Jubilee Campaign
Submission to the Human Rights Committee

The Republic of Turkey
Obligations under the International Covenant on Civil and Political Rights
September 2012

1. Jubilee Campaign (JC), a human rights organisation that focuses on religious freedom, 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 have and continue to take place there in this regard.

Article 8: Human Trafficking and Modern Day Slavery

2. 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.

3. While human trafficking networks are permitted to grow within a nation, it will be impossible to eliminate the international human trafficking trade, which creates the violation of borders with its attendant security and terrorism threats. Rooting out and severely punishing internal human trafficking networks is a necessary part of Turkey’s responsibilities and we are encouraged by the effort of the Turkish government to amend their law to bring it into line with international standards on this point.

4. The Turkish government desperately needs to improve is in its protection and identification of victims of human trafficking. In 2010, the Turkish Government only identified 58 victims of human trafficking and in 2011 only 82 victims of human trafficking were identified. Given Turkey’s unfortunate status as a major hub of human trafficking, or even the number of suspects successfully prosecuted by the Turkish government, these numbers are ridiculously low, and point to the lack of proper procedures for identifying victims of trafficking. Human trafficking is a terrible violation of the human rights of trafficking victims, and the State has a responsibility to take all necessary steps to identify and protect these victims. While Jubilee Campaign commends the efforts of the Turkish government on this issue 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

5. 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

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1 2012 Trafficking in Persons Report. United States Department of State
<http://www.state.gov/documents/organization/192598.pdf>
community centers. As associations, they cannot perform official marriages and face difficulty training clergy.

6. 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 severe 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 Pakistan, the government of Turkey has been slow to respond to violent crimes by Muslims against Christians.

7. Turkey also severely limits the ability of parents to educate children in conformity with their own convictions. Schools for religious minority communities, both for children and training their own clergy has been a very contentious issue in Turkey, and some of the major confiscations of the property of religious minorities was implicitly designed to shut down schools for religious minorities.

8. 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

9. 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 prohibits “reviling Islam” while Article 301 prohibits “insulting Turkish identity.” These laws have been used in practice to threaten, harass or arrest those who convert from Islam to another religion, particularly Christianity.

10. 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 carried out the murders were arrested, and the security officials have been indicted, there have been several irregularities in the prosecution and the case has yet to be concluded even after five years. 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

11. 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 20th 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.\(^2\)

**As relating to equality before the law**

12. The failure of the Turkish government to grant non-Muslim religious minorities the same legal status as the dominant Muslim faith is a basic inequality. Despite Turkey’s allegedly secular constitution, this

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

13. Turkish public texts, such as public school textbooks have traditionally contained language, which while it does not explicitly incite violence against religious minorities, certainly incites discrimination. 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 to be foreign. In addition, certain actors within the security forces have attempted to falsely link Christians to terrorist and separatist groups within Turkey.

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

14. Ensure that the right to freedom of thought, conscience and religion is enshrined in law for all Iranian citizens in accordance with Article 18 of the ICCPR;

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\(^2\) 2012 USCIRF Annual Report.
http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf