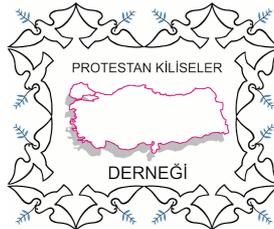




2021 Human Rights Violation Report

Prepared by
Association of Protestant Churches

18.03.2022



Introduction, Background and Summary

We respectfully submit to the public this year's Human Rights Violation Report. Such reports have been prepared annually for many years from the perspective of the Protestant Community in Turkey.

You will primarily find the following in this report:

- A summary of current historical and sociological information for those who do not know the situation of Protestants in Turkey
- The purpose of this report
- Summary information concerning the areas examined by the report
- More detailed information concerning the areas focused on by the report

Background

The Protestant community in Turkey is made up of over 186 fellowships of various sizes, the majority of which are found in Istanbul, Ankara and Izmir.¹

Protestant fellowships have 119 legal entities by establishing 13 religious foundations, 20 representative branches of religious foundations, 33 church associations and 53 representative branches linked to those associations. The remaining fellowships do not possess legal entity status. Approximately 15 are house fellowships.² 6 fellowships meet in offices. Approximately 13 Protestant churches meet in historical church buildings. The remaining fellowships that do not have legal entity status use their own or rented public spaces.

In 2021, the Protestant community did not have the opportunity to train its own religious personnel within the Turkish National Education system. Therefore, the Protestant community trains most of its religious leaders through its own internal apprenticeship method. A small percentage obtain education at theology schools abroad. Some are able to gain the necessary knowledge and skills for pastoral leadership through seminars organized within country. In recent years, although there has been a large increase in the number of national Protestant religious workers, there have not been enough of these leaders to meet the need, thus the spiritual leadership of some churches is provided by foreign pastors (Protestant spiritual leaders). However, some Protestant congregations which had a foreign religious worker providing spiritual leadership had some serious difficulties because the foreign national was required to leave the country due to the issuance of N-82 or G-87 codes³ banning entry into Turkey or the denial of residence

¹ This is the number of fellowships whose worship language is Turkish. Throughout Turkey there are about 100 Protestant fellowships in different languages with Iranian refugees being the most prominent, however the exact number of these fellowships is unknown.

² House fellowships is a term used to designate groups who have no public presence, whose members gather regularly together in homes.

³ N-82: (Foreigner needing prior permission for entrance) In accordance with Foreigner and International Protection Rule Number 6458 m.9/7 a foreigner who has an entrance ban can be accepted into the country only with prior permission. This means that anybody with the N82 restriction code is required to receive prior permission for entrance into the country.

G-87: Foreigners who present a general security threat.

visas, a situation beginning intensely in 2019 and continuing in 2021 even though the numbers diminished in 2021.

Protestant churches do not have a hierarchical or centralized structure. Each church is independent. However, church pastors began meeting together in the late 1980's for the purpose of unity, solidarity and partnership between Protestant churches. In the mid 90's this unity gained structural momentum, so they formed "The Alliance of Protestant Churches", known as TeK (Representative Committee). Earlier laws pertaining to the formation of associations prevented TeK from being a representative body before official government bodies. As the result of a change in the Law of Associations, TeK decided to establish an association and the Protestant Church Association was formed on Jan 23, 2009. The Association of Protestant Churches continues to act as the representative and unifying institution for a large part of the Protestant community in Turkey.

Since 2007 the Association of Protestant Churches has published these monitoring reports⁴ which put forth the Protestant community's situation. The Association of Protestant Churches attaches great importance to freedom of religion and belief and strives to ensure these freedoms become a reality for everyone, everywhere. These yearly monitoring reports serve to put forth the Protestant community's situation and to share that with public officials, civil society and the press.

