHCR REPORT, *supra* note 89, at 73.

97. *See Law Passed to Allow Churches to Reclaim Land*, IRISH TIMES, Nov. 15, 2006, at 12 (referring to a 1974 appellate decision canceling all real estate acquisitions by non-Muslim foundations since 1936).

98. GORVETT, *supra* note 81.

99. *See generally* İSMET SUNGURBEY, ESKİ VAKIFLAR TEMEL KİTABI (1978).



property acquisitions, and any decisions they make remain subject to a veto by the Minister's Council.

*B. Non-Muslim Minorities Unrecognized by the State with the Treaty of Lausanne*

The second group of minorities consists of non-Muslim groups who were present in Turkey at the time of the Treaty of Lausanne but were not recognized by the State as minorities in the Treaty.<sup>100</sup> A major difficulty for these groups is training priests and teachers of religion. Because the groups are not recognized minorities they cannot operate their own schools.<sup>101</sup> For example, to manage their properties, the Arab Orthodox Church and the Syrian Orthodox Church have established community foundations to hold their property under Turkish civil law. However, because neither group is a recognized minority group, they cannot use their property for any schooling purposes other than the basic training of clergy.<sup>102</sup> The government has recognized the right of these churches, but they have only been allowed to use their buildings for strictly religious purposes, excluding activities such as fund-raising.<sup>103</sup> Given the importance of religious education in the perpetuation of religious traditions, Turkey's prohibition on religious education for these unrecognized minorities threatens their vitality in the future.

*C. Non-Muslim Minorities Unrecognized by the State after the Signing of the Treaty of Lausanne*

The third group of minorities consists of the non-Muslim religious communities that only became active in Turkey after the signing of the Treaty of Lausanne. Examples include the Protestant Free Churches and Jehovah's Witnesses.<sup>104</sup> These groups have not

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100. OEHRING, *supra* note 71, at 31. This group includes Anglican, Arab Orthodox, Chaldean, Protestant, Georgian Orthodox, Maronite, Nestorian, Serbian Orthodox, Syrian Protestant, Syrian Catholic, Syrian Orthodox, Roman Catholic, Rumanian Orthodox and Russian Orthodox Christians. *Id.*

101. UNHCR REPORT, *supra* note 89, at 77.

102. OEHRING, *supra* note 71, at 32.

103. See generally GUNNAR M. KARLSEN, THE NORWEGIAN HELSINKI COMMITTEE, FREEDOM OF RELIGION IN TURKEY: THE SECULAR STATE MODEL, THE CLOSING DOWN OF THE WELFARE PARTY, AND THE SITUATION OF CHRISTIAN GROUPS (1998).

104. The Jehovah's Witnesses continue to argue in court for legal recognition. INTERNATIONAL RELIGIOUS FREEDOM REPORT 2006, *supra* note 2. Because Jehovah's

been able to establish churches or other institutions, including schools.<sup>105</sup>

#### IV. EU MEMBERSHIP

This Part provides a discussion on the current developments in religious freedom and the status of non-Muslim minorities in Turkey due to EU membership requirements.<sup>106</sup> As discussed above,<sup>107</sup> the Constitution of Turkey “establishes the country as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas.”<sup>108</sup> However, certain provisions of the Constitution, designed to preserve the integrity of the secular state, restrict these rights.<sup>109</sup> Within Turkey, one finds mosques and churches filled with worshippers; it is clear that some form of religious freedom exists.<sup>110</sup> Diverse religious views are welcome in Turkey,<sup>111</sup> as evidenced by the differing interpretations of Islam that exist within the country, and the people who express views critical of Islam.<sup>112</sup> Problems arise, however, when a religious community wants to organize itself—regardless of whether the group is Muslim or non-Muslim.<sup>113</sup>

The situation of religious freedom in Turkey is likely to change in the near future. Turkey has sought membership in the EU for

Witnesses beliefs forbid them from using weapons, military service requirements have been satisfied in administrative positions. UNHCR REPORT, *supra* note 89, at 87.

105. See generally NUMAN MALKOÇ, *ISTANBUL'DAKI PROTETAN KILISELER* (1999).

106. Turkey has been associated with the EU since the 1960s, but the formal opening of accession negotiations only began in October 2005. The EU has imposed several requirements on Turkey before it can join. BBC News, *Q&A: Turkey's EU Entry Talks*, <http://news.bbc.co.uk/2/hi/europe/4107919.stm> (last visited Mar. 12, 2007).

