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TURKEY: Religious groups, expectations of the new Constitution, and the AKP

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Turkey's Constitutional Reconciliation Commission (AUK) has started writing the new draft Constitution, starting with the section on fundamental rights. It remains unclear whether the new Constitution will ensure a neutral state and an effective protection of the right to freedom of thought, religion or belief for all. Many religious groups have presented their views to the AUK, which addressed longstanding problems they have encountered exercising freedom of religion or belief. Yet some recent government decisions, and the way they have been taken, appear to contradict hopes for a democratic state that respects fundamental human rights. The AKP's recent policies fail to show a determination to take the bold steps needed to address the realities of Turkey's pluralistic society, and resolve the problems faced by all religious or belief groups.

Turkey's Constitutional Reconciliation Commission (AUK) started writing the new draft Constitution on 1 May, starting with the section on fundamental rights. It remains unclear whether the new Constitution will ensure a neutral state and an effective protection of the right to freedom of thought, religion or belief for all. While a new Constitution will not of itself end the many religious freedom problems Turkey's people face, it could solve at least some of the systemic problems and send a strong signal to government and society of other necessary changes.

So far, the AUK has demonstrated an inclusive approach to listening to the expectations of the new Constitution of many diverse groups within Turkey. Representatives of groups from the majority Sunni Muslim community, such as the Diyanet Foundation, and from minorities such as the Alevis (who may comprise one third of the population), various Christian communities, and the Jewish community have all presented their views to the AUK. However, some such as the Baha'is, Jehovah's Witnesses, atheist and agnostic groups did not become involved in this process.

Although the AUK will make its decisions unanimously, the draft Constitution will be subject to changes by and the approval of the General Assembly of the parliament, the Grand National Assembly. The AUK is chaired by Grand National Assembly Speaker Cemil Cicek, and its members are from the ruling Justice and Development Party (AKP), the main opposition party the Republican People's Party (CHP), and the opposition Nationalist Movement Party (MHP) and Peace and Democracy Party (BDP).

Real equality in daily life wanted

The views that religious groups presented to the AUK reflect their longstanding problems and desires. Some Sunni Muslim groups emphasised the need for greater protection of manifestations of the right to freedom of religion or belief in public, such as the use of religious symbols and practice of namaz in employment.

Some of the key religious freedom manifestations that religious groups, including minorities and groups within the majority Sunni Muslim population, hope to see protected in the new Constitution include: the right to establish schools where religious training can be provided, the right for religious organisations and communities to acquire legal entity status, the right to establish places of worship, the right to appoint leaders in accordance with their respective religious traditions.

Also desired is an explicit Constitutional commitment to see the right to freedom of religion or belief in Turkey protected in line with international human rights law, such as Article 9 ("Freedom of thought, conscience and religion") of the European Convention on Human Rights and Fundamental Freedoms (ECHR) (see F18News 30 November 2011 http://www.forum18.org/Archive.php?article_id=1641).

All religious groups who presented their views agree that the new Constitution must genuinely protect real equality between followers of all religions or beliefs, as against a merely formal equality that has no practical impact. They want to experience real equality in daily life.

State - religion relations

The impact of "laiklik", or "Turkish secularism", on state – religion relations is a crucial part of the Constitution-drafting discussions. Some groups are silent on whether Turkey should maintain laiklik in the Constitution or not. Others would like to see, in the constitutional text, a clearly set out explanation of what laiklik would mean in the new Constitution. This reflects the fact that there is not one meaning of laiklik; there are several, with for example different meanings used by different political parties (see F18News 30 November 2011 http://www.forum18.org/Archive.php?article_id=1641).

Meeting the AUK on 17 December 2011, the Diyanet Foundation asked for laiklik to be maintained in the new Constitution. They also opposed an autonomous Diyanet, instead asked for maintaining its position within the state structure. As far as the compulsory Religious Culture and Ethics lessons are concerned the Diyanet Foundation did not believe these were contradicting the principle of laiklik they expressed the view that optional lessons on, for example, performing the namaz, should be made possible in schools. The Diyanet Foundation builds many mosques in Turkey, and has the purpose of supporting the Diyanet in all its activities (see F18News 4 May 2011 http://www.forum18.org/Archive.php?article_id=1567).

Non-Muslim religious minorities, the Alevi, and some civil society groups have - in contrast to those who advocate laiklik - emphasised the need to both: make the neutrality of the state and equal distance to all religions and beliefs a constitutional principle; and recognise explicitly the pluralistic nature of Turkish society. These demands for the new Constitution to guarantee state neutrality and pluralism reflect both the reality of Turkish society and the judgments of the European Court of Human Rights (ECtHR) in Strasbourg (see F18News 27 June 2011 http://www.forum18.org/Archive.php?article_id=1585).

Competing interests?

The many submissions to the AUK from religious groups and civil society organisations reveal at least two approaches. One approach emphasises the need for a neutral state and protection of the right to freedom of religion or belief for all in line with international human rights law. The second approach emphasises greater freedom to manifest religion in the public sphere, by which these groups mean Islamic symbols such as but not limited to allowing women to wear headscarves in public institutions, such as universities and law courts, and religious educational or worship facilities which give greater visibility to Sunni Islam.

These two approaches are not necessarily mutually exclusive. They can exist together within a normative framework based on the protection of everyone's human rights. However, in a state which opts for openness to religious manifestations in the public sphere, the state must ensure observance of the principle of neutrality and respect for pluralism.

A neutral state?

An important question is this: what will determine the formulations used in the new Constitution to address state – religious community relations and the right to freedom of religion or belief?

Among those who closely follow the Constitution-drafting process, realisation is growing that the new Constitution may not enshrine a legal framework that explicitly ensures a neutral state or protects the right to freedom of religion or belief for all in line with international law. Many non-Muslims, Alevi, atheists, agnostics, and key civil society organisations share this concern.

Similarly, it is widely thought that the new Constitution will not abolish either the compulsory Religious Culture and Knowledge of Ethics lessons (see F18News 23 August 2011 http://www.forum18.org/Archive.php?article_id=1603), or the Diyanet (see F18News 4 May 2011 http://www.forum18.org/Archive.php?article_id=1567). Both are highly problematic when measured against Turkey's international human rights obligations.

However, many observing the Constitution-drafting process think that it may change the current interpretation of laiklik. The new Constitution, whose formulations can be heavily influenced by the ruling AKP government, may do this in such a way as to, in effect, allow for broader protection of manifestations of freedom of religion or belief by the Sunni Muslim majority.

Recent trends in AKP policy

Since the third election victory of the AKP in June 2011, the new Constitution-drafting process has been a significant symbol of hopes within Turkey for a democratic state that respects fundamental human rights. Yet some government decisions, and the way they have been taken, appear to contradict such hopes. The AKP's recent policies that have implications for the protection of freedom of thought, religion or belief seem to address demands of the Sunni Muslim majority. Such policies are coupled with inaction to address long-standing problems of the Alevi and non-Muslims including atheists and agnostics.

The AKP has introduced changes such as the Restitution Decree for non-Muslim community foundations only (see F18News 6 October 2011 http://www.forum18.org/Archive.php?article_id=1621), but prosecutions have also continued of people exercising the religious freedom right not to believe and to share atheist beliefs (see F18News 15 February 2012 http://www.forum18.org/Archive.php?article_id=1667).

Many in Turkey have also been concerned by recent significant changes that the AKP has made in education, the role and status of

the Diyanet, and tax exemptions for building places of worship and offering religious education.

- Education

The AKP has made fundamental changes in the education system, but neither allowed a reasonable amount of time for discussions among educators and civil society, nor sought interaction and cooperation with such groups. In the area of freedom of religion or belief, these legislative changes allow the opening of Imam Hatip Middle Schools, a form of Islamic school education many in the AKP support. The changes also allow the possibility of distance learning for female students in high schools, if for example they choose to wear a headscarf and are thus barred from attending lessons. They also make possible optional lessons on the Quran and the life of the Prophet Mohammed.

However, the legislative changes result in possibilities that seem to benefit the Sunni Muslim community the AKP draws its main support from. They do not allow for the opening of schools similar in form to Imam Hatip schools for Alevis, other Muslims or any non-Muslim groups. The changes also do not abolish the compulsory Religious Culture and Knowledge of Ethics lessons. Their content has also not been redefined to conform with international human rights standards – for example as education about all religions and beliefs found in Turkey, or as optional lessons on Christianity, Judaism, the Alevi faith, the Baha'i faith, or humanist philosophy.

A report published by Reform in Education Initiative on 8 June indicates that the changes in 2011-2012 curricula of the Religious Culture and Ethics lessons do not meet the ECtHR standard that the lessons be objective and respect pluralism. The changes have been mainly limited to the inclusion of more information about diverse interpretations within Islam, so as to include Alevi and Caferi rituals and figures (see F18News 23 August 2011 http://www.forum18.org/Archive.php?article_id=1603)

On 3 April the Education Ministry signed an agreement with the Hayrat Foundation enabling it to provide free private Quran lessons and Ottoman language lessons. (The Ottoman language was the variety of Turkish that was used for administrative and governmental purposes in the Ottoman Empire.) Under the agreement, the Hayrat Foundation will initially open 300 centres for these purposes, which it is intended will rise to 900 centres. The Education Ministry will oversee the lessons, which break the monopoly of the Diyanet as the sole institution formally allowed to offer Quran courses. The agreement also makes it possible for community centres owned by the state to be used for the lessons.

This initiative in the field of education, which has clear freedom of religion or belief implications, once again benefits only followers of one religion. The state is in this way providing a service only for those who want their children to learn to read the Quran in this way. Yet again, the state is not respecting its duty of neutrality as outlined in ECtHR judgments, or the need to respect the equality of all religions or beliefs in state actions.

- The Diyanet

The Head of the Diyanet, which only represents this state institution not all Muslims, has had his place in the state protocol list moved in May 2012 up from 51st to 10th. While the Diyanet facilitates the exercise of the right to freedom of religion or belief by some, it also constitutes a structure that raises significant issues regarding the protection of the right to freedom of thought, religion or belief by others (see F18News 4 May 2011 http://www.forum18.org/Archive.php?article_id=1567).

This change in the protocol list, taken together with the fact that no representative of any religious or belief group has a place in the protocol list, may be an indication that the state is giving even greater importance to the Diyanet, including its role and function.

In August 2012 (the Muslim month of Ramadan), Diyanet TV will start broadcasts using the Turkish state TV channel TRT. Speaking at the Protocol Ceremony on 8 May 2012, the Deputy Prime Minister Bekir Bozdag said that Diyanet TV, which will broadcast its own programmes for initially 12 hours a day, will be used for the "proper understanding and teaching of religion". The channel's remaining 12 hours will be used for programmes compatible with its broadcasting policies. The channel will be funded (like the Diyanet itself) by all Turkish taxpayers, whatever their religion or belief.

Deputy Prime Minister Bülent Arçelik, speaking at the same event, stated that Diyanet TV will contribute, in unspecified ways, to re-build Turkish family structures. Professor Esra Arsan of Bilgi University's Media and Communications Department commented on 10 May to Bianet that the Diyanet may use fears of social change to propagate its views of, for example, the clothes women should wear and what a family means. She also strongly criticised the increased use of public funds to promote one religion, something others in Turkey have also heavily criticised.

The state TRT broadcasting corporation has given only very limited exposure to religions or beliefs outside Islam, and its programs have reflected limited diversity within Islam. For example only limited coverage of Alevi feasts. However, on 26 January it for the first time broadcast the 1985 Claude Lanzmann film on the Holocaust "Shoah".

- Tax exemption

On 1 June new legislation was passed allowing tax exemption for those who build places of worship and places that provide religious instruction. But to benefit from this exemption, the places of worship must have permission from the relevant local Governorship, and the places that provide religious instruction must provide this instruction under the Diyanet's supervision.

The requirement for permission from Governorships seriously limits who can receive these tax exemptions. The largest community demanding to have its own places of worship, or cemevi, is the Alevi community, which is around one third of the population. But these are not allowed. Communities, such as Protestants and Jehovah's Witnesses, face serious obstacles in establishing places of worship, while Catholics, Greek and Syriac Orthodox and other communities face serious problems in maintaining places of worship. Problems pertaining to the enjoyment of right of all to establish places of worship have long been observed. However, the state – seemingly, lacking the political will - has taken no corrective action so far (see F18News 2 March 2011 http://www.forum18.org/Archive.php?article_id=1549).

The new legislation deliberately leaves out all premises that are in fact places of worship- such as Protestant churches, Jehovah's Witness Kingdom Halls, and Alevi cem houses- but lack legal recognition in law as places of worship. One reason for this is the refusal by relevant Governorships necessary permission. The day before the legislation was adopted, Aykan Erdemir, a deputy of the opposition Republican People's Party (CHP), questioned the AKP proposal's discriminatory effect, excluding the Alevi cemevi. However, his concern was ignored.

What do AKP actions and inaction mean for the new Constitution?

Problems with exercising freedom of religion or belief in Turkey are numerous and long standing. The AKP - as it has demonstrated – has since the June 2011 election the power to make legislative changes and changes in government practices to resolve these problems. Yet the Party has instead chosen to strengthen the Diyanet and to make changes that address "societal demands", as understood by the AKP to mean adoption of policies that seem to benefit the majority of Muslims. This gives an increasing impression that the steps it has taken have been consistently limited to benefit only the AKP's own Sunni Muslim supporters, instead of framing these steps in such a way as to advance everyone's freedom of religion or belief. The AKP has shown no determination to take the bold steps needed to address the realities of Turkey's pluralistic society and resolve the problems faced by all religious or belief groups.

If Turkey's protection of the right to freedom of religion or belief is to come closer to the standards upheld by international human rights law, the new Constitution and the Government's policies now and after the Constitution's adoption must observe the principles of impartiality of the state and equal protection of the right to freedom of thought, religion or belief for all. This means, at minimum, modifying laiklik to mean a neutral state that effectively protects freedom of religion or belief for all. This will include, but is not limited to, not viewing the Diyanet or the Compulsory Religion and Ethics lessons as legitimate – whatever "societal demands" the AKP perceives. (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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