

Religion and discrimination in the workplace in Turkey: Old and contemporary challenges

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Abstract

Discrimination based on grounds such as gender or disability has been widely studied in recent research, but the issue of discrimination on grounds of religion or belief has proven to be far less traceable, less studied and more ideologically charged. In Turkey, a state discourse stating that 99% of the population is comprised of Muslim citizens conceals religious diversity in the country. Our contribution focuses on two main manifestations of discrimination within this framework: discrimination on the basis of wearing a headscarf in (or outside) the workplace and discrimination based on religious affiliation, specifically beliefs other than the majority Sunni-Hanefite Islam, in particular Alevi and non-Muslim minorities. Since there are a number of recent studies dealing with the issue of the headscarf, our primary focus will be on the latter topic. Our findings suggest that in the Turkish case, while the headscarf has dominated the issue of discrimination on religious grounds, a more egregious discrimination takes place against members of belief groups other than the Sunni-Hanefite majority. The issue of discrimination in the Turkish workplace on grounds of religion or belief presents interesting questions and challenges. Firstly, in a non-litigate society, discrimination on the basis of religious affiliation is hard to track and quantify. Secondly, recognition of difference does not always lead to pluralism.

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The issue of discrimination in the Turkish workplace on grounds of religion or belief presents interesting questions and challenges. While discrimination based on grounds such as gender or disability has been recently subject of research and publication,¹ the issue of discrimination on grounds of religion or belief has proven to be far less traceable, less studied and more ideologically oriented. That it is more ideologically oriented is related to the controversial and long-enduring question of the place of religion in Turkish society since the establishment of the republic in 1923. While the founders tried to restrict the public manifestations of Islam by confining it to the private realm, at the same time, they inherited the Ottoman understanding of minority defined by religion. This meant the continuation of the former division between Muslims and non-Muslims, leading to a homogeneous and singular understanding of the Muslim population and differential treatment vis-à-vis both the non-Muslims and non-Sunni Muslims despite the constitutional provision of equal citizenship. The suspicions towards Islam manifested through a particular understanding of secularism and the distrust in religious minorities, be it non-Muslim or non-Sunni, together constitute the source of the discrimination on grounds of religion or belief in the workplace in Turkey as manifested in the questions of the headscarf and minorities, both old and new.

The reason that it is less traceable, and hence less studied, can be found in the peculiarities of the Turkish legal system. Turkish society is not a litigate society, which means in practice that only few incidents make it to the court. It is safe to argue that the experience of discrimination is widespread and its number is significantly higher than the few court cases on religious discrimination. The reluctance to take the issue to the court for fear of further exclusion and defamation is quite common in Turkey.

Based on 29 expert-interviews conducted within the framework of the sociological investigation of the RELIGARE project, our study aims to draw a general picture of the main issues – old and new – and contemporary challenges related to the issue of the place of religion and religious identity in the workplace. It focuses particularly on two sources of discrimination: the headscarf issue and the situation of minorities, that is, those who do not belong to the Sunni-Hanefite majority and non-practising people or unbelievers.

General background on the data

A marker of the ‘non-involvement’ by the state is that religious affiliation is not among the census information provided by the Turkish Statistics Institute. Thus, although it is undisputed that Turkey is home to a rich variety of religious groups, concrete numbers of adherents of the different groups are not available. State discourse describes Turkey’s population as 99% Muslim, which comprises the Sunni Hanefi majority, Alevi (the second largest belief group in Turkey) and Shiite Caferis as main groups.² The remaining 1% is composed³ of different Christian groups, Jews, Baha’is and Ezidis.⁴

Among the 29 expert interviews⁵ conducted with representatives of religious communities, non-governmental organizations (NGOs) and political parties carried out in the framework of the RELIGARE project (Appendix), we included the head of the Foreign Relations Department of the Directorate of Religious Affairs (DIB), the President of the Turkish Religious Foundation/Diyanet Foundation (TDV), the director of the Center for Women's Activities of the Turkish Religious Foundation (TDV-KFM) and the former president of the Capital City Women's Platform (BKPD) as experts representing the majority Sunni-Hanefite Muslim believers. Two labour unions of Diyanet employees have a Sunni background: Diyanet-Sen represents the majoritarian Hanefite school of law and DIVES the Shafi school of law. The second largest religious group in Turkey by population, the Alevi, is represented through Alevi Bektashi Federation (ABF), Alevi Cultural Associations (AKD), Alevi Institute (AL-EN), Alevi Associations Federation (AVF) and Pir Sultan Abdal Culture Association (PSAKD). Representatives of the Istanbul Protestant Church Foundation (IPKV), the Jewish Community of Turkey, the Bahai Community of Turkey, the Greek Orthodox Ecumenical Patriarchate of Constantinople, the Yeşilköy Armenian School and the Midyat Syrian Culture Association were interviewed as opinion leaders of minority religions in Turkey. In terms of political orientation, seven members of political parties, including the governing Justice and Development Party (AKP), and the opposition parties Republican People's Party (CHP), Nationalist Movement Party (MHP), Peace and Democracy Party (BDP), Democratic Party (DP), Democratic Left Party (DSP) and Equality and Democracy Party (EDP) were interviewed. Members of Atatürkist Thought Association (ADD) and Support for Modern Life Association (ÇYDD) are included as representatives of more secularly oriented ideological viewpoint. Furthermore, interviews were carried out with the representatives of the Education and Science Workers' Union (EĞİTİM SEN), the Ankara Branch Office of the Organization of Human Rights and Solidarity for Oppressed People (MAZLUMDER) and Sami Mihellemi Dialog between Religions, Languages and Civilizations Association (Mihellemi).

The selection of respondents from a variety of fields aims at providing a picture of the different positions and views that characterize the manifold relationship between religion, society and state in Turkey. For further information on respondents and their affiliations see the Appendix.

Legislation and litigation

In the Turkish legal system, several laws are designed to protect employees against discrimination on the basis of their beliefs, whether those beliefs are of religious, philosophical or spiritual nature. Article 24 of the Constitution guarantees freedom of religion and conscience:

Everyone has the right to freedom of conscience, religious belief and conviction.

Acts of worship, religious services and ceremonies shall be conducted freely, provided that they do not violate the provisions of Article 14.

No one shall be compelled to worship, or to participate in religious ceremonies and rites, to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions.

Education and instruction in religion and ethics shall be conducted under State supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools. Other religious education and instruction shall be subjected to the individual's own desire, and in the case of minors, to the request of their legal representatives.

No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, social, economic, political and legal order of the State on religious tenets.⁶

Article 5 of Turkish Labour Law No. 4857,⁷ Discrimination Convention No. 111 and the Employment Policy Convention No. 122 of the International Labour Organization aim to prohibit the discrimination of employees for reasons of religion or belief. This being the case, there are areas in which the legislation does not automatically grant religious freedom for the individual in the public workplace. For instance, the employee may not take time off for prayer, or get a leave on religious holidays other than the officially recognized Sunni-Muslim holidays; in addition, the employee is required to act according to the dress regulations of the institution that s/he works for, and in most cases that means that s/he cannot wear religious attire to work and may need to keep her head uncovered. As for the private workplace, the Turkish legislation leaves it to the discretion of the employer whether or not they grant such accommodations.

