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TURKEY: Little progress on religious freedom

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Despite hopes, there has been little progress in achieving true religious freedom in Turkey, argues Otmar Oehring of the German Catholic charity Missio. Delays in changing the Foundations Law; declining official interest in acting on EU and Council of Europe advice; the lack of concrete impact of limited changes in the way the state records individual religious affiliation; "massive nationalistic indoctrination" in schools; and continuing systematic discrimination against Muslim and non-Muslim minorities contribute to Turkey's religious freedom deficit. In this personal commentary for Forum 18, Dr Oehring maintains that the Turkish government no longer seems willing to improve the religious freedom and human rights situation. Many think that EU accession negotiations may fail, and he suggests that this is likely to end any progress towards religious freedom.

The Turkish parliament has now departed for the holidays – without approving the new Law on Foundations as it had been expected to do. The proposed Law would regulate how "community foundations" – the organisations allowed to some non-Muslim ethnic/religious communities - own and recover property. Parliament said it would come back early from holiday and reconvene in September, rather than October, to consider this proposed law and other laws aimed to bring Turkish laws into line with European Union (EU) norms. The aim is, reportedly, to approve at least the Foundations Law before the EU reports again on accession in early October.

Although politicians and the EU are concentrating now on the Foundations Law, this focuses only on one fairly narrow issue: what to do with buildings and other property taken from religious communities by the government and sold to third parties (see F18News 13 December 2005 http://www.forum18.org/Archive.php?article_id=704). The government cannot now give these properties back, so it will have to offer compensation. However, it is not willing to do so and parliamentary deputies think Turkey should not offer such compensation. As the European Commission is telling the Turkish government it must do so, the issue is deadlocked.

Despite the urging of the European Commission's Enlargement Directorate-General that Turkey should use the good offices of the Council of Europe, both to help it understand what needs to be done in the area of religious freedom and to help draw up laws on religious freedom and the status of religious communities, the Turks are reluctant. In April 2006, the Turkish government contacted the European Commission to ask for specialists who could advise on these issues. The EU was willing to send three experts, two from the Council of Europe as well as a French expert on "laicism". But to the astonishment of those involved, the day before the experts were due to travel the Turkish government informed them there was "no need" to come.

The involvement of the Council of Europe in helping Turkey's transformation is very tricky. Its Venice Commission – which advises on how constitutions and other fundamental laws could conform to European democratic standards – could help Turkey on religious freedom, but can only get involved if Turkey invites it to do so. But Turkey is not interested.

Official religious affiliation records

One small step has been taken in the way the state records individuals' religious affiliation. A new Personal Status Law approved on 25 April gives citizens for the first time the possibility to ask the authorities to remove information about their religious affiliation (or presumed religious affiliation) from their official records. However, the law is contradictory: while Article 35 paragraph 2 allows individuals to ask for their religious affiliation to be removed from their records or amended, Article 7 paragraph 1(e) specifies that citizens have to provide such information.

Yet despite discussion for at least the past decade, Identity Cards still carry a section giving the holder's religion. One of the major contributors to the debate was Ahmet Necdet Sezer, who is now Turkey's President, in his former capacity as Chief Justice of the Constitutional Court. A committed secularist, he argued that, in a secular state, an individual's religion should not be mentioned in official documents.

Changing religious affiliation on an individual's personal records was possible before, but required an individual to do this through the courts. Fear of social ostracism or hostility meant that few did this.

Although the new Personal Status Law appears to be a positive step, this is not the case. In practice, individuals trying to change

their religious affiliation in their official records could still face problems. For a start, they would have to tell officials – who could just record that the individual had requested to change their religious affiliation without actually changing it. At least this Law offers the possibility to remove any religious affiliation from individuals' Identity Card, but if this does not become common any official or police officer would then ask an individual why no religion was given. Giving no religion would be tantamount to an admission that the individual is possibly a Christian or a Jew - the only faiths apart from Islam allowed to be listed.

It remains unclear how many people have asked to change the affiliation on their official records since the new law came in. In the past, individuals did of course change their religion, but were not always prepared to do so publicly through the courts. The authorities have given conflicting numbers of such converts. In February 2005 the Interior Ministry's Directorate-General for Administration of the Provinces told parliament that 344 people had converted from Islam to Christianity between 1997 and 2004, while six had converted from Islam to Judaism. No converts to other faiths were mentioned. However, Minister of State Mehmet Aydin, quoting figures from the government's Presidency of Religious Affairs (Diyanet) (see F18News 12 October 2005 http://www.forum18.org/Archive.php?article_id=670), said 368 people had converted "under the influence of missionary activities".

