FORUM 18 NEWS SERVICE, Oslo, Norway
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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

5 January 2011

TURKEY: Education should facilitate, not undermine, freedom of religion or belief

By Mine Yildirim, Åbo Akademi Uni. and

Many in Turkey see an urgent need to reform primary and secondary school education to facilitate freedom of religion or belief. This is because, Forum 18 News Service notes, aspects of the school system play a role in fuelling a type of nationalism behind intolerant attitudes, violent attacks and possibly even murders experienced by vulnerable groups. Key problems identified by members of various religious communities and atheists include compulsory Religious Culture and Knowledge of Ethics (RCKE) school classes, strict limits on exemption from such classes, discrimination against those seeking exemption, and misleading information in textbooks on the History of Turkish Republican Reforms and Atatürkism. An overdue first step would be to implement an October 2007 European Court of Human Rights judgment to legally enable all parents to exempt their children from RCKE classes. Implementing respect for everyone's freedom of religion or belief in school education will contribute to Turkey flourishing as a truly pluralistic democratic society.

The need to review and reform Turkey's primary and secondary school education system to facilitate freedom of religion or belief is urgent. Members of various religious communities have identified key problems in the compulsory Religious Culture and Knowledge of Ethics school classes themselves, in the way exemption from these classes is strictly limited, and in the discrimination experienced by children seeking exemption and their parents or guardians. Also, textbooks in classes on the History of Turkish Republican Reforms and Atatürkism provide misleading information encouraging intolerance.

Many in Turkey – from both religious and secular backgrounds – consider that this is an urgent problem, as these aspects of the school system play a role in fuelling intolerance and a type of nationalism behind violent attacks and possibly even murders experienced by vulnerable groups (see the F18News religious freedom survey at http://www.forum18.org/Archive.php?article_id=1379).

Compulsory classes, limited exemptions

Religious Culture and Knowledge of Ethics classes, for between one and two hours a week, are compulsory in all primary and secondary schools. Lessons are heavily based on the Sunni branch of Islam, and the textbooks are prepared and published by the Education Ministry. The state must provide some classes in this subject – although not necessarily in the current form - as Article 24 ("Freedom of religion and conscience") of the 1982 Constitution states that: "Education and instruction in religion and ethics shall be conducted under state supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools."

However a 1991 circular from the Education Ministry granted the right to exemption to Jewish and Christian children whose parents are registered as belonging to these faiths in the Public Registry and on Identity Cards. (Schools for foreign children are also exempt from the classes.) Greek Orthodox, Armenian Apostolic and Jewish schools must hold Religious Culture and Knowledge of Ethics (RCKE) classes but - because of these communities' rights under the 1923 Lausanne Treaty – such classes are based on Christianity and Judaism respectively.

(Compulsory recording of individuals' religious affiliation, and the associated violations of freedom of religion or belief, has been a subject of an as yet unimplemented European Court of Human Rights (ECtHR) judgment – see F18News 8 October 2010 http://www.forum18.org/Archive.php?article_id=1496.)

As only registered Jews and Christians have the right to be exempt from the state RCKE curriculum, followers of every other belief and those who do not wish to express a definite belief must attend the classes. This includes Baha'is, Jehovah's Witnesses, Yezidis (an ethnic Kurdish faith), atheists, agnostics, and Muslims – including Alevis - who do not follow the Sunni branch of Islam that is taught in RCKE classes.

Opposition to teaching government-defined Sunni Islam

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Religious Culture and Knowledge of Ethics classes are not lessons about world religions, but about Sunni Islam with a small portion of the curricula devoted to some non-Islamic faiths. They incorporate Sunni religious practices including memorising prayers in Arabic. This compulsory teaching of one religion and its practices seriously interferes with the right to be free of coercion to profess a certain religion or belief.

The Alevi community – estimated to be around 20 million people (the number is not certain as there no statistical information available) or around one third of the population – is Turkey's largest Muslim religious community after the Sunni Muslim majority. They argue that the RCKE lessons are a means of assimilating their children into Sunni Islam, and have publicly demonstrated against this. Alevis tend to have two contrasting approaches to the issue. One approach is to demand that RCKE lessons be abolished. On the other hand, Caferis (Alevis who are close to Shia Islam) tend to demand substantial reform in the content to include Alevi perspectives, rather than demanding the abolition of the classes.

