



# Report on Human Rights Violations of 2010

*Prepared by*  
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Committee for Religious Freedom and Legal Affairs

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## Introduction and Summary<sup>1</sup>

'Everyone has the right to freedom of thought, conscience and religion.' (UDHR- Article 18) Our desire is that these rights be a part of the life of everybody everywhere in Turkey. In our country although freedom of religion and faith generally are secured under human rights and constitutional rights, significant difficulties and problems remain. Below is given a report that lays before us the problems that were experienced in the Protestant community in the year 2010 in the area of freedom of religion and faith.<sup>2</sup> In addition, the Association of Protestant Churches published a comprehensive report titled ""A Threat" or Under Threat- Legal and Social Problems of Protestants in Turkey-2010" distributed the report to the public and official bodies.<sup>3</sup>

Besides the other difficulties, the fundamental problems can be summarized thusly:

**Hate crimes continued to be perpetrated against Christians in 2010 and there were various attacks carried out against Protestants and their churches. However, the most widespread and fundamental problem was the ongoing hindrances faced in establishing and continuing to use places for worship. Even though there is some use in establishing associations in order for congregations to gain legal status, a complete solution has not been reached. The problems connected with the compulsory Religious Culture and Moral Knowledge classes (RCMK) as well as the intolerance shown to people of different faiths in Turkey continued. The removal of this root of intolerance is an urgent problem that needs to be dealt with.**

## Hate Crimes

- The Izmir Buca Baptist Church faced a rock throwing attack on 26 February and 04 March 2010. Though there were security cameras available, due to the lack of clear video footage the attackers were unable to be identified. The incidents were reported to the police.
- Upon receiving news of a death threat in April of 2010 the security precautions for the leader of the Samsun Agape Church were increased.
- On 28 April 2010 it was reported that the Ankara Kurtulus church's shutters to protect its windows were damaged by kicking. The person was identified through security surveillance cameras and arrested by the police. During his court appearance the attacker apologized for his actions and the church retracted its complaint. The man was released.
- Izmir Karatas Christian Fellowship (Church) on 02 December 2010 saw one of its male members slandered at his work place by the owner when he found out the young man was a Christian. The young man was later stabbed and wounded in the hand by the same owner. Later, the owner called the young man's family and relatives, trying to provoke them against the youth. Because the owner of the business was a family friend, no charges were pressed.
- Istanbul Ümraniye Protestant church was attacked with rocks on 12 December 2010. The attack was perpetrated by a group of 14-16 year olds from the same neighborhood. The police increased the security around the church building.

<sup>1</sup> As of Jan 2009 'Alliance of Protestant Churches in Turkey' is now continuing its duties as an association called the "Association of Protestant Churches."

<sup>2</sup> This report is limited to Protestant congregations due to our limited resources and because we are the most familiar with these congregations. Our community supports religious freedom for all.

<sup>3</sup> [http://docs.google.com/viewer?url=http%3A%2F%2Fwww.protestankiliseler.org%2FProtestants\\_in\\_Turkey-\\_A\\_Threat\\_of\\_Under\\_Threat\\_2010\\_.pdf](http://docs.google.com/viewer?url=http%3A%2F%2Fwww.protestankiliseler.org%2FProtestants_in_Turkey-_A_Threat_of_Under_Threat_2010_.pdf)

- An unidentified person attacked the Aydın Kusadasi Protestant Church with rocks on 16 December 2010, breaking some windows. The police are continuing their investigation.
- The members of Gaziantep New Life Church faced various physical attacks in 2010 but no complaint was registered because the attackers were unknown and the people who were attacked were frightened. As a result of a verbal report from the church leader to the police, the security has been increased.
- During the year 2010, because there were many church leaders and congregational activities that were under threat both have continued to have police protection throughout this year.<sup>4</sup> At least 6 Protestant church leaders have close protection, at least one leader has an "on call" bodyguard and at least 6 churches have police stationed outside during worship services. All of this data indicates the fragile and threatened nature of the Protestant community's right to exist.
- Lastly, on 27 December 2010, a church leader in Istanbul was warned by the police and placed under a bodyguard's care.

