

POLICY BRIEF



Türkiye

Continually diminishing human rights

The Republic of Türkiye is a multi-ethnic and multi-cultural country, home to approximately fifty different Muslim and non-Muslim ethno-cultural groups such as Sunni Turks, Alevi Turks, Armenians, Georgians, Jews, Greeks, Arabs, Assyrians etc.¹ Article 2 of its constitution establishes democracy, secularism and welfare state governed by the rule of law as the fundamental pillars of the country.² The Constitution, through Article 24, provides for the right to freely practice one's religion and prohibits the use of coercion.³ Additionally, it also guarantees the right to freedom of expression without the interference by official authorities under Article 26.⁴

In recent years Türkiye has witnessed steady democratic backsliding and it has been defined an electoral autocracy by global democracy measuring indices such as V-Dem.⁵ This change has resulted in weakened governance structure of state institutions⁶ and provided an impetus to the already existing ethnic and religious nationalism.⁷ National and local governments' restrictive policies toward religious minorities such as denial of legal status to the Alevis, a sect of Shiá Islam, and preventing Christians and Jehovah's witnesses from opening their places of worship⁸, hinders their ability to exercise their right to express and practice their religion.⁹ Moreover, while blasphemy is a criminal offence under Article 216(3) of

¹ Tolerance and Cultural Diversity Discourses in Turkey, Kaya A., European Institute Istanbul Bilgi University, 2010, pp.8.

² constituteproject.org/constitution/Turkey_2017.pdf?lang=en

³ *Ibid*

⁴ *Ibid*

⁵ v-dem.net/documents/30/V-dem_democracyreport2023_highres.pdf

⁶ brookings.edu/research/the-rise-and-fall-of-liberal-democracy-in-turkey-implications-for-the-west

⁷ "Religion and Nation Are One": Social Identity Complexity and the Roots of Religious Intolerance in Turkish Nationalism, Goalwin G., Social Science History, Vol. 42, No. 2 (Summer 2018), pp. 161-182.

⁸ talkabout.iclrs.org/2021/06/15/freedom-of-religion-and-belief-in-turkey-recent

⁹ uscirf.gov/sites/default/files/2022-05/2022%20Turkey.pdf

the Turkish Penal Code for insulting Islam, Articles such as 299 and 301 of the Penal Code criminalize insulting the president and insulting the Turkish nation, the state of the Republic of Türkiye, and various official state bodies, restricting the constitutionally protected right to freedom of expression.¹⁰ Two Protestant Christians were charged under Article 301 for “insulting Turkishness” through their missionary activities.¹¹

Entry bans on Protestant Christian Faith Leaders

Dozens of foreign Protestant Christian pastors and their family members have been forced to leave Türkiye as a result of de facto entry bans, and intelligence reports labeling them as a “security risk”.¹² These Christian leaders and their family members were given special restriction codes by the Turkish authorities which bars foreigners from either entering Türkiye without prior permission (code N-82) or forces them to leave the country if they are considered a risk to national security (code G-87).¹³ Although regarded as security threats, many of these church leaders and their family members were not immediately detained but instead informed about their status as they left or entered Türkiye.¹⁴ Turkish authorities have stated that the N-82 restriction is not an entry ban but a requirement to

obtain prior approval. However, in practice, all of those who were issued this code and applied for a visa had those applications rejected.¹⁵ Likewise, individuals who were issued restriction code G-87 by Türkiye’s National Intelligence Organization (MİT) were not provided any specific reasons for being considered as a security risk. Such arbitrary actions by the Turkish authorities have discouraged members of the foreign Protestant Christian community from participating in church activities while others have voluntarily left the country.¹⁶ Threat to national security is not a legitimate ground for limiting freedom of religion and belief according to Art 18(3) and Art 4 of the ICCPR and Art. 9 of ECHR. Therefore, it is a cause of concern as it prohibits foreign Protestant Christians from gathering as a church, an act that falls within their freedom to manifest their religion or belief.