According to Religious Discrimination at the Workplace Report by Ius Laboris (2010), legislation securing non-discrimination at the workplace in Turkey has not been generated upon demand but it has rather merged as a result of the European Union (EU) accession process. Different reports and researches, as well as media accounts, suggest that the number of discrimination experiences is significantly higher than the few court cases on religious or faith-based discrimination. It appears that in line with findings from other countries included in the RELIGARE project (Alidadi et al., 2012: draft of Summary of WP4 results), applying to courts is not a very common strategy in the search for accommodation of one's faith and only a few groups actually resort to the legal system for conflict resolution and claiming their rights. Solving conflicts out of court using personal relations is even more common in Turkey and seems to be the first choice of most persons confronted with discrimination.

The 2012 Progress Report for Turkey prepared by the European Commission includes an extensive section on legal proceedings in Turkey. The report underlines a lack of knowledge about legal rights among the population as well as problems in accessing legal assistance and remedies. Court proceedings ordinarily take a long time, usually several years, and the outcomes of these proceedings might be rather arbitrary. A large proportion of cases brought to the European Court of Human Rights (ECtHR) against Turkey concern right to a fair trial and complaints of lengthy proceedings.⁸

A recent case illustrates possible problems and personal costs that may arise for the plaintiff in legal procedures related to discrimination on grounds of religion in the workplace. Taylan Çakır, a teacher employed by a private tutoring institute, was fired from his teaching job. After his dismissal, he applied to the regional office of the Ministry of National Education, claiming that his dismissal was based on his Alevi identity. In his complaint, he stated that his co-workers exerted pressure to participate in collective

Sunni-Hanefite religious meetings and prayers and talked in an offensive way about Alevi and Shiites. The director of the institute, his boss, is said to have told Çakır when dismissing him that he was a good teacher but disturbed the educational environment they wanted to create by not participating in the prayers and talks. Furthermore, the director is reported to have said that ‘he did not want to continue the sin of working with an Alevi’. The case was made public and appeared in the press (*Birgün*, 2012). Following the media coverage of the case, the institute filed two separate lawsuits against Çakır for defamation. Çakır was acquitted in both lawsuits. The investigation by the Ministry of National Education ended with a reprimand issued against the director of the private tutoring institute. The warning that mentions about violation of the rules that are defined by the Civil Servants Law did not address Çakır’s Alevi faith. Although the case seemed to have ended in a positive outcome for Çakır, he received no compensation.

This example illustrates that when filing complaints against employers, a person undertakes some risks. The person’s religious identity can be exposed outside his or her will, which might cause defamation. In addition to being fired from his current job, s/he can face future unemployment. It also demonstrates that there is no guarantee of compensation or work reinstatement even in cases with a favourable ruling for the plaintiff.

Investigations focusing on gender-based harassment in workplace similarly illustrated distrust in the judiciary system. Yasemin Acik and her colleagues (2008: 361–366), for example, found that most victims of violence did not undertake any action in such cases because such actions have the potential to endanger their careers. Most victims also expressed that they did not know what the outcome would be, and whether anything could be effectively done to remedy their losses. In a similar research project on discrimination conducted among nurses, Efe and Ayaz (2010: 328–334) found a comparable unwillingness to file official complaints. The respondents believed that complaints would only lead to a penalization of the nurses and not the offenders, and would thus ‘backfire’. Again, a report by the Association of Protestant Churches of Turkey (2012: 6) formulated the situation in their Human Violations Report as follows: ‘One is not able to officially complain or open a court case on the basis of discrimination because of the difficulty of proving discrimination as well as the weakness of present laws in Turkey and their application’.

Religious symbols at the workplace – the ‘headscarf issue’

The first legislation in the Republic of Turkey to regulate the dress code of all citizens was the Headgear Act of 25 November 1925 (Law no. 671).⁹ This law dealt with the issue of discrimination on the basis of wearing a headscarf in (or outside) the workplace. A few years later the Dress (Regulations) Act of 3 December 1934 (Law no. 2596) banned the wearing of religious and ceremonial attire of clergy except in places of worship. Although this Act did not prohibit the wearing of headscarf as part of women’s clothing, it limited its uses, especially in the workplace, at a critical time when the women were becoming a major part of the workforce. Indeed, ‘unveiling marked the commitment of women to the republican reforms particularly to its new secular regime, principles of gender equality, and development, hence became the sign of western modernization while veiling was the sign of the rejected Ottoman past’ (Çorbacıoğlu, 2008).

Although regulations on the headscarf have been an issue for decades, they turned into heated discussions especially after the military coup d'état of 1980, when a regulation imposed by the military 'prohibited employees while on duty in public agencies, offices, and institutions from wearing, in the case of men, moustaches, beard and long hair, and in the case of women, miniskirts, low neck dresses and headscarves' (Olson, 1985: 163, in Çorbacıoğlu, 2008). In 1989, the Constitutional Court decided that the wearing of headscarves by students in educational institutions is contrary to the ideals of secularism and is therefore unconstitutional,¹⁰ and reconfirmed this view in 1991.¹¹ Special importance is attributed to the case of Leyla Şahin v. Turkey, which was brought to the ECtHR in discussions of the headscarf ban.¹² The Court ruling specifies the background of the Islamic headscarf in education facilities as a recent phenomenon that emerged in the 1980s and became closely linked to party politics that were 'perceived in Turkish society as a genuine threat to republican values and civil peace'.¹³ In consideration of the national context, the ECtHR ruled that 'the regulations on the Islamic headscarf [. . .] pursued, among other things, the legitimate aim of protecting order and the rights and freedoms of others and were manifestly intended to preserve the secular nature of educational institutions.'¹⁴

In 2008, the Turkish Constitutional Court once more upheld the ban on headscarves at universities.¹⁵ In the following years, there were significant changes and shifts in the main political discourse. In this changing political environment, several restrictions were lifted. Recent changes in regulations issued by the YÖK (The Higher Education Council) now allow students to wear the headscarf in universities and during exams,¹⁶ and in Imam Hatip Schools.¹⁷

Restrictions on dress code, particularly framed as the display of religious symbols for public officers and state employees, and particularly for those working in educational facilities, continue. State employees are subject to the Regulation on the Dress Code of Personnel and have to comply with the dress code outlined in that regulation. A section of this regulation states that state employees are not allowed to cover their head at the workplace.¹⁸ With a change in the directive for prospective teachers in December 2012, teaching interns are not subject to the dress regulations for public officers and teaching personnel during their internships, but have to comply with the regulations of the Board of Higher Education Council (YÖK) and are thus allowed to wear a headscarf in schools.¹⁹

The headscarf ban was also extended to lawyers until 2013 as Article 20 of the Rules for the Profession of Lawyers, for example, requires lawyers to have their head uncovered in courts. Following the application of a female lawyer who was refused to renew her lawyer-ID card with a photograph of her with her headscarf, the Council of State²⁰ ruled in January 2013 for the removal of this restriction (*Hürriyet Daily News*, 2013; *Zaman*, 2013).

In the Turkish case, attitudes towards regulations with regard to the headscarf to a certain extent depend on the interpretation and perception of its meaning.²¹ Our sociological research indicated that some part of the population perceives the headscarf to be a sign of refusal of modernity, a sign of accepting a patriarchal society and gender discrimination, as a way to distinguish and divide between believers and non-believers, as a tool to exert pressure on non-believers or non-practising Muslims, or as political symbol that

threatens secularism. Different and opposing viewpoints lead to heated discussions and debates. The current situation indicates that the place of the headscarf in the public sphere, that is, the relation between state and religion, is far from being negotiated in 'a neutral space', as one of the respondents phrased it. The sociological data from the research carried out in the RELIGARE framework draws attention to some of these main tensions.

