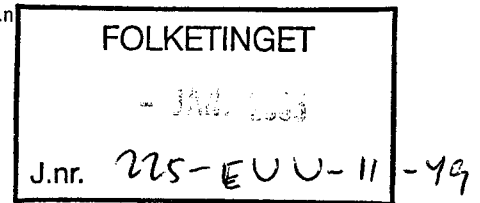




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Europaudvalget
EUU alm. del - Bilag 113
Offentlig

Driebergen, November 2004
Reference: adpa04.024

Dear Madam or Sir,

Enclosed, you will find a copy of the report *Religious Freedom in Bulgaria, Romania and Turkey – an assessment*. This report was a result of an assessment undertaken by the Dutch human rights group Jubilee Campaign NL on the request of several Christian relief funds and humanitarian organisations.

Jubilee Campaign has highlighted serious concerns over religious freedom in Bulgaria, Romania and Turkey. The enforcement of various religious laws or even the literal text of some laws in the three countries willing to join the European Union is not in accordance with international human rights treaties and covenants.

The Universal Declaration of Human Rights states that everyone has the right to freedom of thought, conscience and religion. The EU supports this declaration and yet is welcoming into its fold countries who are in flagrant breach of this principle. The EU should make it absolutely clear that the laws governing religious practice in these new member states should be brought into accordance with the international and European human rights treaties as quickly as possible.

The ad hoc coalition urges the European Commission to monitor the freedom of religion in candidate member-states more closely to ensure that freedom of religion is protected.

We would like to count on your co-operation in this matter.

Yours sincerely,



Mr. Arie de Pater
(project manager)

P.S. Extra copies of the report are available on demand.

Hierbij het rapport "Religious Freedom in Bulgaria, Romania and Turkey: an assessment"
Onze excuses voor de wat late verzending van deze uitgave.

We willen u graag op de hoogte stellen dat wij sinds 1 december 2004 zijn verhuisd van Driebergen naar
Andijk.

Ons nieuwe adres is:
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Please find enclosed the report "Religious Freedom in Bulgaria, Romania and Turkey: an assessment"
Our apologies for the delay in sending them.

We would like to take this opportunity to advise you of our recent move from Driebergen to Andijk. Please find
our new address and contact information below.

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**Religious Freedom in Bulgaria,
Romania and Turkey**
an assessment

Universal Declaration of Human Rights – Article 18

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

November, 2004

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Introduction

In June 1993, the European Council at Copenhagen laid down the foundations of the current enlargement process. According to the Council, membership requires that the candidate country ensures “stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities.” This is called the political criteria.

The right to freedom of religion is generally seen as one of the most fundamental rights. It is even said that this right is a good indicator for all the others.

For all countries which applied for EU membership, an annual report is issued. This report gives an insight into whether the state complies with the political and economic criteria for membership and specifies which steps still need to be taken to fulfil the requirements.¹

Last year, the Christian human rights organization Jubilee Campaign NL issued a report with the title “Religious Freedom in new and future EU member-states – law and practice.”² The report reviewed the situation in the ten countries which entered the European Union in 2004, the other candidate member-states and some countries in the region. It was financed by a temporary coalition of several NGOs.

At the end of this year, under the Dutch chairmanship, the European Union will decide on the candidacy or membership of three countries assessed in last year’s report, Bulgaria, Romania and Turkey. That’s why an update of the report was required.

The report you are reading now could not be compiled without the help of many people who took time to share me their thoughts and experiences on the religious freedom situation in their country. I hereby express (once again) my deep gratitude for their time and attention, their openness and dedication.

Not all of them will find their words quoted in this report. Nevertheless, they were helpful in giving me a picture of what was going on in their country.

¹ The EU’s accession reports and other information on the accession process can be found at http://europa.eu.int/comm/enlargement/report_2004/

² Report available at <http://www.jubileecampaign.nl/rapporten/EUrapport.pdf> and at <http://www.forum18.org/Hearing20031202.html>.

Conclusions

Although the European Commission states that both Bulgaria and Romania continue to fulfil the Copenhagen criteria, this report reveals that this is not the case as far as religious freedom is concerned.

Regarding Turkey, this report is in line with the findings of the European Commission that there is no full freedom of religion although substantial improvements have been made.

The most important issues are the legal position of the non-Muslim religions and beliefs, including the official registration of adherents and the official designation of houses of worship.