Constricted rights of Christian Refugees

Türkiye is currently hosting over 3.65 million Syrian refugees along with close to 320,000 persons of concern from other nationalities.¹⁷ While a small percentage of them live in government-run camps, the remainder live in informal urban and rural areas around the country in precarious circumstances.¹⁸ The Provincial Directorates of Migration Management



A Syrian refugee camp in southern Türkiye

¹⁰ uscirf.gov/sites/default/files/2022-12/2022%20Turkey%20Charges%20for%20Blasphemy%20and%20Insulting%20Religious%20Values%20v2.pdf

¹¹ *Ibid*

¹² 2021 Protestant Community Rights Violation Report. Available at: protestankiliseler.org/?p=1075

¹³ turkishminute.com/2022/03/24/key-sees-exodus-of-protestant-clergy-due-to-entry-bans-security-risk-labels

¹⁴ Turkey expels Protestants as ‘security threat’, The Times, March 10, 2021. Available at: thetimes.co.uk/article/turkeys-protestants-under-threat-as-danger-to-security-lzknj5cf6

¹⁵ turkishminute.com/2022/03/24/key-sees-exodus-of-protestant-clergy-due-to-entry-bans-security-risk-labels

¹⁶ *Ibid*, 2021 Protestant Community Rights Violation Report

¹⁷ unhcr.org/tr/en/refugees-and-asylum-seekers-in-turkey (145,000 refugees from Ukraine. In addition, there are 173,000 Iraqi’s, 116,000 Afghani’s and 27,000 Iranians living in Turkey. Around 1.1 million Kurds are internally displaced because of the conflict between the Turkish army and the Kurdish PK)

¹⁸ concern.org.uk/where-we-work/turkiye?gclid=CjwKCAjw3POhBhBQEiwAqTCuBtEePM6WYCKe9c2wIAtphuy-16nNxaqFAZJsgKQ5_-OsrqP3a7814RoCVUgQAVD_BwE

(PDMM) processes and registers asylum claims, a process that was previously managed by the United Nations High Commissioner for Refugees (UNHCR).¹⁹ The UNHCR in Türkiye works in partnership with non-governmental organizations and public institutions at the national, provincial and local levels to ensure access to and provision of protection to refugees including responses to child protection and sexual and gender-based violence. The UNHCR also works closely with the Turkish Government in providing higher education and language training for higher education preparation for refugees.²⁰ Lack of regular income opportunities and the increasing cost of living has made it difficult for vulnerable families to meet their basic needs. Many families reduce their food consumption or live in substandard housing.²¹ Turkish landlords are reluctant to rent out accommodation to asylum seekers or refugees, often making demands for higher rents.²² Christian refugees from Iran, Syria, Iraq etc. who fled their countries of origin on well-founded fears of religious persecution face further differential treatment on account of their faith.²³ They are more prone to harassment and discrimination while applying for jobs or accessing public funds. Christian refugees frequently hide their religious identity for fear of public pressure or being paid lesser wages than their Turkish counterparts.²⁴ Their vulnerability has been further exacerbated by the 2020 decision of the Turkish government to stop providing free health insurance to asylum seekers beyond one year. Since many asylum seekers and refugees struggle financially, the cost of healthcare only adds to their heavy burden.²⁵ Due to the lack of compensation for work-related accidents or injuries, an employer can arbitrarily dismiss an employee without due notice or justification. According to Open Doors' information, refugee Christian converts are often discharged summarily once their religion is revealed. Refugees' freedom of movement is confined only to the province of registration, and they do not have meeting places for worship.²⁶ While

many refugees have voluntarily returned to their home countries,²⁷ others are being forcefully deported because of political reasons.²⁸

Rise in inciting speech and suppression of freedom of expression

There has been a steep surge in the use of biased, prejudiced and discriminatory language against religious minorities and refugees in the recent years by the Turkish media²⁹, politicians³⁰ and officials³¹. Christians and Jews are mostly the targets of inciting speech for religious identity related reason³², ethnic minorities are labeled using a variety of words that have negative attributes.³³ Such discourses have increased hostility against religious minorities and refugees, making them vulnerable targets of hate crimes.³⁴

In October 2022, in its efforts to counter inciting speech, the Government of Türkiye, passed Law No. 7418, a new press legislation ("New Press Law") containing forty articles amending several laws such as the Internet law, the Press law and the Turkish Penal Code.³⁵ However, the New Press Law penalizes journalists and social media users for spreading "disinformation".³⁶ Article 29 of the New Press Law sets imprisonment term for up to three years for those who spread "false or misleading information".³⁷ While the intentions of the Turkish Government is to restrict the flow of "false and misleading information", the new law gives sweeping powers to the government-controlled Information and Communication Technologies Authority (Bilgi Teknolojileri ve İletişim Kurumu, BTK) to regulate the internet and compel social media companies to adhere with requests to take down online content and hand over user data.³⁸ Journalists and citizens have to self-censor to avoid being critical of the government and risk being imprisoned.³⁹

¹⁹ help.unhcr.org/turkiye/faqs/protection-faqs

²⁰ unhcr.org/tr/en/overview-2#:~:text=The%20Government%20of%20T%C3%BCrkiye%20leads,has%20been%20generous%20and%20positive