Different perceptions and understandings of the headscarf

In order to understand the conceptions and debates around dress codes in terms of employment, let us first illustrate the different meanings of headscarf in the Turkish context.

Parallel to the argument of the ECtHR regarding the case of Leyla Şahin v. Turkey, many respondents draw a clear difference between *başörtüsü* (literally head cover, the traditional loosely bound headscarf, used mainly in rural areas) and *türban* (a tightly bound version that is mostly considered as 'political headscarf'). *Başörtüsü* is understood as part of a traditional/rural way of dressing, and in general has a more positive perception, whereas the latter, *türban*, remains at the heart of heated debates. Some informants representing the more secular views have a perception that the headscarf has a political connotation. This viewpoint forms the core of current discussions. As our respondent from the AVF stated, their problem was 'not the headscarf. If it hadn't been presented as a political symbol, it would not have turned into this big, unsolvable problem.'

The representatives of ADD, IPKV, AL-EN and MHP shared the perception that *türban* was a political symbol, and that, as such, it represents an aim to challenge and change the secular system in Turkey towards a religiously dominated one, based on the Sunni-Muslim faith. This fear that the secular system is at stake constitutes the heart of the debates on headscarf and should not be underestimated. According to the representatives of the Alevi Institute and the ADD, the state should distinguish between a 'politically used' headscarf and one worn for reasons of faith, tradition or fashion, and should restrict only the 'political' version. Nevertheless, there was no proposition on how such a distinction could be made in practice. The respondent from the Baha'i community explicitly points out that such a discussion is meaningless since distinguishing the political from other motivations would be an impossible task. The MHP member stated that allowing the headscarf would be more suitable for a democratic country, but due to the use of religion by great powers, it would not be possible in Turkey at the moment.

This understanding of the headscarf as a danger for the current state system is not shared by the representatives of the Directorate of Religious Affairs and its affiliated institutions (DIB, DIB-KFM, Diyanet-Sen). Quite on the contrary, while they also agree that the issue is used politically, they see it instrumentalized by secular groups to restrict religious freedoms.

As a part of freedom of religion headscarves can be in the public space. But there is a fear of the black chador [...] they show the worst example. At the moment those women wearing the black chador are not the ones who think of working in state offices anyways, they won't

work. [...] We also do not tell uncovered women how they have to comb their hair. A woman should be able to dress the way she thinks makes her beautiful without us interfering.²²

Here, the solution presented is to lift restrictions and not to impose anything. The representative of Diyanet-Sen advocates more space for discussion, where everyone can express their opinion freely, and is not immediately judged.

In a similar manner, the representative of the Pir Sultan Abdal Cultural Association regarded the consequences of lifting the headscarf ban rather pessimistically. Her concern is shared by some other respondents who also see a possibility that wearing or choosing not to wear *türban* might lead to further discrimination due to group pressure, no matter how tolerant, democratic and respectful of human rights the state claims to be. The PSAKD representative underlined an ingrained fear in society, 'which comes from lived experiences'. She stated that the Alevis, the minority group, which she is a representative of, 'would not disturb others wearing religious signs, or practising their religion, because they believe that the relationship between god and individual is important as long as the individual shows human values.' She added that if that ingrained fear was not there, the turban would not be an issue.

Providing public services – the case of education

Our research illustrates that there was a general agreement among some of our respondents in terms of headscarves in the workplace. A general distinction was drawn between those who were providing public services (for example teaching personnel) and those who were receiving them (for example students). In terms of the recipients of public services, headscarves are less problematic than those giving such services, whether in state offices or in education. Many respondents stated that restrictions should exist because providers of public services do act as a state authority and as such they should perform as neutral representatives and provide equal support to all parts of society. Our respondent from the Assyrian Church, for instance, stated that 'Except for those who provide public services and have power of decision in public concerns, everyone should have freedom of dress.'

In the field of education, the discussions related to the employment of women with headscarves plays a particularly important role. Teachers are seen as role-models, and they are entrusted with the education of future generations. The dress codes related to teaching personnel receive special attention, in terms of general discussions as well as media coverage.

Many of the court cases or media coverage on discrimination at the labour market concern the field of education. Decisions by the Supreme Disciplinary Board by the Ministry of National Education on cases no 2000/434 (11 October 2000) and no 2002/89 (12 June 2002), for example, both approved the dismissal of two primary school teachers for not complying with the dress code.²³

The political context plays an important role in what is represented in litigation. In the Turkish case, we see a strict enforcement of dress codes, including the headscarf, in schools by the end of the 1990s, especially following what is called the 'February 28

Events'.²⁴ Based on information provided by lawyer Fatma Benli, Genç and İlhan (2011) wrote that in this process more than 10,000 teachers were forced to resign with thousands of investigations opened against those not obeying the regulations.

Several of the respondents agreed with restrictions on religious symbols in education and especially in primary education. The representative from EGITIM-SEN's statement indicated the main concerns regarding this issue: 'Concerning those providing education, I do not find it suitable for them at any level to wear a headscarf as they provide services in the name of the state.'

A further aspect in the complexity of the discussion is the fact that the issue is not only about whether or not persons displaying religious symbols treat adherents of different beliefs differently, but also whether this display is perceived as a threat.²⁵ The respondent from the MHP, the nationalist party, counted this viewpoint amongst reasons for his opposition to teachers wearing the headscarf: 'When persons receiving education or giving public services wear a headscarf, it is perceived as a reason for discrimination by those who do not wear a headscarf.'²⁶

Most of our respondents expressed that there could not be a single regulation related to the headscarf as it represented a myriad of different meanings attached to it both by those who wear it and those who do not.

The president of the Equality and Democracy Party therefore proposed a further differentiation between 'providers of public services':

Our [Turkish] law on civil servants is problematic because we think all civil servants in one category. We need to create further categories: there are those who act in the name of the state and those who don't. There is a difference between a judge and a tax officer. The tax officer only takes my taxes and it won't make a difference or create discrimination whether the woman there wears a headscarf or not. [...] But as for the judge, it would cause problems if she/he reveals her [religious] identity.²⁷

The responses gathered from our expert interviews indicate that for some representatives of religious minorities, it is necessary to take into consideration the individual values as well as the specific and the general political context in order to decide whether or not restrictions might be justifiable and appropriate or not.

Two court cases, considered below, demonstrate how the laws are interpreted in a variety of ways, by different courts and at different levels within the legal system.²⁸

One of these cases is about a public servant's photo on the ID card and her removal. Aytaç Kılınç Çaman was appointed headmaster in a public primary school located within a military compound in Ankara. When she went to take up her new position, she was refused entry to the compound because the ID card she presented upon entry had a photo of her taken with a headscarf. Although she emphasized that she did not wear a headscarf while on duty, in the subsequent disciplinary proceedings the fact that she was wearing a headscarf on the way to and from school was considered as an illegitimate influence on the pupils. It was decided that instead of the leading headmaster position, she will be assigned as a teacher to another school. Kılınç Çaman appealed against this decision and brought the case to the Ankara 6th Administrative Court²⁹ that decided in favour of her. On the appeal by the governorship of Ankara, the case was submitted to the second

section of the Supreme Administrative Court (Danıştay; case no 2004/4051 and decision no 2005/3366) that overruled the earlier decision. Referring to the young age of the students in primary school and earlier disciplinary proceedings against the plaintiff, the court stated that her removal from a leading position was not in breach of the law as 'even if it was only on the way to and from school, she behaved against the basic principles specified in the Constitution and the Law on National Education concerning modern education and teaching'.³⁰

The case of Kevser Sönmez is yet another example illustrating the difference of legal opinion regarding the rules and regulations related to the headscarf. Kevser Sönmez, a primary school teacher, was wearing a wig over her headscarf, after disciplinary measures were taken against her. In this case,³¹ the court decided that the applicant, Kevser Sönmez, was not sincere in obeying existing rules and rejected her appeal against her dismissal (Yildirim, 2012: 183–204).

