

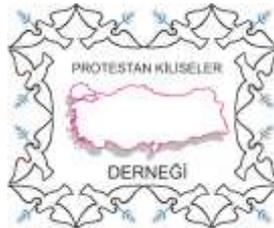


2018 Human Rights Violations Report

Prepared by

Association of Protestant Churches

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Introduction and Summary

The Turkish Protestant community is made up of over 150 small and large fellowships, the majority of which are found in Istanbul, Ankara and Izmir.

The Protestant fellowships have established 6 religious foundations, 4 foundation representative branches, 37 church associations and over 30 representative branches tied to those associations. The remaining fellowships have no legal entity status. Approximately 25 of them are house fellowships. Approximately 10 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 2018 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.

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 Jan. 23, 2009. The Association of Protestant Churches continues to act as the Turkish Protestant community's representative and institution for unity.

Since 2007 the Association 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 2018. For the purpose 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 2018 by the Protestant community in the area of religious freedom.² The situation in 2018 can be summarized briefly as follows:

¹ 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.

- There was a clear reduction in 2018 in hate crimes committed against Protestant Christians that resulted in physical attacks against Protestants and Protestant churches. However there was a significant increase 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.
- There was an increase in hate speech directed toward churches and Christians in some national media outlets, in local media and in social media. Even more concerning, there was an increased coupling together of churches and terror organizations in news reports without any evidence of substantiation, and despite declarations to the contrary by churches and church leaders. In particular, some churches, and local and foreign church members became the direct subject of news reports. Despite the passing of the Personal Data Protection Law, photographs, names and activities of churches were published in this context and this created concern for targeted individuals, target churches and their members.
- 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 billboard and poster notices with hate filled slogans, brochures distributed on the street containing hate language, newspaper articles and television programs which were directed at Christmas and New Year celebrations.
- The trend for gaining legal status for the Protestant community through establishing associations continued in 2017. However, even though the establishment of associations has helped congregations gain legal status, it has not provided a complete solution. In 2018, the pressure on church associations did not prevent churches from worshipping. During this period one church became a religious foundation and the application for another church to become a religious foundation is ongoing.
- There was no movement forward in 2018 in regards to protecting the rights of Christians to train their own religious workers. Some foreign church leaders were deported, were denied entry back into Turkey and/or faced problems with getting their residence permits renewed. A foreign church leader in Izmir was incarcerated for a long period of time on the grounds of being a member of the FETÖ/PDY terror organization.

Hate Crimes and Speech, Verbal and Physical Attacks

- On 4 April 2018, the pastor of Diyarbakır Protestant Church, Ahmet Güvener, received repeated threatening and abusive telephone calls. After reporting the incident to security forces the prosecutor decided that as the suspect's telephone had been used by others and the perpetrator was a minor there was no need to open a case.
- In June 2018 the signs erected by Mardin Metropolitan Municipality identifying Mardin Protestant Church as a historic building and directing visitors to the church

- were broken or removed several times by persons unknown. The incidents were reported to the security forces but the perpetrator(s) were never apprehended.
- During the 2018 Christmas season, the Diyarbakir Protestant Church was stoned repeatedly by minors. No attempt was made to investigate those who were inciting or encouraging the children to do this, and because the perpetrators were minors no action was taken. The church has stated that these attacks were as a result of the increased hate speech that occurs at Christmas time.
 - During 2017 Christmas and New Year season, various anti-Christmas and anti-New Year campaigns were carried out. 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 silence of the Government and the State in the face of such hate campaigns aimed at inciting hatred has caused deep disappointment within the Protestant Community.
 - It has been observed that members of the Protestant community are 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 2018.

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, but as the locale for the association. Thus, they cannot make use of 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. During 2018 many churches or church associations were visited by security forces. Information was given about their activities but no negative result occurred.

- The legal problems experienced by the Diyarbakir Protestant Church continued in 2018. 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.

Place of worship issues continue to be a serious problem. The Protestant community consisting of over 150 congregations has only 10 official church buildings, of which the majority are historical buildings.

The Right to Propagate Religion

In 2018, apart from Üsküdar Yaşam Church being unable to gain permission from the Üsküdar Municipality to open a marketing stand, no problems were experienced in this area.

Problems Faced in Education and Compulsory Religious Knowledge Classes

During 2018 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

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

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

In 2018, the laws in Turkey continued to not 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 church leaders.

In 2018, there were cases in which foreign religious workers and church members were deported, denied entry into Turkey, refused residence permits, or denied entry visas.

- David Byle, a member of a Protestant fellowship, is a foreigner who has lived with his family in our country for nearly 19 years. In 2009 he was arrested in order to be deported for alleged "missionary" work, but following the intervention of the courts he was released. In 2015 it was once more proposed to deport him, but it was decided by the Constitutional Court in 2017 that this deportation would be delayed until the legal process that had started came to a final hearing and judgement. On 14 October 2018 he was arrested when traveling in Ankara and was released 2 days later. He was informed that he had to leave Turkey within 15 days or he would be deported. He was also told verbally that he would be able to re-enter Turkey on a tourist visa. David Byle exited Turkey within 15 days and attempted to re-enter three weeks later, but he was not allowed to enter the country and was turned back from the airport. A court case has been opened concerning this situation.

In 2018, even though they were not pastors, Protestant foreign church members from Istanbul, İzmir and Mersin and other cities were deported or told to leave the country within 10 days after their residence permits were not renewed. In recent years more than 50 foreign Protestant families have had to leave our country as a result of similar operations.