Summary

Freedom of religion and belief is secured under both national and international laws and the constitutional authority in our country as one of the basic rights found in national and international laws, as well as the Universal Declaration of Human Rights. Generally there is freedom of religion in our country but despite legal protections, there were still some basic problems for the Protestant community in 2021. With the aim of contributing to the development of freedom of belief in Turkey, this report has been prepared to present some of the problems as well as positive developments that have been experienced in 2021 by the Protestant community relating to religious freedom.⁵ The situation in the year 2021 is briefly summarized below:

- There were no hate crimes or associated physical attacks based solely on faith directed at Protestant Christian individuals or institutions that were made known to us.
- 2021 saw an increase from the previous year in hate speech based solely on faith, as well as hate speech for the purpose of provoking hate in public opinion, both written and verbal, that was directed at Protestant Christian individuals or institutions.
- Just as the Covid-19 pandemic affected the whole of Turkey the Protestant community was also deeply affected.
- In 2021, problems continued to be faced with regard to requests to establish a place of worship, to continue using a facility for worship, or with applications to use existing church buildings.

⁴ Before 2009, the word "alliance" was used. http://www.protestankiliseler.org/?page_id=638

⁵ Our community defends freedom to believe for everyone. This includes the right to not believe.

- In 2021, the trend for churches to gain legal status through the establishment of a religious foundation continued to strengthen.
- There was no progress with regard to the rights of Christians to train their own religious workers. Many foreign church leaders were deported, were denied entry into Turkey or faced problems with getting their residence permits renewed.

Hate Crimes and Speech, Verbal and Physical Attacks

In 2021, there were no reports of physical attacks against the Protestant community made to us.

2021 saw an increase from the previous year in terms of hate speech.

- Aydin Kurtulus Church: During the months of June and July, church worker Emin T. as well as the church in general were threatened over the internet (Facebook) in messages posted by T.U. who lives in Bursa. The church worker Emin T. filed a criminal complaint with the police because the content of the posts included expressions of intent and threats of killing Christians, cutting off heads, et cetera and various people who live in Aydin also participated in these message posts. One person who lives in Aydin was apprehended and after a brief period released. The authorities have given no information to the church regarding the status of the process.
- Artvin Arhavi Fellowship: During this year, the fellowship faced a digital and written attack campaign, first in the press with the statement: "Missionaries have come here too." Afterwards "some people" reached out to the landlord of our friend and bothered and pressured him, wanting him to remove them from the house. A political party's district president posted on social media statements like "we will destroy them." After the leader of the church fellowship met with the district president, even though the person stopped the negative reaction, the response on the street and in social media continues. Our friend who is the church fellowship leader continues to hear words like "dead priest walking" as he walks on the street.

In 2021, there continued to be offers made to members of the Protestant community as well as those who are not Christians but work for Christian organizations to be informants. In many cities where Protestant congregations are found it was reported that offers to become informants to local and refugee Christians from people claiming to be intelligence officers who used threats, promises, benefits or money in order to gain information about Christians, churches, church activities and Christian organizations.⁶ This information was given to us by people who were offered the role of informant. There were 8 incidents like this reported in 2021.

Protestant churches and organizations are public facilities and are careful to follow principles of transparency, compliance to law and accountability to international legal frameworks. Most churches have been organized under a legal entity framework and are open to examination by various institutions. Therefore, these types of suspicious and non-transparent incidents are significant. When seen in light of the damage and pain that comes from these type of activities in our country's past, this creates concern in the church community.

⁶ Some who refused the offer to be an informant lost their jobs due to pressure. We cannot give details about those situations because these people have security concerns.

Problems with regard to Places of Worship

The right to establish and maintain a place of worship is an important component of the freedom of religion and belief.

Because members of the Protestant community are mostly new Christians they do not have religious buildings that are part of their cultural and religious heritage like traditional Christian communities have in Turkey. The usable number of historical church buildings is very limited. Therefore, a large portion of the Protestant community tries to overcome the problem of finding a place to worship by establishing an association or religious foundation or gaining representative status with an existing association or religious foundation and then renting or purchasing a property such as a stand alone building, shop or depot that has not traditionally been used for worship. A very small number have been able to build their own free-standing buildings. However, many of these premises do not have official status as a place of worship and therefore they are not officially recognized as a place of worship even though they are used that way. They cannot benefit from the advantages or the conveniences given to an officially recognized place of worship such as free electric and water as well as tax exemption. When they introduce themselves to the authorities as a church, they receive warnings that they are not legal and may be closed down.

