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TURKEY: The Diyanet – the elephant in Turkey's religious freedom room?

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The Diyanet, or Presidency of Religious Affairs, is a state institution reporting to the Prime Minister's Office and exerts a very large influence on the extent to which freedom of religion or belief can be enjoyed in Turkey, Forum 18 News Service notes. Massive state financial and institutional support of the Diyanet along with its activities - including its biases against Muslim and non-Muslim beliefs it dislikes - make it difficult for people inside and outside the Diyanet's structures to exercise freedom of religion or belief. This has been reinforced by the latest law governing the Diyanet, which increases its influence without addressing its current incompatibility with Turkey's human rights obligations. For a political party to propose removing the Diyanet from the state's structures would render that party liable to be closed down under Turkish law. Despite the need for change in the Diyanet-state relationship, civil society proposals for change have been described by the government as "unjust" and "too assertive for such a sensitive issue".

The protection of freedom of religion or belief within Turkey, and the Turkish version of secularism, has been receiving increasing attention in public debates and in the media. Mainly this is in connection with possible changes in a new Constitution, expected to be drafted after the 12 June General Election. However, Forum 18 News Service notes that, for any meaningful improvements to take place, there should be a close scrutiny of the nature and role of the Diyanet, or Presidency of Religious Affairs, which is a constitutional public institution. This scrutiny should examine the Diyanet's compatibility with Turkey's international and national legal and political commitments to implement freedom of religion or belief.

The current state financial and institutional support of the Diyanet, the theological dominance given to Sunni Islam within its programmes, and the Diyanet's activities in relation to other Islamic traditions and other religions combine to make it extremely difficult, if not impossible, to reconcile the Diyanet with Turkey's international human rights obligations. It is, for example, very difficult to reconcile the Diyanet's activities with European Court of Human Rights (ECtHR) judgments obliging the state to remain neutral and impartial.

Although the Diyanet has yet to directly fall foul of the ECtHR, Turkey has already been criticised by the Court for failing in this duty. In a case Turkey lost as compulsory Religious Culture and Knowledge of Ethics classes do not meet this requirement, the ECtHR reiterated "that it has always stressed that, in a pluralist democratic society, the State's duty of impartiality and neutrality towards various religions, faiths and beliefs is incompatible with any assessment by the State of the legitimacy of religious beliefs or the ways in which those beliefs are expressed" (see F18News 5 January 2011 http://www.forum18.org/Archive.php?article_id=1526). As noted below, the Diyanet's activities are not compatible with this duty.

Massive organisation

The Diyanet is a massive organisation with a broad mandate, large budget and vast sphere of influence. Under Law no. 633 of 1965 ("The Presidency of Religious Affairs, Its Establishment and Obligations"), its mandate is to operate affairs related to the belief, worship and moral principles of the Islamic Religion, enlighten the public about religious issues and to administer places of worship [mosques and mescids]. Operating under the Prime Minister's Office and with a President appointed by the Prime Minister, the Diyanet has five main departments; the Higher Committee for Religious Affairs, an advisory council; Education, including Koran courses for children and adults; Religious Services, including services for families, discipleship, mosque services and social and cultural services with a religious content; and Publications and Public Relations (see <http://www.diyamet.gov.tr>). Domestic activities are carried out via muftis and religious personnel all over Turkey. Activities carried out abroad are conducted by Diyanet religious counsellors, diplomatic attachés and other personnel, with 1,350 people in 81 countries.

Since the Justice and Development Party (AKP) came to power in 2002, the number of Diyanet personnel has increased from 74,000 to 117,541. During this period, 2,000 Diyanet personnel have moved to positions in other state departments. Currently its budget is about 2,500,000,000 Turkish Lira (8,564,350,690 Norwegian Kroner, 1,097,538,190 Euros, or 1,626,694,770 US Dollars). This is a larger budget than some full government ministries.

There are about 85,000 mosques in Turkey and the Diyanet hopes to use some of its increased numbers of personnel to staff vacant posts in these mosques. Only the Diyanet can operate all mosques and mescit (see F18News 2 March 2011 http://www.forum18.org/Archive.php?article_id=1549). Only the Diyanet can provide imams, who are civil servants, for these mosques. Yet, because the Diyanet does not have legal personality it cannot own these mosques.