Restrictive interpretations did not allow for the commonly practised accommodation of wearing a wig instead of over the headscarf. At the same time, in those cases both women state that before the investigations, they were able to work for several years in different schools dressed in the same way without facing any complaint. This fact again indicates that in certain contexts the ban was applied more rigorously than others.

Most of our respondents were in favour of allowing freedom of dress for receivers of public services. However, in the field of education, the close relationship between regulations in education and the labour market is emphasized, as students are the future labour force, and thus the training of those wearing the headscarf is seen, by some, as a way of creating a new generation of educated women who will eventually want to partake in the labour force in different fields, including education, as providers of service. The respondent from DSP was of this opinion:

The field of education is just a first step. Once the headscarf enters education, it will also enter public institutions. You cannot tell a judge, doctor or teacher candidate to take off her headscarf after she was allowed to wear it at university. Then they will ask 'why did you accept me for university studies, if I do not have the right to work like this?'³²

The representative of the Federation of Alevi Foundations stated that students wearing a headscarf should be well aware of whether or not there are headscarf restrictions in the jobs they aim at before they start their studies. He pointed out that permitting headscarves at university will not solve the question of the regulations in state institutions:

Ok, you can or cannot enter university with headscarf; what will happen to those persons after they graduate in four or five years? Should these women stay at home after all this education? Won't she work in the public sector? If she is not allowed to work there, the state should warn her before she enters university.³³

These opinions as expressed through the expert interviews both underline the current perceptions on the issue as well as prospective issues for future controversies. Based on those views, it is highly probable that with the recent lifting of the headscarf ban at universities, the discussion of headscarf regulations at the workplace will continue and

even further intensify. We should also expect changes in the current regulations in the upcoming years in the direction of further relaxation of the ban on the headscarf. This development is predicted by the interviewee from the Federation of Alevi Foundations: ‘However much we say “you will not be able to not work as a judge or a public prosecutor”, we will see that they will work in all these positions’ (AVF).

A recent signature campaign started in January 2013 by Memur-Sen, a major confederation of trade unions of public servants, aims at removing headscarf restrictions in all public institutions. The same confederation also called for ‘civil disobedience’ on the first work day of 2013, expressed in boycotting dress regulations for one day.

Employers’ choices and recruitment criteria

In terms of applying pursuing legal remedies, one has to distinguish between dismissal from an existing position and selection criteria for employment processes. In the case of a dismissal, ‘based on the Turkish Labour Law, an employer of 30 employees or more must have a valid or justified reason to dismiss an employee’ (Ius Laboris, 2010: 237). Religion is listed, among race, colour, gender, marital status, political opinion or union membership as invalid criteria for dismissal (Ius Laboris, 2010: 237). As Süral (2009: 588) explains, during employment and when a contract is ended, there is some legal protection against discriminatory treatment. However, the recruitment process, in this respect, is not legally covered. The Turkish Employment Office prohibits discriminatory job advertisements, but there is a lot of discretion at the hands of the employer once the future employee starts the job application process. As Süral further notes, most large companies use central examination systems for recruitment, while for small and medium-sized companies, the main method is through job interviews. Standardized exams might be used to exclude underprivileged groups in society, as success rates depend on significant preparation, which requires private lessons, but nevertheless they present a quantifiable criteria for employment. The main problem lies with the firms that depend on job interviews for selection. These interviews leave a lot of freedom of selection criteria at the discretion of the employer. Once the legal proceeding begins, it is very hard, if not impossible, to make a supportive argument for the plaintiff, that is to prove that the job applicant was discriminated against if (s)he was refused employment based on race, sex, disability, political opinion, philosophical belief or religion. Art 122 of the Criminal Code provides for a prison sentence in case of discrimination exercised by the employer, but ‘[i]n practice, unsolicited job applicants do not apply to court with a claim of discrimination most probably due to the widespread belief that employers have absolute discretion as to such decisions’ (Süral, 2009: 589).

The legitimacy of considering religious background or affiliation in the recruitment process was investigated in our sociological research. We have approached the issue through two different perspectives: in one, the employer is a religious group, and in the other, the employer is in the private sector. Regarding both perspectives, the opinions were clustered around three arguments: (1) those who are completely opposed to the consideration of religious background/affiliation as a criterion; (2) those who accept this practice only if the job-definition is directly related to religious practice; and (3) those

who accept this practice under the principle of freedom of choice on part of the employer.

Most of our interviewees distinguish between job descriptions. Jobs directly connected to the religious practice of a group versus other more mundane jobs (such as secretary, driver, IT support, cleaning personnel) are evaluated differently. In the former, the requirement of belonging to the respective faith is deemed acceptable; in the latter, the only requirement is stated as respect to the community. This view was stressed by respondents from AL-EN, ABF, AKP, DIB, DIVES, Jewish Community and Patriarchate of Constantinople. Our respondent from DIB, for instance, stated that:

Concerning religious services, institutions should of course have the right to choose. An imam must not be appointed to a church and a priest not to a mosque for example. But apart from this, the principle of employment should not be religious or ideological affiliation but qualification. All persons living in this country should have the same access to employment.³⁴

The head of Diyanet's Foreign Department further extends that employing only persons from one's own faith and excluding others from employment would bring with it a danger that unemployed persons would convert in order to get a job.³⁵ The respondent from the Labour Union of Diyanet Employees stated that there should not be any intervention by the state concerning recruitment criteria and that 'civil society organizations should work with those who they think can provide them with good services' (DIYANET-SEN). Even though these statements are promising, it is nevertheless interesting to note that non-Sunni Muslims and non-Muslims rarely, if ever, are employed by the institutions functioning under the Directorate of Religious Affairs.

The representative from CHP agrees with the freedom of faith-based organizations in choosing in their recruitment practices and criteria but puts two conditions for its legitimacy: it must provide non-profit services and not receive any public funding: 'Faith-based organizations who do not receive any public (state or municipal) funding, and who provide non-profit services of a religious nature should have the right to employ adherents of their respective faith.' Alevi Associations, the Patriarchate of Constantinople and the Jewish Community emphasize that in their associations and related institutions, members of other faiths are also employed.