We strongly advise the European Commission to re-examine the religious freedom situation in Bulgaria, Romania and Turkey and to demand an improvement, and to examine the situation once again in more detail before Bulgaria and Romania are granted EU membership.

More generally, we advise the European Commission to assess candidate countries more thoroughly than they have done so far.

Summary

Once again we have to conclude that the Regular Reports of the European Commission fall short with regard to the right to freedom of religion. Hardly any critical remarks were made and those that were had no political consequences. The Commission's conclusion remains that Bulgaria and Romania comply with the Copenhagen criteria.

Bulgaria

We remain critical of the new Law on Denominations (2002) by which the Bulgarian Orthodox Church is registered *ex lege* and by which the so-called Alternative Synod is effectively outlawed. This led to the massive police crackdown on the premises used by the 'alternatives' on 21 July 2004.

The government and the judiciary claim that the occupation of the premises was solely because of disputed property rights. Others however assert that the police action represented illegitimate interference of the state in internal church matters. The latter allegations are serious enough to justify a thorough and independent investigation before Bulgaria is admitted as a member of the European Union.

Romania

The Government exercises considerable influence over religious life under regulations and decrees.

There is no clear procedure for the registration of religious groups and religions. This is serious as unrecognized religions cannot enjoy the same rights and privileges as recognized religions, for example over tax exemption or the right to hold religious classes in public schools.

The draft law "A Law to Regulate Religious Denominations" should be withdrawn as it discriminates against minority religions and thus violates the right to freedom of religion.

In June 2002, the Parliament passed legislation restituting religious properties confiscated by the communist regime. In many cases however, religious minorities have not succeeded in regaining possession of their former properties.

Turkey

The situation of religious minorities in Turkey has changed for the better, especially in the past few years. Nevertheless, a lot of work must be done – at least as far as religious liberty is concerned – before Turkey can enter the European Union.

At the very least, the procedure to obtain legal personality for religious organisations and the procedure to designate houses of worship should be clarified.

Furthermore, we advise a public campaign to change the attitude of both the police and society towards religious minorities.

Bulgaria

The Bulgarian Constitution provides for freedom of religion; however, the Government restricts this right in practice for some non-traditional religious groups. These restrictions are manifested primarily in a registration process that is selective, slow and non-transparent. The Government prohibits the public practice of religion by unregistered groups.³

The critical remarks regarding the 2002 Law on Denominations in last year's report⁴ were recently supported by a resolution of the Parliamentary Assembly of the Council of Europe (PACE).⁵

The most striking development since last year's report, with regard to religious freedom, was the occupation by the police of almost 250 buildings used by the Alternative Synod of the Bulgarian Orthodox Church (BOC) on 21 July 2004.⁶

The 2002 Law on religious denominations or Confessions, which came into force on 1 January 2003, provides that the BOC is a juridical person *ex lege*. The Alternative Synod of the BOC is effectively outlawed. According to paragraph 3 of the Transitional and Final Provisions of the law, "persons who have seceded from a registered religious institution in violation of its approved statute, cannot use an identical name and use or manage its property." This provision seems to have provided the ground for the occupation of the buildings used by the Alternative Synod.

There are medical reports of mistreatment by the police during the action against the 'alternatives'.

According to Fr. Kamen Barakov, even buildings erected after the 1992 split in the BOC were forcibly taken.⁷ Mr. Ivan Velinoff of the Department of Religious Affairs however, denies this allegation.⁸

One congregation now meets for worship in the open air in a park in the centre of Sofia. Their services are continuing without any police interference, although politicians have put pressure on the mayor to prohibit these open air meetings (see footnote 7).

In the eyes of Mr. Velinoff, the police action was successful as most of the priests of the Alternative Synod returned to the Synod of Patriarch Maxim. He expects the Alternative Synod to die out within one or two years (see footnote 8). This statement is challenged

³ International Religious Freedom Report 2004: Bulgaria, US Department of State, Bureau of Democracy, Human Rights, and Labor (15 September 2004)

⁴ Religious Freedom in New and Future EU member-states – law and practice, Jubilee Campaign NL, December 2003 (see footnote 2).

