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Institut International pour la Liberté Religieuse



Association of Protestant
Churches (Turkey)

2019 Human Rights Violations Report

Bonn – Cape Town – Colombo

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Association of
Protestant Churches (Turkey)

2019
Human Rights Violations Report



The “Protestant Churches Association” had its beginnings in 1989 with the meeting of church leaders as a ‘Representative Council’ which turned into the ‘Alliance of Protestant Churches’ and finally became an official association January 23, 2009.

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Introduction and Summary

The Turkish Protestant community is made up of over 170 small and large fellowships, the majority of which are found in Istanbul, Ankara and Izmir.

The Protestant fellowships have established 9 religious foundations, 9 foundation representative branches, 35 church associations and over 43 representative branches tied to those associations. The remaining fellowships have no legal entity status. Approximately 26 of them are house fellowships. Approximately 13 Protestant churches meet in historical church buildings. The rest use public places for worship but they are congregations that do not possess legal status.

The Protestant community did not have the opportunity in 2019 to train its own religious personnel within the Turkish National Education system. In most cases, the Protestant community trains its own religious leaders. 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 during 2019 the frequent refusal to allow entry to Turkey, due to various reasons, for foreign clergy created serious problems for those Protestant fellowships which were lead 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 80'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, also known as TeK (Representative Committee). Due to limitations in the previous legislation relating to associations, TeK continued to experience difficulties in being able to be a representative body before the official government institutions in Turkey. As a result of the change in the Law of Associations, TeK chose to become an association. The Association of Protestant Churches was officially formed on 23.01.2009. The Associa-

tion of Protestant Churches continues to act as the Turkish Protestant community's representative and institution for unity.

Since 2007 the Association/Alliance of Protestant Church has published these monitoring reports which explain the Protestant community's situation in Turkey.¹ 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, that describes the Protestant community's situation, in order to serve this purpose and not a political one.

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, from the perspective of the Protestant community some basic problems still continued in 2019. With the aim of contributing to the development of freedom of belief in Turkey, this report has been prepared to present some of the experiences and problems as well as positive developments that have been experienced in 2019 by the Protestant community in the area of religious freedom.² The situation in 2019 can be summarized briefly as follows:

- Compared with the previous year, there was a reduction in 2019 in hate crimes committed against Protestant Christians that resulted in physical attacks against the person or against organisations and churches purely due to their beliefs.
- Although 2019 also saw a significant decrease in public hate speech designed to incite the public to hatred of Protestants and in written or verbal hate attacks on Protestants and Protestant churches purely due to their beliefs, this problem did continue to manifest itself in 2019.

¹ The name "Alliance" was used prior to 2009 http://www.Protestankiliseler.org/?page_id=638

² Our society defends freedom of religion and belief for all. This includes the freedom to choose not to believe anything.

- Problems continued to be faced with regard to requests to establish a place of worship, to continue using a facility for worship, and to use an existing church building.
- During the Christmas and New Year season, there was some apprehension because of billboards and posters containing hate filled slogans, brochures distributed on the street containing hate language, and negative newspaper articles and television programs, all of which were directed at Christmas and New Year celebrations.
- The trend for gaining legal status for the Protestant community through establishing associations slowed down in 2019. In its place the trend to form a foundation became on the rise. During 2019 church foundations and associations did not experience pressure and were not prevented from worshipping.
- There was no movement forward in 2019 in regards to protecting the rights of Christians to train their own religious workers. Many foreign church leaders were deported, were denied entry back into Turkey or faced problems with getting their residence permits renewed.

Hate Crimes and Speech, Verbal and Physical Attacks

- On 13 February 2019, the sign erected by the İstanbul Cankurtaran Church Association was dismantled by the Üsküdar Municipality without the knowledge of the Church authorities, on the grounds of it being large, attracting notice and making those who passed by on the street uncomfortable to see it.
- On 14 July 2019 in the Gebze county of İzmit province, two people broke a crucifix necklace that was being worn by a young Christian, and after swearing and throwing insults and slaps the perpetrators ran off.
- On 19 July 2019, the Malatya Regional Administrative Court rules that the Malatya Governor and the Ministry of the Interior were not at fault in the 18 April 2007 murder of 3 Protestant Christians

as a result of their faith and so ruled that the compensation paid to the victims' families should be repaid along with interest. This decision has been appealed. The legal process is continuing.