### **Problems related to places of worship<sup>5</sup>**

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 existence 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 congregations 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 open to arbitrary application. Unfortunately, in many places the civilian authorities believe that these fellowships need to be prevented. As a result, the changes done in 2003 have not accomplished their goal and places of worship have not been able to be established.

- The leader of the Istanbul Umraniye Protestant Church was issued monetary fine on January 10, 2010 by the Atasehir County Police Directorate because the building they were using was not an "official place of worship" and was therefore in violation of the Misdemeanor Law. There were no actions taken to shut the building down.
- The official application of the Istanbul Besiktas Protestant Church for approval of their free standing building as an "official place of worship" submitted in 2006 was accepted by the Istanbul City Parliament. Despite this decision, on May 14, 2010, the Culture and Natural Resources Protection Committee Number 3, rejected the application by ruling that the church was located in a residential area and did not have adequate space to warrant a church.

<sup>4</sup> The Police directed that the leaders of churches in Izmir, Ankara, Samsun, Iskenderun and Diyarbakir be given bodyguards .

<sup>5</sup> The Protestant Community's problems with regard to places of worship can be seen in the November 2008 report on our website. The problems listed in that report in 2008 continue to this day .  
[http://protestankiliseler.org/index.php?option=com\\_content&view=article&id=1140&Itemid=462](http://protestankiliseler.org/index.php?option=com_content&view=article&id=1140&Itemid=462)

- On November 28, 2010, Izmir Karsiyaka Sevgi Protestant Church received an official declaration from the Karsiyaka District that the place they were using for worship was declared an “unofficial place of worship.”

In addition to these developments since the change in the Zoning Law in 2003 at least 11 churches have applied for official worship place status and all of them have been rejected for very similar reasons. This result is an important warning about the situation with regard to religious freedom in Turkey since practically it does not appear possible to establish a new place of worship. Thus churches “outside of the law” are in a very fragile situation.

One exception: “Istanbul Protestant Church Foundation” Altintepe Church – This Protestant congregation, founded in 1995 and officially recognized as a foundation in 2000, has a free standing building that was certified as a place of worship in 2006. This was the first of its kind in the history of the Republic of Turkey.

### **The Right to Propagate Religion**

Despite the rights for propagating, teaching and declaring our faith being guaranteed in our laws there are continuing difficulties. Activities for propagating one’s religion (especially those done by Christians) are perceived as dangerous and illegal “activities.” This perception prevails in the Ministry of Education, the police, state employees and the general populace.

In pluralistic democratic societies where respect for human rights is seen as an indispensable value the teaching and propagating of different beliefs and opinions is perceived as normal, not a threat. One of the clearest examples of how this perspective is contradicted in Turkey is in the Primary School 8th grade book 'History of the Turkish Republic's Reforms and Atatürkism,'<sup>6</sup> under the section on National Threats under the heading titled 'Missionary Activities.' Here missionary activity is described as a national threat. It is actually unclear as to what is exactly meant by the term “missionary activity” in this section. There are various discussions around the world concerning “missionary activity.” This is a controversial, sensitive, complex and multidimensional issue. Especially in places where majority religions are established, the arrival of new religions and the resulting tension in society is the source of these discussions.

It must not be forgotten that every religion arises and is propagated from somewhere. While some refuse to accept the new religion, others lovingly adopt the religious beliefs that are shared with them. The action that is referred to in the book as attempts to change religion by “deception” or “force” is described in the literature as “exploitive missionary activity.” Unfortunately the text makes no distinction between “exploitive missionary activity” and “missionary activity.” On one hand “missionary activity” which is seen as a national threat is described as a way to change religion “by force or deception.” Yet at the same time a legitimate use of the right to propagate and explain one’s faith, namely “translating the books into various languages and distributing them,” is described as a crime. While keeping in mind societal sensitivities anything that forms a foundation for a mentality that limits or usurps fundamental rights or freedoms must not be fed.