Some Sunni Muslim families are also unhappy with the RCKE classes, claiming that they teach the state interpretation of Sunni Islam and lack authenticity. In a 27 October 2010 article in Istanbul's Star newspaper, regular columnist Hidayet Tuksal pointed out that Sunni Muslim parents have many possibilities to pass on their religion to their children, so the abolition of RCKE classes would not be a major deprivation. She argued instead that an objective lesson on religions would be more exciting and beneficial for children.

However, the government continues to disregard these protests – and its legal and political human rights commitments (see section below). The Education Ministry is adamant that RCKE classes must remain compulsory. Changes in the curricula are made frequently – but never yet have these changes seriously addressed the freedom of religion or belief issues that the classes' current form involves.

Minister of State Faruk Çelik promised, in October 2010, substantial changes in textbooks for the 2011-2012 schoolyear to include information about various strands of Islam, including the Alevis and Caferis. However, it remains to be seen whether these promised changes will satisfy everyone in these communities. Expanding exemption possibilities (as a 2007 ECtHR judgment requires – see below) is still not being planned, so those for whom the content of the lessons interferes with their right to bring up their children in line with their own beliefs will continue to experience problems. And although some Alevis and Ceferis may welcome these changes, the proposals do not address the religious freedom violations the system causes for – among others - atheists, agnostics, Baha'is, and Yezidis. So even the "substantial" change promised by the government falls short of providing a framework compatible with the right to freedom of religion or belief.

Interestingly, the 2009 Strategic Plan of the Diyanet (the government's Presidency of Religious Affairs - see the F18News religious freedom survey http://www.forum18.org/Archive.php?article_id=1379) identifies demands from some members of Turkey's Alevi community to eliminate compulsory religious classes as one of the threats to the Diyanet. It regards these classes as important to foster its preferred monolithic form of Turkish identity, even though Turkey is a far more diverse society than this approach to Turkish identity acknowledges (see F18News 27 October 2007 http://www.forum18.org/Archive.php?article_id=1053).

Exemption problems

Exercising the right to exemption from RCKE classes can be difficult, as parents often complain. Many school administrators are uninformed about the right to exemption and hence do not inform students and parents of their rights. According to official records 99 per cent of the Turkish population is Muslim, so the number of students who have the right to be exempted is very small in total and within individual schools. But as schools have copies of students' Identity Cards in their files, they can identify who has the right to exemption.

A particular problem has arisen since 2006, when it became possible to leave the religion section in Identity Cards blank (see F18News 8 October 2010 http://www.forum18.org/Archive.php?article_id=1496). Yet those who leave this section blank do not have the right to be exempted. This means that those who want to be exempted are forced to disclose a religion – an interference in the "forum internum" which enjoys complete protection in international human rights law. To gain exemption, this disclosure is required at the beginning of every school year.

One Christian parent, who asked Forum 18 that they should remain anonymous, stated that their child's school "is trying to manage the exemption process in the best way they can". But the parent does not want to disclose their family's religious affiliation and nor does the child: "this year [2010] my child told me that they do not want to take a letter about this to school every year". The family considered bringing a legal case about this against the Education Ministry, but this is expensive and would bring unwelcome media attention.

In 2004 an Alevi parent brought a case to the European Court of Human Rights (ECtHR) in Strasbourg (Hasan and Eylem Zengin v. Turkey, Application No. 1448/04), claiming that the compulsory nature and the content of RCKE classes violated the European Convention on Human Rights and Fundamental Freedoms (ECHR). In its 2007 judgment, which became final in January 2008, the ECtHR upheld the complaint and confirmed that the content of the books lacked objectivity and pluralism and urged the government to bring its teaching into line with the requirements of Article 2 of Protocol No. 1. The basis of the violation was the absence of an

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acceptable way of exemption from these classes (see http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=824284&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649).

Governments are obliged not only to pay any fines or compensation required by the ECtHR, but to remove the cause of any violation. However, Turkey has taken no action to implement the judgment (see the F18News religious freedom survey at http://www.forum18.org/Archive.php?article_id=1379).