Concerning the case of religious leaders and personnel, respondents agree that organizations should have freedom of choice. However, some representatives of religious minority groups voice the problems their communities face in finding adequately trained religious personnel. In Turkey, some religious groups are not allowed to train their religious personnel, as religious schools and training facilities are either not allowed or cannot feasibly function within the existing system. These groups commonly send their members abroad for religious training or choose to employ foreigners. Concerning the latter, the Istanbul Protestant Church Foundation reported bureaucratic obstacles in obtaining an accepted legal status for religious personnel:

If we want to employ a religious person [priest], we have to employ foreigners, as our local friends here are not able to attain the necessary level of education. But the labour regulations

are very restrictive. A foreign family giving voluntarily religious services in Izmir for example was deported from Turkey as they did not have a work permit. If you do not accept the concept of voluntary work, then you have to make the access to the labour market easier.³⁶

The respondent from the CHP calls for a legal provision to solve such problems related to employment of religious personnel and ensure the right of all religious communities to access religious services. His statement stresses the importance of providing the bureaucratic and legal underpinnings for non-Sunni and non-Muslim religious personnel to be able to work in Turkey:

All human beings, whether they are Turkish citizens or not, should have the right to provide or receive religious services within their religious communities. Those who want to be gainfully employed by their religious communities to provide religious services in Turkey should have relevant work and residence permits. The provision of work and residence permits should not be carried out in a manner that is discriminatory to minority groups.³⁷

Most of the respondents find religious affiliation as a criterion for employment in faith-based organizations acceptable. The main reason behind this seems to be a consideration for the widespread perception that people belonging to a particular faith or coming from similar religious backgrounds are considered to be better fitting in a particular work environment.

Nevertheless, EGITIM-SEN emphasized the necessity for the state to act as an arbiter and to prevent discrimination and to ensure equal opportunities for all citizens: 'Faith-based organizations should have the right to choose the persons they employ if their faith requires so. But the state in such a case needs to take balancing measures against situations creating discrimination and unjust treatment.' (EGITIM-SEN)

When it comes to the private sector and profit-oriented companies, we have a more ambiguous picture. The majority of respondents find discrimination on religious ground as criteria unacceptable; several statements, nevertheless, defend the idea that the employer should have freedom of choice. Interviews illustrate concerns related to economic factors and transparency: the representative of the Mihellemi association correlated the compatibility of the convictions of the employer and those of the employee with the efficiency of the company, therefore bringing an economic argument³⁸ in favour of choosing employers not only according to their qualification, but also according to whether their ideologies, philosophies or religious convictions suit the working environment. The member of MHP adds that however an employee is chosen, the company has to carry the consequences if he/she is not suitable: 'If we look at it from economic side, there is a gain or loss relation. If they find a suitable person considering the belief, it is them, who will profit, if they do not, once again, they will be the losers.' The respondent from the Democrat Party (DP) also stressed a similar perspective, underlining that one could employ people of similar religious backgrounds:

Our religion says 'give work to your people [*ehl*]'; therefore it is important to employ your people and at the same time not discriminate against others. If there is such a religious practice, they might want to employ persons belonging to their own religious or faith group.

In accordance with the general attitude presented in other responses, the representative of the Turkish Diyanet Foundation stressed that the state should not interfere with the rights and freedoms of the individual and should defend the position that if a company is funded by a religious group, it should be allowed to employ according to their preferences. Thus employers should have the right to choose employees according to their religion. He backed up this argument with historical references to the Ottoman practice.

Explaining that a practice of choosing employees according to their religion or belief already exists anyways, the representative of the Capital City Women's Platform approves of the possibility to openly indicate if an employer is looking for someone of a specific faith. She stated that this would increase transparency:

Isn't it better if they say this openly? 'No, thank you, I want to work with people from my own faith'. Isn't this more honest? Now they also do it, but do not say it openly. The result does not change at all; they will not employ a person they don't like. The same is true for politics: rightists do not want to work with leftists, and leftists do not want to work with rightists. In bureaucracy it is again the same. Therefore I think that something existing anyways would become more transparent.³⁹

The members of small, disadvantaged, non-Muslim minority groups justify their reasons in employee selection positions differently. A representative of the Armenian community, for example stated that 'because of our disadvantaged position, I would first of all look whether he/she is Armenian. This cannot be called discrimination. This is a desire to work together with persons who are similar to oneself.' He further specified his position by explaining religious requirements of different religions and sects, and how such matters might work better in workplaces employing people of similar faith backgrounds. He said the following:

For example some businesses close on Friday for two hours for Friday prayer. What about Christians there, about their needs? What should they do? If some persons want to be together with other persons of the same faith, then this should be respected.

A similar opinion was expressed by our respondent from the Assyrian community from a historical perspective that takes into account long-enduring inequalities and their repercussions in the labour market: 'As long as inequality and distrust persist, everyone will have to show a defensive attitude. As a Christian oppressed for years in a Turkish and Muslim country, I would not adventure myself into employing a Sunni.'

Many other respondents, however, completely opposed the consideration of religious affiliation to be considered as a factor in recruitment, except for the employment of religious staff as religious service providers. A member from the DSP stated that:

Freedoms are not without limit. Employing personnel according to religious conviction is not acceptable. Belief groups do not have the right to define the economic space only according to their values and criteria.

He further expressed that in such cases, the state should intervene.

In a similar manner, the representative of ÇYDD finds this an unacceptable act of discrimination. Respondents from DSP, Istanbul Protestant Church Foundation, the Jewish Community, ABF, DIVES, ADD and MAZLUMDER were also among those who opposed such a practice, and deemed it as discriminatory. The latter mentioned that their association has been solicited to address the complaints not only by members of minorities, but also women wearing headscarves, who are refused positions because of their headscarf.⁴⁰ The headscarf, as discussed in detail previously, constitutes a special case regarding recruitment by state institutions due to the dress regulations for civil servants. Whether or not speaking in favour of restrictions on the use of religious symbols in public institutions, respondents referring to recruitment of public officers voiced clear opposition against the inclusion of religious affiliation as a criterion for employment. The representative from the Alevi Bektashi Federation, for instance, stated that faith-based recruitment would be a clear case of discrimination and exclusion, which would have a dividing effect in society. He referred to the case of Taylan Çakır, which was discussed previously, and expressed his concerns on the negative treatment that Çakır suffered in his workplace because of his religious affiliation. Similarly, he gave another example from Telekom [Turkish Telecommunication Group], which opened a training course in Erzurum to educate employees who will afterwards work all over Turkey. In this case, 'within the first week, as soon as it is understood that some of the apprentices were Alevi, they were dismissed right away. Such practices are not only found with private companies – state institutions do the same. There are many examples.'

Widespread nepotism appears to be one of the main concerns regarding employment procedures. Referring to nepotism, the president of Atatürk Thought Association (ADD) explained that in most public institutions 'being close to religious communities and having the same religious point of view is more important for career than qualification - and this even as state policy'. In a similar critique of current employment practices in the public sector, the respondent from the Organisation of Human Rights and Solidarity for Oppressed People (MAZLUMDER) advocated that 'first of all, we should fight against the discrimination in state institutions and afterwards in the private sector'.

Not all share the same position on that issue. A representative from the AKP, for instance, stated that 'Employers in the private sector should be able to employ whoever they want, but they should not just do it for pleasure. If there is discrimination the state should intervene and the individual should demand his or her rights.' In his expression, he advocated the position that employers should have the right to choose their employees freely, at the same time saying that there should be no discrimination, but there seems to be no clear rule where freedom ends and discrimination starts.

The headscarf: 'invisible' discrimination

One of the primary concerns in terms of dealing with discrimination in the workplace seems to be the proving of discriminatory actions. Cases related to the headscarf, in this respect, are more clear and identifiable. In other cases, however, the identification of discriminatory practices might be much harder. For instance, leaving the workplace for prayer, thus breaching working time regulations, mostly seems to pass without any

official record. Media articles from time to time pick up some cases, but with little or no follow-up.