Indeed, no religious community - whether Muslim, Jewish, Armenian Apostolic, Greek Orthodox, Syriac Orthodox, Catholic, Protestant, Baha'i, Jehovah's Witness, or any other - has direct legal entity status in Turkish law. This is part of the Turkish version of secularism, under which there is close supervision of religious activity, and less autonomy of religious communities than in many other countries (see F18News 7 February 2011 http://www.forum18.org/Archive.php?article_id=1537).

Mosques are usually owned by either the public - through for example a municipality, village legal entity - or by private persons. Mostly, they are the property of the Diyanet Foundation, the Diyanet Vakfi. This is a foundation (vakif) established in 1975 under the Civil Code, to foster knowledge of the "true identity" [in the Diyanet's Sunni Islamic view] of Islam and religion, to build and equip mosques, to support people in need, and other tasks. However as Article 101 of the Civil Code does not allow the establishment of a foundation with a religious goal the Diyanet Vakfi constitutes an irregularity in the application of law - but it is highly improbable that any government will act on this (see F18News 13 March 2008 http://www.forum18.org/Archive.php?article_id=1100).

The Diyanet itself - as against the Diyanet Foundation - does not have a mandate to build mosques, but these are often built by citizens who usually establish associations for the building of mosques. The Diyanet's 2009 report indicated that in that year it contributed 3,060,000 Turkish Lira (10,482,505 Norwegian Kroner, 1,343,365 Euros, or 1,991,820 US Dollars) to 85 mosques for building expenses.

The Diyanet's role

The Diyanet's massive institutional and financial status makes it very attractive as a vehicle for implementing government policies. This can be benign, as in working with the State Minister Responsible for Women and Family Affairs for the elimination of violence against women. This involved preaching by the Diyanet's imams against the use of violence toward women. However, its large influence in Turkey can - and is - also used for activities incompatible with the state's human rights obligations.

The Diyanet maintains, according to its website, that it takes the religious demands and traditions of people into account, and to provide true and authentic religious knowledge as well as training and education in scientific and sound religious knowledge. It's a nice-sounding theory, but in reality - as for example many Alevi and Caferi Muslims point out - it promotes only Sunni Islamic theology (see Forum 18's Turkey religious freedom survey at http://www.forum18.org/Archive.php?article_id=1379).

Similarly, the Diyanet has published books on, among other topics 'Jehovah's Witnesses' and 'Christian Propaganda and Missionary Activities'. In these books missionary activities - or anyone sharing their beliefs in line with the internationally-recognised right to freedom of religion or belief - is an activity the Diyanet is hostile to. Currently the Diyanet prepares Friday sermons preached by all imams, although Milliyet newspaper reported on 11 March 2011 that the Diyanet will move away from this practice and allow individual sermons. In an 11 March 2005 sermon - before the murders in 2006 of a Catholic priest and in 2007 of three Protestants - the Diyanet described sharing beliefs as "a scheme of foreigners to steal the faith of the young". Many in Turkey's vulnerable groups think that such thinking is a strong factor in the attacks they experience (see F18News 29 November 2007 http://www.forum18.org/Archive.php?article_id=1053).

Defending the sermon, the Diyanet on 27 March 2005 published a document claiming that: "History as well as contemporary developments have demonstrated that missionary activities are not an innocent act of communicating one's religion or exercising religious freedom, but a highly planned movement with political motives." (...) "The Diyanet believes that missionary activities aim to distort historic, religious, national and cultural unity by leading to changes in the religious belief that lies at the heart of the most fundamental values of our society, whereas our people have cohabited peacefully in Anatolian territories for centuries by upholding these same values. We also deem it to be a violation of the most intimate freedom, the freedom of religion."

The Diyanet also claimed that: "Today, rather than Christian priests, missionary activities are conducted by doctors, nurses, engineers, Red Cross workers, human rights defenders, volunteers for peace, language teachers, computer instructors, sports organizers, etc." (...) "The Diyanet considers these activities as separatist and destructive since they may create a basis for a spiritual and cultural gap and distort our religious/national integrity in the long run, and considers it necessary that our citizens notify the Diyanet and all relevant government institutions about such activities."

It is significant that the Diyanet listed activities that it claimed are opposed to national unity and religious integrity as a threat, for example in its 2009 Activity Report. It is hard to see how, in the Diyanet's view, Turks who are atheists, agnostics, Jews, Christians, Alevis, Caferis, Baha'is, Jehovah's Witnesses, or in other vulnerable groups can have any part in the nation's unity and its identity.

Such an extremely narrow definition of national unity and Turkish identity - ignoring the diversity found among Turkey's citizens - continues. For example, demands backed by an ECtHR judgment for an end to compulsory religious education classes are

characterised by the Diyanet as a threat (see F18News 5 January 2011 http://www.forum18.org/Archive.php?article_id=1526).

If the Diyanet were not an institution of the state such views would still be problematic. But as part of the state the Diyanet plays an active role in influencing the extent to which freedom of religion or belief can be enjoyed in Turkey.

One example is that the state accords a de facto authoritative status to formal Opinions from the Diyanet on religious or belief communities outside the Diyanet's structure. This is even though such Opinions are not legally binding. The Baha'i faith is not recognised as a religion, so for example Baha'is cannot record this on Identity Cards if they wish, because of a Diyanet Opinion that it is a sect and not a religion (see F18News 8 October 2010 http://www.forum18.org/Archive.php?article_id=1496). Similarly, the decision not to recognize Alevi cemevi as places of worship is based on a Diyanet Opinion that the common place of worship for Muslims is mosques – run by the Diyanet (see F18News 2 March 2011 http://www.forum18.org/Archive.php?article_id=1549).

Paying twice

All Turkish taxpayers – whatever their religion or belief - finance all the Diyanet's activities. No other religious or belief community, such as non-Sunni Muslim communities of the Alevi and Caferi, Christians, Jews, Baha'i, Jehovah's Witnesses, atheists or agnostics receives any state funding. There is no system allowing exemption from tax revenues allocated to the Diyanet, so anyone in a non-Diyanet community pays to support two sorts of beliefs – their own community's activities, buildings and personnel and the opposing activities of the Diyanet.

Communities that do not receive services from the Diyanet do not benefit from privileges given to the Diyanet either. They are not given the possibility to have broadcasting time on national state television, for example. Diyanet personnel can provide religious services in state institutions such as hospitals and prisons, but this possibility is not officially recognized and facilitated for ministers or volunteers of other groups.

What next for the Diyanet?

In July 2010 a long awaited new Law on the Diyanet was adopted (Law No. 6002 "On the Establishment and Duties of the Presidency of Religious Affairs" amending Law No. 633). Yet this seems to multiply the possibilities for the Diyanet without addressing or eliminating its aspects that seem problematic for Turkey in implementing its international human rights obligations. The new Law allows the Diyanet to establish its own radio or television channel. National radio and TV frequencies will be provided free of charge to the Diyanet by the RTUK (the National Radio and Television Agency). The establishment of a Religious High Education Centre for specialized professional training is permitted, and Diyanet personnel will receive greater employment benefits than previously. The mandate for religious service provision is broadened to include religious services outside the mosque such as in prisons, juvenile correction facilities, hospitals, and old people's homes.

It is difficult to predict the long-term effects of granting greater capability and possibilities to the Diyanet to involve itself in the religious lives of people. Indeed it is not readily apparent in Turkey that there has been a public demand for this. But there is a need to monitor the effects of the new Law, to assess its compatibility with Turkey's freedom of religion or belief commitments.

What needs to be done?

For any improvement, the Diyanet and its activities must be carefully assessed for problematic elements in the light of both freedom of religion or belief and non-discrimination. Human rights law does not prescribe any one way of establishing state-religion relations. But, as the then UN Human Rights Committee's General Comment 22 on Article 18 ("Freedom of thought, conscience and religion") of the International Covenant on Civil and Political Rights puts it: "The fact that a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant (...) nor in any discrimination against adherents to other religions or non-believers". Massive state support for the Diyanet – with restrictions on non-Diyanet religious communities – combine together to form a disparity between communities that must be corrected.

It is also vital that all religious communities – Muslim and non-Muslim - must have the possibility to manifest their religion or belief by acquiring an adequate form of legal personality, establishing and maintaining places of worship, training clergy and teaching their religion or belief outside of the Diyanet's structure or influence (see F18News 7 February 2011 http://www.forum18.org/Archive.php?article_id=1537).

Legal obstacles preventing free discussion and advocacy for removing the Diyanet from the state apparatus must be abolished, so that this can be freely discussed in the National Assembly. The April 1983 Law on Political Parties (Law No. 2820) - a remnant of the 1980 military coup – in Article 89 prohibits any activity by political parties that would contradict the existence of the Diyanet in the state administration. If the government or any political party wanted to take steps to remove the Diyanet from the state structure, it could be closed down by the Constitutional Court. But it is difficult to imagine that any party – especially in government – would want to deny itself the great possibilities the Diyanet offers a governing party to influence public opinion.

Freedom of religion or belief and non-discrimination problems stemming from tax funding of the Diyanet could be addressed in a number of ways. A special tax for the Diyanet budget may be instituted, with an opt-out possibility for anyone who does not want to support the Diyanet's activities. Or if Turkey chooses to support financially a certain community, the same support should be made available to other communities – for example financial support for their religious personnel, building their places of worship, publication of books and other material, etc.

In a 2006 public opinion survey, over 49 per cent of those polled agreed that the Diyanet should be financially supported by voluntary contributions of individuals and not by the state (see Carkoglu, A. and Toprak, B. (2007), Religion, Society and Politics in a Changing Turkey, Istanbul, TESEV, p. 87, http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/RSP%20-%20Turkey.pdf). Possibly the German Kirchensteuer (Church Tax) system offers an example of how such voluntary contributions might be administered. Other possible models also exist.

Some of the Diyanet's teaching currently contributes to fostering prejudice against members of certain beliefs, yet as a public institution it has the responsibility to uphold religious freedom for all. Its teaching must change to reflect its responsibilities. On the other hand, if the Diyanet wishes to maintain its current teaching, it should be gradually excluded from the state structure starting with more autonomy and less financial and institutional support from the state.

"Too assertive for such a sensitive issue"

While there is clearly a need for a drastic change in the Diyanet-state relationship, the AKP does not see this as desirable. A March 2011 draft Constitution proposal prepared by two prominent academics, Ergun Özbudun and Turgut Tarhanli, with funding from the Turkish Industry and Business Association (TÜSIAD), described abolishing the Diyanet as unrealistic (see the study in Turkish 'Five Fundamental Dimensions of the New Constitution Process'

http://www.tusiad.org/___rsc/shared/file/YENI-ANAYASA-YUVARLAK-MASA.pdf). But it did note that the Diyanet's current structure is not compatible with the Turkish version of secularism. The proposal suggested that those who want to be represented within the Diyanet structure should be allowed this, and that the establishment of religious associations with similar activities should be allowed outside the Diyanet structure.

However State Minister Faruk Çelik – who is responsible in the AKP government for the Diyanet - on 25 March called the proposal "unjust" and "too assertive for such a sensitive issue". Claiming that the Diyanet has been instrumental in enlightening the public with accurate religious information, and preserving national unity, he stated that abolishing the Diyanet – which TÜSIAD did not propose - would create new problems.

The adoption of the July 2010 Law on the Diyanet increasing its mandate and powers, along with Faruk Çelik's statement, strongly indicates that the Diyanet will retain its current structure and approach. It is hard to see how this will improve Turkey's implementation of its freedom of religion or belief commitments for all. (END)

For more background, see Forum 18's Turkey religious freedom survey at http://www.forum18.org/Archive.php?article_id=1379.

More analyses and commentaries on freedom of thought, conscience and belief in Turkey can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=68>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Turkey is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Turkey>.

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