²¹ civil-protection-humanitarian-aid.ec.europa.eu/where/europe/turkiye_en#:~:text=T%C3%BCrkiye%20hosts%203.5%20million%20Syrian,challenging%20and%20often%20precarious%20circumstances

²² voanews.com/a/facing-poverty-and-hostility-refugees-in-turkey-mull-return-to-war-torn-syria/6869601.html

²³ *Ibid*

²⁴ hurriyetdailynews.com/christian-refugees-face-difficulties-hide-religion-in-turkey--92719

²⁵ articleeighteen.com/analysis/5987

²⁶ asianews.it/news-en/Vicar-of-Anatolia:-Christian-refugees-left-without-pastors-or-places-of-worship-56153.html

²⁷ persecution.org/2022/12/13/why-are-syrian-refugees-leaving-turkey

²⁸ hrw.org/news/2022/10/24/turkey-hundreds-refugees-deported-syria

²⁹ dailysabah.com/politics/turkish-medias-hate-speech-manifests-violence-against-communities/news

³⁰ iafor.org/archives/journals/iafor-journal-of-media-communication-and-film/10.22492.ijmcf.11.04.pdf

³¹ amnesty.org/en/latest/news/2023/04/turkiye-police-and-gendarmerie-commit-abuses-in-earthquake-zone

³² "Turkey: Country Dossier", World Watch Research, January 2023, pp. 17. Available at Full Country Dossier Turkey, (opendoorsanalytical.org) (password: freedom)

³³ iafor.org/archives/journals/iafor-journal-of-media-communication-and-film/10.22492.ijmcf.11.04.pdf

³⁴ freiheit.org/ost-und-sudosteuropa/hate-speech-monitoring-turkish-media

³⁵ hrw.org/news/2022/10/14/turkey-dangerous-dystopian-new-legal-amendments

³⁶ amnesty.org/en/latest/news/2022/10/turkey-dark-day-for-online-free-expression-as-new-disinformation-law-is-passed

³⁷ reuters.com/world/middle-east/law-that-would-jail-those-spreading-disinformation-progresses-turkey-2022-10-13

³⁸ globalnetworkinitiative.org/gni-statement-on-turkiyes-push-to-regulate-digitalcontent

³⁹ voanews.com/a/turkish-lawmakers-adopt-new-disinformation-law-/6790659.html

Recommendations:

To stop the continuous and severe violations of fundamental rights of everyone residing in Türkiye, Open Doors makes the following recommendations:

1 The International Community should consider rule of law, human rights, including freedom of religion or belief, as non-negotiable fundamental components of every trade, aid and diplomatic relations with Türkiye.

2 To ensure the respect of foreign faith leaders' right to manifest their religious beliefs, the Government of Türkiye should stop the misuse of immigration laws to restrict travel to the country, cease the use of national security as a pretext to limit freedom of religion and belief, and urgently uplift the entry bans on them and their family members.

3 To address marginalization and vulnerabilities experienced by refugees in Türkiye:

i. Donor governments should:

- Increase funding and aid for refugees and host communities in Türkiye. Such financial support should focus on humanitarian assistance, education, migration management, health, municipal infrastructure, and socio-economic support.

ii. The UNHCR should:

- Include religion as a factor of vulnerability in any assessment made in planning and programming for refugees;
- Provide training to humanitarian aid workers to assess and identify harassment of refugees based on religion within the larger refugee community for rapid response;
- Provide operational and technical expertise to the Government of Türkiye to enhance registration and refugee status determination processing.

iii. The Government of Türkiye should:

- Safeguard and uphold the obligation of non-refoulement as laid down in Article 4 of Law on Foreigners and International Protection, 2013, and Article 33 of the Convention Relating to the Status of Refugees, which Türkiye has ratified and legally bound to respect, and immediately stop the forceful deportation of refugees fleeing religious persecution to their country of origin;
- Incorporate and implement the UNHCR Guidelines on International Legal Standards Relating to Decent Work for Refugees into the domestic Law on Foreigners and International Protection, 2013 to ensure refugees have access to decent work and fair wages.

4 To address speech that incites violence and discrimination against religious minorities while simultaneously ensuring full respect of the freedom of expression, the Government of Türkiye should:

- Define what constitutes “false and misleading information” under Article 29 of Law No. 7418 in accordance with Arts. 19 & 20 of the ICCPR and Art. 10 of the ECHR;
- Make necessary amendments to Law No. 7418 ensuring compatibility with international human rights standards including the eight action points set out in the UN Human Rights Council resolution 16/18 and work closely with other countries through the Istanbul Process to combat global religious intolerance.