There is much hostility to the peaceful sharing of non-Islamic beliefs, which may have been a factor in the murder of Fr Andrea Santoro (see F18News 9 February 2006 http://www.forum18.org/Archive.php?article_id=724).

The way officials record religion on personal records is predictable. Children born to parents who are recorded as Muslims are automatically recorded as Muslim. De facto, only three religions are permitted in the records: Islam, Christianity and Judaism. Atheist or non-believer are not in practice allowed as options. Nor are Baha'i or Jehovah's Witness, to take two other examples. It remains unclear whether this has now changed, though in practice the whims of the official are likely to override any official decision. And if an individual asks to change the religion on their identity card, there is no guarantee officials will also change it on their personal record on the national register. And when you need any official document, the first place officials look is on the register.

Islam, Islamic Minorities and Citizenship

In the Muslim world, there is a tradition that the nationality is Islam: the nation is the umma, the body of Muslim believers. The concept of citizenship separate from religion is not known in Islamic law and tradition. Despite the government's insistence that it is "secular", Turkey remains a deeply Islamic society so these views have a strong hold on the population.

For almost a quarter of a century, Alevi Muslims have been pushing for recognition as a distinct community able to organise themselves in accordance with their own beliefs. But in May, Professor Ali Bardakoglu, the head of the government's Diyanet <http://www.diyanet.gov.tr/english> - which controls all official Muslim life in Turkey, despite the claimed secularism of the state - declared once again that Alevis are de facto Sunni Muslims. This is like saying that all Protestants are Catholics. Predictably, Alevis were unhappy over this statement, which means that in practice, the government does not recognise that Alevis and Sunnis are different. The government maintains that Cem Houses, where Alevis worship, are not considered places of worship but cultural centres. "We're not against Cem Houses, but they're no alternative to mosques," is the government message.

The Alevis are divided as to how to respond to the government's attitude – some groups are broadly pro-government, some anti-government and some pro-Kurdish. The Republican Education Foundation, which is under Alevi control, is regarded as more ready to work with the government. It says it does not want to see a separate government body to handle Alevi affairs, but argues that taxes from Alevis are being used (or misused) solely on Sunni mosques and imams. It insists that as Alevis are Turkish citizens and taxpayers it wants to see their taxes used to support Alevi structures.

Islamic groups that do not regard themselves as being under government control – such as the Islamic brotherhoods (the Sunni Nakchibendis, Mevlevis and others as well as the Shi'ite Bektashis) or new Islamic movements (such as the Nurus and Suleymancis) – are in practice left alone. Yet there is no chance that the government will recognise Muslim differences, even though Turkey has Sunnis, Alevis and a small Shia minority. This indicates that the government is not just Muslim, but specifically Sunni Muslim, despite its proclaimed secular nature.

Nationalism in Education

Discussion continues over changing the school curriculum to treat all faiths in Turkey in a new way. The Alevis – like other religious minorities – complain that no progress has been reached for their teachings to be mentioned in school curricula. Further, Alevis have warned that if the government does not introduce separate religious education for Alevi children, they will lodge a case against it at the European Court of Human Rights in Strasbourg - to which Turkey is subject, as a member of the Council of Europe.

Education remains very nationalistic (see F18News 12 October 2005 http://www.forum18.org/Archive.php?article_id=670). Some officials of the EU and of EU member states have complained of what one privately described as "massive nationalistic indoctrination" in schools. So it is highly unfortunate that the Education and Culture chapter (Chapter 26) in the EU accession negotiations was opened and closed on the same day, without addressing this central point. Without change in the curriculum and teaching, there can be no progress in a society whose nationalism has a noticeable impact on social attitudes (see F18News 19

Non-Muslim Minorities

Meanwhile, tensions for religious minorities remain high, as evidenced by the murder of one Catholic priest and attacks on other priests this year. Speculation persists that the "deep state" – the nationalist circles in the army, police, National Intelligence Organisation (MIT) secret police and state administration which regard themselves as the custodians of the Atatürkist ideology – might have been behind the murder in February of Italian priest Fr Andrea Santoro in his church in the Black Sea port of Trabzon, an area well known as a nationalist stronghold. Other factors behind the murder are also suggested (see F18News 9 February 2006 http://www.forum18.org/Archive.php?article_id=724). Such attacks on priests could spread to other nationalist areas. Some Catholic leaders still have police outside their residences, though how an unarmed, plainclothes police officer could offer any protection remains unclear. Some wonder whether they are there more to listen to what those leaders are saying than to protect them.