⁵ New Bulgarian Law on Religion known as the Confessions Act 2002, Resolution 1390 (2004), Parliamentary Assembly Council of Europe, adopted by the standing committee on 7 September 2004

⁶ Bulgaria: Police raid Orthodox churches, Forum 18 News Service, 23 July 2004 http://www.forum18.org/Archive.php?article_id=370 and Bulgaria: Police expulsion of Alternative Orthodox a dangerous precedent?, Forum 18 News Service, 3 August 2004 http://www.forum18.org/Archive.php?article_id=385

⁷ Jubilee Campaign NL interview with Fr. Kamen Barakov, Sofia (7 October 2004)

⁸ Jubilee Campaign NL interview with Mr. Ivan Velinoff, Sofia (8 October 2004)

by the spokesman of the Alternative Synod; Fr. Jordan Lesov, who maintained that only 10 percent of the priests returned.⁹

Mr. Jos van Dinther of the Embassy of the Kingdom of the Netherlands says that it is unclear whether the police action was related to property rights or to religious freedom.¹⁰ The above mentioned Fr. Barakov (see footnote 7) and Mr. Krassimir Kanev¹¹ of the Bulgarian Helsinki Committee are convinced of the latter.

It goes beyond the scope of this report to dig deeply into the history of the Bulgarian Orthodox Church and the schism within it. Nevertheless, the obviously orchestrated and forceful police action is at least questionable and should have been mentioned in the European Commission's Regular Report 2004 on Bulgaria. A thorough investigation is advisable.

The Bulgarian Helsinki Committee is preparing a report on the police raid and the alleged interference of the State in internal religious affairs (see footnote 11).

Both, Mr. Latchezar Popov, chief executive of the Bulgarian Rule of Law Institute¹² and Mr. Krassimir Kanev (see footnote 11) are preparing cases to be presented to the European Court of Human Rights in Strasbourg.

As the decision to raid the premises used by the Alternative synod came from the General Prosecutor, the decision cannot be challenged before the Bulgarian courts. This legal route through the General Prosecutor's office is open in urgent cases.¹³ According to Mr. Velinoff there was a matter of urgency in this case (see footnote 8). As the schism took place in 1992 and the premises were used ever since, this statement is at least questionable.

Mr. Velinoff shared that the Committee for Human Rights and Religions in the Bulgarian Parliament filed an amendment to the 2002 Denominations Law on 29 September 2004. The Department of Religious Affairs (DRA) is writing its expert opinion on this proposal but Mr. Velinoff does not expect serious objections to the amendment.

The proposal of the Parliamentary Committee covers 5 articles and paragraphs including three of the Transitional and final provisions but it will not change the *ex lege* registration of the BOC (see footnote 8). The amendment will also regulate Value Added Tax and other taxes for registered religious organisations.

Shortly after the filing of the above mentioned amendment a second amendment was filed. This second amendment not only includes the points of the first amendment but also a proposal to annul article 10 of the 2002 Denominations Law regarding the *ex lege* registration of the Bulgarian Orthodox Church.¹⁴ According to Mr. Krassi Momchev, chairman of the Bulgarian Christian Coalition, the filing of the second amendment might result in the rejection of both proposals.

Mrs. Rumiana Nehrizova, a lawyer supporting evangelical churches in the registration process, was critical of the Denominations Law (see footnote 4). In practice however, an

⁹ Jubilee Campaign NL interview with Mr. Jordan Lesov, Sofia (7 October 2004)

¹⁰ Jubilee Campaign NL interview with Mr. Jos van Dinther, Sofia (8 October 2004)

¹¹ Jubilee Campaign NL interview with Mr. Krassimir Kanev, Sofia (8 October 2004)

¹² Jubilee Campaign NL interview with Mr. Latchezar Popov, Washington (2 November 2004)

¹³ Jubilee Campaign NL interview with Mr. Dimitri Gotchev, Washington (30 October 2004)

¹⁴ Jubilee Campaign NL interview with Mr. Krassi Momchev, Washington (29 October 2004)

estimated 70-100 local churches were registered last year without serious problems. Each local court seems to have its own rules and prescriptions but, as long as you comply with these, registration is a formality.

As far as Mrs. Nehrizova is aware, there have not been refusals of local registrations of evangelical churches. A congregation in Kurdjali (close to the Turkish border) was denied registration by the local court. The Plovdiv court of appeal however overruled this sentence. The total procedure took more than 6 months in this case. Recently, in Plovdiv, registration was granted within one week.

