



Report on Human Rights Violations of 2009

Prepared by

Association of Protestant Churches

Committee for Religious Freedom and Legal Affairs

30 January 2010

Attention:

As of January 2009, "The Alliance of Protestant Churches in Turkey" operates as an association under the title of "Association of Protestant Churches."

Introduction and Summary

"Everyone has the right to freedom of thought, conscience, and religion" (UDHR – Article 18). In Turkey, our greatest wish is that this right be enjoyed everywhere by everyone. In our country, many problems and difficulties continue even though freedom of religion and belief is generally under the protection of international human rights and constitutional law. We have provided below a report on the problems experienced by the Protestant Community in Turkey during 2009 in the areas of freedom of religion and belief.¹

Problems that have come to the forefront can be summarized as follows:

Hate crimes directed toward Christians continued in 2009. Protestants are faced with serious barriers in their efforts to establish places of worship. Establishing associations has not provided a complete solution, even though it has helped gain legal status to some degree. And finally, intolerance toward different religions continues to be a problem in Turkey. It is hoped that the removal of this backdrop of intolerance is urgently taken up as a priority.

Hate Crimes

Right to Life

- On 03 August 2009 in Kadikoy Istanbul, an individual came to the Kadikoy International Church and took hostage Ismail Aydin, a young Christian whom he had previously met. Ismail Aydin had a knife put to his throat and a Turkish flag placed over his head. He was subsequently dragged 300 meters to the Kadikoy square where his captor proclaimed that he wanted to kill Ismail because he did missionary work. In the end, the police persuaded the attacker to release him and there was no physical harm done. The court case remains in process.

- On both 07 and 12 February 2009, Soz Kitabevi, a bookstore in of the town Adana that sells Christian publications, was attacked by a person who broke the windows. The attacker was identified by security cameras and caught by the police. The investigation found that this same person threw rocks at the Soz Kitapevi in 2006 and left a drawing depicting Jesus and his mother Mary in an incestuous relationship. For this, the attacker received a 15 month prison sentence that was suspended and he was released due to no prior convictions.

- Many church leaders and the Protestant Community's legal counsel continue to find themselves under police protection because their lives are under threat.²

Right to Worship

In our country, the right to worship is an activity that does not require permission and cannot be obstructed.³ In spite of these rulings, the Word of Life Association (Hayat Sozu Dernegi) was fined by the Bakirkoy Public Prosecutor a total of 1,104.50 TL for transgressing the law because an act of worship was done at the association

¹ The reason this report is confined to the Protestant community is because our resources are limited and because we are most familiar with this community. Our community defends the right to freedom of religion for everyone.

² Church leaders in Ankara, Izmir, Samsun, and Diyarbakir are under police protective supervision.

³ Ankara First Civil Court Docket No: 2007/44 Decision No:2007/185 (Ankara 1. Asliye Hukuk Mahkemesi Esas No:2007/44 Karar No:2007/185)

headquarters on 13 August 2009. This fine has been contested and legal procedures are in process.⁴

The Right to Establish a Place of Worship⁵

In 2003, the changes to Zoning Law number 3194 as part of the European Union's 6th Harmonization Package was intended to meet the needs of non-Muslim citizens for places of worship by replacing the word "mosque" with the words "place of worship." However, the negative experiences of the Turkish Protestant Community to establish places of worship demonstrate the Protestant Community's inability to exercise their legal rights and their being confronted with serious obstructions and interferences in rights as a result of the way this positive legal development is interpreted and applied. This problem arises directly from the law, from the governing regulations, and from the negative attitudes of civil servants. The variance in zoning requirements and the related Administrative Regulations in each province lead to different interpretations across municipalities.

Another problem is receiving permission from the civilian authority. Protestant fellowships in Turkey are not opposed to government supervision or receiving permission from the civilian authority. To the contrary, a change in this article of the law would be seen as positive step. The basic problem is that when approval is granted the criteria presented are not clear and it is wide open to arbitrary application. Unfortunately, in many places the civilian authorities believe that these fellowships need to be blocked. As a result, the changes done in 2003 have not accomplished their goal and places of worship have not been able to be established.⁶

The Right to Propagate Religion

In spite of the guaranteed rights in our laws of the right to declare, propagate and teach one's religion or beliefs, difficulties continue. Events to propagate one's religion (especially those done by Christians) are perceived as dangerous and illegal "activities." This perception prevails amongst both the police and administrative state authorities, as well as amongst the general public. The following event in Ankara exemplifies this well.