Of course, all religious minority leaders remain under government surveillance, forcing them to be very cautious in everything they say – or to be willing to pay the price for their frankness. They know their telephones are occasionally tapped and mail is sometimes opened before it is delivered. "Walls have ears," religious minority leaders say. Secretive officials occasionally come to visit them to ask questions – people speculate that they are from the MIT secret police.

In what is seen by Turkish Christians as a continuing humiliation, all Christian Churches – whether their leaders and members are Turkish citizens or not – are regarded as foreign. This attitude persists, even though Christian communities were present on the territory of what is now Turkey many centuries before the Turkish state, its ancestor the Ottoman Empire, and Islam. Discussions between Christian Churches and the state are normally handled by the Foreign Ministry, or sometimes by another state authority chosen by the government. This humiliation is clearly deliberate.

Nothing has happened about plans for the Ecumenical Patriarchate to be able to reopen its seminary on the island of Heybeliada (Halki in Greek) in the Sea of Marmara, once famed for its scholarship throughout the Orthodox world. Closed in 1971, Turkey has grudgingly promised to reopen it under US and EU pressure, but that now seems further off than ever. Discussion has now fizzled out, though Patriarch Bartholomew always tries to raise the issue whenever he can. The Armenians saw their Holy Cross seminary in Istanbul closed at the same time, but have given up any hope to be allowed to reopen it as a separate institution. Armenian Patriarch Mesrop has instead proposed inaugurating a chair of Armenian Studies at one of Istanbul's state universities – so far with no result.

Pope Benedict's Planned Visit

The planned visit of Pope Benedict XVI, due in November 2006, could also raise tensions. Benedict is scheduled to meet the Turkish President and government in Ankara, and address a selected public in the capital. Presumably, the Pope will want to talk about relations between the Christian and Islamic worlds and seek to overcome ideas about the "clash of civilisations". The Turkish public is unlikely to be present. Any views they might have of the speech will be formed by how the local media covers it. In Istanbul, Benedict will meet the Ecumenical Patriarch, the Armenian Patriarch and other local religious leaders, as well as the Catholic community.

Most Turks either do not want the Pope to visit, or are indifferent to his visit. Some Western-oriented Turks welcome it, as they think it could help Turkish society better understand both the Catholic Church and western views of Islam. Some of these Turks also hope that the visit will help Turkey understand the progress it needs to make on religious freedom. But nationalists who strongly oppose Europe and accession to the EU – who are growing more influential – could cause headaches for the police during Benedict's visit.

The government too will be closely scrutinising the Pope's words for any hint of anything that could be interpreted as anti-Turkish and anti-Islamic. As soon as any comments are linked to Turks as a people and a society, problems will arise. The Pope will doubtless be very delicate.

The row stirred up by remarks about the Armenian genocide in the final years of the Ottoman Empire made by the Armenian Catholicos, Karekin II, on a visit in June is ostensibly related to a historical ethnic conflict dating back ninety years. But it is relevant to a discussion on religious freedom, especially as the Istanbul prosecutor's office decided to investigate the remarks for a possible prosecution of the Catholicos for "anti-Turkish remarks". The very prospect of a criminal case over these remarks shows the lack of freedom of speech. But whenever religious leaders are prosecuted there is a knock-on effect on the rights of the religious community. The Armenian Apostolic community – the largest of Turkey's Christian communities by far – was embarrassed by Karekin's remarks, knowing they will make their already precarious existence more difficult.

What Prospects for the Future?

The prospect of Turkey's EU accession seems to be the only thing capable of driving change in the area of religious freedom and human rights more widely. Yet the government is now not willing to enact change. Indeed, it is becoming ever more nationalist – even if this might simply reflect the AKP's need for votes from the nationalist constituency. It is careful not to show too openly that

it is Islamist, as this would cause problems with the President and the military.

All this could change after the next parliamentary elections (due in late 2006 or early 2007) and the presidential election (due next year), if the current ruling Justice and Development Party (AKP) wins. If the current Prime Minister Recep Tayyip Erdogan – or a puppet – succeeds in becoming President, the Ataturk legacy could be changed. There will then not be a President willing to veto laws that contradict this legacy. This would definitely lead to a worsening climate for religious freedom. The position for Sunni Muslims would improve, while for Alevis the situation would remain as restrictive as it is now. Despite the religious differences with the majority population, the Sunnis are still seen as Turks. For other minorities – especially Christians – the situation would be worse.

Government officials sympathetic to the ideal of secularism – and secularists more widely – are growing increasingly concerned. They fear that, if the AKP substantially increases its vote at the next election, it would be strong enough to change the Constitution – even against the wishes of the opposition. It could also install a President from its ranks, who would not then veto laws deemed to be part of an Islamist agenda, as the current President has done.

