

All international treaties and human rights protocols protect the Freedom of belief and conscious which is one of the essential rights in any democratic society. The United Nations decision abolishing all kinds of discrimination that is based on the religion or belief, The European Human Rights convention and Civil and Social Rights Convention provide freedom of religion to people. The freedom of religion includes the right to choose and change one's religion along with the right to practice and teach, individually or collectively, in private or in public, as rituals or otherwise, of the religious belief. It also includes the right for one to reveal his or her religion.

The practice of a religion consists of individual and collective worship and rituals. The freedom of religion will not be actualized by securing the beliefs and feelings in the heart only. This freedom encompasses the right to practice the beliefs. Just as the freedom of thought cannot be imagined without the freedom of expressing the thought, the Freedom of belief and conscious comprises the practices of their beliefs in their private and social life.

In Turkey, especially after post-modern coup in 1998, there has been an ongoing undemocratic practice targeting the freedom of religion and conscience. It is assumed that when women wear headscarf, they are giving up their other basic rights and liberties; and it is also claimed that they cannot exist in social life with their attire symbolizing their religious orientation. As corollary of such thinking, they are not allowed to take their place in any level of educational activities, and are not employed or hired as civil servant.

The ban have often resulted in severe cases like; restrictions of people from having treatment in a hospital, presenting herself before court and attending their children graduation ceremony. There is no border in practicing of this arbitrary ban. Last month, Şeyma Turkan who passed the university entrance exam has been rejected in the registration process due to her use of wig which is used as an alternative to uncover her head.

Also I passed the university entrance exam like other students and gained to start the medical faculty. After I studied there for five years without any problem; I was forced to stop my education by this ban. At the current situation I cannot enter my faculty even as a visitor.

The reasoning of the ban simply assumed that these doctors who are capable of deciding about other people's life and health are not enough to decide whether to wear scarf or not for themselves.

There are hundreds thousands of women who have not completed or even yet started their education due to their belief. There is no restriction about dressing in universities except wearing scarf. It shows the reason of ban is expressions of religion and they have been punished just because of their will to practice their beliefs.

In addition the pressure of the ban, there have been numerous families and husbands forcing women to uncover their head in order to not to lose their education and social rights after this arbitrary dress code.

Furthermore there has been strong social pressure imposing being more modern individuals without scarf for more then one century in Turkey. In spite of this long term of pressure and socio economic sanctions if there are still thousands of women trying to wear headscarf, it is quite difficult to blame the external forces but it shows a sincere belief.

The Diyanet, the state body of religion affairs, stated that the headscarf is a requirement of Islamic religion. Thus, It is a normal religious practice to cover her head for a Muslim woman. She may use headscarf or not. Nobody has right to force her to do against her will. In contrast, students in Turkey are forced to uncover their heads. Individuals are forced to make choice between their rights of education and their religious beliefs. This clearly illustrates that freedom of religion and conscience is definitely violated in Turkey which claims to be a democratic laic state.

In the related rapport of Human Right Watch, It is stated that “To force women to cover their head or to uncover it restricts fundamental principles of women’s right to individual autonomy and to make personal decision. A flat prohibition on students wearing visible religious symbols in schools violates freedom of religion. The International Covenant on Civil and Political Rights (ICCPR) obliges state authorities to avoid force in matters of conscience.”

International Covenant on Civil and Political Rights the Article 18th guarantees the freedom of religion and conscience. According to the Article 18th, the possible restrictions might be brought upon such rights under these circumstances: “Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others”. Even, under martial law it is unacceptable not to enforce the article 18th. When UN Human Rights Committee authoritatively interpreting this article calls attention to the freedom of revealing individual’s religion or beliefs- is guaranteed by the ICCPR- and in which expands its application to great variety of realms including the individual’s choice of attire.

The Helsinki declaration signed in 1975 is clearly defining the respect to basic freedoms and human rights including freedom of thought, conscience, religion and belief in the 7th article.

In that statement;

“The participating states are supposed to respect everyone’s human rights and basic freedoms including freedom of thought, conscience, religion and belief without discriminating race, gender, religion and language...They will promote and encourage efficient use of civil political economic social cultural and other rights and freedoms which are corollary of honor of being mankind and are definitely necessary for improvement of human beings in a complete and free way. In this framework, participating states will respect and accept the freedom of individuals or groups act of declaring their belief or religion and fulfill requirements of his their religion or belief.”

At that point, we request that Turkey must respect our fundamental rights for education and religion and abolish this ban soon in order to prevent women from more suffering. People should not be prevented to practice their basic rights on the basis of hypothetical threats. The freedom of belief and conscious is main principles of democracy and laicism. In the absence of these freedoms is quite hard to talk about democratic society.

