



Association of Protestant
Churches - Turkey

Universal Periodic Review 35th session – Stakeholders Report

Turkey: Freedom of Religion or Belief and the Situation of the Protestant Christian Minority

Submitted to the Office of the High Commissioner for Human Rights by the World Evangelical Alliance, the Baptist World Alliance, and the *Protestan Kiliseler Derneği* (Association of Protestant Churches - Turkey), ahead of the Universal Periodic Review of Turkey during the UPR 35th session.

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The World Evangelical Alliance (WEA) was founded in 1846 in London. Today, the WEA is a network of churches in 129 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

The Baptist World Alliance (BWA) was founded in 1905 in London, England. Today, the BWA is headquartered outside Washington D.C., USA and is a fellowship of 239 Baptist conventions and unions in 125 countries and territories comprising 47 million members in 169,000 churches.

The *Protestan Kiliseler Derneği* (Association of Protestant Churches - Turkey) was started (and is still commonly known) as 'TeK' (*Temsilciler Kurulu* - Representative Council), in 1989 in Turkey. It was officially registered as the "Association of Protestant Churches" in January 2009. The Association of Protestant Churches acts as the Turkish Protestant community's representative. The Turkish Protestant community is made up of over 150 small and large fellowships, the majority of which are found in Istanbul, Ankara and Izmir.

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1. In Turkey, the right to freedom of religion and belief is guaranteed under national laws, in the constitution and through the implementation of international law. Article 24 of the constitution declares, in its first paragraph, “Everyone has the freedom of conscience, religious belief and conviction.” Turkey ratified the International Covenant on Civil and Political Rights in 2003, albeit with a reservation on the covenant’s article 27 on the rights of ethnic, religious or linguistic minorities.¹
2. However, despite some positive recent developments in the area of religious freedom, the Protestant Christian minority continued to face many challenges.

Turkey’s Protestant Community

3. Over 99% of Turkey’s population is Muslim, mostly Sunni. Less than 1% consist of non-Muslim religious minorities, including Christians and Jews. Altogether, the 7,000 members of the Turkish Protestant Community are a fraction of the population of Turkey.
4. The Turkish Protestant community is made up of over 150 small and large fellowships, the majority of which are found in Istanbul, Ankara and Izmir. Only 10 congregations meet for worship in official church buildings, most of them historical buildings. Another 67 fellowships either rent or have purchased facilities designated as legal “association” meeting places.

Violence, Threats of Violence and Hate Speech against Protestants and Protestant churches

5. Despite Turkey’s tradition of tolerance and ethnic and cultural diversity, several high-profile murder cases have kept Christians in Turkey vigilant to social hostility and its manifestations. On 5 February 2006, a Catholic priest was shot and murdered by an underage ultranationalist during prayer rituals at church, in Trabzon. On 19 January 2007, Hrant Dink, a Protestant and the editor in chief of the Armenian newspaper "Agos" based in Istanbul, was shot dead at the entrance to his office by an underage ultranationalist. On 18 April 2007, Necati Aydin (36 years), Ugur Yuksel (32 years) and Tilman Geske (45 years) were brutally murdered in the office of a Christian publishing house in Malatya by three young people, in what became known as the Malatya Zirve Publishing House murders. And on 3 June 2010, Monsignor Luigi Padovese, Apostolic Bishop of Anatolia and Prelate of the Catholic Church in Turkey, was killed by his driver.
6. Compared to previous years, the Association of Protestant Churches in Turkey saw a clear reduction in 2018 in hate crimes committed against Protestant Christians that resulted in physical attacks against Protestants and Protestant churches. This assessment is based on the Association’s monitoring and documentation. However, there was a significant increase in public, written and verbal hate speech designed to incite the public against the Protestants and Protestant churches. A list of recent incidents involving attacks or threats against Christians is provided in ANNEX 1 in this report.

