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TURKEY: Is there religious freedom in Turkey?

By Otmar Oehring, head of the human rights office of Missio <www.missio-aachen.de>

The European Union (EU) must make full religious freedom for all a core demand in the EU membership negotiations with Turkey which have just begun, argues Otmar Oehring of the German Catholic charity Missio <<http://www.missio-aachen.de/menschen-kulturen/themen/menschenrechte>> in this personal commentary for Forum 18 News Service <<http://www.forum18.org/>>. Dr Oehring also calls for people inside and outside Turkey who believe in religious freedom for all to honestly and openly raise the continuing obstructions to the religious life of Turkey's Muslim, Christian and other religious communities. He analyses the limited, complex and changing state of religious freedom in the country. In particular, he notes that Christians of all confessions, devout Muslim women, Muslim minorities, and other minority religions face official obstacles in practicing their faith and (in the case of non-Muslims) strong social hostility.

Go to any mosque or church in Turkey and you will see people worshipping. So clearly some religious freedom exists. Yet serious problems persist. Religious communities are not allowed to organise themselves as they choose. Individual religious freedom exists up to a point. For example, you are entitled by law to change your religion and to have the change recorded on your identity documents, but people who have done so have faced hostility from fellow-citizens. As soon as a religious community wants to organise itself, problems arise. This holds just as much for Muslims as for communities of other faiths.

Although many Turks dislike the term "State Islam", it has to be stated that Islam is organised by the state. Sunnis who consider this an unacceptable innovation are not allowed to organise. Although Sufi orders exist, some even with a vast membership, they have been officially forbidden since the 1920s.

The main problem religious communities identify is their lack of legal status as religious communities. In the late Ottoman period some religious minorities had legal status under the millet system, but the Islamic community had no separate legal status as the state was considered to be Islamic. But since the founding of the Turkish republic, any such status has disappeared. Some Muslims are concerned about this lack of legal status, especially minority Muslim groups within the dominant Sunni majority, as well as the Alevis, Shias and the Sufi orders. But few Muslims are prepared to voice their demands for legal status openly, for fear of imprisonment, although in recent years the Alevis have become more vocal. This has led to their gaining some recognition as associations, though not as religious bodies.

Religious meetings and services without authorisation remain illegal, though it remains unclear in law what constitutes legal and illegal worship. The Ottoman millet system recognised some religious minorities and the 1923 Lausanne Treaty spoke vaguely of religious minority rights without naming them, but the Turkish authorities interpret this to exclude communities such as the Roman Catholics, Syriac Orthodox and Lutherans, even though these communities have found ways to function. Protestant Christian churches functioning quietly in non-recognised buildings are generally tolerated, but Muslims gathering outside an approved mosque are viewed as a threat to the state and police will raid them.

It is not possible for most Protestant Christian churches to be recognised as churches under current Turkish law. But in one bizarre case, a German Christian church was recognised in Antalya, but only by calling itself a "chapel" not a "church." Most Evangelical Protestant churches in Turkey do not meet in private homes, but in rented facilities such as office buildings or other non-residential buildings. These can be fairly large.

The Law on Associations No. 2908, adopted in October 1983, did not allow the founding of associations with a religious purpose. So founding, say, a religious discussion group or even a religious freedom group, as an association was impossible. The Law was amended four times by Turkish EU-Harmonization Laws, but no changes were made to the religious association ban. As the European Commission was not satisfied with the amended Law, a new law was adopted by Parliament, as Law on Associations No. 5231, in July 2004. This Law does not (unlike the previous Law) list the purposes for which associations cannot be founded, giving the impression that founding religious associations is permitted. But Turkish courts can still stop associations for religious purposes being founded, basing their decision on the principle of secularism enshrined in the Turkish Constitution, as both lawyers and human rights activists in Turkey have noted. No religious group that has applied to be recognized as a religious association – as a number of Protestant Churches have – has been recognized as such. But some Sufi orders and new Islamic movements have registered as businesses, even with religious names.

However, the government has changed the building planning laws, replacing the word "mosque" with "place of worship". The government indicated to Protestant churches that individuals cannot ask for buildings to be designated as a place of worship, but individual congregations should try to get recognition as a legal personality first (as a "Dernek" or society) and then try to get their meeting place designated as a place of worship. At least two Protestant churches are now trying this route.

