

117TH CONGRESS
1ST SESSION

H. R. 3056

To oppose violations of religious freedom in Turkey by the Government of Turkey and to safeguard the rights and religious freedoms of the Ecumenical Patriarchate.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2021

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. BILIRAKIS, Mr. MCGOVERN, Mr. FITZPATRICK, Ms. TITUS, Mr. SARBANES, Ms. MALLIOTAKIS, Mr. CICILLINE, Ms. LOFGREN, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To oppose violations of religious freedom in Turkey by the Government of Turkey and to safeguard the rights and religious freedoms of the Ecumenical Patriarchate.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Turkey and Ecumeni-
5 cal Patriarchate Religious Freedom Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The promotion and protection of the univer-
2 sally recognized right to the freedom of religion is a
3 priority of United States foreign policy as stated in
4 section 402 of the International Religious Freedom
5 Act of 1998 (22 U.S.C. 6442).

6 (2) The Ecumenical Patriarchate is the spir-
7 itual home of the world's oldest and second largest
8 Christian Church.

9 (3) Within the 2,000-year-old Sacred See of the
10 Ecumenical Patriarchate, the New Testament was
11 codified and the Nicene Creed was created.

12 (4) Ecumenical Patriarch Bartholomew is one
13 of the world's preeminent spiritual leaders and
14 peacemakers representing over 300 million Orthodox
15 Christians worldwide.

16 (5) The disappearance of the See would mean
17 the end of a crucial link between the Christian and
18 the Muslim world since the continuing presence of
19 the Ecumenical Patriarchate in Turkey is a living
20 testimony of religious co-existence since 1453.

21 (6) The Ecumenical Patriarch has direct juris-
22 diction over the Greek Orthodox Archdiocese of
23 America and thus is the spiritual and ecclesiastical
24 leader of its 1.5 million adherents.

1 (7) The Ecumenical Patriarch is, in a sense,
2 also an American spiritual leader and should be af-
3 forded the protections of an American spiritual lead-
4 er.

5 (8) Ecumenical Patriarch Bartholomew was
6 awarded the Congressional Gold Medal, the highest
7 award bestowed by the United States Congress, and
8 he coordinated with religious leaders around the
9 world to issue a condemnation of the September 11,
10 2001, attacks on the United States as an anti-reli-
11 gious act.

12 (9) The Ecumenical Patriarchate has a record
13 of reaching out and working for peace and reconcili-
14 ation amongst all faiths and has fostered dialogue
15 among Christians, Jews, and Muslims.

16 (10) The Ecumenical Patriarchate co-sponsored
17 the Peace and Tolerance Conference in Istanbul
18 which issued the Bosphorus Declaration that stated,
19 “A crime committed in the name of religion is a
20 crime against religion.”.

21 (11) Ecumenical Patriarch Bartholomew stated
22 in Brussels in 2004, “The Ecumenical Patriarchate
23 is a supranational ecclesiastical institution . . .
24 which demonstrates religious tolerance as a beautiful
25 reality. For we bear respect toward all of our hu-

1 mans, irrespective of their faith. Without any trace
2 of fanaticism or discrimination on account of dif-
3 ferences of religion, we coexist peacefully and in a
4 spirit that honors each and every human being.”.

5 (12) In 1993, the European Union defined the
6 membership criteria for accession to the European
7 Union at the Copenhagen European Council, obli-
8 gating candidate countries to have achieved certain
9 levels of reform, including stability of institutions
10 guaranteeing democracy, the rule of law, and human
11 rights, and respect for and protection of minorities.

12 (13) Turkey’s persecution of religious minori-
13 ties violates the European Union Charter of Funda-
14 mental Rights as well as the United Nations Inter-
15 national Covenant on Civil and Political Rights,
16 which Turkey has signed and ratified, and which
17 guarantees freedom of religion.

18 (14) The Government of Turkey has failed to
19 recognize the international legal personality of the
20 Ecumenical Patriarchate.

21 (15) The Government of Turkey and the gov-
22 ernments of all nations should accord to the Ecu-
23 menical Patriarchate the diplomatic rights and im-
24 munities under the Vienna Convention.

1 (16) The Government of Turkey has and con-
2 tinues to violate the rights and privileges of the Ecu-
3 menical Patriarchate under the Treaty of Lausanne
4 of 1923 and prior treaties.

5 (17) The Government of Turkey has limited
6 candidates available to the Holy Synod of the Ecu-
7 menical Patriarchate to Turkish nationals and
8 reneged on its agreement to reopen the Theological
9 School at Halki, thus impeding the training for Or-
10 thodox clergy.

11 (18) The Government of Turkey has confiscated
12 75 percent of Ecumenical Patriarchate properties
13 and has placed a 42-percent retroactive tax on the
14 Balukli Hospital of Istanbul which is operated by
15 the Ecumenical Patriarchate.

16 (19) Turkey has systematically converted or de-
17 stroyed minority religious symbols and property, in-
18 cluding converting the Hagia Sophia and Church of
19 the Holy Saviour in Chora, UNESCO-designated
20 museums located in Istanbul, into mosques, in viola-
21 tion of the UNESCO convention.

22 (20) The European Council has agreed to open
23 accession negotiations with Turkey, conditional upon
24 the continuation by Turkey of reform processes to

1 increase protection and support for human rights
2 and civil liberties.