- In Ankara on 16 September 2009, three Protestants were taken into custody by police when a complaint was registered against them for talking about Christianity, Jesus and the Bible. Upon hearing this, church members went to the Siteler police station accompanied by their lawyer. In the first interviews it became clear that the police at this station were unaware that the activity the Christians were accused of was not a crime. As a result of subsequent talks, it was clarified that their activities were not illegal and they were released.

In pluralistic democratic societies where respect for human rights is an indispensable value, the teaching or propagation of different religions and views is perceived not as a threat but as normal. In Turkey, one of the cases that strikingly conflicts with this perspective is found in the 8th grade "Primary Education, History of the Turkish Republic's Reforms and Atatürkism" school textbook⁷ under the heading of "Missionary Activities" in the National Threats section. Missionary activities are described as a national threat. It is not explicitly clear what is meant when referring to "missionary

⁴ Bakirkoy Chief Public Prosecutor Investigation No: 2009/74335
(Bakırköy Cumhuriyet Başsavcılığı Soruşturma No: 2009/74335)

⁵ The November 2008 Report regarding the Protestant Community's place of worship problem can be found on our web site. Unfortunately the problems in the report continue to remain current. http://protestankiliseler.org/index.php?option=com_content&view=article&id=1140&Itemid=462

⁶ One Exception – Istanbul Protestant Church Foundation, Altintepe Church : A Protestant church that was started in 1995 in Istanbul's Bostanci neighborhood was able to have their building certified as a place of worship in 2006. This was the first example of this in the history of the Republic.

⁷ Ministry of Education Primary Education 8th grade "History of the Turkish Republic's Reforms and Atatürkism" textbook. Page 205 (MEB İlköğretim 8. sınıf "Türkiye Cumhuriyeti İnkılap Tarihi ve Atatürkçülük") State Book Publishers - ISBN: 978-975-11-3073-0

work." There are a wide range of discussions in the world on this topic which is a sensitive, complex, multi-faceted, and a controversial subject. The source of these disputes is found particularly in areas that a new religious movement emerges where a majority religion is already established and in the resulting social tensions. It should not be forgotten that every religion arose from somewhere and was spread. While some may not accept the new religion, others gladly embrace the new religious beliefs that are shared with them. In reference to missionary activity, the textbook describes it as an effort to make people change their religion through "coercive" or "deceptive" methods, what may be referred to as "unethical missionary practice." Unfortunately, the textbook does not differentiate between "missionary work" in general and "unethical missionary practices." On the one hand, while missionary work is characterized as a national threat, as forcing people to change their religion by "coercive and deceptive" methods, on the other hand, one of the legitimate methods of religious propagation and presentation is described as if it was a crime with comments like "their books are translated and given out in different languages." While remaining sensitive to society's concerns, creating a mindset that allows restrictions or seizure of basic rights and freedoms should not be encouraged. We have unfortunately received a negative response to our correspondence with the Ministry of Education regarding the removal of this section from the textbook.⁸ This example demonstrates that prejudice and intolerance is being reinforced by the Ministry of Education and is at work in the prevailing mindset.

The Right to Train Clergy

Under the current laws in Turkey, it is not possible to train Christian clergy or to open any kind of schools that give religious education to Christians.

The Right to Associate / Legal Entity

As stated above, upon the removal of limitations in the new Associations Law number 5253, local churches began in 2005 to form associations due to their desire to acquire legal recognition, the legal problems experienced by fellowships, and the difficulty of the Zoning Laws. At that time, as a first step, the "Kurtulus Churches Association" was formed in Ankara. After which, 12 more congregations formed associations. This process continues. Associations are not accepted as a "church" or "place of worship." However, in 2005 the Minister of Justice, Cemil Cicek, indicated that in order to form a church, it is required to gain status as a legal entity. Religious groups have not been able to attain a complete solution to the legal entity problem and the current legal path does not give opportunity for communities to have a legal identity as a "community" *per se*. In addition to this, the current "association method" appears complicated and difficult to apply for very small churches. Small congregations are showing reluctance in regards to becoming an association.