As of the end of 2021, the situation with regard to the use of places of worship by the Protestant community is as follows:

The known number of Protestant congregations in all of Turkey is 186. Looking at their use of worship sites we see the following:

- The number of congregations with their own stand alone or independent building (in the name of an individual or legal entity) is 19.
- The number of congregations who worship in their own building that is not stand alone or independent (in the name of an individual or a legal entity) is 35.
- Those who worship in a traditional historical church are 11.
- Those who worship in a rented facility are 99.
- Those who worship at home or in an office are 21.
- There is one fellowship that worships in a chapel.

When one considers the number of house fellowships as well as those who use rental properties it is easy to see how important and fragile an issue the place of worship is for the Protestant community.

- The church building that is part of the Diyarbakır Armenian Protestant Church Foundation which was turned over to the General Directorate of Foundations, despite objections and the need for a church worship place in Diyarbakir, was rented out to the Culture Ministry on Feb 21, 2021 as a library.
- Tekirdag Protestant Fellowship started activities as part of an association in July 2021. Even though they did not bother those around them, neighbors and others filed complaints to the municipality, governors office and the office of the President. As a result the church is continually bothered, exposed to inspections and is being pressured to move from that region.

- The members of the Protestant community that live in Arhavi in Artvin province have rented a property and want to do repairs and renovations. The repairmen who took on this job could not work due to social pressure and the landlord terminated the rent contract due to the same pressure. The congregation continues to meet in their homes.

The continually growing Protestant community continued to face a serious problem in 2021 with regard to place of worship. In light of the examples above, especially in smaller communities where there has not been a Christian presence in the recent past or where there is no Christian place of worship, Protestant community members are confronted with serious and very visible social pressure. Instead of public institutions adding to this pressure, it would be more befitting for these institutions to take a role of protection and easing the burden of these small Christian congregations in light of human rights and the state's basic responsibilities.

The Right to Propagate Religion

There were no violations of this in 2021.

Problems Faced in Education and Compulsory Religious Knowledge Classes

In 2021, there were no violations that restricted the right to education that were reported.

In 2021, there were some small issues with regard to right of exemption from the mandatory Religious Culture and Moral Knowledge classes but in each case a solution was reached after meetings in the school.⁷

The mandatory Religious Culture and Moral Knowledge classes continue despite having been declared by local courts and the European Court of Human Rights (ECHR) to be an infringement of religious freedom and the principles of a secular and scientific education and that they should no longer be mandatory.⁸

The content of the mandatory Religious Culture and Moral Knowledge classes and the resources used in the classroom are currently far from being pluralistic. The sections relating to Christianity are presented from an Islamic perspective and do not contain the views of Christians themselves.

The Problem of Being Unable to Train Religious Leaders and Problems Faced by Foreign Protestants

In 2021, the existing laws in Turkey continued to deny the possibility of training Christian clergy and the opening of schools to provide religious education for the members of church

⁷ The Right of Exemption has been applied based on the decision by the Education and Learning Higher Board of the Religious Education General Directorate on July 9, 1990. The decision's first article reads: "*It has been decided that those Turkish citizens of Christian and Jewish persuasion who are receiving education in primary and middle schools outside of minority schools who can document that they are members of those religions are not required to attend Religious, Cultural and Moral Knowledge classes. If they want to participate in those classes a written request is required from their parents.*"

⁸ <https://www.hukukihaber.net/egitim/mahkeme-zorunlu-din-dersinden-muafiyet-sartini-hukuka-aykiri-buldu-h344451.html>

communities in any way. Yet the right to train and develop religious leaders is one of the foundation stones of freedom of religion and belief. The Protestant community presently solves this issue by providing apprentice training, giving seminars within Turkey, sending students abroad or utilizing the support of foreign clergy.