The Andrew Brunson Case

Summary: Andrew Brunson had lived in Turkey for 23 years and was the spiritual leader of the İzmir Diriliş Church. On 7 October 2016 the Brunsons went to their local police station, thinking that a summons left at their home by police was in relation to their application for long term residence. Once there Brunson and his wife Norine were arrested and sent to the repatriation center pending deportation. His wife was released two weeks later, but the custody period was extended so Andrew Brunson continued to be held in this center. During this period he was not advised why he was being held in custody and he was not allowed access to his lawyer. On 9 December 2016 a sudden decision was made to take his statement and he was arrested and accused of being a member of the FETÖ/PDY terrorist group following claims by a secret witness. His case file was declared to be secret thereby blocking any information from being given to the accused, his lawyer and the public.

In August 2017, while in prison, he once more appeared in court accused of "obtaining State secrets for political or military purposes", "attempting to overthrow the Parliament of the Republic of Turkey", "attempting to overthrow the Government of the Republic of Turkey" and "attempting to overthrow the Constitution" and was arrested for these crimes.

Right from the start Pastor Brunson rejected these accusations and declared himself to be innocent. Nearly 18 months after his arrest the indictment was prepared and the court case opened.

In the opinion of Pastor Brunson and his lawyer, these accusations had no proof whatsoever and the court case had been opened on the unsubstantiated accusations of a number of secret witnesses who did not even know him, as well as some people who had left Diriliş Church under a cloud and who bore a grudge against Pastor Brunson. These secret and named witnesses accused many people in the wider Protestant community and Diriliş Church in particular, and throughout the file of accusations nearly the whole church fell under suspicion. Later this would mean that the court would block those who, unlike those false witnesses knew what happened inside the church and who would be able to prove that the false witnesses were lying, from testifying on Pastor Brunson's behalf, stating that they were under suspicion too.

Pastor Brunson was subjected to accusations of evangelism, helping refugees, leading worship in several languages, and teaching the faith, all of which are regular activities for any church. It was claimed that he took part in these ministries in order to help the terrorist organization or as part of espionage activities.

As a result of these baseless serious accusations he was refused bail and the issue became an international incident. The case ceased to be limited to the legal realm and became an international struggle. This damaged the case severely.

On 25 July 2018 Pastor Brunson was released into house arrest, as a result of health problems, and on 12 October at a closed hearing he received a custodial sentence of 3 years 1 month for terrorism offences and the case was closed. Taking into account the period of time he had already served, he was released and the ban on him leaving the country was lifted. Following these developments, Pastor Brunson returned to his country. His appeal against his conviction continues.

Result; Pastor Brunson's case was closely watched by the Protestant community with great sadness and concern. The Protestant community was shocked that someone who had lived in our country for nearly 25 years without any criminal record, without having been involved in any illegal activity and who had spent his whole life and ministry in the church could be incarcerated for so long on the basis of such serious accusations from false-witnesses. During this period many churches and individual Christians were made targets (See the sections on Media and Hate Crimes). A number of foreign Protestant families have left our country due to the great concern these events caused. As a result of this case a climate of insecurity has reigned in the small Protestant community.

Legal Entity / Right to Organize

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

However, associations are not accepted as a “church” or a “place of worship.” The problem of a religious congregation becoming a legal entity has not been completely solved. The present legal path does not allow for a congregation to obtain a legal identity as a “religious congregation.” 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 2018 a Protestant church was able to form a religious foundation, for the first time since the year 2000. One other Protestant church’s application to become a religious foundation is ongoing. If this application is approved it is expected that many other churches would apply for religious foundation status. No legal difficulties were reported by church associations in 2018.

Obligatory Declaration of Faith

The new identity cards that have begun to be distributed in 2017 do not have a section for religious affiliation but instead contain this information on a chip; this is regarded as a very positive step to minimize the risk of discrimination. However, we would like to see the complete removal of the religion section from official documents, being replaced instead by an individual’s verbal declaration. While it is possible to be considered exempt from obligatory religion classes by showing a photocopy of an identity document, how this exemption will be provided through the new identity cards remains unclear. Furthermore, 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

Apart from a mobbing complaint made by a female member of a church in Izmir, no rights violations were reported in 2018.

Media and Hate Speech

A large increase was seen in publications that included hate speech towards churches and their members, in particular in relation to the Pastor Andrew Brunson case. Because these publications were similar to publications made just before the 2007 Malatya Zirve Publishing House Massacre, these new publications have created serious concern and apprehension among the churches specifically named. In both local and national publications the distribution of photographs of many churches and individuals, the reporting of secret false-witnesses as if they were true, and the refusal to allow use of the constitutional right of reply or correction in these publications causes serious concern to the named churches and individuals.

Allegations in a national newspaper that an individual who visited a church in Van as a

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

supporter of a terrorist association, coupled with publication of his name and the name of his company led to the loss of a number of business contracts.

Similarly, many church leaders in Diyarbakır, Mardin, İzmir and Manisa were targeted by newspapers and were the subject of insidious propaganda. In all these cases legal action was attempted but either they were deemed not worthy of investigating or the publications were not punished on the basis of freedom of the press or freedom of speech. This lack of punishment has resulted in a daily increase in the level of hate speech in this type of publication. There is a difference between the attitudes and decisions of the investigating authorities when this type of inciteful hate speech is directed at the faith, place of worship, leaders or members of the majority religion and religious minorities. This concerning lack of neutrality of the judiciary damages the trust of the Protestant community in the justice system.

Dialogue

In 2018, the Protestant community or church representatives were not invited to meetings of religious groups organized by the government or by official organizations. This shows that the tendency to discount or ignore the presence of the Protestant Community of Turkey continues and demonstrated the importance of gaining a religious legal identity.

During 2018, 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.

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 in 2018. 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 community which does not have a historical 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.
- The door to establishing religious foundations needs to be opened as another way for churches to achieve legal status.
- 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 start official actions against hate crimes and speech without needing an official complaint to be filed.

With our respect and regards,
Association of Protestant Churches