In 1999, before associations were a possibility, a fellowship in Istanbul applied and was able to form a foundation by 2001 called the "Istanbul Protestant Church Foundation." However, subsequent similar applications have been denied. The court appeals remained unresolved after which a case was taken to the ECHR which on 6 November 2009 ruled that Turkey pay damages for obstructing the right to organize.⁹

Societal Intolerance

Generally in Turkey, intolerance towards differences continues, particularly towards differences in belief. This pervasive intolerance was revealed in a research study carried out by Sabanci University called "Religiosity in Turkey – An International Study".¹⁰ Of those who joined the study, 66% said members of other religions should not be allowed to expound their ideas by organizing meetings open to the public and 62% said they

⁸ You can see our correspondence regarding this subject on our web site. www.protestankiliseler.org

⁹ ECHR, *Ozbek and Others v. Turkey* Application No:35570/02, Judgement Date: 6 Oct. 2009.

¹⁰ Religiosity in Turkey - An International Comparison, Prof. Dr. Ali Carkoglu, Prof. Dr. Ersin Kalaycioglu, Sabanci Univ., 2009.

should not be allowed to give out books that explain their views. On the other hand, the study showed that an 80% majority emphasized that in Turkey all religious groups and communities should have equal rights. It becomes evident in the light of this that it is necessary to raise awareness regarding what it means for religions and communities to be equal and free. Whether it is the state institutions or whether it is the civil society and human rights organizations, it is imperative that they initiate efforts to act at the roots and symptoms of this problem.

When the importance of education on the subject of respect and tolerance was put to the forefront, it was articulated by the Minister of Education, Nimet Cubukcu in her Directive entitled 'First Lesson: Discrimination' as "Today, one of the state's most important duties is to make every effort for all individuals who comprise society to equally benefit from the rights and freedoms and for the state to take responsibility for this through necessary regulations." We desire to see tangible steps taken toward this goal immediately.

Media

In 2009 it was a positive development in the national media, to see the decrease of defamatory and false information directed towards Christians by heavily biased publications. In contrast, the fact that frequent hate and slander filled publications continue in local media and on the internet is raising concern. With the belief that freedom of expression is an indispensable element for democratic societies, rather than responding with bans, it is necessary that the media create a self governing "Media Code of Ethics" for the purpose of objective reporting, giving space to views from every part of society and producing publications demonstrating tolerance.

Malatya Trial

In spite of almost three years having passed since the vicious murder of three Christians in Malatya in 2007, and even though the court case has raised many questions and has yet to be concluded, there are many claims that need to be pursued and brought into the open regarding the involvement of state institutions and personnel. The trial needs to come to a conclusion, as soon as possible, by bringing all the shadowy elements into the light.

Dialogue

We view our meeting with the Human Rights Presidency of the Prime Ministry as a step in the right direction. In connection to the new democratization opening, we desire to see the same cooperation with related state institutions and particularly with regional officials.

Recommendations

- It is distressing that crimes of intolerance and hate continued against Christians in 2009. Hate crimes need to be actively pursued by the Ministry of Justice (including information about which communities were targeted). Above all, the root causes of these crimes need to be eradicated.
- In Turkey, the problem of "places of worship" remains current for Protestant churches that do not have access to historical church buildings. This is a basic element of the right to the "manifestation of religion or belief." This problem has continued for years and a solution has not been found. The national and regional authorities need to immediately take the necessary steps.
- Government institutions or agents are manufacturing a crime under the name "missionary work" and identify this with a specific set of beliefs. In turn this is being taught as one of the biggest national threats to society in schools and in the military corps and through some civil society organizations. These events should be stopped

by the authorities and there should be decisive action against these types of efforts. Freedom of belief and expression is protected within the Constitution. The attempts to take this away with defamatory and distorted propaganda should not be ignored.

- The elements creating discrimination and prejudice found in the school textbooks should be removed. Beyond good intentions, concrete steps must be taken and the outcomes must be monitored regarding a culture's progress in living together and respecting beliefs.
- Within the framework of freedom of expression, the media needs to create its own "code of ethics". Quick and effective control mechanisms should be established against discrimination and intolerance in the printed and broadcast media.
- The idea of tolerance toward people within society who belong to different religions yet possess equal rights as Turkish citizens and live in the same culture needs to be actively propagated by national and regional officials, beginning with the Ministry of Education.
- The police force needs to be informed about the rights of non-Muslim citizens and the right to propagate one's beliefs. Being arrested on an accusation of "doing missionary work" needs to be stopped. This basic right and the exercise of that right within the framework of freedom must not be taken away.
- While the needs of all parts of society are being discussed in the context of the democratic initiatives, we would like our community to be included in the dialogue as well.
- Training must be given to civil servants as part of Human Rights education on the scope of the right to freedom of conscience and religion.

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