Many umbrella organisations were registered with the Sofia City Court at the national level. It took some time to set up the procedure but when this was established, every organisation was granted official status, even those which should not be registered said Mrs. Nehrizova.¹⁵

According to Mr. Velinoff, 17 new denominations were registered with the Sofia City Court over the last year. All churches registered under the old law will be free from registration fees.

At local level, he says he is not aware of problems or refusals. It is up to the national headquarters of religious organisations whether they apply for registration and thus legal entity for their local chapters or not. Some, like the Jehovah's Witnesses, have chosen not to register and let the headquarters have the local premises and employees (see footnote 8). According to Mr. Kanev however, the Jehovah's Witnesses have had their local applications for registration denied (see footnote 11).

Their spokesman Mr. Liubomir Kiuchukov explained that the Jehovah's Witnesses are registered with the Sofia City Court and also in many municipalities. In three or four cities however, the local authorities seem somewhat reluctant to register the Jehovah's Witnesses. Another problem Mr. Kiuchukov mentioned is connected to their outreach activities. There are hundreds of municipalities in the country and it is almost impossible to get registered with all these local authorities. Some of these authorities, however, require registration even for an outreach in the smallest and remotest villages. Mr. Kiuchukov suggested the Denominations Law be amended on this point.¹⁶

According to Mr. Stoyko Petkov, president of Studio 865, a Christian media organisation, Protestant Christians – unlike the Orthodox Church, which has free access – are still not permitted to have regular air time on National Television. "If we speak with people they say more or less that it needs to be possible to be on National Television. In practice however there is a lot of resistance and it has been impossible to have a Protestant program or even a segment of a program on National Public Television."¹⁷

¹⁵ Jubilee Campaign NL interview with Mrs. Rumiana Nehrizova, Sofia (8 October 2004)

¹⁶ Jubilee Campaign NL telephone interview with Mr. Liubomir Kiuchukov (5 November 2004)

¹⁷ Email message to Jubilee Campaign NL from Stoyko Petkov (18 November 2004)

Romania

As according to the US International Religious Freedom Report 2004 on Romania there was no overall change in the status of respect for religious freedom in the last year¹⁸, we can maintain last year's critical remarks. Nevertheless, the European Commission repeated its opinion that Romania fulfils the political criteria.¹⁹

Although the Constitution provides for freedom of religion, the Government exercises considerable influence over religious life under laws and decrees. The Orthodox Church exercises substantial influence in its dominant role among a majority of the population.

The Government requires religious groups to register. There is no clear procedure for the registration of religious groups and religions. The Government has refused to recognize a number of religious groups since 1990. It took three years and pressure from foreign embassies before the Jehovah's Witnesses were recognized as a religion in 2003, although the Supreme Court had already ordered back in 2000 that the Jehovah's Witnesses were to be recognized. The total number of recognized religions is seventeen. Unrecognized groups allege that the registration process is arbitrary and unduly influenced by the Romanian Orthodox Church.

In autumn 2004, apparently under insistent pressure from the Orthodox Church, the Romanian Senate again discussed the draft law "A Law to Regulate Religious Denominations". According to the Romanian Baptist Union, this draft – which had been rejected back in 2001 – is fiercely criticized by most of Romania's religious denominations.²⁰

The draft introduces the principle of proportionality instead of equality. This principle of proportionality does not solely concern material support. It includes a wide variety of regulatory, political and moral roles, thus creating discriminatory conditions based on numerical strength.

The draft designates the Romanian Orthodox Church as the National Church, thus opening the way to a privileged position.

The draft prohibits "proselytizing through religious aggression" without limiting or defining its meaning.

The approval of the Government is required for any change in a denomination's Statutes.

Registration is only possible to denominations representing at least 0.5 percent of the total population of the country (approx. 110,000 people).

Unrecognized religions have to pay local property taxes on their places of worship, while recognized religions do not. There were difficulties around the Jehovah's Witnesses during their formally not recognized status; some communities asked them to pay taxes, while the Jehovah's Witnesses stated that a court ruling recognized their religion in 2000.

¹⁸ International Religious Freedom Report 2004: Romania, United States Department of State, Bureau of Democracy, Human Rights, and Labor (15 September 2004).

¹⁹ 2004 Regular Report on Romania's progress towards accession, Commission of the European Communities, SEC 2004 (1200), COM (2004) 657 final, Brussels (6 October, 2004).