In 2021, although the majority of congregations' spiritual leadership was done by local Christians, the need for foreign religious workers still continues. Even though the numbers decreased in 2021, cases continued of deportation of foreign religious workers and members of congregations, refusal to give entrance to Turkey or denied residence permits and visas. Many congregations were left in difficult straits and the need for religious workers continues to be great.

	2019	2020	2021	Total
USA	15	10	3	28
Great Britain	5	1		6
Korea	4	3	1	8
Germany	3	4	1	8
Other European Countries	2	4	2	8
Latin America	2	3	0	5
Others	4	5	6	15
Total	35	30	13	78

The "other" cases included: Holland, Norway, Canada, Egypt, Kazakhstan, Philippines, Uzbekistan

The number of those affected (not receiving a code but those who need to leave Turkey to keep the family together)

	2019	2020	2021	Total
Number who received code	35	30	13	78
Spouses	24	12	5	41
Children	28	31	7	66
Total	87	73	25	185

As can be seen from these tables the already small Protestant community is facing a situation with very serious negative effects.

Most of these people have settled in our country for many years and live here with their families. These people have no criminal record, investigation or court documents concerning them. This situation has exposed a huge humanitarian problem. Having someone from a family receive an unexpected entry ban breaks family unity and leaves everyone in the family facing a chaotic situation.

Nearly all of these individuals received an N-82 code (which links entry to Turkey to a prior approval process). When the authorities who issued these codes give their explanation to the court, they state that the N-82 restriction is not an entry ban, it is simply a requirement to obtain prior approval. However, in practice, all of those who have fallen victim to this situation and applied for a visa have had those applications rejected. Although the N-82 is not an entry ban de jure it is a de facto entry ban in Turkey.

A small number of these people received the G-87 code (people who are thought to pose a general security threat). In other countries this code is used for those who participate in armed activities, terrorist organizations or people who participate demonstrations. It has deeply wounded us and the code recipients that in our country this code is being given without any evidence to members of the Protestant community who are focused on living their faith, who are opposed to violence and who do not have criminal records. These people have been given entry bans for at least 5 years.

In court cases opened to challenge this situation, the authorities have claimed that these people are pursuing activities to the detriment of Turkey, have taken part in missionary activities and that some of them had attended our Family Conference which our Association has held annually for twenty years or other seminars and meetings that are similarly completely legal and transparent. Some of the court cases have reached a conclusion and a verdict was delivered against those receiving the code without any concrete reason, proof, information or document being given. A few cases have produced a positive result. However, in these cases the administrators insisted on not implementing the court decisions and started the litigation process again by revoking the given code or visa, thus, destroying people's hopes with arbitrary practices within the bureaucracy.⁹ Court cases that have resulted in negative decisions have been appealed to the Constitutional Court. Some of those court cases have also resulted in negative decisions and application has been made to the European High Court of Human Rights. Most of the internal court processes continue for the victims. Our hope is that these cases which have no legal standing and are against human rights will find justice in the Constitutional Court.

Some mixed marriages, in which a citizen of the Republic of Turkey is married to a foreign national, have also been victimized by this treatment. Most of the cases involve a foreign woman married to a Turkish man, often a Pastor (church leader). The victim (code recipient) in most cases carries out no spiritual responsibility in the church. This situation breaks up the family and forces the Protestant leader who is the Turkish citizen to leave the country. Thusly, at least 4 families have had to leave our country this way.

Our Association respects our country's sovereign rights, that is, the right to decide who can and cannot be within the country's borders, but at the same time we view this action as being applied solely because these people are Christian which is a grave violation of rights and discriminatory. In addition, the foreign Protestant community lives with the worry that they could be deported at any time. Therefore some individuals or families do not

⁹ Sri Lankan G. D. Kandasamy, whose former wife and children are Turkish citizens, opened a case with regard to the cancellation of his residence permit; even though he won after long efforts based on the family's holy unity principle it was reported that the immigration administration did not return residence permit and the court process had to be reopened. The court process has begun again.

