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TURKEY: Pope Benedict XVI's visit and religious freedom

By Otmar Oehring, Head of the Human Rights Office of Missio <<http://www.missio.de>>

Pope Benedict XVI's visit to Turkey spotlights religious freedom, notes Otmar Oehring of the German Catholic charity Missio <<http://www.missio-aachen.de/menschen-kulturen/themen/menschenrechte>>. Some are optimistic that the new Foundations Law will resolve property problems for the organisations allowed to non-Muslim communities, but this has yet to be seen. Astonishingly, Deputy Prime Minister and Minister of Foreign Affairs Abdullah Gul may not meet Pope Benedict. Officials fear that the Pope may discuss the problems facing Catholics and other religious minorities, including Muslim minorities. In this personal commentary for Forum 18 News Service <<http://www.forum18.org>>, Dr Oehring maintains that - despite hopeful signs such as several Protestant churches gaining association status - there has been little overall progress this year in religious freedom. For example, minorities such as the Syrian Orthodox do not have the legal right to undertake activities essential for a functioning peaceful religious community.

Rarely can religious freedom in Turkey have been more in the spotlight than in the time surrounding the first visit to Turkey as pope by Benedict XVI. His visit - due from 28 November to 1 December - comes shortly after the latest European Union (EU) accession report, which again criticised Turkey for lack of progress on religious freedom, though in mild tones that surprised some commentators. Domestically, the papal visit coincides with President Ahmet Necdet Sezer's consideration of the Foundations Law, approved by parliament on 8 November. Some optimistically argue that the Foundations Law - if approved by the president - will resolve property problems for the organisations allowed to some non-Muslim ethnic/religious communities. Whether this will be the case has yet to be seen.

The impending papal visit is complicated by Benedict's recent remarks on Islam during a speech in Germany in September, where he quoted harsh medieval criticism of the Islamic prophet Muhammad. As recently as 14 November, Professor Ali Bardakoglu, head of the government's Diyanet (Presidency of Religious Affairs), himself made hostile remarks about Pope Benedict and said how hurt Turks were by the pope's remarks in Germany.

Turkey's Prime Minister, Recep Tayyip Erdogan, will be out of the country during the visit. But, astonishingly, the Deputy Prime Minister and Minister of Foreign Affairs, Dr Abdullah Gul, is still considering whether or not to meet Pope Benedict. It appears that senior officials fear they would be forced to respond, if the Pope hands over a memorandum on the problems facing the Catholic Church and other religious minorities - including Muslim minorities - in Turkey (see F18News 26 July 2006 <http://www.forum18.org/Archive.php?article_id=817>).

The general mood - including among officials and the media - is that for the Pope even to raise any problems would be wrong as, in their view, Turkey's religious minorities do not have problems. They claim that minorities have the possibility to worship and that to complain over their lack of recognised legal status does not reflect Turkish reality. Therefore, they oppose any discussion at all of these issues.

At a meeting in Venice in mid-November, organised by the international Catholic movement Pax Romana, the chief advisor to Prime Minister Erdogan said openly that there is no point looking back to the past over the way religious minorities have been treated, as mistakes lie on both sides. Instead, he insisted, everyone should look to what Turkey will be like in fifteen or twenty years. He claimed that the future will be bright, with no problems for religious minorities. However, he did not identify which problems still exist and how he thinks they will be overcome. There seemed to be no wish on his part to discuss the current reality.

The controversial Article 301 of the Penal Code, which punishes "anti-Turkish statements", has been used against numerous writers and journalists. But its recent use to prosecute members of religious minorities marks a new turn. Compass Direct reported that two Protestants were charged in October under this article in Silivri, near Istanbul, after being accused of "illegal missionary activities". Interpreting non-Muslim missionary activity as "anti-Turkish" is alarming. Amid worldwide criticism of Article 301, Prime Minister Erdogan has said that by-laws would be produced to explain the aims of the article and what "Turkishness" actually means. However, this appears to be merely an attempt to avoid a real answer. Rumours circulate in Turkey that this article will be abolished, but no-one knows if this will happen.

Even were Article 301 to be abolished, there are other articles in the Penal Code which could be used by nationalist prosecutors and

judges to punish what they regard as "crimes against Turkishness".

The one positive point in the new Foundations Law is that it will require the return of properties confiscated from community foundations. Yet a serious obstacle to this is that many of these properties have been sold to third parties. Discussion of the Foundation Law has been going on for many years (see F18News 13 December 2005 <http://www.forum18.org/Archive.php?article_id=704>), so it should have been possible by now to resolve the problem of cases where return is impossible.

