

American Hellenic Institute Statement on:

The United States Commission on International Religious Freedom Annual Report 2009

Turkey to be placed on this year's "Watch List"

May 20th , 2009

The United States Commission on International Religious Freedom (USCIRF) in its Annual Report, published in May 2009, reaffirmed that the Turkish state has yet failed to implement a series of amendments to its Constitution and has further failed to fulfill its commitments against significant bilateral and multilateral arrangements within the context of civil, political and religious rights.

The Report more specifically stated that Turkey continues to place a significant level of restrictions on the freedom of religious minority communities. These significant restrictions, including state policies and actions, effectively deny non-Muslim communities the right to own and maintain property, train religious clergy, and offer religious education. This has led to the decline, or even in some instances disappearance, of some religious minorities from lands they had inhabited for centuries. The Report found that the persistence of this problem places the existence of several religious minorities in Turkey at risk; therefore it was decided that Turkey be placed on this year's "Watch List"*.

According to the Commission's findings, Turkey has specifically failed to implement the guarantees and protections granted for all non-Muslim religious minorities under the 1923 Treaty of Lausanne. It is estimated that there are approximately 2,500 Greek Orthodox citizens in Turkey today who are severely limited as to their means of obtaining official government recognition. The existent governmental and societal obstacles place important restrictions upon the Greek Orthodox population's property and ownership rights within the Turkish state.

The Commission notes that, contrary to the Lausanne provisions, minority properties are systematically expropriated and requirements for legal personality are either irregularly applied or arbitrarily suspended. Government actions are not subject to appeal which in turn places serious obstacles for these minorities who are denied the use of funds from their properties in one part of Turkey to support their existing population elsewhere within the country. As of its date

of issue, May 2009, the Commission reports that of the 13 non-Muslim congregations that have applied to Turkish Courts in reclaiming 128 properties, only 3 cases have been successful.

Moreover, the Commission recognizes that Turkey has systematically targeted the Greek Orthodox community through a series of policies, resulting in killings, destruction of private and commercial properties, violation of religious sites and expropriation of income-generating properties of both private citizens and the Ecumenical Patriarchate. It further expresses its disapproval on the fact that Turkey allows only Turkish citizens to be candidates for the position of the Ecumenical Patriarch and for hierarchs in the Church's Holy Synod. In this state of affairs, it finds that the survival of the Ecumenical Patriarchate and the Greek Orthodox community in Turkey is at risk.

It thus urges the Turkish government to:

- address the absence of full legal recognition for religious minorities by fully implementing the 1923 Lausanne Treaty or amending the Law on Associations so that all non-Muslim communities are granted legal status that affords them the right to inherit, purchase, possess, maintain and sell property;
- expand the process of reclaiming clear title or fair compensation for expropriated properties, which have been either sold to third parties or held by the Turkish government; and
- end the authority of any government agency to seize property of any religious community;

On the matter of the Ecumenical Patriarchate, the Commission urges:

- Prime Minister Erdogan to follow-up on his January 2008 statement that the Ecumenical status of the Greek Orthodox Patriarchate be an internal church issue by officially recognizing the Ecumenical status of the Patriarch;
- the Turkish government to permit all religious minorities to train religious clergy and remove restrictions on the ability of leaders of majority or minority religious communities to wear clerical garb in public;

- the Turkish government to permit religious communities to select and appoint their desired leadership in accordance with their internal guidelines and beliefs.

The Commission also calls for the reopening of the Halki Seminary under the control of the Ecumenical Patriarch, and not under the supervision of the Turkish government, and in addition allowing religious training to take place on the site.

Making reference to the most recent findings of the European Commission's (EC) Progress Report on Turkey issued in late 2008, the Commission cites the failure of the Turkish government "to put forward a consistent and comprehensive programme of political reforms". On this observation, it encourages the development of civic education programs that reflect the religious and ethnic diversity of the Turkish society's past and present.

Moreover, it cites that the Turkish government has ratified three major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) in September 2003. The Turkish government placed a provision on Article 27 of the ICCPR by setting conditions on its commitment to religious freedom of the minority groups referred to by the Lausanne Treaty. In as such, it set a narrow definition on the rights and status of these minorities, seeking thus to undermine their guarantees to "profess and practice" religion as specified by Article 27. This provision also affects their rights as outlined by Article 18 of the ICCPR.

On a final note, the Commission expresses its reservations on the amendment to Article 301 of the Turkish Penal Code, passed in April 2008. It notes that "while this amendment seems to expand free speech, its vague language increases the possibility of abuse, as has occurred in the past." This has implications for freedom of expression, religion or belief. It thus recommends that the U.S. government urges Turkey to make further amendments to its Penal Code.

In addition to the aforementioned illustrations, there is an endless list of continued Turkish suppression of religious minorities that the USCIRF needs to update on its forthcoming Annual Report.

The American Hellenic Institute (AHI) has unremittingly stressed the need to raise Turkey's status from a country being monitored, to a "Country of Particular Concern" (CPC) **. AHI has

been the front-runner in informing the U.S. government about Turkey's continuous violations of the International Religious Freedom Act of 1998 (IRFA).

We urge President Obama to designate Turkey as a "Country of Particular Concern" for severely violating religious freedom and to impose the appropriate sanctions. Failing to do so makes the U.S. complicit in Turkey's insidious efforts to extinguish its Greek Orthodox minority and the Ecumenical Patriarchate, which is a mathematical certainty if events continue to proceed unimpeded.

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** The term "Watch List" as used by the USCIRF refers to those countries where religious freedom conditions require close monitoring due to the nature and extent of violations of religious freedom engaged in or tolerated by the governments.*

*** The term "Country of Particular Concern as used by the USCIRF refers to those countries where there are ongoing, egregious violations of religious freedom. CPC designation is not an end point, but the beginning of focused diplomatic activity required by the International Religious Freedom Act of 1998 (IRFA) from which important obligations in the form of consequent actions flow. Pursuant to the IRFA statute, the Commission issues recommended responses for the President, Secretary of State, and Congress to follow up on the CPC designations.*