¹ The text of Turkey’s reservation on article 27 is the following: The Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the International Covenant on Civil and Political Rights in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes.

7. National media outlets, local media and social media increasingly conveyed hateful messages against Protestants, and sometimes against specific churches and local and foreign church members in Diyarbakir, Mardin, Izmir and Manisa. Even more concerning, there was an increased coupling together of churches and terror organizations in news reports without any evidence of substantiation, and despite declarations to the contrary by churches and church leaders.
8. The large increase in publications that included hate speech directed at churches and their members, in particular in relation to the Pastor Andrew Brunson case², have brought back memories of the 2007 Malatya Zirve Publishing House murders. These publications were similar to publications made just before the said murder. Allegations in a national newspaper that an individual who visited a church in Van as a supporter of a terrorist association, coupled with publication of his name and the name of his company led to the loss of a number of business contracts.³
9. In both local and national publications, the distribution of photographs of many churches and individuals, the reporting of secret false-witnesses as if they were true, and the refusal to allow use of the constitutional right of reply or correction in these publications causes serious concern to the named churches and individuals.⁴
10. In Izmir, Istanbul and Mardin, the offended parties that were named in the media (church leader/members or the church association) took legal action. But either their complaints were deemed not worthy of investigation or the publications were left unpunished on the basis of freedom of press or freedom of speech. This lack of punishment has resulted in a daily increase in the level of hate speech in this type of publication. There is a difference between the attitudes and decisions of the investigating authorities when this type of inciteful hate speech is directed at the faith, place of worship, leaders or members of the majority religion and religious minorities. The lack of neutrality of the judiciary has damaged the trust of the Protestant community in the judicial system.
11. Members of the Protestant community have become reluctant to complain to the security forces or report incidents due to hate-speech and perpetrators going unpunished, to being unable to get a satisfactory result from investigations by authorities, and due to the perpetrators usually remaining unidentified.
12. Finally, despite propagation of faith being a constitutional right protected under national and international legislation, "Missionary Activity" continues to be a heading under the

² Andrew Brunson, born in 1968, is an American pastor and a teaching elder of the Evangelical Presbyterian Church. In October 2016, Brunson was arrested in Turkey, where he had lived since the mid-1990s. He was released in October 2018 after being sentenced to time served, and immediately returned to the United States.

³ *İşadamı Bradley misyoner papazla aynı masada*, 22 February 2019, <https://www.yeniakit.com.tr/haber/kurt-gencleri-misyoner-kiskacinda-624155.html>; In addition, this article accuses Christians of luring Kurdish youth with the promise of money and career. It includes the name, photo and company name of a Christian whom it accuses of missionary activity.

⁴ This article in Gazete Merhaba asks questions such as "What is the secret of the aid of the churches to these refugees from Muslim countries?" Such questions foster conspiracy theories and the idea that religious conversion is through financial means. *Sessiz ve derinden misyonerlik*, 17 July 2017, <https://gazetemerhaba.com/sessiz-ve-derin/>; Mardin Life Turkish language newspaper has a classification category on its website specific to missionary activities, where Christians are depicted negatively, and even associated with terror groups: <http://www.mardinlife.com/misyonerlik/haberleri>

section related to *National Threats* in the 8th Grade Elementary School textbook entitled 'Revolutionary History and Kemalism'.⁵ This teaching continues to be referenced in supplementary textbooks and tests related to this subject.⁶