There are currently two Protestant churches that are legally recognised by the Turkish state, one of which is in Istanbul. It was recognised as a "Vakf" (charitable foundation) several years ago, after a long court battle, making it a legal entity. Several weeks ago, they finally had their building officially designated as a place of worship. The second example is the Protestant church in Diyarbakir, which has legal recognition as a house of worship under the Ministry of Culture, as a heritage site.

Religious education remains tightly controlled. In law such education must be carried out by the state, although in practice Christian churches - Armenian Apostolic, Orthodox, Catholic and Protestant - have been able to provide catechetical training to their children on church premises. The state turns a blind eye to this. But Koranic courses are different. Officially they should take place only under the guidance of the state, yet some 6,000 such courses are widely spoken of as existing clandestinely. Many officials and police officers have good contacts with them, while many senior officials and parliamentarians have been members of Sufi orders which officially do not exist or are forbidden.

It is generally impossible to found higher education establishments for Muslims, Christians and others. The Armenian Apostolic and the Greek Orthodox seminaries were closed down in the 1970s and the government has resisted all attempts to reopen them. Protestants cannot normally establish Bible colleges. However, an Evangelical Bible college functions in Selcuk; it is not government recognised and accredited, but it has been providing theological training for several years. Christian clergy and pastors mostly have to train abroad. Alevi Muslims do not tend to demand religious colleges, as they are led not by imams but by elders who are initiated by other elders.

The Law on Construction - which came into force into July 2003 - makes it possible to "establish" places of worship. But the law - probably deliberately - does not define if this means "build", "rent" or "buy". Protestant churches face problems trying to build. Any community wishing to build a place of worship officially can do so in an area with a minimum number of adherents of their faith - but the state decides if the community has enough members to get the land it needs. There is no authoritative definition of how the law should be interpreted. The Justice Minister said recently that religious communities intending to establish a place of worship should apply, but how can religious communities apply if officially they cannot exist?

Government officials do not want to acknowledge that Alevi Muslims cannot officially establish places of worship. The government is building Sunni mosques in many Alevi villages, but Alevis will not go to them. Instead they meet openly for worship in cemevis (meeting houses), not only in central Anatolia but even in Istanbul. The government stated in parliament in 2004 that such Alevi cemevis are not to be considered as places of worship. Although many of them still function unimpeded, some have been closed down in recent years.

Conversion from one faith to another is possible, even from Islam, under the law on personal status (though you cannot be listed officially as an atheist or agnostic). If you convert from Islam you can change your faith on your identity papers, but being Muslim on your identity card makes day-to-day life easier. Christians, Baha'is or Jehovah's Witnesses are often unable to find employment, especially in rural areas. So many who have converted from Islam to another faith prefer to leave their religious designation on their identity papers unchanged. According to information given by the Minister of State in charge of Religious Affairs this autumn, during the last ten years fewer than 400 people officially converted to Christianity and only about 10 to Judaism.

Islam is controlled by the Presidency of Religious Affairs, or Diyanet <<http://www.diyamet.gov.tr/english/tanitim.asp?id=3>>, which is directed from the Prime Minister's office. This was deliberately established not as a government ministry, as Turkey claims to be a secular state. Some Muslims do object to this state control, especially those from newer groups, such as the Nurcu movement, the Suleymanci, followers of Fethullah Gulen, and members of Sufi orders.

Some religious communities can officially invite foreign religious workers. The Catholics can under the 1923 Lausanne Treaty invite foreign priests up to a certain number, though even then the government makes this difficult, asking why the Church needs so many priests when there are so few Catholics. It is more difficult for Protestant communities, as officially they do not exist as religious communities. Foreign religious workers who come to Turkey under some other guise can face problems, if the government finds out about them. As long as the state does not have to know about their activity they can function, but as soon as the state is forced to take official notice of them, they can face problems. The government knows about most, if not all, Protestant missionaries, because these made a conscious decision to be open about what they are doing. Occasionally they experience some problems but - with occasional exceptions - the government merely monitors what they do, leaving them otherwise undisturbed.