107. See *supra* Part II.B.1.

108. INTERNATIONAL RELIGIOUS FREEDOM REPORT 2006, *supra* note 2.

109. *Id.* “[T]he presidency, armed forces, judiciary, and state bureaucracy have played the role of defending traditional Turkish secularism throughout the history of the republic.” *Id.* In addition, the state has always held the secular state inviolate, even going so far that “[i]n some cases, elements of the state have opposed policies of the elected Government on the grounds that they threatened the secular state.” *Id.*

110. Oehring, *supra* note 4.

111. “No law explicitly prohibits proselytizing or religious conversions. . . . [Although] proselytizing is often considered socially unacceptable.” INTERNATIONAL RELIGIOUS FREEDOM REPORT 2006, *supra* note 2.

112. Bardakoğlu, *Moderate Perception*, *supra* note 3, at 31; see also Karimova & Deverell, *supra* note 72, at 7 (“The Government’s policy and the mostly amicable relationship among religions in the society contribute to the generally free practice of religion.”).

113. Oehring, *supra* note 4.

quite some time,<sup>114</sup> but only recently has acceptance appeared possible.<sup>115</sup> “[S]teady reforms”<sup>116</sup> enacted by the government have resulted in “significant progress” towards meeting the requirements for EU entry.<sup>117</sup> Over two hundred new laws were adopted in an attempt to conform to Copenhagen criteria,<sup>118</sup> and as of 2004, over one third of the original 1982 Constitution had been amended.<sup>119</sup> Formal entry talks started at the end of 2005,<sup>120</sup> but Turkey must improve on its human rights and living standards before it can join.<sup>121</sup> The rest of this Part discusses six specific steps Turkey has taken to comply with EU membership requirements and their effects on religious freedom in Turkey.

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114. Christopher Caldwell, *Bordering on What?*, N.Y. TIMES MAG., Sept. 25, 2005, at 46 (“Turkey started petitioning for admission to the European Union’s precursor organizations nearly half a century ago.”).

115. As recently as 1989, the European Commission had stated “it would not be useful’ to open negotiations for accession. . . .” ANDREW WILLIAMS, *EU HUMAN RIGHTS POLICIES: A STUDY IN IRONY 76* (Oxford University Press 2004) (internal citation omitted). See also Ajay Chhibber & Johannes Linn, *Turkey’s Chance to Become European*, FIN. TIMES, Nov. 27, 2002, at 19; see also Caroline Daniel, *Bush Backs Turkey’s EU Application*, FIN. TIMES, Dec. 11, 2002, at 8; Ian Fisher & Sabrina Tavernise, *In Reversal, Pope Backs Turkey’s Bid to Join the European Union*, N.Y. TIMES, Nov. 29, 2006, at A1. In 2004, Pope Benedict (then Cardinal Joseph Ratzinger) stated that that Turkey was “in permanent contrast to Europe.” *Id.* However, the Pope reversed his earlier statement during his November 2006 visit to Turkey, where he told Prime Minister Tayyip Erdogan, “we wish for Turkey’s entry into the E.U.” *Id.*

116. Ahmet Sözen, *Turkey’s Democratisation in Light of its EU Candidate Status: EU Enlargement at a Crossroads*, in KIRSTYN ENGLIS & ANDREA OTT, *THE CONSTITUTION FOR EUROPE AND AN ENLARGING UNION: UNITY IN DIVERSITY?* 279, 281 (2005).

117. WILLIAMS, *supra* note 115, at 77 (citation omitted).

118. The Copenhagen Criteria refer to the requirements for EU membership established by the Copenhagen European Council in 1993. They include:

[T]he stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and the protection of minorities; the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union; the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

BERTIL DUNÉR, SWEDISH INSTITUTE OF INTERNATIONAL AFFAIRS, *THE IMPORTANCE OF TURKEY 2* (2004), available at [www.ui.se/admin/product\\_pdf/turkey\\_2004\\_bd.pdf](http://www.ui.se/admin/product_pdf/turkey_2004_bd.pdf).

119. Sözen, *supra* note 116, at 303.

120. Caldwell, *supra* note 114, at 46 (referring to talks scheduled to begin on October 3, 2006).

121. After this paper was prepared for publication, admission talks hit a stumbling block. EU Foreign Ministers agreed to a partial freeze of negotiation talks. Admission to the EU will not occur until at the earliest 2020. *World Briefing Europe: Europeans Agree to Partial Freeze on Turkey Talks*, N.Y. TIMES, Dec. 12, 2006, at A2.