²⁰ E-mail message to Jubilee Campaign NL from Paul Negrut (17 November 2004)

In November 2003, new regulations for the organization and operation of the commission in charge of issuing construction permits for places of worship. The regulations were modified in December 2003, eliminating the representative of the Orthodox Church in the commission. Previously, the Orthodox Church was the only religious organization in the commission. There are no reports of denied applications; however, there are some reports of lengthy delays.

There is no law against proselytizing, nor is there a clear understanding by the authorities of what proselytizing is. Several minority religions, including recognized and unrecognized groups, complain that low-level officials and Romanian Orthodox clergy impeded their efforts to proselytize, interfered in religious activities and otherwise discriminated against them. Local officials tend to be tolerant, but are often pressured and intimidated by Orthodox clergy.

Most minority religions have no difficulty receiving permits to build places of worship, although some complain that there are lengthy delays. The Jehovah's Witnesses report some cases where they had their permits approved by the central government, but were obstructed at the local level, where mayors refused to issue building permits.

The Government permits religious education in public schools, which is optional for students. Only recognized religions are entitled to hold religion classes in public schools. Although allowed by law, some minority religions report difficulties in actually offering classes in their faith. According to those minority religions, the local inspectors for religious classes are typically Orthodox priests who deny accreditation to teachers of other religions.

In June 2002, parliament passed legislation restituting religious properties confiscated by the Communist regime. Some properties had already been returned as a result of government decrees. Despite restitution by these decrees, in many cases religious minorities have not succeeded in regaining possession of the properties.

The Greek Catholic Church was the second largest denomination in 1948 when the Communists outlawed it and ordered its merger with the Romanian Orthodox Church. At the time of banning, the Greek Catholic Church owned over 2600 churches. Since 1989 it regained just 270 buildings, while the Greek Catholic Church claim it regained only 176.

A 1990 decree called for the creation of a joint Greek Catholic -Romanian Orthodox committee at national level to decide the fate of the churches that had belonged to the Greek Catholic Church in 1948. The Government enforced the decree in 1998. The Romanian Orthodox Church resisted efforts to resolve problems in the committee and as a result the committee meets only annually. Courts generally refuse to consider Greek Catholic Church lawsuits seeking restitution, referring to the joint committee.

In the committee the Romanian Orthodox Church and the Greek Catholic Church stand opposite each other. The Greek Catholic Church claims restitution of its former cathedrals and district churches and the return of churches in localities where there are two churches and one of them had belonged to the Greek Catholic Church. The Romanian Orthodox Church in turn stressed that the will of the majority of believers should be taken into account and restitution problems should be resolved by dialogue. The Romanian Orthodox Church calls for an end to all ongoing lawsuits and emphasizes that the construction of new buildings is the only solution to existing conflicts.

The centuries-long domination of the Romanian Orthodox Church, along with its status as the majority religion, has resulted in the Orthodox Church's reluctance to accept the

Turkey

According to Article 2 of the Turkish Constitution of 18 October 1982, “the Republic of Turkey is a secular state founded on the rule of law”. The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the Government imposes some restrictions on Muslim and other religious groups and on Muslim religious expression in government offices and state-run institutions, including universities.²¹

The Turkish constitutional principle of secularism was modelled on the French concept of *laïcité*. The constitutional principle of ‘secularism’ is more broadly defined than its French model, however.²²

The principle of secularism is given an institutional safeguard in the form of the Department of Religious Affairs (Diyanet) (Article 136, Turkish Constitution 1982). Instead of simply keeping a check on religion it has taken over control of Islam in Turkey and administers it (see footnote 22).

A report compiled by Evangelicals in 2002 complains: “Not a day goes by that we do not see news of ‘missionaries’ traitorous plans” on the television or in the papers. As public debate on this subject intensifies, so too does harassment of Christians.”²³ All informants agreed that the situation has substantially improved, especially in the last two years. This does not mean however, that Turkey fulfils the political Copenhagen criteria. Non-Muslim religious communities lack legal personality, and face restricted property rights and interference in the management of their foundations, and are not allowed to train clergy.²⁴

So far, there seems to be no legal procedure to register any religion as such.²⁵ Any form of registration is necessary to obtain legal status, rent or own property or appoint personnel.