Again, another case in point is discrimination on the basis of religious affiliation for adherents of non-Sunni Muslim beliefs. In this respect, several examples of the discriminatory practices against Alevi came up in the media. In January 2012, for example, the daily *Cumhuriyet* published an article on Semra Yıldırım, a security guard at a dormitory, who stated she was dismissed from her job because she was an Alevi (*Cumhuriyet*, 2012). The dormitory's administration had told her repeatedly that they did not want to work with an Alevi. Likewise, Müslüm Doğan was dismissed from his position as doctor after complaining about a lack of medical equipment in an Alevi area (Kayabaş and Kütküt, 2011: 20). Sema Nur Tokmaz, an Alevi woman working in a hospital canteen, was insulted and physically assaulted by her superior. When she complained, she was dismissed while her superior stayed in his position (Kayabaş and Kütküt, 2011: 21). In all these cases, administrations and superiors rejected the accusations and brought forth a variety of different reasons for the dismissals, preventing investigations going forward.

In a sociological research carried out among Alevi citizens in Turkey in 2010, more than half of the respondents stated that they experienced discrimination on grounds of religion or belief within the last 12 months (Erdemir et al., 2010a: 55). The accounts suggest that being an Alevi, a non-Sunni Turkish citizen, strongly influences the chances of employment, career advancement and responsibilities given at some workplaces. While numerous cases of dismissal were reported, more pervasive ways of discrimination and harassment are more prominent. Examples given by the respondents from all over Turkey range from insulting remarks from their bosses and co-workers to being constantly reassigned to unpopular units, and not being entrusted with any responsibility or being passed over for promotion.

Another point of criticism brought forward is the disadvantages experienced due to religious practices. For example, during the fasting month of Ramadan, non-fasting workers are normally assigned extra tasks to take over the workload of their fasting colleagues without extra pay, and many canteens in workplaces stop serving food. In such times, it is also reported that group pressure imposes a general fasting for all employees, whether or not it is part of their religious practices.⁴¹ Non-attendance to Friday prayers might, as well, lead to being left with an extra workload as well as being excluded from a personal network that might be decisive for job advancement in an area where relationships and connections. The accounts refer to experiences in the private as well as the public sector. Particularly in the latter, there are claims that during the job interviews certain identity markers, such as one's name or birthplace, may be stigmatizing, resulting in the rejection of the candidate. Such factors might even undermine results of more neutral anonymous written exams.⁴² A similar situation was also reported in a research by MAZLUMDER carried out in 2008.⁴³ In the report, a priest from Diyarbakır stated that the Christian community is nearly exclusively self-employed, or employed by other Christians, as it is nearly impossible to get employed as a civil servant or by other employers belonging to other religious groups. A lawyer with Armenian roots repeats the same experience: particularly in the security branch and the army, being Christian is a reason for exclusion from employment (MAZLUMDER, 2010: 47). In their analysis

of the headscarf ban, Genç and İlhan (2011: 20–21) state that besides women wearing a headscarf, other groups such as Alevis and non-Muslims are excluded from employment in state departments. Although there is no legal basis for such exclusion, widespread prejudices make this a reality. Meanwhile, most people in Turkey are not even aware that non-Muslims are not hired to work in state offices. An example provided in the report illustrates this point clearly: an Armenian political science student who graduated first from his department was told by the president of his university that he can only get a certificate for graduating fourth because the first three obtained the right to enter state offices while he could not (Özdoğan and Kılıçdağı: 2011). In its Rights Violations Report 2012, the Association of Protestant Churches mentions that it is common among members of their community who converted from Islam to Christianity not to change the space for 'religion' on their national ID cards in order to avoid discrimination. It is also stated that four members of the community in Izmir employed as civil servants in the same office were relocated when it became known that they were Christian. The justification for this act was the belief that they represent a 'missionary danger' for their workplace.⁴⁴

Lack of acceptance of plurality

The cases that are presented here illustrate, as several of our respondents described, a widespread lack of acceptance of plurality in Turkey.⁴⁵ This problem is one that has many dimensions, and is difficult to remedy. A representative from the Bahai community stressed that regulations might be of little use on their own or might even be counter-productive. The main problem, as he saw it, was a continuation and persistence of restrictive ways of thought.

The criticism that the respondent from the DP brings forth raises the question of an open mind and presents a general critique of the lack of discussion and recognition of different viewpoints:

Yes, I support freedoms, but I want to shout that what actually is limited is the mind and thoughts. They are not free; people are not allowed to talk freely. If we discussed openly, the points of view would change a lot. [...] Most of the theologians do not have any system; they always talk about tradition and hadithes. 'At the time of the prophet, women covered like this' they say. Are there any photos from the time of the prophet? In fact, those times were a lot more freedom-oriented [than nowadays].⁴⁶

The Chairman of the Mihellemi Association explicitly expressed the need for increased tolerance towards and acceptance of difference as a precondition for a change in the legislation restricting the use of religious symbols, especially the headscarf.

I do not think that people in Turkey are ready for this yet. In Turkey such things might be easily used for provocation. First the paradigm of respect towards difference and accepting others as they are, needs to be accepted by the people. Once this is achieved, everyone should be able to use whatever symbol or arguments wherever they want.⁴⁷

In the Turkish context, what makes the establishing of discriminatory practices difficult is also the fact that many members of minority groups choose to disguise their identities to avoid discrimination. This further strengthens the false picture of a homogenous population and renders it difficult to illustrate plurality. In order to avoid discrimination, members of non-Sunni or non-Muslim religious communities may opt to use a less distinctive name without sectarian or religious identity markers, not speak in their mother language or consciously avoid using symbols (such as a cross) that may reveal their identity to the public. In the workplace, the conscious aim to blend in may alter the daily functions of employees, when, for instance non-practising non-Sunni employees may refrain from eating in public at daytime during the fasting month of Ramadan (Erdemir et al., 2010b).

The report by Özdoğan and Kılıçdağı (2011: 32f) on Armenians states that it was not only employers but also the family who discouraged their members from entering certain workplaces out of fear of being exposed. The preferred strategy was to remain silently in the background.

Throughout our sociological research, two main positions in relation to specific demands emerged: the religious communities that are already recognized by the state and those who are closer to them asking for more specific religious rights for their communities. Contrary to this, oppressed religious communities and those communities whose rights are not granted by the state (such as the Alevi and small minority groups) frame their demands as equal citizenship rights for all. This differentiation hints at structural inequalities between different groups: a dominant (Sunni-Hanefite) group is represented with a formal state institution (Directorate of Religious Affairs) and some recognized religious minority groups that can benefit from the services from the state. At the opposing end of the spectrum there are the others who lack formal state recognition, such as the small minorities and the Alevi. In the general state discourse on religious rights, these 'others' in the second group are often excluded as they are not considered to fall within the state's definition of religion.

Evans (2010: 295–296) argues that the state should ensure a level of tolerance: 'It is also the role of the State to take steps to ensure that there is a degree of mutual respect between competing groups and in the presentation of different ideas and opinions. This, then, may not only justify State activism but may require it in cases where there is a lack of toleration and or respect.' A similar opinion was expressed by the respondent from the Equality and Democracy Party (EDP):

The freedom of expression of every belief group is not only a right but also a responsibility. What is this responsibility? The only way the state might intervene is to impose the idea that different groups should live peacefully next to each other. The state should not allow any campaigns like 'let's not buy from Jews'. In a climate of tolerance such a problem would not occur, but today's situation is harmful to our pluralistic structure, it splits up our society.