*A. Constitutional Amendments*

In a 2002 effort to meet EU norms, the Turkish government passed constitutional amendments eliminating the death penalty,<sup>122</sup> giving additional rights to Kurdish people,<sup>123</sup> and ending restrictions on the press.<sup>124</sup> According to Article 9 of the European Convention on Human Rights:

The right to freedom of religion (including thought and conscience) is a basic human right. . . . The Copenhagen document guarantees the right to establish and maintain religious institutions, giving adherents the right to: 'profess and practice their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue.'<sup>125</sup>

These amendments, which are very helpful to religious groups, would not likely have been made without pressure from the EU.

*B. Increased Minority Rights*

The Justice and Development Party gained control over the government in September 2002.<sup>126</sup> Under this new administration, many laws granting rights to religious minorities have been proposed.<sup>127</sup> Recognized or unrecognized, all religious minorities in

122. Gwynn Dyer, *Muslim Democracy in Turkey*, Global Business Network (Aug. 11, 2003), <http://www.gbn.com/ArticleDisplayServlet.srv?aid=2246> (last visited Mar. 12, 2007); see also Peter Preston, *Look into the Dark Heart of Europe: Turkey is Now a Real Muslim Democracy. We Cannot Ignore It*, THE GUARDIAN, Nov. 11, 2002, at Leader Pages, 17 ("Last summer, while the rest of Europe slept, this same nation (within a matter of weeks) abandoned the death penalty, lifted draconian curbs on its press and reached out inclusively towards the separatist minority it had repressed for decades. The biggest victory for human rights in two decades.").

123. *Private Kurdish Broadcasts Kick Off Next Week*, TURKISH DAILY NEWS, Mar. 19, 2006, available at <http://www.turkishdailynews.com.tr/article.php?newsid=38563> ("Turkey changed its laws in 2002 to allow limited broadcasts in Kurdish and other minority languages, and state television has been airing programs in two Kurdish dialects for a half-hour each week.").

124. Dyer, *supra* note 122.

125. Quoted in KAYA & BALDWIN, *supra* note 20, at 26.

126. Owen Bowcott, *Islamic Party Sweeps Turkish Poll*, THE GUARDIAN, Nov. 4, 2002, at 2.

127. Simon Tisdall, *World Briefing: Turkey Rises Above its Ultra-Nationalists*, THE GUARDIAN, Jan. 24, 2007, at 19 (referring to thirty-two areas of legislative reform pursued by the government).

Turkey may open new places of worship as long as they obtain a permit from the local government.<sup>128</sup> Recently, “the Government abolished the Minorities Subcommittee . . . and replaced it with the Board to Assess Problems of Minorities.”<sup>129</sup> In 2004, the Advisor to the Prime Minister, Ömer Dinçer, signed a bill regarding the role of this organization, with the express goal of assisting minorities rather than patrolling them.<sup>130</sup> The board includes members from the Ministry of the Interior, the Ministry of Foreign Affairs, the National Ministry of Education, and the Ministry of the State concerning religious foundations. Notably, this bill excludes members of the Turkish Army, National Secret Service, and National Security Council from serving on the committee. Measures such as these demonstrate that the government has taken active steps to support the rights of non-Muslims.<sup>131</sup>

### C. Law on Associations

As discussed above, one of the challenges facing minorities in Turkey is the issue of minority foundations and associations in Turkey.<sup>132</sup> The 1983 Law on Associations forbade the establishment of associations with a religious purpose.<sup>133</sup> The law has since been amended five times in an attempt to satisfy EU requirements,<sup>134</sup> but it was not until 2004 that an amendment eliminated the ban on religious associations.<sup>135</sup> Currently, the General Directorate for Foundations recognizes over 160 “minority foundations,” including

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128. In August 2006, a new Christian church opened in modern Turkey for the first time. Emma Ross-Thomas, *Modern Turkey's First New Church Opens in Istanbul*, *TURKISH DAILY NEWS*, Sept. 6, 2006, available at <http://www.turkishdailynews.com.tr/article.php?newsid=53125>.