Denial of Places of Worship

13. Turkish churches continued to face government restrictions with regards to establishing places of worship and to continue to use facilities for worship. The Association of Protestant Churches in Turkey (TeK) observed that the number of incidents related to places of worship has increased in 2018 when compared to 2017. In ANNEX 2, we provide a non-exhaustive list of incidents related to places of worship, documented by TeK.
14. Municipalities, the Ministry of Culture and other government institutions own historic church buildings and use them for purposes unrelated to religious activities. They are not made available to Protestant churches for celebrating Christian services and ceremonies.
15. Because of the very limited number of historic church buildings available for use, Protestant communities look for a place to worship by establishing an association or gaining representative status with an existing association or religious foundation. Following, these communities rent or purchase a property such as a shop or depot that has not traditionally been used for worship. However, in this case, requests by the churches to re-designate these properties as places of worship are rejected by municipalities or not even tabled as an agenda item for the municipal council to discuss. Since 2017, no church made such a request in light of past rejections.
16. As a result, meeting places are not recognized as a place of worship, but as the locale for the association. Thus, they cannot make use of the advantages given to an officially recognized place of worship, such as exemption from some taxes and public utility fees. When they introduce themselves to the authorities as a church they receive warnings that they are not legal and may be closed down. During 2018 many churches or church associations were visited by security forces who sought information about the churches' respective activities. No negative result occurred consequent to these visits.

Legal status for the Protestant community

17. The lack of Legal Entity is a problem for all religious groups as well as minority groups in Turkey. This problem continues in 2018, despite some positive developments that we outline hereafter. The Protestant community has mostly tried to solve this issue by establishing associations or for a church to become a representative of an already existing association. As of 2018, members of the Protestant community have 6 religious foundations, 5 foundation representative branches, 37 church associations and over 30 representative

⁵ MEB ilköğretim 8. sınıf "Türkiye Cumhuriyeti İnkılap Tarihi ve Atatürkçülük" ders kitabı, Devlet Kitapları Yayınları. ISBN: 978975-11-3073-0

⁶ MEB ilköğretim 8. sınıf "Türkiye Cumhuriyeti İnkılap Tarihi ve Atatürkçülük" Atatürk'ten Sonra Türkiye-2 Kazanım Kavrama Testleri 31.-32. testler 9. ve 10. sorular

branches connected to these associations. This trend towards forming associations continues. However, associations 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.” Thus, churches are denied the status and legitimacy of a place of worship or religious congregation, in addition to tax and utility fee exemptions.⁷

18. In addition, for small churches, the present “association formation” path appears complex and hard to implement. Small congregations continue to lack the means to become an association and a legal entity. They try to resolve this problem through becoming a representative branch of an existing church association or religious foundation.

19. In 2018 a Protestant church in Bursa was able to form a religious foundation, for the first time since the year 2000. One other Protestant church’s application to become a religious foundation is ongoing. If this application is approved it is expected that many other churches will apply for religious foundation status.

Challenges to Religious Leaders Training in Turkey

20. The laws in Turkey continue to not allow the training of non-Muslim religious leaders and the opening of non-Muslim religious training schools to teach religious communities in any way.⁸ Yet the right to train and develop religious leaders is a foundation stone of the freedom of religion and faith. The Protestant community presently solves this issue by churches equipping their members to become leaders without the means for any formal training, or by sending students abroad for study.

The Mandatory Declaration of Faith

21. The new identity cards that have begun to be distributed in 2017 do not have a section for religious affiliation but instead contain this information on a chip; this is regarded as a very positive step to minimize the risk of discrimination. However, we would like to see the complete removal of the mention of religion affiliation from official documents. When needed, religious affiliation can be stated, instead, by an individual’s verbal declaration.

Freedom of Religion in Education

22. In Turkey, all children in the fourth grade and above are required to attend a compulsory class on “Religious Culture and Moral Knowledge” (except those children enrolled in private minority schools).⁹ Non-Muslims have the possibility to opt-out from these classes. In order

⁷ In comparison to Mosques, for example.

⁸ Muslim training schools and faculties are allowed and exist in large numbers.

⁹ Compulsory Religious Education in Turkey: A Survey and Assessment of Textbooks, United States Commission on International Religious Freedom, 2015, <https://www.uscirf.gov/sites/default/files/TurkeyTextbookReport.pdf>

to be considered exempt from these classes, it is required to declare or even to prove one's faith. This requirement 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.¹⁰

23. Besides this, previously, one had to declare one's faith by showing a photocopy of an identity document. How this exemption will be provided through the new identity cards remains unclear.