Conclusion

Discrimination on grounds of religion or belief in the workplace in Turkey demonstrates several dilemmas and challenges. In the first place, in a non-litigate society like Turkey,

discrimination in the workplace based on religious grounds is yet another manifestation of the rather broader problem of rule of law. In other words, addressing the problem of discrimination in the workplace is part of a deeper structural problem. Secondly, it is possible to say that state recognition of diversity and difference does not always and necessarily lead to pluralistic policies. In many cases, it even facilitates discrimination on the very ground of difference. In fact, most respondents agree that current state policy contributes little to the promotion of respect, tolerance and pluralism, but instead presents a singularistic perspective of a homogeneous society. Either a fear of 'splitting society' leads to a negation or tabooing of the existence of different identities or an emphasis on difference leads to discrimination. This attitude was illustrated in the statement of DIYANET-SEN: 'Many people with different roots live in Turkey, if we distinguished between them, how could we live together? You cannot separate society into Kurdish citizen, Turkish citizen, Circassian citizen; you should not split them into those wearing a headscarf and those not wearing a headscarf.' Here, a fear is that recognition of plurality would lead to division of the society into different camps, whether based on religion, ethnicity or other identities.

Thirdly, there is a dilemma between a controlling state on the one hand, and the need for the state and law as the arbiter in case of abuse and discrimination on the other. Thus, what we see in the Turkish case agrees with the argument of Alidadi et al. (2012: 8), that there is much 'room for the law to play a compass function towards creating a more tolerant society.'

The findings of our study show that, in Turkey, the discourse on faith-based discrimination in the labour market is dominated by the issue of the headscarf, an issue that will probably further gain in importance with the current loosening of restrictions in education.

Another aspect of faith-based discrimination, which is even harder to track but needs at least as much attention, is a more egregious discrimination of belief groups other than the Sunni majority. In their case, unequal treatment is not mainly based on visible symbols of their faith but rather on their religious affiliation and non-conformity with religious practices of the majority. Such cases are even less reflected in courts and harder to prove than cases with regard to clashes between religious practice and legal provisions (headscarf or prayer times versus workplace regulations). A further complicating factor is that the persons concerned often see themselves facing the dilemma between claiming their rights to equal treatment by exposing themselves and their belief group, what might lead to further exclusion and repudiation, and keeping a low profile. What remains the main challenge in Turkey is to ensure that accommodation of religious practices is implemented in a non-discriminatory way, regardless of the person's adherence to the majority religious group, hence without putting members of the other faith groups, non-practising Muslims and unbelievers at disadvantage.

Appendix: list of respondents

Religious/ political orientation	Organization	Title	Relevance to study
Sunni	Directorate of Religious Affairs (Diyanet), Foreign Relations Department	Head of the Department	Responsible for religious services in the European Union and in other countries provided by the Diyanet.
Sunni	Directorate of Religious Affairs (Diyanet), Strategy Development Department ^a	Head of The Department & Advisor to the Minister of State – in charge of the ‘Alevi Opening’	In addition to his position as head of Strategy Development Department of the Diyanet, Subasi was also advisor of Faruk Çelik, state minister and coordinator of the ‘Alevi Opening’.
Sunni	Turkish Religious Foundation (Türkiye Diyanet Vakfı)	President	The foundation advises the Directorate of Religious Affairs on construction and maintenance needs of mosques, runs hospitals, collects alms for the poor, etc.
Sunni	Turkish Religious Foundation/Center for Women’s Activities	Director	The objective of this Center run by the Turkish Religious Foundation is to organize religious, social and cultural activities to ensure that (headscarf) women take a more active role in the social sphere.
Sunni	Organisation of Human Rights and Solidarity for Oppressed People (MAZLUMDER), Ankara Branch office	Branch Office President	MAZLUMDER aims at the protection and improvement of human rights and freedoms of religion and belief, both in and outside Turkey.
Sunni	Capital City Women’s Platform (BKPD)	Former President	BKPD is an Ankara-based NGO, aiming at enhancing women’s participation in social life through education, employment and political activities.
Shafi	Foundation of Religious Workers Union (DIVES)	Secretary General	Union for Diyanet and Turkish Religious Foundation Workers; oriented towards Shafi Islam, partly in opposition to Diyanet decisions.
Alevi	Alevi Bektashi Federation (ABF)	President ^b	Umbrella organization of Alevi-Bektashi foundations.
Alevi	Alevi Cultural Associations (AKD)	Member	Umbrella organization of Alevi associations.
Alevi	Confederation of Alevi Foundations (AVF)	President	Umbrella organization of Alevi foundations.

(continued)

Appendix: list of respondents (continued)

Religious/ political orientation	Organization	Title	Relevance to study
Alevi	Alevi Institute (AL-EN)	Member of the Executive Board & Research Coordinator ^b	Research institute focusing on Alevism. It conducted a research on discrimination in 2009–2010.
Alevi	Pir Sultan Abdal Culture Association (PSAKD)	Secretary General	Umbrella organization of Alevi associations.
Protestant	Istanbul Protestant Church Foundation (IPKV)	Pastor	Works to improve religious and social services to the Protestant community in Turkey.
Jewish	Foundation for the Beyoğlu Jewish Rabbinate (Jewish Community)	Lawyers of the Foundation, Secretary General	Works to improve religious and social services to the Jewish community in Turkey.
Bahai	Bahai Community – Turkey	Director of External Relations	Works to improve religious and social services to the Bahai community in Turkey.
Assyrian (Süryani)	Midyat Assyrian Culture Association	President	Works to improve religious and social services to the Assyria Orthodox community in Turkey.
Greek Orthodox	The Patriarchate of Constantinople (Greek Orthodox)	Press secretary of the Patriarchate of Istanbul & Priest	Works to improve religious and social services to the Greek Orthodox community in Turkey.
Armenian	Yeşilköy Armenian School (Istanbul)	Coordinator of the Education Commission & Headmaster of the Yeşilköy Armenian school	Educational institution for the Armenian community.
Mihellemi	Mihellemi Association of Dialog Between Religions, Languages and Civilisations	President	Midyat/Mardin based NGO aiming at spreading information on religious, cultural, linguistic diversity of different groups especially Mihellemis.
Secular	Association for Supporting Contemporary Life (CYDD)	President	Works among others to increase the rates of schooling all over the country.
Secular	Atatürk Thought Association (ADD)	President	The main purpose of the association is to maintain and develop Atatürk's principles and secular state.
Religious Right	Labor Union of the Directorate of Religious Affairs employees (DİYANET-SEN)	President	DİYANET-SEN is the largest union of imams, close to AKP and Diyanet.