Secularists in particular are afraid for the future. Turkish diplomats – who are already concerned over the changing mood among state officials as an increasing number of AKP supporters fill official positions – are very afraid of a fundamental change in the country's course. Many believe any sweeping AKP victory in the next national elections would speed up the replacement of state officials with AKP loyalists.

The old establishment is seeking to build up political forces attractive to the electorate, in a last-ditch bid to head off the AKP challenge. However, it remains unclear if the electorate will back them. Voters threw out the old establishment in disgust at its corruption and ineffectiveness. The AKP has been careful to be on its best behaviour during its current period in office.

Although there is much talk of a military coup in the event of such fundamental changes, no-one knows if the majority of army officers still support Ataturk-defined secularism – or if they would be prepared to back such an anti-Islamist coup.

Prospects for EU Accession

The level of optimism or pessimism over the future depends on who you talk to. Western-oriented Turks still hope EU accession negotiations will continue and that Turkey will eventually join the EU. They hope desperately that the process will generate its own momentum that would force the government, the administration and the army to look forward and support reforms. This could happen, but it looks unlikely.

As the general election looms, the government is doing nothing that could be seen as a positive step towards the reforms the EU would welcome.

Many observers are not optimistic. They do not believe the Turkish side – whether the current AKP government or the "deep state" – is interested in seeing such reforms. Many Turks have not even understood what religious freedom – for example as defined in the rights set out in Article 9 of the European Convention on Human Rights (ECHR) – actually means (see F18News 13 December http://www.forum18.org/Archive.php?article_id=704). Or they understand it – but reject it. Turkey ratified the ECHR in 1954, but over 50 years later has yet to abide by it.

Ataturkists fear that granting religious freedom as outlined in the Convention would give power to the Islamists. Yet Paragraph 2 of the ECHR's Article 9 prevents the abuse of religious freedom by freedom's enemies. This states that "freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others." Indeed, Article 9 would safeguard a real separation of religion and the state, as the Ataturkists claim to want.

This fear is also felt on the EU side, which means that it too is increasingly reluctant to clearly advocate religious freedom along the lines of the ECHR. EU governments also fear such rights would open the doors to Turkey's Islamist groups. Although EU officials involved in the accession process are interested in seeing religious freedom promoted properly – indeed, they regard it as the second most important issue after recognition of Cyprus – they seem to know that this is seen as a political issue which is over their heads.

Many believe the accession negotiations will fail this autumn, not over democratisation and human rights, but over the Turkish government's refusal to recognise the government of Cyprus in Nicosia. Many Turks would not be unhappy at this. Yet if the EU suspends the accession negotiations, the Turks will feel insulted and spurned by Europe. Some believe the European Commission is therefore trying to manoeuvre to find a way for Turkey itself to suspend the negotiations.

Possible Impact on Religious Freedom

Yet any suspension will have a very negative impact on religious freedom – indeed, the position for religious minorities could end up being worse than when the negotiations started. Suspension would incite nationalist feelings and many Turks would openly say

that the negotiations and even membership of the EU itself would not benefit Turkey. Then a hunt would begin for those who had caused the mess. Most Turks would not point to their own government but to the Ecumenical Patriarchate, the Armenian Patriarchate, the Catholic Church, the Protestants, and other obvious symbols of the outside world.

The only hope many can see for progress towards religious freedom is that the EU accession negotiations continue. If EU negotiations stop completely, no hope for religious freedom will remain. Yet even if the negotiations stagger on, it is doubtful that the majority of the population is prepared to change its attitude to nationalism and religion, and even consider accepting Alevis and non-Muslim Turks as full Turkish citizens. The only other possible hope is that the reform process will gather its own momentum independent of the EU. However, at present, there is little sign of this happening. (END)

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For further overviews by Dr Oehring of religious freedom in Turkey, and of the need for fundamental reform of the Constitution, see <http://www.forum18.org/Analyses.php?region=68>.

For commentaries by the Anglican Chaplain in Istanbul on the roots of Turkey's attitude to religious freedom see http://www.forum18.org/Archive.php?article_id=716, and on Turkish society's reaction to the murder of Roman Catholic priest Fr Andrea Santoro, see http://www.forum18.org/Archive.php?article_id=724.

For a personal commentary on religious freedom under Islam, see http://www.forum18.org/Archive.php?article_id=227

For a personal commentary assessing western European "headscarf laws", see http://www.forum18.org/Archive.php?article_id=469

A printer-friendly map of Turkey is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=mideast&Rootmap=turkey>

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