There has been written communication with the Ministry of Education concerning the removal of this chapter, but despite protests that the chapter increases the intolerance against Christians and opens the way for various attacks against them, a negative answer was received<sup>7</sup>. The following example vividly shows that prejudice and intolerance has been built up by the Ministry of Education and has been worked into the thinking of others.

<sup>6</sup> 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

<sup>7</sup> You can see the written communication with regard to this subject in the announcement section of our website. [www.protestankiliseler.org](http://www.protestankiliseler.org)

- In January 2010 the church leader from Samsun came to visit Amasya. After he left members of the church were visited by people in civilian clothes claiming to work for the Security forces. These people scared the members of the church by asking them for information on the activities of the pastor. Although they told the police that the meetings were open and that they could participate, the church members were still expected to act as informants.

### **Mandatory Religion Class**

According to the decision taken by the Presidency of the Ministry of Education's (MEB hereafter) Religious Education General Directorate for Higher Education and Training Committee on 9 July 1990 (Decision 1), non-Muslim students may be exempt from Religious Culture and Moral Knowledge classes (RCMK) classes upon showing proper documentation with regard to their beliefs. Despite the children's rights to be exempted and not attend these classes, many school administrations are unaware of this decision, require children to join these RCMK classes or require a written request from parents for their children to be exempted which is something the decision did not require. Even when a child is exempt, often there is no other alternative place to go, so students either have to sit in the classroom where the course is being held or stay in the office of the assistant principal. In order to obtain their children's exemption parents have to disclose their children's beliefs. In addition, a child's beliefs are exposed which can result in problems such as rejection, denigration, slander and even physical attack from friends, even sometimes their own teachers because they are a member of another religion.

- In Diyarbakır during April 2010 during the RCMK course in a 5th grade class it was reported the teacher asked the class to recite the Muslim creed. The teacher singled out a Christian male student telling the class that this student went to church, did not know the Muslim creed nor did he want to learn it. Upon hearing this, several friends and the teacher beat this Christian student. In light of this the parents registered and official complaint against the teacher and the MEB opened an investigation. As a result of the investigation the teacher did not face any disciplinary measures because there was no solid evidence of guilt. The family reports that the child, although not going to the RCMK class, still continues to receive abuse from both teacher and friends because of his beliefs.
- In October 2010, a family in Diyarbakır reported to school officials that their 6th grade daughter who attends the Vehbi Koç Primary school was exposed to violence from her school friends, even a stabbing attempt. However, the school principal said there was nothing he could do and gave this interesting example. In summary "one of my acquaintances has a business where a Christian works. His business was going badly until he fired the Christian and then things got better." When the family objected to this example the principal said he was misunderstood. The family took their child out of that school when they saw that there would be no resolution regarding this matter. Thus, this problem has been solved for now.
- During 2010 school officials from Izmir, Malatya and Yalova have responded negatively to requests for Christian students to be exempt from RCMK classes. Their reasoning is that these classes are constitutionally mandatory. After the school authorities were reminded of the decision taken by the MEB's Religious Education General Directorate for Higher Education and Training Committee on 9 July 1990 (Decision 1) the exempt status was granted. It was understood that the lack of information was behind this problem.

During meetings with the Ministry of Education, the MEB has been asked to inform schools about these issues.<sup>8</sup>

<sup>8</sup> You can find written communication on this subject here at our website  
[http://www.protestankiliseler.org/index.php?option=com\\_content&view=section&layout=blog&id=11&Itemid=456](http://www.protestankiliseler.org/index.php?option=com_content&view=section&layout=blog&id=11&Itemid=456)

To expect parents to complain about the problems their children face in the RCMK classes is to miss the sensitivity of this issue. Instead of waiting for parents to complain, the MEB ought to ensure that all the necessary conditions for student's exemption in classes and schools are provided by taking into consideration that which families and children have faced as well as the possible risks and the stigmatization they could face.

### **The Problem of Training Religious Leaders**

The present laws in Turkey do not provide for the possibility of training Christian leaders or the opening of schools that could give any type of official religious education to religious community members. Yet, the right to train religious leaders is one cornerstone of religious freedom.