(continued)

Appendix: list of respondents (continued)

Religious/ political orientation	Organization	Title	Relevance to study
Left	Education and Science Workers' Union (EGITIM-SEN)	President ^b	EGITIM-SEN is one of the largest unions of teachers at public schools. It has a social democratic/socialist political orientation.
Center-Left	Republican People's Party (CHP)	Member of the Parliament & Member of the Party Assembly	CHP is a centre-left/social democratic political party in Turkey. It is currently the main opposition in the Turkish Grand National Assembly.
Center-Left	Democratic Left Party (DSP)	Secretary General	DSP is a minor centre-left political party in Turkey. It is not represented in the Turkish Grand National Assembly.
Socialist	Equality and Democracy Party (EDP)	President	EDP is a minor socialist and progressive political party. It is not represented in the Turkish Grand National Assembly.
Religious Right	Justice and Development Party (AKP)	Member of the Parliament ^b	AKP is a centre-right conservative political party. Since 2002 it has been the ruling political party and today has 327 out of 550 seats in the parliament.
Nationalist	Nationalist Movement Party (MHP)	Member of the Central Executive Board	MHP is a far-right political party and after AKP and CHP the third strongest party. It is currently the 2nd opposition in the Turkish Grand National Assembly.
Center-Right	Democratic Party (DP)	Vice President of the Commission for women, family and disabled persons	DP is a centre-right, conservative Turkish political party. It is not represented in the Turkish Grand National Assembly.
Kurdish nationalist	Peace and Democracy Party (BDP)	Member of the Party Assembly	BDP is a Kurdish nationalist party. It is currently the 3rd opposition in the Turkish Grand National Assembly.

^a Interview not included in the report as not approved.

^b Not in this position anymore as of 3 February 2012.

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Notes

1. See, for example, Kardam and Tokgöz (2004), Acik et al. (2008) and Efe and Ayaz (2010).
2. A common criticism of this '99% Muslim' discourse is that in practice, 'Muslim' is defined as Sunni. Accordingly, some Alevi groups do not use 'Muslim' in their self-definitions (e.g. ABF, HBVAKV).
3. The USCIRF report, in 2010, referring to the US Department of State gives the following estimations: total population in 2010 is 73,722,988 according to the Turkish Statistical Institute (TUIK): 15–20 million Alevi, 500,000 Caferis, 65,000 Armenian Orthodox Christians, 23,000 Jews, 15,000 Assyrian, 10,000 Bahais, 5000 Ezidis, 3300 Jehovah's Witnesses, 3000 members of Protestant sects, 1700 Greek Orthodox Christians and a non-specified number of Georgian Orthodox, Bulgarian Orthodox, Maronite Christians, Iraqi Chaldean Christians, Nestorian Assyrians and Roman Catholics.
4. Gülçiçek defines Ezidis as adhering to non-monotheist beliefs of ancient origin, such as Zoroastrianism and Manichaeism, especially in the Middle East. Ezidis emphasize their distinct religious identity. They speak Kurmanji, a dialect of Kurdish (Gülçiçek, 2004).
5. Thirty interviews were held and the transcripts were sent to the respondents for review and approval. As one out of the two interviewees from the Directorate of Religious Affairs did not respond back to us after our interview, the interview in question is not included in the analysis. The Directorate of Religious Affairs is thus represented by a single correspondent.
6. Article 24 of the Constitution of the Republic of Turkey.
7. See Article 5 of Turkish Labour Law (İş Kanunu) No. 4857.
8. See Turkey Progress Report 2012 by the European Commission, pp.21, 70–75.
9. See Şapka İhtisası Hakkında Kanun No. 671.
10. See the decision by the Constitutional Court published in the Official Gazette of 7 March 1989.
11. See the decision by the Constitutional Court published in the Official Gazette of 31 July 1991.
12. See *Case of Leyla Şahin v. Turkey*, Judgment of 10 September 2005, Series A no. 32 (2005), pp.14–15, ECtHR.
13. See *Case of Leyla Şahin v. Turkey*, Judgment of 10 September 2005, Series A no. 32 (2005), pp.14–15, ECtHR.
14. For criticism of the ruling see Benli (2010).
15. Human Rights Watch (2008).
16. See the decision by the Council of State (Danıştay) concerning the state exam for academic personnel and post-graduate studies (case no 2010/8496; Council of State (Danıştay), eighth chamber, 12 January 2011). In September 2012, a university professor was convicted and sentenced to two years and one month in prison for violating students' right to education by not allowing students with a headscarf to participate in classes.
17. While before officially the only exception to the headscarf ban in education was for female Imam Hatip students during the Quran courses, a new regulation by the Ministry of National Education, the Milli Eğitim Bakanlığına Bağlı Okul Öğrencilerinin Kılık ve Kıyafetlerine Dair Yönetmelik, published in the Official Gazette no 28480 on 27 November 2012, explicitly allows students to wear headscarves during all courses.
18. Kamu Kurum ve Kuruluşlarında Çalışan Personelin Kılık ve Kıyafetine Dair Yönetmelik. Council of Ministers' Decision 16/7/1982-82/5115.

19. Öğretmen Adaylarının Milli Eğitim Bakanlığına Bağlı Eğitim Öğretim Kurumlarında Yapacakları Öğretmenlik Uygulamasına İlişkin Yönerge. *Tebliğler Dergisi* October 1998/2493.
20. See Council of State (Danıştay), eighth chamber, case no 2012/5257.
21. See, for example, Göle (1999). This work is one of the most cited books discussing the veil and its politicization in Turkey. Göle describes Islamic veiling as a form of modernity and dealing with its specific struggles. See also Yıldırım (2012). In a parallel vein to Göle, Yıldırım argues that there is ‘not one meaning’ to the headscarf and ‘its significance is personal and contextual’.
22. Diyanet-Sen
23. See Regulations on Dress Code for Personnel of Public Institutions and Establishments No. 8/5105.
24. ‘Feb. 28 Events’ refers to the so-called post-modern coup by the Turkish military against the coalition government headed by the Islamist Welfare Party (RP). The ensuing process, also known as the ‘28 Feb. Process’, witnessed a series of measures to restrict the Islamist movement in Turkey.
25. See also the reasoning of the ECtHR in the *Case of Leyla Şahin v. Turkey*, Judgment of 10 September 2005, Series A no. 32 (2005).
26. MHP.
27. EDP.
28. These illustrate comparable cases to those presented by Katayoun et al. (2012).
29. Ankara sixth Administrative Court, Judgment of 22 March 2002, case no 2001/1604 and decision no 2002/329 (2002).
30. This decision caused extensive discussions and the judges were harshly criticized by religiously oriented newspapers. Kılınc Çaman was assigned to different schools in various neighbourhoods of Ankara and, after passing the headmaster exam for a second time, she currently works as director at a small school.
31. Sakarya second Administrative Court, case no 2001/14 and decision no 2001/2854.
32. DSP.
33. AVF.
34. DIB.
35. This criticism might seem curious coming from a representative of the Diyanet, a state institution being employer of around 114,000 persons, the majority of whom are imams, preachers and Quran teachers who can be classified as Sunni Muslim religious personnel.
36. IPKV.
37. CHP.
38. Alidadi et al. (2012) made a similar argument about European countries, where ‘staying in business’ is an important concern.
39. BKPD.
40. See Benli (2011) and Cindoğlu (2010).
41. Kayabaş and Kütküt (2011: 20). The documentary by Sülüz Sağlam and Ferya Saygılıgil mentioned in the report gives an account of such disadvantages, especially during Ramadan and Friday prayer, experienced by Alevi workers. Out of fear of losing their job, they preferred to not make any complaints. See also Toprak et al. (2009: 31–40, 100–104).
42. Erdemir et al. (2010b).

43. MAZLUMDER (2010: 467).
44. See Association of Protestant Churches (2012: 7) .
45. See also Toprak et al. (2009).
46. DP.
47. Mihellemi.

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