Some religious communities with many such foundations, such as the Ecumenical Patriarchate and the Armenian Patriarchate, have argued that this law - if it gains Presidential approval - will allow them finally to get back some of their properties. But they also point to the law's failure to resolve the issue of confiscated properties sold to third parties.

Discussion on this aspect of the Foundations Law has focused on whether religious communities unable to recover their properties should be compensated financially, but the reaction to such suggestions has been harsh. Earlier this year, parliamentary deputies argued in the parliament that this would be a "waste of money", complaining that "trillions and trillions" of (old) Turkish lira would have to go to Christians and Jews in compensation for property taken earlier. At the same time, Turkish newspapers have worried that not paying compensation for property sold to third parties would lead to hundreds of court cases, with many likely to end up in the European Court of Human Rights in Strasbourg. So a solution to this problem is at present blocked.

The new Law does not address a key complaint: the impossibility for religious communities to run their own theological training establishments. This featured in the European Commission's Proposal for the Accession Partnership 2005 (see F18News 13 December 2005 <http://www.forum18.org/Archive.php?article_id=704>). The Ecumenical Patriarchate has long hoped for progress on reopening its seminary on the island of Heybeliada (Halki in Greek) in the Sea of Marmara - closed down in 1971 along with the Armenian seminary - but progress has been elusive.

In mid-October, parliament discussed a proposal to reform the law on private schools. The ruling Justice and Development Party (AKP) introduced changes that would have enabled non-Muslim religious minorities that currently cannot run their own schools - such as the Syrians and Chaldeans - to introduce them on a par with existing Greek Orthodox and Armenian schools. The main opposition party, the traditionally secularist Republican People's Party (CHP), fiercely attacked the proposal, arguing that it would represent a sell-out of Turkey.

Crucially for the Alevi Muslims, the second largest religious community in Turkey, neither the Foundations Law nor the possible new law on private schools would benefit them. Neither the Alevis - nor the Protestants or Catholics - have community foundations. Nor would the Foundations Law give legal status to any religious community, whether Muslim or not (see F18News 12 October 2005 <http://www.forum18.org/Archive.php?article_id=670>).

The EU report <http://ec.europa.eu/enlargement/pdf/key_documents/2006/Nov/tr_sec_1390_en.pdf> - released on 8 November - was blunt that religious minorities still face problems, but the section on religious freedom was far shorter than in previous years and was not very precise over what these problems exactly are. The short section devoted to religious freedom is not long enough to explain the real problems. It is possible this was done deliberately: perhaps EU officials did not want to make Turkey appear in too negative a light. A reader of this section of the report would need an informed knowledge of the situation to understand what the EU is saying in the Turkish context. The informed reader would regard it as a fairly mild summary of the many problems that exist, but the uninformed reader would mistakenly conclude from the EU report that the situation was not too bad.

The response in Turkey to the EU report was that it was not as bad as many had expected. Liberals and some journalists said they expected some condemnation and pointed out that it had been fairly mildly presented. Pro-government activists say that despite accusations in earlier reports, this one was not so bad.

These reactions come against a backdrop of hostility to such normal religious activity as the peaceful sharing of non-Islamic beliefs, which may have been a factor in the February 2006 murder of Fr Andrea Santoro (see F18News 9 February 2006 <http://www.forum18.org/Archive.php?article_id=724>). The complexity of Turkish social attitudes to religious freedom is rarely understood and addressed (see F18News 19 January 2006 <http://www.forum18.org/Archive.php?article_id=716>).

As for the impending papal visit, it is important to bear in mind that the Turkish public will not be present in large numbers at any speaking event. Any views they might have of the visit - and of the Pope's addresses and comments during it - will be formed by how the local media covers the visit.

Pope Benedict's visit may have no impact on religious freedom in Turkey, though this may depend on what he says at his meeting with the diplomatic corps in the Holy See's Nunciature in Ankara. When he visits the state's Diyanet - which controls Islam in this proclaimed secular state - he will most probably be almost alone and the Vatican is unlikely to release details of the meeting.

As head of the Diyanet under an Islamist-leaning government, Professor Bardakoglu has more influence than he could expect to have under a secularist government. If the Pope complains about the way Christians and other minority faiths are treated,

Bardakoglu will probably deny that Christians have any problems. At the same time, he is likely to argue (correctly) that non-Islamic faiths are outside the remit of his office, which is responsible only for Sunni state Islam.

