



THE EUROPEAN ASSOCIATION OF
JEHOVAH'S CHRISTIAN WITNESSES

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From The European Association of Jehovah's Christian Witnesses

**Contribution to the Report of the U.N. High Commissioner for Human Rights
prepared pursuant to the new review mechanism of the Human Rights Council,
established by GA Resolution 60/251
and by the Human Rights Council in Resolution 5/1 of 18 June 2007
for the 21st session of the UPR (*January/February 2015*).**

Turkey

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EXECUTIVE SUMMARY

This submission to the Human Rights Council (HRC) on Turkey highlights human rights issues in the past four and half years and Turkey's failure to implement accepted recommendations during the previous review.

As described below, serious issues of concern persist, namely dealing with the right to conscientious objection and proper zoning of places of worship for Jehovah's Witnesses. Jehovah's Witnesses in Turkey and, as a worldwide organization, respectfully request the government of Turkey to:

- (1) Ensure that the views of the UN Human Rights Committee (CCPR) and the judgments of the European Court of Human Rights (ECHR) that provide for the right to conscientious objection to military service are respected and implemented, as well as offer true alternative civilian service. This would involve refraining from imposing repeated fines and threats of imprisonment against Jehovah's Witnesses on grounds of "evasion of enlistment" for their conscientious objection to military service;
- (2) Ensure that there is an equitable and non-discriminatory application of the law to Jehovah's Witnesses so that their Kingdom Halls are zoned as places of worship on municipal zoning maps; and
- (3) Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Turkey, the International Covenant on Civil and Political Rights (ICCPR), and the ECHR for all citizens, including Jehovah's Witnesses.

I. INTRODUCTION

1. The European Association of Jehovah's Christian Witnesses is a charity registered in the United Kingdom. It provides support to Jehovah's Witnesses facing fundamental human rights violations in various parts of the world.
2. The Christian community of Jehovah's Witnesses has been present in the Turkey since 1931. For more than eighty years, Jehovah's Witnesses in Turkey have publicly shared their religious beliefs from door-to-door and on the streets, as is their religious practice worldwide. For decades the Witnesses were unable to obtain any type of official legal status. In July 2007, Jehovah's Witnesses were officially granted a legal entity for the first time, which is currently in use entitled the "Association for the Support of Jehovah's Witnesses." Over 4,500 people attend the worship services of Jehovah's Witnesses in Turkey.
3. This submission is based on the reports submitted by victims to the national office of Jehovah's Witnesses in Istanbul, Turkey.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

4. Jehovah's Witnesses face two main problems in Turkey. 1) Denial of Right to Conscientious Objection—Nationwide. Turkey does not recognize conscientious objection to military service and has no provision for alternative civilian service; and 2) Discriminatory Denial of Zoning for Houses of Worship (Kingdom Halls.) Officials routinely deny application of the zoning law to Jehovah's Witnesses and other minority religions. Since the government does not register Kingdom Halls as meeting places in their local zoning plans, the Witnesses live with the possibility of their places of worship being closed down and sealed as Turkish officials have done in the past. Also, without the proper religious zoning classification, Jehovah's Witnesses cannot avail themselves of other legal provisions for religions such as property tax exemption on their Kingdom Halls.

Denial of Right to Conscientious Objection (ICCPR—Articles 18, 19, 21, 22, 26, 27; ECHR—Articles 3, 5, 6, 7, 9, 13)

5. In spite of the Views by the CCPR in Atasoy and Sarkut v. Turkey (CCPR/C/104/D/1853-1854/2008 (29 March 2012)), and three favorable ECHR judgments concerning individuals who are Jehovah's Witnesses in *Erçep v. Turkey*, no. 43965/04, 22 November 2011; *Feti Demirtaş v. Turkey*, no. 5260/07, 17 January 2012; and *Buldu and Others v. Turkey*, no. 14017/08, 3 June 2014, young men who are Jehovah's Witnesses continue to be subjected to repeated call-ups to perform military duty and are fined. As of June 2013, sixteen Jehovah's Witnesses are facing prosecution for declaring themselves conscientious objectors.