All religious communities are under state surveillance, with religious minorities facing the closest scrutiny. Christian leaders know they are listened in to and their telephones are tapped. The Ecumenical Patriarch states that "walls have ears," even when speaking within his own Patriarchate in the Fener district of Istanbul. Police visit individual Christian churches to ask who attends, which foreigners have visited, what they discussed. They are particularly interested in which Turkish citizens attend.

Are such visits a threat, or do the intelligence agencies just want to know what is going on? When the police attend Catholic services in Ankara, they say they are there to protect Christians. From my conversations with church members, I'm sure this is not true.

When secularism was proclaimed as a guiding state principle in line with French *laïcité* it was sincerely meant. Kemal Ataturk and his followers aimed to crush Islam. Later on, officials understood that society was not willing to follow this line. Slowly, Islam returned to schools and other areas of life. Now Turkey is a Sunni Muslim state. All those whose mother tongue is Turkish and are Sunni Muslims are considered Turks. Alevi, Kurds, Christians and all other minorities are not considered Turks - they are considered as foreigners.

The furore over headscarves - a genuine concern to devout Muslim women - was exploited as a political issue by Islamist parties, eager to demonstrate their opposition to the military authorities which had banned Islamic dress after the 1980 coup. Had there been no headscarf ban, there would have been no problem. This point was illustrated by the case of a non-political devout Muslim, Leyla Sahin. She was barred from wearing a headscarf in Istanbul University in her fifth year of medical studies and subsequently successfully completed medical studies at Vienna University in Austria. This disturbing ban - which de jure bars devout Muslim women from universities - is currently under consideration by a Grand Chamber of the European Court of Human Rights (ECHR). (See <http://www.strasbourgconference.org> for more on this and other ECHR cases.)

In rural Sunni areas women have always worn headscarves - though not the type seen in Iran or Saudi Arabia - which some women have tried to wear in towns. In some cases, supporters of the Refah (Welfare) party and others have paid women to wear such scarves. Even nationalist politicians say that if women are free to choose whether to wear a headscarf or not, many who have worn them for political reasons would no longer wish to do so.

Societal opposition to minorities of all sorts does impact on religious freedom. Such social pressure is felt most keenly among the poor. Members of the urban middle class who convert from Islam to other faiths can freely practise their new faith. In Izmir a Christian church exists where many young converts of university background attend unchallenged. But openly converting to and practising a non-Islamic faith is often impossible in poor neighbourhoods. In former Armenian-populated areas of Anatolia - where there are also people of Syriac descent - many families changed their formal identification to Muslims, but did not convert in reality. Their attempts to practise Christianity face enormous obstacles unless they move to Istanbul or even to Ankara. Back in these towns and villages are no Christian churches, so anyone wanting to meet for Christian worship could be dragged off to the police or suffer beatings.

One former Interior Minister stated that Christians should only conduct missionary activity among such people of Christian descent. He estimated the numbers of such people at between 800,000 and three million people.

You have to be very courageous to set up a Protestant church in remote areas, as pastor Ahmet Guvener found in Diyarbakir. Problems can come from neighbours and from the authorities. Even if not working hand in hand, neighbours and officials share the same hostility. They cannot understand why anyone would convert to Christianity. People are not upset seeing old Christian churches - Syriac Orthodox and other Christian churches have always existed in Anatolia - but seeing a new Protestant church, even when housed in a shop or private flat, arouses hostility.

Officials vary in their attitudes. The Kemalist bureaucracy follows Ataturk's secularist line and is against anything religious. There is a nationalist, chauvinistic wing of officialdom which believes that anything not Turkish is a threat to be countered. The security and intelligence services, including the powerful military, are both Kemalist and nationalist. Anyone considered not to be Turkish and not Sunni Muslim faces problems. Even Sunni Muslim Kurds are excluded, while Alevi Kurds are regarded as even worse.

It is very difficult to imagine that in the next decade or so Turkish society will change to allow full religious freedom. To take one example, for the change to be conceivable the chauvinistic content of primary and secondary school education - constant praise of Ataturk, Turkey and all things Turkish - will have to change. Unless this happens, it is very hard to imagine Turkey evolving into an open society that is truly ready to accept European Union (EU) human rights requirements. One non-religious illustration of the lack of openness in Turkish society is the near impossibility of free discussion of the genocide of 1.5 million Armenians and Assyrians in the last years of the Ottoman empire, along with continued official denial that the genocide took place.