The forthcoming visit has also seen a minor spat between the Ecumenical Patriarchate and the government, with officials attacking the Patriarchate for insisting that journalists covering the trip seek accreditation from it as well. Officials declared bluntly that the patriarchate is a Turkish institution and regarded its demands as "impertinence". However, both sides sought to close down the issue.

Despite the murder of Fr Santoro, some improvements have occurred in the overall religious freedom situation. There is more freedom of speech and openness about the old taboos - even over whether the mass killing of Armenians in the late Ottoman period constituted genocide. This year, four Protestant churches gained a substitute legal status as religious associations - Derneks - but not as religious communities. (This was under a legal provision that applicants for association status, which are not rejected automatically, receive this status after a set period.) Only one Protestant church gained association status in 2005.

A breakthrough occurred in September 2006, when the Altintepe Protestant Church in Istanbul became the first church building since the founding of the Turkish Republic in 1923 to be ratified as a new place of worship. This followed a four year bureaucratic and legal battle. The church had been functioning since 2003 under another legal identity, as a Vakif (Foundation), but the law has since been changed closing the Vakif option for others.

A total of five Turkish Protestant churches are now recognised as Derneks or associations, as well as one international church in Antalya. But, as Compass Direct has noted, due to restrictions in planning and local authority laws more than 20 legal cases are in the Turkish courts requesting recognition of Protestant places of worship. Several cases are also being taken to the European Court of Human Rights.

Association or Dernek status appears to be a pragmatic solution - at least for the Protestants - to the problem of their lack of any legal status at all (see F18News 12 December 2005 <http://www.forum18.org/Archive.php?article_id=670>).

But religious communities such as the Ecumenical Patriarchate and the Armenian Apostolic Church - whose existence in the land of Turkey pre-dates the arrival of the Turks and Islam - are unlikely to want to accept such a lowly legal status.

Lack of legal recognition of religious communities as religious communities forces one to the conclusion that there has been little overall progress this year in the religious freedom situation (see F18News 26 July 2006 <http://www.forum18.org/Archive.php?article_id=817>).

Islam remains a branch of the state and no other religious community - including Muslim minorities - has or can get legal status as a religious community (see F18News 12 October 2005 <http://www.forum18.org/Archive.php?article_id=670>). This problem of non-recognition means that religious communities do not have the legal right to take the internal spiritual and financial decisions necessary for the normal functioning of a peaceful religious community. Without legal status as a religious community, religious communities cannot buy, use, sell or remodel property. They remain unable to maintain educational establishments to train religious personnel, including priests, ministers or rabbis. Despite the impossibility of training their own personnel within Turkey, they do not have the right to bring in personnel from abroad. Personnel from outside Turkey have come in under ad hoc arrangements, which could be revoked at any time.

De facto, religious communities can undertake some activities, but this is not enshrined in any law. For example, the two main Syrian Orthodox monasteries, in Turkey's south-east, run monastic schools for boys, where they are trained in the liturgical language, in catechism and in singing for the liturgy. This is essential for the celebration of the Orthodox liturgy. Some boys go on to become catechists and choir leaders. Officially the schools are merely boarding houses, but the state knows what they are doing although, technically, this is illegal.

However, the problem remains as to how Syrian Orthodox girls can be educated, especially as the Syrian population in south-eastern Turkey faces such pressure from local Muslim Kurds and Turks. Syrian Orthodox girls in school are routinely threatened with rape or kidnap. The Syrians remain at the mercy of attackers and it is unclear who they are.

There has been no change to the recording of religious affiliation on identity cards - a major problem which lays religious minorities open to social ostracism or hostility (see F18News 26 July 2006 <http://www.forum18.org/Archive.php?article_id=817>).

A recent poll by TESEV, an Istanbul-based think-tank, found that Turks did not believe that Islam is gaining in influence. Although some question whether this is true - and the growth in the number of women wearing Islamic headscarves on the streets of Ankara and Istanbul might be an indication that the influence of Islam could be growing - I believe that nationalism, not Islamic sentiment or any resurgence of Islam lies behind the restrictions on minority faiths. (END)

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<<http://www.missio-aachen.de/menschen-kulturen/themen/menschenrechte>>, a Catholic charity based in Germany, contributed this comment to Forum 18 News Service. Commentaries are personal views and do not necessarily represent the views of F18News or

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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>

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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