Discriminatory Denial of Zoning for Kingdom Halls (ICCPR—Articles 18, 19, 21, 22, 26, 27; ECHR—Articles 6, 9, 11, 13, 14)

6. In 2003, Turkey modified its Law on Zoning No. 3194 in order to comply with European standards on non-discrimination and freedom of religion, providing non-Muslim religious minorities the right to build and own places of worship. In practice, the authorities refuse to implement this provision. To date, not one Kingdom Hall used by Jehovah's Witnesses in Turkey has been zoned as a 'place of worship.' The municipal authorities as well as the domestic courts have refused to grant the status of 'place of worship' to the Kingdom Halls of Jehovah's Witnesses.
7. To date, 27 different municipalities have denied 46 requests made by Jehovah's Witnesses to obtain a "religious facility location" on their municipal zoning maps.
8. On 18 June 2012, in Izmir the Association In Support Of Jehovah's Witnesses in Turkey received the final decision of the presidium of the Council of State (*Danıştay*). This decision upheld a May 12, 2010, negative decision that denies a Kingdom Hall in Izmir the "religious facility" zoning status that the municipality grants to other religions. The decision came after over eight years of dilatory legal proceedings where Jehovah's Witnesses originally prevailed, only to have the decision overturned.
9. On 14 December 2012, Witnesses submitted an application to the ECHR entitled *Association in Support of Jehovah's Witnesses in Turkey v. Turkey*, no. 8606/13. This is the second application

pending with the ECHR on this zoning issue. The first application was submitted to the ECHR on 28 June 2010, entitled *Mersin Congregation of Jehovah's Witnesses and Others v. Turkey*, no. 36915/10.

III. IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS

10. During the interactive dialogue that took place in 2010, 54 delegations made statements. A number of delegations expressed appreciation for the comprehensive presentation of the national report and for answers to advance questions. Turkey accepted specific recommendations made by Member States. However, the information presented above shows that serious efforts are still needed to implement the following accepted recommendations.
11. Recommendation n°100.43 made by Austria encouraged Turkey to ensure the protection of religious minorities in accordance with international human rights standards and obligations and eliminate discrimination based on religious affiliation. The events reported in the present submission demonstrate that Turkey has not fully implemented this recommendation. However, if Turkey would implement decisions of international judicial bodies as they are obligated to do and complied with other international human rights standards, issues concerning Jehovah's Witnesses could be resolved.
12. The country of Australia was a little more specific in its Recommendation n°102.30 for Turkey to work constructively with all religious communities to address undue constraints on places of worship. As noted in this document, Jehovah's Witnesses are directly affected by these government constraints.
13. Jehovah's Witnesses regret that the government of Turkey has not implemented the above-mentioned recommendations despite having internationally accepted them.

IV. CONCLUSION

14. Jehovah's Witnesses in Turkey and, as a worldwide organization, expresses concern for the serious issues dealing with the right to conscientious objection and proper zoning of places of worship for Jehovah's Witnesses. Jehovah's Witnesses in Turkey and as a worldwide organization respectfully request the government of Turkey to:
 - Ensure that the Views of the CCPR and the judgments of the ECHR that provide for the right to conscientious objection to military service are respected and implemented, as well as offer true alternative civilian service. This would involve refraining from imposing repeated fines and threats of imprisonment against Jehovah's Witnesses on grounds of "evasion of enlistment" for their conscientious objection to military service;
 - Ensure that that there is an equitable and non-discriminatory application of the law to Jehovah's Witnesses so that their Kingdom Halls are zoned as places of worship on municipal zoning maps; and
 - Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Turkey and the ICCPR for all citizens, including Jehovah's Witnesses.