- On 6 September 2019, in the Akçaabat country of Trabzon province, the frontage of several buildings that had been built for tourists were officially demolished as a result of complaints that their design resembled a cross. It is extremely sad that architectural design that is completely unrelated to Christianity is not tolerated simply because of a vague resemblance.
- On 18 September 2019, a person who visited the Antalya Saint Paul Cultural Centre/Church made threats and verbal insults to the church members. The incident was reported to the authorities and the individual was apprehended, but he was released by the prosecutors since he denied these actions and the CCTV footage did not contain audio recordings.
- On 11 October 2019, a stand in front of the Malatya Church that contained New Testaments and other Christian books was overturned by youths, and the New Testaments and books were thrown in the trash. In addition they left a threatening note saying that such publications should be removed otherwise these books would be regularly burned. The perpetrators were caught as a result of security cameras, but released as they were under 18 years of age. The church withdrew its legal complaint when the youths and their families apologised.
- On 19 November 2019, in Diyarbakır, South Korean citizen and Protestant Christian Jinwook Kim lost his life after a knife attack. Jinwook Kim was a volunteer in the church, had lived in Diyarbakır for 6 months and had a pregnant wife. His death resulted in great sadness and concern. The murder suspect - a 16 year old youth - surrendered to the police and stated that he had carried out the attack with the aim of robbery while he was under the influence of drugs. The court case concerning the crime is still ongoing. The Protestant community has requested that all aspects of the murder be investigated so as to avoid any lingering doubts about the event.

- During the 2019 Christmas and New Year season, various anti-Christmas and anti-New Year campaigns were carried out throughout the country. Antagonistic posters were hung on the streets, brochures were distributed, social media campaigns were conducted, and news was published in newspapers and on social media; the participation in these campaigns by various public institutions created an intense atmosphere of hate. In particular, there was a significant increase in abusive and insulting comments from users of social media and newspaper websites towards Christianity and Christians. These campaigns created apprehension during the various Christmas celebrations. The increase of such hate campaigns aimed at inciting hatred has caused deep disappointment within the Protestant Community.
- In 2019, it was observed that members of the Protestant community became more 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.

Problems Related to Places of Worship

Problems with regard to establishing a place of worship or continuing to use an established place of worship, an important part of freedom of religion and belief, continued in 2019 for the Protestant community..

Because the number of historic church buildings available for use by the Protestant community is so limited, Protestant communities try to overcome the problem of finding a place to worship by establishing an association 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.. However in this case requests by the churches to redesignate these properties as places of worship are rejected by municipalities or not even tabled as an agenda item for the municipal council to discuss. As a result, meeting places are not recognized as a place of worship. 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.

A breakdown of the properties used as places of worship by the Protestant community at the end of 2019 is as follows:

- 16 fellowships worship in their own (registered either in an individual or corporate name) detached/independent building.
- 33 fellowships worship in their own building (registered either in an individual or corporate name) which is attached to other property.
- 13 fellowships worship in a historic church building.
- 84 fellowships worship in rented property.
- 26 fellowships worship in a home or an office.
- On 21 March 2019 in Bolu, a house church used by Iranian refugees was sealed off by the Bolu Governorate

• The legal problems experienced by the Diyarbakir Protestant Church continued in 2019. Summary: along with other churches within the Diyarbakir Sur district, and 6300 other parcels of land were declared national property by a Cabinet decision announced in the Official Newspaper on March 25, 2016. Legal proceedings against this decision have begun. The problem concerning the current church building has been solved. But the concern over the building owned by Diyarbakir Protestant Church next to the main church building along with 3 parcels of land that the church uses for a garden continues as does the legal proceedings associated with them. On February 15, 2017, the 6. Section of the Department of the State Council decided to block the implementation of the decision to nationalize church buildings. The petition to overturn the decision to nationalize the church's annex and garden was rejected however. This decision created great frustration. The Diyarbakir Protestant community is still using their church building and

worship continues there. But the failure to resolve the problems related to their adjacent property gives rise to fears that they could lose their main church building. Verbal assurances given to the church leaders by local authorities that they will not touch these parcels of land and it will not be a problem have eased the fears of the fellowship.