Especially older churches and congregation, such as those belonging to the minorities recognized by the 1923 Lausanne treaty, have registered as a foundation (*vakaf*).²⁶ According to the European Commission, there are 160 of these minority foundations (see footnote 24). Officially however, the registration of a foundation with a religious goal is prohibited (see footnote 25). Moreover, this division between officially recognized religions and foundations is felt to be degrading for the latter.²⁷

²¹ International Religious Freedom Report 2004: Turkey, U.S. Department of State, Bureau of Democracy, Human Rights, and Labor (15 September 2004).

²² Human Rights in Turkey – Secularism = Religious Freedom? Otmar Oehring, Internationales Katholisches Missionswerk e.V., Human Rights Office, Aachen (2002).

²³ Rights violations experienced by Protestants in Turkey, evaluated in light of human rights law, Orhan Kemal Cengiz, Alliance of Protestant churches of Turkey, July 2002.

²⁴ 2004 Regular Report on Turkey’s progress towards accession, Commission of the European Communities, SEC(2004) 1202, COM(2004) 656 final, Brussels, 6 October 2004.

²⁵ Jubilee Campaign NL interview with Mr. Ilhan Keskinöz, Ankara, 4 October 2004.

²⁶ Jubilee Campaign NL interview with Mr. Erol Dora, Istanbul, 6 October 2004.

²⁷ Jubilee Campaign NL interview with Prof. Cüneyt Can, Ankara, 5 October 2004.

Until June 2003, the Act of Construction spoke only of “mosques”. In an amendment, this word was replaced by “houses of worship” (see footnote 21). Theoretically, this opens the way to register churches officially. Another provision in this amendment to the Act on Constructions requires a minimum plot of ground to build a house of worship. This blocks the way to establish a church in an apartment or office-building (see footnote 27).

Pastor Ilhan Keskinöz of the Presbyterian church of Ankara was fined on 28 October 2003, as the congregation gathered in a rented facility not officially designated as a house of worship. The district where the premise is located is designated as a zone for commercial use (see footnote 25).

On 24 September 2004, the church of Bodrum was closed by the local authorities. As this happened on Friday afternoon at about 5 pm, the first opportunity to challenge this police act was the following Monday, 27 September. Upon protest, the church was immediately reopened.²⁸ According to Mr. Behnan Konutgan of the Turkish Bible Society, incidents like this occur at least monthly.²⁹

This harassment of Evangelical churches and congregations does at least give ground to suspicions on the part of local citizens and thus strengthens the negative attitude towards non-Muslim believers (see footnote 28).

Prof. Cüneyt Can of the Middle East Technical University in Ankara stressed that changing the hearts of the people is even more important than changing the law (see footnote 27).

The religion of the holder is printed on ID cards. Changing religion is possible but difficult and can give ground to discrimination.³⁰ Therefore, some Christians choose to remain registered as Muslim despite converting to Christianity (see footnote 28). This complicates the designation of a house of worship as the municipality has to approve the appropriateness or the need to establish a church. If there are hardly any adherents registered, the request will most likely be denied (see footnote 27).

Although the Baha'is have a long history in Turkey and have an estimated 10,000 adherents, it is impossible to register as a Baha'i as this religion is not included in the list available at the civil administration. That's why most Baha'is leave their religion blank. Professor Can has been informed that the reference to the religion of the holder will be removed shortly from ID-cards. The records will however be kept at the civil administration (see footnote 27).

The registration of religion or belief of a person is also relevant as Muslims are obliged to follow Islamic religious education at school (see footnote 21).

Regardless the prohibition to register a foundation with a religious purpose, the Istanbul Protestant Church Foundation – which functions as an umbrella organization to churches in Istanbul and Izmir – was officially recognized in 2000. The total procedure took fourteen months and required a ruling of Turkey's highest court.³¹

²⁸ Jubilee Campaign NL interview with Mr. Ibrahim Deveci, Ankara, 5 October 2004.

²⁹ Jubilee Campaign NL interview with Mr. Behnan Konutgan, Istanbul, 6 October 2004.

³⁰ Turkish Christians Refused New Religious Identities, Compass Direct, November 2003.

³¹ Turkish Protestant Church Granted Full Legal Status, Compass Direct, January 2001.

As the foundation has legal personality, it owns the buildings of the churches under the umbrella and employs the pastors.³²

Although recognition of the Istanbul Protestant Church Foundation was presented as a legal breakthrough, so far the foundation is unique. The money needed to register might very well be a serious obstacle to others.