Christian churches have welcomed the prospect of Turkish EU accession, often due to their own communities' experience and hopes. If negotiations last for more than a few years some improvements for religious minorities - including Islamic minorities - might be possible.

Sadly, there appears to be not enough interest among diplomats in Ankara from EU member states - or in their foreign ministries back home - in promoting religious freedom in Turkey. The EU has forced the Turkish government to change the Law on Foundations. This law governs inter alia community foundations (*cemaat vakflar*) that act as the owners of the real estate of Armenians, Bulgarians, Greeks and Jews, who are treated by the government as minorities within the meaning of the Treaty of Lausanne as well as some of the properties of the Chaldean Catholic, Syrian Catholic and Syrian Orthodox Christians, who are not treated by the government as minorities within the meaning of the Treaty of Lausanne. But reforms will have to go much deeper for

Turkey to meet the EU's stated 'Copenhagen criteria' of being "a stable democracy, respecting human rights, the rule of law, and the protection of minorities." The EU must make full religious freedom for all, including for Muslims, a core demand.

Full religious freedom would bring with it an increase in the influence of Islam, which some think would endanger the western orientation of Turkey. Possibly this is the reason that the EU has not pushed Turkey harder on religious freedom. However, it is unwise to see the relationship with Turkey through such "war-against-terror spectacles." It is vital for the future of Turkey that full religious freedom be a core demand, so that Turkish democracy can be strengthened to the point that it can in democratic ways cope with the hostility of some Islamic groups.

With so little apparent interest in pushing for full religious freedom from within the EU, local religious communities within Turkey will have to take the lead. They are starting to challenge the denial of their rights through the courts. Protestant Christians have been doing this for almost 10 years, usually with success. The Ecumenical Patriarchate, however, has failed to regain a former orphanage it ran on an island near Istanbul through the High Court in Ankara. It is now taking the case to the European Court of Human Rights (ECHR) in Strasbourg, to which Turkey is subject as a member of the Council of Europe. I believe this is the right way for such communities to defend their rights and others are already following. The Alevi Muslims have told the government that, if they continue to be denied religious education in state schools to their children according to their own teaching, they too will go to the ECHR. Denial of legal status to religious communities is another possible ECHR case.

The most important thing is to put religious freedom on the agenda and talk openly of the problems with full knowledge of the nuances and complexities of the situation.

It is important to challenge Turkey's restrictions on religious freedom using Article 9 of the European Convention on Human Rights, which Turkey signed in 1954. This article guarantees "freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance." This should be the basis for all discussion of religious freedom, not the 1923 Lausanne Treaty, with its highly restrictive approach to religious freedom.

Turkish religious communities will have to speak more on the importance of religious freedom to the outside world, though they will have to be wise in the way they do this. Religious minority leaders are in a difficult situation: they believe that they have to argue in favour of negotiations on EU membership, however sceptical they might be about how ready Turkish society is to make the necessary changes.

Foreign churches and religious communities should be talking to their own governments, to press them to promote religious freedom in Turkey. They will have to convince them they are not simply advocating greater rights for their co-religionists but truly advocate religious freedom for all in Turkey, including Muslims.

The big question remains: do the Turkish government and people have the will to allow full religious freedom for all? The Turkish media speculates that the current government might not be in favour of EU membership, but is merely using this as a way to introduce domestic developments to achieve Islamist aims. The suggestion put forward in the media is that, if democracy develops, the military will be prevented from mounting a coup and so there will no longer be any obstacle to Islamist aims.

Whether or not this media speculation reflects reality, all those who believe in religious freedom in Turkey - both within the country and abroad - must keep the issue on the domestic and international agenda - and be honest about the continuing obstructions to religious life of Turkey's Muslim, Christian and other religious communities.

(END)

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<<http://www.missio-aachen.de/menschen-kulturen/themen/menschenrechte>>, a Catholic mission based in the German city of Aachen, contributed this comment to Forum 18 News Service <<http://www.forum18.org>>. Commentaries are personal views and do not necessarily represent the views of F18News or Forum 18.

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