Atheist parents of a 10-year-old child complained that the local administration refused to accept their application for exemption from Religious Culture and Knowledge of Ethics classes for their primary school student child. The judgment of 8th Chamber of the Administrative Court in Istanbul on 26 May 2010 found their complaint rightful based on Article 24 ("Freedom of religion and conscience") of the Turkish Constitution and Article 9 ("Freedom of thought, conscience and religion") of the ECHR. The judgment further specified that the exemption decree concerning Jews and Christians should also be applicable to families without any faith. The government has made no public response to this ruling.

Jehovah's Witnesses are not recognised in Turkey as a separate religion but, according to a court decision based on an "expert opinion" of the Diyanet, as a "sect" within Christianity. (Most Christians, unlike the Jehovah's Witnesses themselves, think that they are a non-Christian religion.) Jehovah's Witnesses often identify themselves on Identity Cards as Christian, and so in Turkish law are entitled to exemption from RCKE classes. However, school administrations often identify them as a separate religion and deny them the right to be exempted.

In international human rights law, the opinions of state officials - whether in the Diyanet or in school administrations - on the religious identity of an individual are irrelevant to that person's right to freedom of religion or belief. Everyone, without any exceptions, has this right and the government has the duty to facilitate this. Yet as these examples show, public authorities often decide to restrict religious freedom, instead of facilitating the enjoyment of this fundamental human right.

Exercising exemption right leads to intolerance

Even if parents manage to apply for and gain exemption through the official process, children often experience intolerance directed against them and their exercise of the right to freedom of religion or belief. Protestants and Jehovah's Witnesses in particular have complained about this. Exempted children are also often required to sit in the classroom as RCKE lessons take place, as there may not be alternative rooms where they can wait for the next class.

Children themselves have complained of intolerant attitudes and comments by teachers and classmates, because of their non-participation in RCKE classes. Children and parents are frequently reluctant to complain about this, as they think this would result in even more hostile comments against them. A September 2010 report by the Association of Protestant Churches contains examples of this problem (see http://www.protestankiliseler.org/Protestants_in_Turkey-_A_Threat_of_Under_Threat_2010__.pdf).

The Association of Protestant Churches told Forum 18 that it wrote in 2010 to the Education Ministry about the problems faced by children and requesting an effective remedy. The Education Ministry merely replied stating that it would inform schools of the problem. In 2009, the Ministry said it would inform provincial National Education Administrations of the problem. No change in the situation has yet been experienced by children and parents.

Textbook problems

Despite the Education Ministry's review of the content of school textbooks and removal of discriminatory references to members of ethnic and religious groups, problems remain. A review and monitoring project carried out by the Istanbul-based History Foundation (Tarih Vakfi) in 2009 found that the Education Ministry's reform of schoolbooks had ignored many of the Foundation's 2005 recommendations (see http://www.tarihvakfi.org.tr/english/historyeducation.asp#3).

In the field of freedom of religion or belief, the Foundation recommended in 2009 that the Education Ministry should ensure that textbooks reflect the fact that different ethnic and religious groups living in Anatolia are major components of Turkish society and identity (see http://www.tarihvakfi.org.tr/dkih/download/bulgular_tavsiyeler_raporu.pdf).

The school textbook on the History of Turkish Republican Reforms and Atatürkism, for 13-year-old children, is one example of the problem. It states that: "Missionary activity is not the ordinary propagation of religion. Missionary activities cannot be classified under freedom of thought and the freedom to express opinion."

The textbook also states that: "Missionaries have political, cultural and economic aims in addition to religious aims. They try to fulfil their goals through the significant financial support of foreign powers, some non-governmental organisations and from their own supporters. Missionaries exploit the financial hardships of people. They translate texts related to their own beliefs into different languages and distribute them free of charge and accordingly use written and visual media for their propaganda purposes. They are a threat to the national unity and integrity of our state and nation."

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These statements reinforce the common attitude in Turkish society and the mass media that sharing beliefs threatens national security. Such an attitude has been encouraged by the National Security Council, which is chaired ex officio by the President and also comprises the Chief of the General Staff, the commanders of all the branches of the Turkish Armed Forces and several government ministers. In the opinion of many within Turkey, propagating such attitudes does result in breaches of national security - violent attacks and even murders against Turkish citizens (see F18News 27 October 2007 http://www.forum18.org/Archive.php?article_id=1053).