Spanish citizen C. Madrigal has lived in our country for over 30 years and officially serves in the Altintepe Protestant Church in Istanbul was first given a renewed work permit and then a short period of time later it was canceled as he was asked to leave the country.

participate in church meetings and activities or voluntarily have left our country. But because there are no accurate records kept concerning those who have left, that information has not made it into this report.

Legal Entity / Right to Organize

The lack of Legal Entity is a problem for all religious groups in Turkey, but especially for minority groups. The Protestant community has tried to solve this issue mostly by establishing associations and religious foundations or becoming a representative of an existing association or foundation.

As of 2021, members of the Protestant church community have established 13 religious foundations, 20 representative branches of foundations, 33 church associations and over 53 representative branches connected to these associations. The remaining fellowships do not possess any form of legal entity. This trend towards gaining legal entity continues. However, associations and foundations are not accepted officially as a “church” or a “place of worship.” The problem of a religious congregation becoming a legal entity has not been completely solved. The present legal path does not allow for a congregation to obtain a legal identity as a “religious congregation.” In addition, for small churches, the present path to “forming an association” appears complex and hard to implement. Furthermore, the cost of establishing a foundation is very high and the legal procedure is long, making it hard for small fellowships to gain legal entity status. Small congregations try to resolve this problem through becoming a representative branch of an existing church association or religious foundation.

Since permission has been granted to establish foundations, the trend in recent years is for churches to become religious foundations.

Obligatory Declaration of Faith

In 2021 there was no report of this right being violated that was reported to us.

The requirement to declare one’s faith to be exempt from Religious Culture and Moral Knowledge classes, or even to prove this faith, continues to be a violation of human rights. Decisions taken by the European High Court of Human Rights Court and local courts need to be implemented for this problem to be solved.¹⁰

Covid-19 Pandemic and Effects on Churches and Discrimination

In 2020, the Covid-19 pandemic which affected our country as it did the whole world, also impacted the Protestant community. Even though there was a decrease in 2021, it still had a negative impact on our churches. The group most affected by the weekend lockdowns were individual Christians because Sunday is the day of worship.

When lockdown decisions were made in 2021, Christian citizens were overlooked. There was no directive or notice making known the rules that needed to be followed in church meetings, requests for information were left unanswered or were given a generic

¹⁰ <https://www.hukukihaber.net/egitim/mahkeme-zorunlu-din-dersinden-muafiyet-sartini-hukuka-aykiri-buldu-h344451.html>

response. This created confusion in the churches. In this situation, our association created our own suggestions that we shared with churches and tried to help them manage the process.

During the time of weekend lockdowns in 2021, local authorities were more helpful to the church leaders in opening churches in order to broadcast services on the internet. But when the process is evaluated comprehensively, Christians who are already disadvantaged had a greater disadvantage during the pandemic.

Media

One of the significant problems facing the Protestant church community is the increase of hate speech as a result of the increased use of social media in our society. Due to increased time spent on the internet and social media as a result of the pandemic, there has been a noticeable increase in hate speech filled with insult and profanity directed at official church accounts, church leaders, Christianity, Christian values and Christians in general originating from the activity of social media groups that cultivate hatred against Christians and have targeted Christian websites and social media accounts.

Social media has become the center of targeting, marginalization, degradation and all kinds of discrimination and has also become the media where corruption of information is the highest. Hate speech easily finds an arena in this platform.

These types of activities directed at all Christian denominations and minority groups creates concern in the Protestant community.

In the wider media and national internet media hate speech has continued to decrease. But research now clearly shows that people's tendencies in obtaining news has changed and people are reading websites and social media rather than classic news outlets.

Social media was the arena where the two hate speech and threat incidents in Aydın and Arhavi described above (see page 4) were created and organized. During the year, even if they do not reach the same level of importance or threat there are similar cases that occurred.

Dialogue

In 2021, the Protestant community representatives were not invited to participate in meetings of religious groups organized by the Government or by official organizations. This shows that there is still a tendency to discount or ignore the presence of the Turkish Protestant community.