3 (21) Although the Constitution of Turkey os-
4 tensibly provides for freedom of religion, the United
5 States Commission on International Religious Free-
6 dom’s 2021 Annual Report on International Reli-
7 gious Freedom maintains that, “In 2020, religious
8 freedom conditions in Turkey continued to follow a
9 troubling trajectory. In July, Turkish President
10 Recep Tayyip Erdogan issued a decree converting
11 back into a mosque the famous Hagia Sophia, a
12 former church that had been serving as a museum,
13 in a move that many denounced as divisive and hos-
14 tile to Turkey’s religious minorities. . . The govern-
15 ment furthermore made little to no effort to address
16 many longstanding religious freedom issues and it
17 ignored the continued targeting and vandalization of
18 religious minority properties throughout the country.
19 Despite repeated requests by religious minority com-
20 munities for permission to hold board member elec-
21 tions for non-Muslim foundations, the government
22 did not permit those elections during the year. Simi-
23 larly, the government disregarded calls for the re-
24 opening of the Greek Orthodox Halki Seminary and
25 continued to deny legal personality to all religious

1 communities. . . In December, Turkey’s parliament
2 passed a law that human rights groups warned
3 would increase governmental control over civil soci-
4 ety, including religious groups, by subjecting them to
5 intensified oversight and new limitations on online
6 fundraising. . . Many religious minorities continued
7 to feel threatened in connection with incidents per-
8 petrated by nonstate actors or due to direct pressure
9 from the state. . . Throughout the year, authorities
10 brought politically motivated charges of blasphemy
11 against individuals and groups, while others in offi-
12 cial positions utilized rhetoric characterized as hate
13 speech that denigrated nonreligious individuals and
14 members of the lesbian, gay, bisexual, transgender,
15 and intersex (LGBTI) community. Religious sites—
16 including places of worship and cemeteries—were
17 subject to vandalism, damage, and, in some cases,
18 destruction, which the government regularly fails to
19 prevent or punish.”.

20 (22) Accordingly, in its 2021 Annual Report on
21 International Religious Freedom, the United States
22 Commission on International Religious Freedom rec-
23 ommended that the Department of State “[i]nclude
24 Turkey on the U.S. Department of State’s Special
25 Watch List for engaging in or tolerating severe vio-

1 lations of religious freedom pursuant to the Inter-
2 national Religious Freedom Act (IRFA)”, the same
3 recommendation it made in 2020.

4 **SEC. 3. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the designation of Turkey as a country on
7 the “Special Watch List” for severe violations of re-
8 ligious freedom pursuant to section 402(b)(1)(A)(iii)
9 of the International Religious Freedom Act of 1998
10 (22 U.S.C. 6442(b)(1)(A)(iii)) would be a powerful
11 and effective tool in—

12 (A) highlighting abuses of religious free-
13 dom in Turkey and against the Ecumenical Pa-
14 triarchate; and

15 (B) in encouraging improvement with the
16 respect to religious freedoms and the rights of
17 the Ecumenical Patriarchate in Turkey; and

18 (2) the President should, in accordance with the
19 recommendation of the United States Commission
20 on International Religious Freedom, designate Tur-
21 key as a country on such “Special Watch List”.

1 **SEC. 4. REPORT ON FAILURE TO PLACE TURKEY ON THE**
2 **“SPECIAL WATCH LIST” FOR ENGAGING IN OR**
3 **TOLERATING SEVERE VIOLATIONS OF RELI-**
4 **GIOUS FREEDOM.**

5 (a) IN GENERAL.—Except as provided in subsection

6 (b), if—

7 (1) the United States Commission on Inter-
8 national Religious Freedom recommends in its An-
9 nual Report on International Religious Freedom
10 that Turkey should be placed on the “Special Watch
11 List” for engaging in or tolerating severe violations
12 of religious freedom pursuant to section
13 402(b)(1)(A)(iii) of the International Religious Free-
14 dom Act of 1998 (22 U.S.C. 6442(b)(1)(A)(iii)), and

15 (2) Turkey is not placed on such “Special
16 Watch List” pursuant to such section
17 402(b)(1)(A)(iii) within 90 days after the date on
18 which such Annual Report is submitted to Congress,
19 the President shall, not later than 90 days after making
20 the determination not to place Turkey on such “Special
21 Watch List”, submit to the appropriate congressional
22 committees a report that contains a detailed justification
23 therefor.

24 (b) EXCEPTION.—The President is not required to
25 submit a report under subsection (a) if, at the time the
26 report is required to be so submitted, Turkey—

1 (1) has been designated as a country of par-
2 ticular concern for religious freedom pursuant to
3 clause (ii) of section 402(b)(1)(A) of the Inter-
4 national Religious Freedom Act of 1998 (22 U.S.C.
5 6442(b)(1)(A)); or

6 (2) has been placed on the “Special Watch
7 List” for engaging in or tolerating severe violations
8 of religious freedom pursuant to clause (iii) of such
9 section.

10 **SEC. 5. REPORT ON THE DEPARTMENT OF STATE’S POLICY**
11 **FOR PROMOTING RELIGIOUS FREEDOM IN**
12 **TURKEY.**

13 Not later than 90 days after the date of the enact-
14 ment of the Act, the Secretary of State, following con-
15 sultation with the appropriate congressional committees,
16 shall submit to the appropriate congressional committees
17 a report on the Department of State’s policy for promoting
18 religious freedom in Turkey, including a description of
19 planned efforts to combat deteriorating conditions for reli-
20 gious freedom in Turkey, including diplomacy, foreign as-
21 sistance, and other relevant efforts.

22 **SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
23 **FINED.**

24 In this Act, the term “appropriate congressional com-
25 mittees” means—

1 (1) the Committee on Foreign Affairs and the
2 Committee on Appropriations of the House of Rep-
3 resentatives; and

4 (2) the Committee on Foreign Relations and
5 the Committee on Appropriations of the Senate.

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