129. The Minorities Subcommittee was “established by secret regulation in 1962 to monitor minorities as potential threats to the country . . . .” BUREAU OF DEMOCRACY, HUMAN RIGHTS, & LABOR, U.S. DEP’T OF STATE, *INTERNATIONAL RELIGIOUS FREEDOM REPORT 2004: TURKEY (2004)*, <http://www.state.gov/g/drl/rls/irf/2004/35489.htm> [hereinafter *INTERNATIONAL RELIGIOUS FREEDOM REPORT 2004*].

130. The Presidency of Security Affairs published a bill regarding the role of the Minority Committee, signed by Ömer Dinçer, advisor to the prime minister, on May 01, 2004.

131. See *INTERNATIONAL RELIGIOUS FREEDOM REPORT 2004*, *supra* note 129.

132. See *supra* notes 94–99 and accompanying text.

133. Oehring, *supra* note 4.

134. *Id.*

135. *Id.* (“This Law does not (unlike the previous law) list the purposes for which foundations cannot be founded, giving the impression that founding religious foundations is permitted.”).

70 Greek Orthodox foundations, 50 Armenian Orthodox foundations, 20 Jewish foundations, as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, and Maronite foundations.<sup>136</sup> In 2003, Parliament passed a law allowing community foundations “to purchase new property for religious, social, cultural, and educational functions, as well as for providing health services by the permission of the Office of Foundations, under more flexible conditions.”<sup>137</sup>

#### *D. Property Rights*

Currently, there is a debate over issues relating to property rights of religious minorities. Several minority groups have demanded that the government return lands that were taken from them many years ago.<sup>138</sup> In November 2006, Parliament passed a law that allowed minority groups to reclaim their seized property.<sup>139</sup> Given that previous governments have already sold some the seized lands, monetary compensation may be the only means of restitution, although it remains unclear how these situations will be handled.<sup>140</sup>

#### *E. Respect for Religious Doctrine*

The government does not interfere with non-Muslim religions’ doctrinal matters or the distribution or publication of religious literature among their memberships.<sup>141</sup> Turkey also has laws that prohibit insulting recognized religions, defacing their property, or interfering with their religious services.<sup>142</sup> Additionally, “the Government [has] revised school textbooks in response to complaints about inaccurate, negative references to Christianity.”<sup>143</sup>

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136. INTERNATIONAL RELIGIOUS FREEDOM REPORT 2004, *supra* note 129. (“The Vakıflar [General Directorate for Foundations] also regulates historic Muslim charitable religious foundations, including schools, hospitals, and orphanages.”).

137. Küçükcan, *supra* note 1, at 504.

138. The properties were seized following a 1974 court ruling. Selcan Hacaoglu, *Parliament Passes Minority Foundations Property Law*, TURKISH DAILY NEWS, Nov. 11, 2006, available at <http://www.turkishdailynews.com.tr/article.php?newsid=58827>.

139. *Id.*

140. *Id.*

141. INTERNATIONAL RELIGIOUS FREEDOM REPORT 2004, *supra* note 129.

142. *Id.*

143. *Id.*

*F. Amendment of the Act on Construction*

In June 2003, the Act on Construction was amended by replacing the word “mosques” with “houses of worship,” thus removing one of the obstacles to establishing non-Muslim religious facilities.<sup>144</sup> Local government officials have the legal authority to determine whether there is a need for a place of worship in the community. Under current law, “religious services may take place only in designated places of worship.”<sup>145</sup> However, the government designates places of worship, and unrecognized religions cannot designate their sites as places of worship.<sup>146</sup>

## V. CONCLUSION

Turkey’s unique situation as a secular democracy with an Islamic majority creates interesting challenges, especially with regard to its policies on religion and religious minorities. Admittedly, many problems have challenged the young republic and have forced it to adjust. However, such adjustments have made it a stronger and safer place for the citizens of the country. Changes in a democracy are expected and indicate progress. As demonstrated throughout its vast history, Turkey has proven its ability to change and adapt.

The most recent set of challenges facing Turkey, stemming from its desire to join the EU, have shown Turkey’s willingness to reform as it moves towards its goal. The government has implemented sweeping changes and improvements, many of which have provided greater freedoms for religious adherents, and especially for minority communities. Although significant work remains, Turkey stands as an example to the world that a peaceful democracy can exist among an Islamic majority.

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144. *Id.*

145. *Id.*

146. *See id.* Minority religious groups often hold their religious services on diplomatic property or in private residences. *Id.* In the past, “police [barred] Christians from holding services in private apartments, and prosecutors had opened cases against Christians for holding unauthorized gatherings.” *Id.*