For the growing Protestant community, issues relating to the provision of places of worship continued to be a serious problem during 2019.

The Right to Propagate Religion

The Antalya Bible Church's official request dated 17.12.2019 to open a stand in a public area for Christmas was rejected in 2019, despite them having opened a stand many times in the same area. Over the last 3 years the authorities refused permission, giving security/terrorism as a reason. However this year the reason given for refusal was an over-concentration of tourists in the area.

Problems Faced in Education and Compulsory Religious Knowledge Classes

During 2019 there has been no reported case of any negative incident with regard to Religious Culture and Moral Knowledge classes (RCMK) and the right of exemption from this class.

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."* 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.³

Despite propagation of the faith being a constitutional right, having not been listed as a crime in the national laws and being protected by national and international legislation, "Missionary Activity" continues to be a heading under the section related to *National Threats* in the 8th Grade Elementary School textbook entitled 'Revolutionary History and Kemalism'.⁴ This teaching continues to be referenced in supplementary textbooks and tests related to this subject.⁵

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

In 2019, the laws in Turkey continued not to allow the training of religious leaders and the opening of religious training schools to teach religious communities in any way. 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 providing apprentice training, giving seminars within Turkey, sending students abroad or using the support of foreign clergy.

In 2019, there were 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 very difficult situations as a result. Furthermore, foreign members of Protestant fellowships experience anxiety that they too could be deported from Turkey.

³ <https://www.hukukihaber.net/egitim/mahkeme-zorunlu-din-dersinden-muafiyet-sartini-hukuka-aykiri-buldu-h344451.html>

⁴ MEB İlköğretim 8. sınıf "Türkiye Cumhuriyeti İnkılap Tarihi ve Atatürkçülük" ders kitabı, Devlet Kitapları Yayınları. ISBN: 978975-11-3073-0

⁵ MEB İlköğretim 8. sınıf "Türkiye Cumhuriyeti İnkılap Tarihi ve Atatürkçülük" Atatürk'ten Sonra Türkiye-2 Kazanım Kavrama Testleri 31.-32. testler 9. ve 10. sorular

There had been many cases of this sort for a number of years, but we have only been keeping accurate statistics from January 2019.

During 2019 at least 35 foreign Protestants were barred from entering Turkey. Among these were 17 Americans, 6 British, 3 Germans, 3 Koreans, 2 Iranians, 1 Spaniard, 1 Finn, 1 Mexican and 1 Brazilian. When the family members of these people are counted, more than 100 people have been affected by these bans.

These people have been resident in our country for many years, live here with their families, many have made investments in our country and sent their children to school, and all of them have no criminal record at all. This situation represents a major humanitarian problem. These entry bans, imposed with no forewarnings, destroy the unity of the family and create 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 defence, the authorities who approved these codes state that N82 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 N82 isn't 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 we have held for twenty years. The Family Conference is attended by local and foreign leaders of churches in Turkey, along with their families, and it is held on the same dates each year in a transparent manner in a major hotel, and the conference has no secret agenda whatsoever. The subjects discussed are general topics that are of interest to all churches. The aim of the conference is to build unity and to increase fellowship.

We are deeply saddened at these attempts to allege that our church union is committing any crime and attending such a conference is a felony, and the resulting shocking disruption to the lives of many church leaders.

Legal Entity / Right to Organize

The lack of Legal Entity is a problem for all religious groups, but in particular minority groups, in Turkey. This problem continues in 2019, despite some positive developments. The Protestant community has mostly tried to solve this issue by establishing associations or becoming a representative of an already existing association. As of 2019, members of the Protestant community have established 9 religious foundations, 9 foundation representative branches, 35 church associations and over 43 representative branches connected to these associations. The remaining fellowships do not possess 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. 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.

In 2019 3 Protestant churches formed religious foundations. This has started a trend toward forming foundations. It is noted that the granting of permission for the formation of a foundation is a positive development to solve the problem of legal entity.