Dialogue with Authorities

24. In 2018, the Protestant community or church representatives were not invited to meetings of religious groups organized by the government or by official organizations. This shows that the tendency to discount or ignore the presence of the Protestant Community of Turkey continues and demonstrated the importance of gaining official and legal status as a religious organization.
25. In recent years, the best dialogue churches had was with the Police and Security forces. The Protestant community was able to continue to worship and celebrate religious holidays without incident as a result of the dialogue between the police and churches relating to security issues, carrying out security precautions in a way that did not disturb or abuse members and increasing security precautions.
26. The Protestant community continues to attach great importance to the development of relationships with public institutions, especially the government, the Parliament and municipalities.

Freedom of Religion or Belief in Turkey's 2nd UPR Cycle

27. In the 2nd Cycle of the UPR, Turkey accepted 8 recommendations directly or indirectly related to Freedom of Religion or Relief (148.36, 149.5, 150.32, 150.47, 148.150, 148.126, 148.114, 150.37), and noted 7 (151.22, 151.8, 151.21, 150.25, 150.46, 150.36, 151.19 and 151.20).
28. In light of our report, we believe that most *supported* recommendations in Turkey's 2nd cycle have yet to be implemented. This includes the following recommendations related to the status of places of worship, legal personality for churches, legislative reform aimed at guaranteeing the rule of law and freedom of religion, the adoption of anti-discrimination legislation, and taking measures to prevent and combat discrimination.

¹⁰ Mahkeme, zorunlu din dersinden muafiyet şartını hukuka aykırı buldu (Court finds requirements for exemption from the compulsory religious course unlawful; In order to be exempted from compulsory religious education, the obligation to document the affiliation of children to Christianity or to Judaism was found unlawful.), 21 December 2018, <https://www.hukukihaber.net/egitim/mahkeme-zorunlu-din-dersinden-muafiyet-sartini-hukuka-aykiri-buldu-h344451.html>

Recommendations to the Government of Turkey

Revising Legislation

29. Revise existing laws to clearly define hate speech and hate crimes in legislation, in line with international law, and ensure that complaints are appropriately addressed when reported.
30. Revise the Laws for Foundations (Vakıflar Yasası) to allow churches to establish religious foundations and therefore gain legal status and enjoy their full rights as religious organizations in Turkey.
31. Remove restrictions upon non-Muslim faith communities to train their religious instructors in country, in accordance with their own beliefs and traditions.

Combatting hateful anti-Protestant discourses

32. Use public broadcasting to educate the public on tolerance and the limits of free speech, to prevent hate speech and hate crimes, and seek to create a paradigm shift in the education and cultural sensitivities of the public.

Places of worship

33. Allow Christians and other religious minorities to open small places of worship (chapels), similar to the masjid concept.
34. Allow church congregations to use, for Sunday or holiday worship services, church buildings owned by municipalities, the Ministry of Culture and other government institutions and who use them for other purposes.

Dialogue with the Protestant Community

35. Hold a dialogue with the Protestant community. Such a dialogue, when addressing the challenges that the Protestant community face, can go a long way toward overcoming prejudice and solving problems. Experience in this area shows that when the channels of communication are open, many problems are quickly solved.
36. Within the framework of human rights education, relevant public officials should be instructed in freedom of religion and conscience issues.

Freedom of Religion in Education

37. In 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. A culture of living together and showing respect for faiths needs to be developed beyond wishful thoughts, with further steps taken and inspection of its application.
38. Exemption from Religious Culture and Moral Knowledge lessons should be based on an individual's self-declaration.

ANNEX 1: Incidents against Protestant churches in 2017 and 2018

ANNEX 2: Challenges related to the recognition of places of worship in 2017 and 2018