According to Protestant pastor Mr. Carlos Madrigal, the total procedure took approximately 10,000 US Dollars in legal fees and administration. Moreover, the sum of 20,000 Dollars had to be deposited for future activities. At present, the deposit required has been set at 600,000 US Dollars. The authorities say this sum is needed because of the expected activities of the religious foundation, such as educational institutes, orphanages, hospitals etc. (see footnote 32).

The Istanbul building owned by the Istanbul Protestant Church Foundation is not yet officially designated as a house of worship. At the time the building was obtained, official recognition was open only to mosques.

The zoning of the building should be changed to house of worship. A request has been filed with the Istanbul municipality.

Under the new law, the building should have a plot of land of at least 2,500 square metres. The Istanbul building however has only 400. Moreover, the local governor needs to evaluate the need for a house of worship. The minimum number of adherents is not known. That makes the designation as an official house of worship a long and difficult process (see footnote 32).

The Diyarbakir Evangelical Church has also been denied official designation as an official place of worship based on the 2,500 square-meters requirement. With 175 mosques open for worship within the Diyarbakir city limits, only the Ulu Camii (Grand Mosque) meets this requirement.³³

Appendix II provides a chronological overview of the difficulties the Diyarbakir Evangelical Church and its pastor encountered in obtaining legal recognition as a place of worship.

³² Jubilee Campaign NL interview with Mr. Carlos Madrigal, Istanbul, 7 October 2004

³³ Diyarbakir Church Refused Legal Zoning Status, Compass Direct, 14 June 2004

Appendix I: The Copenhagen Criteria

In June 1993, the European Council at Copenhagen laid down the foundations of the current enlargement process by declaring that “the associated countries in Central and Eastern Europe that so desire shall become members of the European Union” and by defining the membership conditions, the so-called Copenhagen criteria. Under the Copenhagen criteria, membership requires that the candidate country ensures:

- “stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities”: the political criteria.

Since the entry into force of the Treaty of Amsterdam in May 1999, these requirements have been enshrined as constitutional principles in the Treaty on European Union, and have been emphasised in the Charter of Fundamental Rights of the European Union, that was proclaimed at the Nice European Council in December 2000.

In order to evaluate the extent to which candidates meet the political criteria, the Commission not only provides a description of their various institutions (Parliament, Executive, and Judiciary), but examines how the various rights and freedoms are exercised in practice. With regard to human rights, the Commission analyses the way in which the candidate countries respect and implement the provisions of the major human rights conventions, including in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Appendix II: The Diyarbakir Evangelical Church

Date	Summary
13 May 2002	Protestant pastor Ahmet Guvener went on trial in Diyarbakir in southeast Turkey in late May, accused by the state prosecutor of making illegal changes in the architectural plan of his nearly completed church building.
9 August 2002	Government officials approved the revised architectural plan for the worship centre under construction, allowing work to resume at the building site on 30 July. Nevertheless Pastor Guvener still faced criminal charges accusing him, among other things, of "obstructing a historical site."
14 March 2003	Pastor Guvener was acquitted on 3 February of making illegal architectural alterations to the building.
15 December 2003	Seven months after the newly constructed Diyarbakir Evangelical Church opened, a local council under the Ministry of Culture and Tourism again protested the building's use as a place of worship. Pastor Guvener was served written notice on 30 October that the use of his building for any purpose except as a home was illegal.
8 April 2004	A criminal court for the second time pressed charges against Pastor Guvener, this time accusing him of "opening an illegal church."
13 May 2004	In what the Hurriyet newspaper called a "jet acquittal," Diyarbakir's Third Criminal Court dropped all charges against Pastor Guvener of opening an "illegal" church and he was fully acquitted.
14 June 2004	Zoning status recognizing the Diyarbakir Evangelical Church as an official place of worship was rejected by a local committee of the Ministry of Culture. Pastor Guvener was informed that Turkish law requires places of worship be situated on at least 2,500 square meters of property. The Protestant church property covers only 116 square meters. Ironically, word of the zoning rejection came just three days after the 12 May landmark decision in which Guvener was acquitted on criminal charges of trying to open an "illegal" church.
9 August 2004	An apparently deranged young Turk barricaded himself inside the Diyarbakir Evangelical Church on 19 July, breaking windows and setting fire to curtains, Bibles and cassette tapes until dense smoke finally forced him to surrender to the police.
18 November 2004	A committee acting under the Turkish Ministry of Culture has approved legal zoning of the Diyarbakir Evangelical Church, granting formal approval for the first new Protestant church to be built in south-eastern Turkey since the founding of the Turkish Republic.