While the textbook does not refer to any specific religious community as conducting "missionary" activity, clues to who may be in mind can be found elsewhere. For instance, a 2002 letter from the Diyanet's Chamber of Religious Education to the Council of Higher Education alerts educators about certain "destructive" groups and "missionary" activities. Among those the Diyanet bracketed together are Baha'is, Jehovah's Witnesses, Hizbullah paramilitaries, and unspecified other "missionaries".

Freedom of religion or belief is not an unlimited right. In the ECHR, it "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". Commenting on this, the ECtHR noted in a 12 February 2009 judgment (Application no. 2512/04) in a case involving a missionary in Russia that: "the Convention does not allow restrictions on the ground of national security. Far from being an accidental omission, the non-inclusion of that particular ground for limitations in Article 9 reflects the primordial importance of religious pluralism as 'one of the foundations of a 'democratic society' within the meaning of the Convention' and the fact that a State cannot dictate what a person believes or take coercive steps to make him change his beliefs".

Turkey's legal and political human rights obligations

Compulsory Religious Culture and Knowledge of Ethics classes and other problems in the education system seriously interfere in the child's right to freedom of religion or belief, as well as the right to education which respects parents' and guardians' religious and philosophical beliefs. Both of these rights are protected in the articles protecting freedom of religion or belief of the International Covenant on Civil and Political Rights (ICCPR) (Article 18) and the European Convention on Human Rights and Fundamental Freedoms (ECHR) (Article 9).

Article 2 of Protocol No. 1 ("the right to education") of the ECHR also protects these rights, stating that: "In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religions and philosophical convictions." However in 1954 Turkey lodged a reservation on this Article protecting its Law No. 430 of 3 March 1924, which has the effect of placing all educational institutions offering religious education under state control.

As a participating State of the Organisation for Security and Co-operation in Europe (OSCE), Turkey has politically committed itself to implement measures "to counter prejudices and misrepresentation, particularly in the field of education". Initiatives to enable this to happen include the OSCE's Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools http://www.osce.org/odihr/29154, which was produced with the aid of a Turkish academic expert.

As a signatory to the ICCPR and the ECHR, and an OSCE participating State, Turkey is obliged to protect everyone's right to freedom of religion or belief within the education system. Yet the government shows no signs of carrying out these obligations by taking action to provide fair education on religions and beliefs in schools.

Solving the problem

Solving the problem of violations of freedom of religion or belief in the education system is not just a matter of changing textbooks and curricula. The attitudes of teachers and conditions in the classroom are crucial in addressing the issue. If these reflect respect for everyone's freedom of religion or belief, the education system can become a powerful factor in addressing issues of human rights and tolerance in Turkish society.

Turkey has to seriously rethink the role of the state in providing religious education (and other religious functions such as those of the Diyanet) to be in line with ECtHR judgments obliging the state to remain neutral and impartial. However the government's desire to retain compulsory RCKE classes, a narrow approach to exemption and the legal bar on providing alternative primary and secondary school-level religious education contradicts this need. Instead of addressing its ECHR obligations, the government appears to want to retain control of all aspects of religious education in a way that maintains a discriminatory disparity between the dominant faith and other religious and non-religious beliefs.

As the European Court and others have indicated, many changes are necessary - for example of curricula, textbooks, the conduct of lessons and exemptions from them, and the administration of schools. An overdue first step was specified in the ECtHR's October 2007 judgment in the Zengin case (Application no. 1448/04): "bringing the Turkish educational system and domestic legislation into conformity with Article 2 of Protocol No. 1". Implementing this - as Turkey has been required since January 2008 to do - would

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include legally enabling all parents who wish to exempt their children from RCKE classes to do so.

Implementing respect for the freedom of religion or belief of parents, children and staff within the education system will not endanger national security. Instead, it will help address the threat to national security that violent attacks and murders represent, and contribute to Turkey flourishing as a truly pluralistic democratic society. (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://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=mideast&Rootmap=turkey.

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f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY