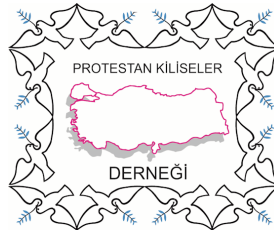


2020 Human Rights Violation Report

Prepared by
Association of Protestant Churches

22.02.2021



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.

This report covers:

- A summary of historical and sociological information for those not familiar with the situation of Protestants in Turkey
- General points of concern that have been obtained through face-to-face interviews within the Protestant community
- The purpose of this report
- Summaries concerning the areas focused on 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 182 fellowships of various sizes, the majority of which are found in Istanbul, Ankara and Izmir.

The Protestant fellowships have established 10 religious foundations, 12 representative branches of religious foundations, 34 church associations and over 53 representative branches linked to those associations. The remaining fellowships have no legal entity status. Approximately 17 of the latter are house fellowships¹. In addition, 7 fellowships meet in offices. Approximately 13 Protestant churches meet in historical church buildings. The remaining fellowships meet for worship in their own or rented public places.

In 2020 the Protestant community did not have the opportunity to train its own religious personnel within the Turkish National Education system. In most cases, the Protestant community trains its own religious leaders through on-the-job training. A small percentage obtain education at theological schools abroad. Some gain the necessary knowledge and skills for pastoral leadership through seminars given in-country. Because there are not enough local Protestant leaders the spiritual leadership of some churches is provided by foreign pastors (Protestant spiritual leaders). But since 2019 - and continuing throughout 2020 - the frequent refusal to allow foreign clergy entry to Turkey and/or denial of visa or residence permission for various reasons created serious problems for those Protestant fellowships which were led by volunteer foreign clergy.

The Protestant community does not have a hierarchical or centralized structure. Every local church acts independently. However, church pastors began meeting together in the late 1980's for the purpose of unity, solidarity and partnership between the 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). Due to

¹ House fellowships refer to groups where the members gather together regularly in homes, and which have no public presence.

limitations in the previous legislation relating to associations, TeK continued to experience difficulties in being able to be a representative body before official government institutions in Turkey. As a result of the change in the Law of Associations, TeK chose to become an association and the Association of Protestant Churches was officially formed on 23 January 2009. The Association of Protestant Churches continues to act as the representative and unifying institution for most of the Protestant community in Turkey.

This report contains a compilation of the results given to the question: “When you consider your Protestant Christian identity, which situations in our country do you find difficult, sadden you or worry you?” These questions were asked in face-to-face interviews with members of the Protestant community during 2020. These situations were characterised as experiencing prejudice, in particular being considered traitors by society or collaborators with foreign powers, spies etc. simply due to their faith, along with the resulting insults and contempt suffered and disrespect towards their faith this brings.²

Since 2007 the Association of Protestant Churches has published these monitoring reports³ which explain the Protestant community’s situation in Turkey. 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. The Association desires to prepare and distribute this annual monitoring report describing the state of affairs of the Protestant community with public officials, civil society and the press in order to serve this purpose.

Summary

Freedom of religion and belief, as one of the basic rights found in national and international laws, as well as the Universal Declaration of Human Rights, is secured under national and international laws and the constitutional authority in our country. However, despite these legal protections, the Protestant community continued to experience some basic problems in 2020. 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 2020 by the Protestant community relating to religious freedom.⁴ The situation in 2020 can be summarized as follows:

- Compared with the previous year, in 2020 there was a significant reduction in hate crimes involving physical attacks against Protestant Christians or their institutions purely due to their beliefs.
- 2020 also saw a significant decrease in hate speech directed against Protestants by provoking in society through written or verbal hate attacks on Protestants and Protestant churches on account of their beliefs. However, hate speech and attacks on other religions or faith groups caused concern to the Protestant Community.
- In 2020 the Covid-19 pandemic seriously affected the Protestant community, as it did the whole of society.

² It is planned to publish a wider report next year (2022) containing the opinions and experience of the community.

³ The name “Alliance” was used prior to 2009. http://www.protestankiliseler.org/?page_id=638

⁴ Our society defends freedom of belief. This right includes the freedom not to have a belief.

- Problems continued to be faced with requests to establish a place of worship, to continue using a facility for worship, or with applications to use existing church buildings.
- The trend for gaining legal status for the Protestant community through establishing associations came to a halt in 2020. Amendments made to the Law Relating to Associations have created serious concerns.
- In 2020 the trend for churches to form religious foundations increased greatly.
- There was no progress in relation to protecting the rights of Christians to train their own religious workers. Many foreign church leaders were deported, were denied entry into Turkey and/or faced problems with getting their residence permits renewed.

In 2020 there was a significant reduction in the human rights violations experienced by the Protestant community. The reason for this reduction is thought to be the uncertainty caused by the Covid-19 pandemic, the decrease in the visibility of Christians with lockdowns and the reduced communication. It is our hope and desire that when all the signs and effects of the pandemic are over, this culture of tolerance will have been fully embraced by our society.

Hate Crimes and Speech, Verbal and Physical Attacks

- On 22 July 2020, an individual with a criminal record who had previously attacked churches came to Antalya Bible Church in Kaleiçi and issued death threats against the pastor. The security forces were informed, and they removed the individual from the area. Following complaints by the church, the security forces later apprehended the attacker. The individual in question was released pending trial after his statement was taken. The case was later referred to a judicial arbitrator, but the arbitrator has claimed that they have been unable to reach perpetrator. The legal process is ongoing.

In 2020 there was a significant reduction in attacks on the Protestant community. However, the attacks on other Christian groups in 2020 have caused the Protestant community grave concern, including the disappearance of an elderly Chaldean Catholic couple followed by the discovery of the wife's body and physical attacks perpetrated against traditional church buildings and graveyards.⁵

A development in 2020 which has particularly saddened our community has been the offer of inducements to church attendees to become informants. It has been reported that in many cities, especially in Eastern Anatolia and South-Eastern Anatolia, national and refugee Christians have been approached by individuals identifying themselves as members of the intelligence services, inviting them to become informants and provide information on certain Christian individuals and churches.

⁵ <https://www.hristiyanhaber.net/2020/07/29/200-gundur-kayip/> <https://www.hristiyanhaber.net/2020/07/29/hac-kararina-kuran-ayetli-gerekce/>
<https://www.hristiyanhaber.net/2020/05/09/kilisenin-kapisini-yakmak-istedi/>
<https://www.hristiyanhaber.net/2020/02/14/mezarda-bile-haca-tahammul-yok/>

Protestant churches are open to society; they are supervised according to the laws of the land and in line with principles of transparency and accountability. Despite this legal framework, this type of suspicious and non-transparent approach is both significant and concerning.

Problems Related 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. Limitations to the exercise of this freedom continue to be experienced.

Unlike historical Christian communities in Turkey, members of the Protestant community do not have religious buildings that are part of their cultural and religious inheritance. The number of historic church buildings available for use by the Protestant community is limited. Therefore, many Protestant fellowships try to overcome the problem of finding a place to worship by establishing an association (*Turkish: dernek*) or gaining representative status with an existing association or religious foundation and then renting or purchasing a property such as a shop or depot that has not traditionally been used for worship. A few congregations 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 cannot benefit from the advantages given to an officially recognized place of worship. When they introduce themselves to the authorities as a church, they receive warnings that they are not legal and may be closed down. However, worship is a freedom that must be able to be realized without any prior permission.

A breakdown of the properties used as places of worship by the Protestant community at the end of 2020 is as follows:

- 18 fellowships worship in their own detached/independent building (registered either in an individual or corporate name).
- 32 fellowships worship in their own building which is attached to other property (registered either in an individual or corporate name).
- 13 fellowships worship in a historic church building.
- 101 fellowships worship in rented property.
- 17 fellowships worship in a home or an office.
- 1 fellowship worships in a chapel.

When the situation for house fellowships and fellowships that rent premises is considered, it can be appreciated how fragile it leaves the fellowships and how significant this issue is for the Protestant community.

- On November 17, 2020, three Protestant places of worship that had association status and were used by Africans and South Koreans for worship were closed for an indefinite period in line with an official notice number E-60931568-450-5962 dated 16/11/2020 and issued by the District Governor of Istanbul's Esenyurt District, stating "closure in line with the restrictions brought in to combat the pandemic and until the legal status of places of worship belonging to foreigners has been clarified." In discussions that followed, the security services gave verbal assurances that permission will be given for activities once the pandemic restrictions have been

lifted. The affected fellowships have accepted this situation and have not resorted to legal proceedings, stating that they do not believe they will gain any advantage through legal means.

For the continually growing Protestant community, the problems relating to places of worship continued to be significant in 2020.

The Right to Propagate Religion

During 2020 no violations of this right were reported. The most important reason for this is that activities in this area were limited due to the pandemic.

Problems Faced in Education and Compulsory Religious Knowledge Classes

During 2020 there was no reported violation that restricted the right to education. It is thought that the main reasons for this are the increased recognition of Christian students in the state education system and the fact that schools were generally closed (due to Covid-19).

During 2020 there were no reported negative incidents with regard to Religious Culture and Moral Knowledge classes (RCMK) and the right of exemption from this class.⁶ Although the mandatory Religious Culture and Moral Knowledge classes have been declared by local courts and the European Court of Human Rights (ECHR) as being in infringement of religious freedom and the principles of a secular and scientific education and that they should no longer be mandatory, this practice continues.⁷

The curriculum of the mandatory Religious Culture and Moral Knowledge classes and the resources used in the classroom are currently far from being inclusive and pluralist. The section relating to Christianity is presented from the point of view of the Islamic religion and does not contain the opinions and views of Christians themselves.

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

In 2020, 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 religious 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 on-the-job training, giving seminars within Turkey, sending students abroad or utilizing the support of foreign clergy.

⁶ 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.*"

⁷ <https://www.hukukihaber.net/egitim/mahkeme-zorunlu-din-dersinden-muafiyet-sartini-hukuka-aykiri-buldu-h344451.html>

In 2020, there continued to be frequent cases in which foreign clergy and church members were deported, denied entry into Turkey, refused residence permits, or denied entry visas, and many fellowships were left in exceedingly difficult situations as a result. Furthermore, foreign members of Protestant fellowships naturally experience anxiety that they too could be deported from Turkey.

There have been similar cases for many years, but our Association has only been keeping detailed records since January 2019. In 2019, 35 foreign Protestants were subjected to this treatment. A further 30 people were added to the records in 2020, despite the travel conditions caused by the pandemic.

During 2020 at least 30 foreign Protestants were barred from entering Turkey. Among these were 10 Americans, 1 British, 4 Germans, 3 Koreans, 2 Moldovans, 1 Norwegian, 1 Finn, 1 Armenian, 3 Latin Americans and 4 from other nationalities. When the family members of these people are also taken into account, more than 100 people have been affected by these bans. These numbers are significant and have a large impact in the context of a very small Protestant community.

These people and their families have been resident in our country for many years. Not one of them has a criminal record or conviction of any form. This situation represents a major humanitarian problem. These entry bans, imposed with no forewarnings, disrupted family unity and created a state of chaos for all members of the individual's family.

Nearly all of these individuals received an N82 code (which links entry to Turkey to a prior approval process). In their legal defense, the authorities who issued these codes state that the N82 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 these applications rejected. Although the N82 is not an entry ban de jure it is a de facto entry ban in Turkey.

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 the annual Family Conference (which our Association has held 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 these people without any concrete reason being given. The Constitutional Court has now been appealed to for these cases which have been adjudged. To date no case has been won by the appellant. The majority of cases are still in progress.

In 2020, in at least 5 cases of mixed marriages with one spouse a citizen of the Republic of Turkey fell victim to this treatment. Most of these cases applied to a foreign wife married to a Turkish Pastor (religious leader). Many of the recipients did not have any clerical role in the church themselves. Most of them are housewives. This situation has meant that Protestant leaders who are citizens of Turkey have been compelled to emigrate, or face their family being torn apart. In addition, in 2020 one person's application for citizenship was rejected because their spouse is a church leader and takes part in church activities.

Our Association respects our country's sovereign rights, i.e. the right to decide who can and cannot be within the country's borders, but at the same time we view this action applied solely because these people are Christian to be a grave violation of rights and to be discriminatory.

It saddens us deeply that the churches are portrayed as committing crimes and that people's lives are turned upside down as if it was a crime to attend purely legal meetings. Especially when we consider the disruption caused to the families with mixed marriages of Turkish citizens and non-citizens, we are left with the impression that the Protestant community is being targeted. This causes grave concern to the national Protestant community.

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 foundations or becoming a representative of an existing association/foundation.

As of 2020, members of the Protestant community have established 10 religious foundations, 12 representative branches of foundations, 34 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 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 "association formation" path 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. 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.