During 2021 there was close communication with several municipalities. However, we desire to have a comprehensive level of communication with all public offices and institutions.

The Protestant community continues to attach great importance to the development of relationships with all public institutions, especially the Government, Parliament and municipalities.

Recommendations

- The government or public institutions being in dialogue with our church community with regard to their efforts on issues that concern the Protestant community as well as officially inviting representatives from the Protestant community to meetings would all help in solving problems and overcoming prejudice. Experience in this area shows that when the channels of communication are open, many problems are quickly solved.
- Hate speech directed at Christians has seen an increase in 2021 in comparison to the previous year. Even though complaints were registered, perpetrators being released without penalty or punishment is a source of concern and distrust. An important step toward a solution for this would be updating present laws that are open to interpretation as well as legal arrangements that would include clear statements that are not open to interpretation with regard to hate speech and hate crimes. Public broadcasting to raise awareness of the issue and educate the public concerning hate speech and hate crimes would create a paradigm shift in the education and cultural awareness of the public.
- The issue of establishing places of worship for the Protestant communities which do not possess historical church buildings has been a problem for years and has not been solved. This basic right of religious expression retains its relevance as a problematic issue. Immediate steps need to be taken by national and district authorities on this matter. Christians need to have the opportunity to open small places of worship (chapels) made available to them, similar to the masjid concept. Municipalities, the Ministry of Culture, the Directorate General of Foundations and other government institutions that own church buildings but use them for other purposes should at the very least allow congregations to use the buildings for Sunday and religious holiday worship services. Where issues such as providing land for building of places of worship are concerned, officials should be inclined to be helpful.
- Considering the problems faced by church associations, their right to gather for religious purposes, worship and to propagate religion should be secured.
- When deciding on restrictions for the pandemic period, the implications for Christian citizens should be considered.
- Within the framework of human rights education, relevant public officials should be trained in freedom of religion and conscience issues
- Open channels of communication should be established rather than using informants.
- In the light of the risk of stigmatization and social pressure faced by Christian families and students, the Ministry of Education is expected to proactively inform schools regarding non-Muslims' rights in schools and classrooms, as well as the issue of exemption from religion classes without waiting for the families to complain. Steps beyond wishful thinking should be taken for the development of a culture based on coexistence and respect for beliefs, and its implementation should be monitored.

- The requirement of the Religious Culture and Moral Knowledge class should be repealed, people should be freed from the requirement to declare their faith.
- Even if the mandatory Religious Culture and Moral Knowledge class requirement is not repealed, then exemption should be based on an individual's self-declaration.
- National and district government officials, especially through the Ministry of Education, need to actively place on the agenda and encourage the idea of a shared culture where understanding is shown to people of other religions and where these people are recognized as citizens of the Republic of Turkey with equal rights.
- Within the framework of freedom of expression and freedom of the press, there needs to be an effective and rapid oversight mechanism established with regard to intolerance in the media, which can deal with visual and written publications using hate speech, inciteful rhetoric and prejudice. Judicial authorities need to instigate official actions against hate crimes and speech without needing an official complaint to be filed. This is not just a vital need for Protestant Christians, but for any disadvantaged group.
- There is a need for more action to be taken by journalistic bodies and other civil society organizations to raise awareness among members of the local media (journalists, columnists) of the problem of hate speech and to require formal education to create a sensitivity towards this issue
- Education to raise awareness of hate speech should be given to social media companies' Turkey offices or Turkish sections, especially to personnel in oversight. In addition, complaints need to be more carefully audited, the accounts sharing hate speech should be shut down and mechanisms should be created that will prevent these same people from opening a new account to continue even more hate speech.
- The policy applied to foreign members of the Protestant community which suddenly prohibits their entry to the country in a shocking manner must be repealed. This situation must come to an end. These people have not been charged with any crime and are suffering purely because of their religious faith. People who are deemed inappropriate to remain in our country must be subject to objective, lawful and equitably applied policies.

Sincerely,

Association of Protestant Churches