

## **Republic of Turkey**

### Obligations under the International Covenant on Civil and Political Rights

Jubilee Campaign, a human rights organisation that focuses on religious freedom and holds special consultative status with the ECOSOC, wishes to draw the attention of the Human Rights Committee to Turkey's obligations under the International Covenant on Civil and Political Rights and the human rights violations that continue to take place in Turkey.

#### **Article 8: Human Trafficking and Modern Day Slavery**

1. The government of Turkey has taken many laudable steps against the scourge of human trafficking. However, most of these steps have focused on the movement of persons being trafficked in or out of Turkey. Given the security and counterterrorism implications controlling the movement of persons is a valid interest for the Turkish State as well as the international community. Human trafficking is more than a security and counterterrorism issue. It is a vast criminal enterprise, perhaps the fastest growing illegal enterprise in the world, and a gross violation of the human rights of the trafficked individuals.
2. Turkey still falls below the minimum standards for the elimination of trafficking. Foreign women are lured into Turkey with false promises of jobs and are then forced into prostitution. Also, Turkey does not have adequate protections for displaced Syrian refugees in Turkey. Many of these individuals are seduced and trafficked.
3. The Turkish government has failed to successfully investigate, prosecute, and punish traffickers. The number of prosecutions in comparison to the number of investigations has drastically decreased. Furthermore, the punishment often does not meet the crime. Sometimes, those originally charged with "mediating for prostitution" or "forced imprisonment" are eventually given more lenient sentences than deters traffickers.
4. Turkey also fails to adequately restore trafficking victims. Two of the three NGO trafficking shelters closed during the reporting period due to insufficient funding. Although victims can access free state health care and psychological services, without adequate NGO shelters victims are vulnerable for re-trafficking because they do not have a transition period in a safe environment. Furthermore, foreign trafficking victims have difficult paperwork barriers before they can get authorization to work legally, thus making them economically vulnerable for re-trafficking.
5. Turkey's law enforcement training for identifying trafficking victims is inadequate. Officers are unfamiliar with trafficking indicators, non-physical forms of control, and how to effectively engage with traffickers even when identified. Human trafficking is a terrible violation of the human rights and Turkey has a responsibility to identify and protect these victims. While Jubilee Campaign commends Turkey's efforts to date, we encourage the Government of Turkey to fully bring their law and practices on human trafficking in line with international standards.

#### **Article 18: Freedom of Thought, Conscience and Religion**

6. The Turkish government has and continues to violate Article 18 of the ICCPR in a variety of ways. Despite the secularism affirmed by Turkey's constitution, non-Muslim

religious communities are severely discriminated against and denied legal status and recognition as religions. The Armenian Orthodox, Greek Orthodox, and Jewish communities are granted some status and the right to call their houses of worship churches or synagogues. All other non-Muslim religious minorities are considered associations, severely restricted in their ability to own property and required to officially call their meeting places, cultural or community centers. As associations, they cannot perform official marriages and face difficulty training clergy.

7. Even churches such as the Orthodox, which are formally recognized, are not permitted to publicly display any signs of non-Muslim religious identity, such as ringing bells or having crosses displayed on the outside of the church. Wearing the formal vestments of non-Muslim clergy is prohibited outside of church grounds even for the Ecumenical Patriarch, the formal head of all Orthodox Christians. Christians suffer social pressures and have been routinely threatened with violence, particularly if they are seen to be sharing their faith. While the government does not regularly imprison Christians for peacefully sharing their faith, Christians have been arrested on occasion. More commonly, Christians face violence from non-government actors for perceived insults to the Muslim religion. While there is not yet a general climate of impunity such as there is in certain other countries, the government of Turkey has been slow to respond to violent crimes by Muslims against Christians.

8. Turkey also severely limits the ability of parents to educate children in conformity with their own convictions. Only Greek Orthodox, Armenian Orthodox and Jewish foundations may operate private schools—and these schools are closely supervised by the Education Ministry. Any religious minority requesting to open a school has been met with contention throughout Turkey and some of the major confiscations of the property of religious minorities were implicitly designed to shut down schools for religious minorities. Since religious training is required for Turkish children, some of the children and teachers who request to opt out are subjected to discrimination.

9. In short, Turkey's current policies grossly violate Article 18 of the ICCPR. The Turkish government must make serious changes in both law and practice in order to bring itself in line with international standards. All religious minorities must be granted equal legal status with the dominant religion and permitted to own property, train clergy, maintain schools, perform marriages, and display their religious symbols and vestments in public.