Obligatory Declaration of Faith

The new identity cards that began 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 religion section from official documents, being replaced instead by an individual's verbal declaration.

The requirement to declare one's faith in order 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.⁶

Discrimination

In the Kuşadası county of Aydın province, a Christian teacher was removed from their post because their faith was reported in the media and news outlets claimed that the teacher had been involved in missionary activities. Despite a petition signed by the students and colleagues of this teacher declaring that nothing of this sort had occurred, an official investigation was carried out into the teacher and they were removed from their post.⁷ The necessary legal action to protest this discriminatory treatment has commenced.

Although there was no negative allegation, situation or report about them, two Protestant Christians who worked as civil servants had their employment terminated - one from the State Theatre in Ankara, and the other from the State Opera and Ballet in Antalya. The necessary legal action to protest this has started, but there has been no progress on the cases so far.

Social Media, Media and Hate Speech

In 2019, as a large increase was seen in individual hate speech directed towards churches and their members, there was a reduction in the organised campaigns of hate speech in social and traditional media, in particular in relation to the Pastor Andrew Brunson case.

⁶<https://www.hukukihaber.net/egitim/mahkeme-zorunlu-din-dersinden-muafiyet-sartini-hukuka-aykiri-buldu-h344451.html>

⁷ At the time of writing of this report the teacher has been transferred to a different school in Izmir. The result of the official investigation is as yet unknown.

There has been a continuation of sharing of expressions which overstep the bounds of freedom of speech and constitute hate speech, expletives, insults and threats in individual social media accounts and in comments on news reports about Christians and Christianity. Social media messages that contain hate speech are mainly assessed by the managers of Twitter and Facebook platforms under the heading of "freedom of speech". Those whose accounts are closed open new accounts and continue to post messages containing an increased level of hatred.

Following the murder of JinWook Kim in Diyarbakır there was an increase in such postings due to the public perception of missionaries, but the corresponding increase in postings protesting against these is a source of hope.

Nefret söylemi içerikli yazılar özellikle yerel gazetelerin köşe yazarları tarafından kaleme alınmıştır. Ulusal basında yazı yazan köşe yazarlarının, birkaç gazete haricinde, nefret söylemine karşı bilinçlendiği gözlenmektedir.

Many newspaper columnists have published articles containing hate speech, notably in local newspapers. It has been observed that, with a few exceptions, columnists for national newspapers have become more conscious of the issue of hate-crime.

Dialogue

In 2019, 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 a religious legal identity.

During 2019, 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 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. In particular in the wake of the murder of nearly 50 Muslims in a terror-

ist attack on a mosque in New Zealand on 15 March 201, security precautions were raised to the highest level for a long period of time.

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

Recommendations

- Government or public institution dialogue with the Protestant community on issues that involve us would 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.
- It is saddening that hate crimes and intolerance against Christians continued to increase in 2019. In particular reported crimes going unpunished 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, while 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 sensitivities of the public.
- The issue of establishing places of worship for the Protestant communities which do not own a historic church building has been a problem for years and has not been solved. This is considered a basic right of religious expression. There need to be immediate steps taken by local and central authorities on this issue. 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 or holiday worship services. Publication of a directive by a government department would be sufficient to achieve this. We call on the relevant government department to take action to achieve this.

- In light of the problems some church associations have experienced, rights to worship and propagate religion, in particular, need to be made more secure.
- Within the framework of human rights education, relevant public officials should be instructed in freedom of religion and conscience issues.
- 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 without waiting for the families to complain. 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.
- 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 who possess the same rights.
- Within the framework of freedom of expression and press, there needs to be an effective and rapid oversight mechanism established with regard to the intolerance which occurs in the media and which can deal with visual and written publications which use hate speech, inciteful rhetoric and prejudice. Justice offices 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 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 who audit the offices in Turkey or Turkish units of social media companies, 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 their hateful messages.
- The policy that was suddenly applied with shock tactics introducing entry bans to Turkey for foreign members of the Protestant Community must be lifted. Those affected have been informed of no charge 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.

*With our respect and regards,
Association of Protestant Churches*

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