All information in the table above is from Compass Direct,
<http://www.compassdirect.org>

Appendix III: Methodology

For the update of the report, Bulgaria and Turkey were visited. During these visits, some people were interviewed in person. Others were interviewed by phone or gave their opinion and experiences by e-mail. Further, information freely available on the internet was used.

List of informants

Bulgaria

Fr. Kamen Barakov, Bulgarian Orthodox priest, member of the so-called Alternative Synod of Patriarch Inokentii

Mr. Jos van Dinther, second secretary of the Embassy of the Kingdom of the Netherlands in Sofia

Mr. Dimitri Gotchev, former judge of the European Court of Human Rights, former judge of the Bulgarian Supreme Court and former judge of the Bulgarian Constitutional Court

Mr. Krassimir Kanev, director of the Bulgarian Helsinki Committee and professor at the universities of Plovdiv and Sofia

Mr. Liubomir Kiuchukov, spokesman of the Jehovah's Witnesses, Sofia

Mr. Jordan Kirilov Lesov, spokesman of the Bulgarian Orthodox Alternative Synod.

Mrs. Rumiana Nehrizova, lawyer, legal advisor of the Pentecostal churches in Bulgaria

Mr. Stoyko Petkov, president of Studio 865, Sofia

Mr. Latchezar Popov, chairman of the Rule of Law Institute, Sofia and president of Advocates Europe

Mr. Emil Velinoff, second secretary of the Directorate of Religious Affairs within the Bulgarian Interior Ministry

Romania

Mr. Paul Negrut, president of the Romanian Evangelical Alliance and president of the Romanian Baptist Union

Turkey

Mrs. Barbara Baker, Middle East Bureau Chief, Compass Direct, Istanbul

Mr. Jonathan W. Blythe, solicitor, Ledingham Chalmers, Istanbul

Prof. Cüneyt Can, Associate Dean, Faculty of Art and Sciences, Middle East Technical University, Ankara

Mr. Ibrahim Deveci, assistant pastor at the Kurtulus (Salvation) Church, Ankara

Mr. Erol Dora, lawyer, Istanbul





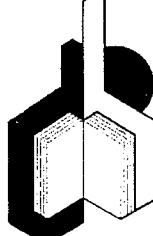



Mr. Ilhan Keskinöz, pastor of the Turkic World Presbyterian Church, Istanbul

Mr. Behnan Konutgan, director of the Turkish Bible Society, Istanbul

Mr. John Lenk, assistant, Turkic World Presbyterian Church, Istanbul

Mr. Carlos Madrigal, Main pastor of the Istanbul Protestant Church Foundation, Istanbul

Appendix IV: List of participants

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	<p>The Bible League P.O. box 567, 3800 AN Amersfoort – the Netherlands Tel. +31 33 4725800 Fax +31 33 4724950 www.bibleleague.nl</p>
	<p>Forum 18 P.O. box 6663, Rodeløkka, N-0502 Oslo – Norway www.forum18.org</p>
	<p>Jubilee Campaign NL P.O. box 21, 3970 AA Driebergen – the Netherlands Tel. +31 343 510159 Fax +31 343 510395 www.jubileecampaign.nl</p>
	<p>Stichting Kom Over En Help P.O. box 138, 3860 AC Nijkerk – the Netherlands Tel. +31 33 2463208 Fax +31 33 2462807 www.koeh.nl</p>
	<p>Stichting De Ondergrondse Kerk (SDOK) P.O. box 705, 4200 AS Gorinchem – the Netherlands Tel. +31 183 561186 Fax +31 183 561229 www.sdok.org</p>
	<p>Stichting Open Doors P.O. box 47, 3850 AA Ermelo – the Netherlands Tel. +31 341 417844 Fax +31 341 412622 www.opendoors.nl</p>
	<p>World Vision Amsterdamseweg 16-1, 3812 RS Amersfoort – the Netherlands Tel. +31 33 4643444 Fax +31 33 4643445 http://meero.worldvision.org or www.worldvision.nl</p>