#### **As relating to having or adopting a religion or belief of choice**

10. As a secular state, Turkey does not have laws specifically prohibiting conversion away from the dominant faith of Islam. However, Article 216 of the Turkish Penal Code criminalizes the actions of “any person who openly denigrates the religious beliefs of a group.” while Article 299 criminalizes “Any person who publicly denigrates the Turkish nation,” or “Any person who publicly denigrates the Government of Republic of Turkey.” Article 219, titled “Misconduct in office through exploitation of religious services” says that, if, “any one of the public institutions are reproached and disrespected by imam, preacher, priest or a rabbi during execution of a service, this person is punished with imprisonment.” These laws have been used in practice to threaten, harass, or arrest those who convert from Islam to another religion, particularly Christianity.

11. Last Christmas, several Islamic organizations staged protests in Istanbul against celebrating Christmas. They labeled Christmas celebration as degenerate, crippling to the

Muslim identity, and corrupting to the country. The protestors violently stabbed and desecrated effigies and symbols of Christianity. The Turkish government allowed the protest, showing the double standard Turkey has. Recently, individuals have been arrested for “insulting religious feelings” or “denigrating the religious beliefs of a group”—only when the group affected was Islam. However, when protesters publicly stab Christian effigies, the government turns a blind eye, even though similar protests in the past have led to actual attacks on Christians following the protest.

12. Converts regularly face severe social pressure and threats of violence for having or adopting a religion other than the dominant Islamic faith. Actual violence has been less common in the past, but is increasing as converts are targeted both by Islamic extremists, who view conversion as an insult to Islam, and from militant ultranationalists who view Christianity as a threat to Turkish identity. The murder of three employees of a Bible publishing house in Malatya in 2007 has been linked to officials within Turkish security forces, who were using government resources to monitor the Christian community. While the individuals who confessed to the murders were arrested, and the security officials have been indicted, the case has yet to be concluded even after seven years. This April, the five defendants were let out of prison with electronic tracking devices until the trial resumes on June 23<sup>rd</sup>, with its 93<sup>rd</sup> hearing. Several less high profile incidents of violence against Christians in recent years have not resulted in any prosecutions whatsoever.

#### **As relating to freedom of assembly**

13. While the Turkish government does not grant non-Muslim religious communities the legal status of religions, such communities are allowed to form associations or foundations, which are permitted to meet and hold worship services. In practice, the Turkish government has historically infringed on the right of these minorities to assemble through limitations on property ownership. Due to the complex and burdensome framework of laws regarding foundation, religious communities face great difficulties in property ownership. Throughout the 20<sup>th</sup> century, the Turkish government also confiscated properties previously owned by minority religious communities. While a ministerial decree by Prime Minister Erdogan allows non-Muslim religious communities to apply for the return of their properties and earlier laws allowed for religious communities to sue for compensation, the vast majority of properties confiscated by the Turkish government have not been returned and the victimized religious communities have not received proper compensation.

#### **As relating to equality before the law**

14. Despite Turkey’s allegedly secular constitution, in practice, religious minorities are often unable to achieve the legal status necessary to own property, open bank accounts, sign contracts, and be legally equal to adult Muslim individuals. This basic inequality based on religious choice is inexcusable.

#### **As relating to incitement to discrimination, hostility or violence**

15. Turkish public texts, such as public school textbooks, have traditionally contained language which incites discrimination against minorities. In addition, Christian missionaries have been demonized by the Turkish media, which undoubtedly contributes to the growing violence against minority religious leaders, particularly those who are seen as foreign.

16. The Turkish government is fraught with corruption and Turkey refuses to do anything about officials who use their official knowledge to unofficially incite violence against Christians, both in Turkey and in Syria. There is also evidence that Turkish officials facilitate the kidnapping and murder of Christian Syrians, such as the Syrian Bishops in April 2014. The refugee camps on the Syria-Turkey border are an open door for jihadists to move Turkish weapons across the border into the Syrian conflict. In January 2014, Turkish secret service refused to allow border patrol to search a truck going into Syria. Although they claimed the truck contained relief, organizations denied receiving any relief packages. Media reported that Turkey was smuggling weapons into Syria.

**Article 19: As relating to freedom of the Press**

17. March 2014 marked Turkey denying citizens' access to YouTube after audiotapes showed Turkish officials discussing provoking military intervention in Syria. Twitter has already been shut down. The Turkish government invoked "national security" as a reason to deny citizens the freedom of the press.

The Jubilee Campaign is calling on the Government of the Republic of Turkey to:

Bring Turkey's human trafficking laws up to international standards; ensure both in law and practice that the right to freedom of thought, conscience, and religion is upheld for all citizens in accordance with Article 18 of the ICCPR; ensure that all citizens have freedom to change their religion, freedom of assembly, freedom of press, equality before the law, and freedom from discrimination and violence as guaranteed by the ICCPR.