### **Legal Entity / Right to Organize**

Since 2005, steps towards forming recognized associations have begun to be taken for reasons pointed out above like the difficulty of the Zoning Law, the desire to gain legal status, and the raising of the restrictions of law number 5253 in the new Associations Law. The first step taken in this new framework was done in 2005 when the "Kurtulus Churches Association" was established in Ankara. After this 22 congregations more have become associations and this process is continuing. Associations are not accepted as a "church" or a "place of worship." Rather, as pointed out in 2005 by the Minister of Justice, Cemil Çiçek, in order to set up a church there must be a legal entity. The problem of a religious congregation becoming a legal entity has not been solved. The present legal path does not allow for a congregation to obtain a legal personality as a "congregation." In addition the present "association formation" path appears complex and hard to work out for small churches. Thus, small congregations continue to be helpless in becoming either an association or a legal identity.

### **Obligatory Declaration of Belief**

The section for religious affiliation on the identity cards forces people to declare their faith and increases the risk of facing discrimination in every arena of life. The problem is not solved by allowing the registration of one's belief to be elective. First, it is difficult to leave this line blank if one keeps in mind the societal pressure. On the other hand, those who want to be exempt from mandatory religious instruction do not have the right to leave the religion line blank either because they have to prove they are Christian for their children to be exempt from religion classes.

### **Discrimination**

Whether individually or as a congregation, when rights are exercised discrimination is commonly experienced. Discrimination is felt by the individual when the right to education is exercised, at the place of employment or, if male, while doing military service. The religion line on the identity cards continues to be a factor that increases the risk of discrimination. 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.

The discrimination faced by a congregation is still experienced most when applying to open of a place of worship. The suspicion of discrimination is seen clearly in the fact that there was only one request for a place of worship accepted out of all the applications made.

### **Media**

The decrease in the national media's slanderous, misinformation filled and subjective reporting about Christianity in 2010 was seen as a positive development. Yet the continuation of internet sites which often contain hateful and slanderous publications is worrisome.

### **Malatya Case**

Despite the fact that almost four years passed since 3 Christians were brutally murdered in Malatya in 2007, the court case continues with many question marks and, though nothing has been proven, the need for investigation and bringing into the open the connection of public individuals and institutions with the case. This case must be brought to a conclusion and all the dark points brought to light.

### **Dialogue**

We see the meetings we have had with the Human Rights Presidency of the Prime Ministry and the Ministry of Religious Affairs as well as the written communication between us and the Ministry of Education as positive steps. In addition the Directive produced by the Prime Ministry on 13 May 2010 emphasizing non-Muslim rights and their status as equal citizens was seen as an important step.<sup>9</sup> Yet this Directive did not mention any positive developments in with regard to the establishment of places of worship. On top of this, the Protestant Community continues to be disregarded. The official request (17 May 2010 number 2010/09) from the Association of Protestant Churches to the Ministry of Internal Affairs for discussion of the various issues that relate to the Protestant community has not even received a response.

### **Recommendations**

- The continued intolerance shown and hate crimes perpetrated against Christians in 2010 are distressing. The Ministry of Justice must effectively record these hate crimes as such (including which community they have perpetrated against). Above all, the root causes of these crimes need to be eradicated.
- In Turkey, the problem of “places of worship” remains current for Protestant congregations that do not have access to historical church buildings for use. This is a fundamental element of the right to the manifestation of religion or belief. This problem has continued for years and remains unsolved. 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.
- Waiting for families to officially complain about the difficulties their children faced in Religious Culture and Moral Knowledge lessons is to miss the sensitivity of this issue. The Ministry of Education should ensure that all the necessary conditions have been met in schools and classrooms for exemption to be easily obtained without waiting for complaints to be filed and take into account the problems and the potential risk of persecution or stigmatization that children and families could face.
- The “religious affiliation section” on the identification card is a continual risk of creating discrimination and should be removed.

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<sup>9</sup>

The official number of the Prime Ministry Directive: 2010/13 Tarih: 13.05.2010

- 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.

Sincerely,

**Association of Protestant Churches (Turkey)**  
**Committee for Religious Freedom and Legal Affairs**