The changes made to the Law governing Associations in 2020⁸, in particular the ability for the government to appoint an administrator, put a stop to activities, seize the assets of the association and directors, the requirement to provide a list of members, changes to collection of charitable donations etc., have meant that there is a risk of the right to association being restricted. For these reasons, it will be more difficult for Protestant fellowships to form associations.

Obligatory Declaration of Faith

⁸ <https://siviltoplum.gov.tr/ankara/cok-onemli-duyuru-5253-sayili-dernekler-kanununda-bazi-degisiklikler-yapildi>
<https://www.siviltoplum.gov.tr/ankara/dernekler-kanunu-ve-yardim-toplama-kanununda-onemli-degisiklikler-yapildi>

The risk of discrimination has been reduced by the recording of the bearer's religious affiliation on a chip in the new generation of identity cards, instead of printing it visibly. As a result, complaints relating to this subject have decreased in recent years, becoming almost non-existent. However, we would like to see the complete removal of the religion section from official documents, being replaced instead by an individual's verbal declaration.

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 Constitutional Court and local courts need to be implemented for this problem to be solved.⁹

The Covid-19 Pandemic, Effect 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 along with the rest of society. However, because Sunday is our day of worship, the weekend lockdowns affected Christian citizens more than others.

Christian citizens have been overlooked when lockdown decisions were taken. No government circulars or directives set out rules that churches should adhere to in their meetings. Requests for information along these lines went unanswered and were instead addressed superficially with general statements. This caused confusion for the churches. Our Association provided its own advice to churches, based on the detailed restrictions set out for mosques.

The uncertainty as to whether the banning of activities of associations applied to church associations or not continued for many months. In response to a request for clarifying information, finally on 24 December 2020 the Civil Society Relations Office of the Ministry of Interior in Istanbul Province replied that church associations are subject to the restrictions. However, applying these restrictions to churches while leaving mosques exempt is discriminatory and is in violation of the principle of equal treatment.

In the same way, the closure of three churches in İstanbul's Esenyurt District as part of the pandemic restrictions is concerning.

While the limited permissions given to church officials to travel on Sundays in order to provide online services is a positive development, when the whole situation is assessed, Christians have been put at greater disadvantage during the pandemic.

Dialogue

In 2020, the Protestant community/church 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 Protestant Community of Turkey.

⁹ <https://www.hukukihaber.net/egitim/mahkeme-zorunlu-din-dersinden-muafiyet-sartini-hukuka-aykiri-buldu-h344451.html>

In 2020 this lack of communication, especially during the pandemic, has affected the churches negatively.

During 2020 there was close communication with several municipalities. However, we desire to have a similar level of communication with all public offices and institutions.

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

Recommendations

- Dialogue between the government - or other public institutions - and the Protestant community on issues that involve us would go a long way towards overcoming prejudice and solving problems. Experience in this area shows that when the channels of communication are open, many problems are quickly solved.
- Hate crimes and intolerance against Christians continued to occur in 2020, albeit at a much-reduced level. In particular, when reported crimes go unpunished it creates serious concern and insecurity. An important step to solve the problem would be to revise existing laws so they are no longer ambiguous and to clearly define hate speech and hate crimes in legislation. At the same time, 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 historic 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 local and central 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 and other government institutions that own church buildings but use them for other purposes should at the very least allow church congregations to use the buildings for Sunday and/or 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.

- Transparent channels of communication should be established in place of the attempt to gather information from 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.
- Exemption from Religious Culture and Moral Knowledge lessons should be based on an individual's self-declaration.
- Central and local 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 recognition that these people are 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.
- There is a need for more action to be taken by journalistic bodies and other civil society organisations to raise awareness among members of the local media (whether journalists, correspondents, or columnists) of the problem of hate speech, and to require formal education to create a sensitivity towards this issue.
- Education to raise awareness of the problem of hate speech needs to be given to all personnel in the social media offices in Turkey or Turkish language units of social media companies, especially those that engage in monitoring. These types of complaints must be investigated more rigorously; accounts that violate these principles need to be closed and the relevant mechanisms or algorithms be implemented to stop these individuals simply opening another account. to promulgate hateful messages.
- The policy applied to expatriate members of the Protestant community suddenly prohibiting their entry to the country in a shocking manner must be lifted. Those affected have not been charged of any crime and are suffering purely because of their religious faith: this situation must cease. When deciding who are appropriate people to allow in our country, the policies pursued must be objective, apply to all people equally and be subject to the rule of law.

Respectfully submitted,
Association of Protestant Churches