

European Court Rules Against Turkey's Religion ID

A European court on Feb. 2 ordered Turkey to remove the religious affiliation section from citizens' identification cards, calling the practice a violation of human rights.

Religious minorities and in particular Christian converts in Turkey have faced discrimination because of the mandatory religion declaration on their identification cards, which was enforced until 2006. Since then, citizens are allowed to leave the "Religion" section of their IDs blank.

The ruling by the European Court of Human Rights (ECHR) "is a good thing," said Zekai Tanyar, president of the Turkish Protestant Alliance, citing prejudices against Christian converts.

"[Religion on the ID] can cost people their jobs," he said. "It has been known to affect whether they get a job or not, how people look at them, whether they are accepted for a post or an application of some sort. Therefore I think [the ruling] is a good and appropriate thing."

Tanyar said the same principles would apply in the case of Muslims living in a country that had prejudices against Muslims. For converts in Turkey having to state their religion on their ID cards, "in practice, and in people's experience, it has been negative."

The ECHR ruling came after a Turkish Muslim national filed a petition challenging that his identification card stated his religion as "Alevi" and not Muslim. Alevis practice a form of Shia Islam that is different from that of the Sunni Muslim majority.

The court found in a 6-to-1 vote that any mention of religion

on an identity card violated human rights. The country was found to be in violation of the European Convention of Human Rights – to which Turkey is a signatory – specifically Article 9, which deals with freedom of religion and belief; Article 6, which is related to due process; and Article 12, which prohibits discrimination.

The presence of the “religion” box on the Turkish national identification card obliges individuals to disclose, against their will, information concerning an aspect of their personal convictions, the court ruled.

Although the government argued that indication of religion on identity cards did not compel Turks to disclose their religious convictions, the ECHR found that the state was making assessments of the applicant’s faith, thus breaching its duty of neutrality and impartiality.

In a statement on the verdict this week, Turkish Prime Minister Recep Tayyip Erdogan said that the ruling was in line with the government’s intentions.

“I don’t see the ECHR decision as abnormal,” he said, according to Turkish daily *Taraf*. “It’s not very important if it is removed.”

The ECHR is independent of the European Union, which Turkey seeks to join. The rulings of the ECHR are binding for members of the Council of Europe, of which Turkey is a member, and must be implemented.

A Step in the Right Direction

Human rights lawyers welcomed the decision of the ECHR, saying it is a small step in the direction of democracy and secularism in Turkey.

“It is related to the general freedom of religion in our country,” said human rights lawyer Orhan Kemal Cengiz. “They

assume everyone is Muslim and automatically write this on your ID card, so this is a good reminder that, first of all, everyone is not Muslim in this country, and second, that being a Muslim is not an indispensable part of being Turkish.”

The lawyer said the judgment would have positive implications for religious minorities in Turkey who are subject to intolerance from the majority Muslim population.

In 2000 Turkey’s neighbor Greece, a majority Christian Orthodox country, lifted the religion section from national IDs in order to adhere to European human rights standards and conventions, causing tumult among nationals.

“In Turkey, Greece or whatever European country, racism or intolerance or xenophobia are not rare occurrences if [religion] is written on your card, and if you are a minority group it makes you open to racist, xenophobic or other intolerant behaviors,” said Cengiz. “There might be times that the [religious] declaration might be very dangerous.”

International Implications

It is not yet known what, if any, effect the ECHR decision could have on the rest of the Middle East.

Because of its history, economic power and strategic location, Turkey is seen as a leader in the region. Like Turkey, many Middle Eastern countries have a place for religious affiliation on their identification cards. Unlike Turkey, listing religious affiliation is mandatory in most of these countries and almost impossible to change, even under court order.

According to Human Rights Watch (HRW), religious identification is used as a tool to deny jobs and even basic rights or services to religious minorities in many Middle Eastern countries.

"It's a serious problem from a human rights point of view," said Joe Stork, deputy director for the Middle East and North Africa for HRW, an international human rights organization. "It's especially problematic when that requirement becomes a basis for discrimination."

Stork said the identification cards shouldn't have a listing for religion at all. He said the European decision may eventually be used in legal arguments in Middle Eastern courts, but it will be a long time before change is realized.

"It's not like the Egyptian government is going to wake up in the morning and say, 'Gee, let's do that,'" Stork said.

Egypt in particular is notorious for using religion on IDs to systematically discriminate against Coptic Christians and converts to Christianity. While it takes a day to change one's religion from Christianity to Islam on their ID, the reverse is virtually impossible.