

23 August 2011

TURKEY: Changes in school religious education fail to resolve fundamental problems

By Mine Yildirim, Åbo Akademi Uni. and

When children begin school on 19 September, they should have new official textbooks for the compulsory Religious Culture and Knowledge of Ethics course, for which exemption is highly limited. For the first time the books are due to include teaching not just of Sunni Islam but of Alevi and Caferi traditions, both widely shared movements within Islam in Turkey, Forum 18 News Service notes. This year also saw a slight easing to allow exemption of Jehovah's Witness children in families who have left the religious section of their official records blank. Yet such changes fail to tackle the fundamental religious freedom problems over the course: the subject remains compulsory, the function of the course – whether it is about religions or the narrow teaching of one faith only (Islam) – is not clarified, exemptions remain limited and require parents to declare their religious or philosophical views, and there is a risk that exempted children suffer bullying from other children and lowered grades from teachers in other subjects. To ensure respect for freedom of religion and belief for all in education, Turkey should consider approaching the matter in a holistic manner.

Children across Turkey are preparing to return to school on 19 September. For the first time, the official textbooks for use in all but the few ethnic minority schools for non-Muslims will include not only teaching of Sunni Islam, but also on Alevi and Caferi traditions, both widely shared movements within Islam in Turkey. The Education Ministry's General Directorate of Religious Education confirmed that the textbooks for the compulsory Religious Culture and Knowledge of Ethics (RCKE) lessons have been amended to include additions agreed with representatives of these two communities, though the textbooks are not yet publicly available to verify this.

The inclusion of Alevi and Caferi teachings is a result of the government's "Alevi Opening" and dialogue between Alevi and Caferi organisations and the state.

While improvements in the curriculum to include more on Alevi and Caferi traditions is welcome, these fail to address more fundamental religious freedom issues raised in relation to the RCKE lessons. Their compulsory nature, their content lacking objectivity and pluralism, and finally the lack of an adequate framework for exemptions continue to pose problems to the enjoyment of freedom of religion or belief in the educational setting in Turkey.

Many in Turkey argue that further reform of primary and secondary school education to facilitate freedom of religion or belief is necessary. This is because 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 (see F18News 5 January 2011 http://www.forum18.org/Archive.php?article_id=1526).

Compulsory lessons

Religious Culture and Knowledge of Ethics classes, for between one and two hours a week, are compulsory in almost all primary and secondary schools. Lessons have up till now been heavily based on the Sunni branch of Islam, and the textbooks are prepared and published by the Education Ministry. The few Greek Orthodox, Armenian Apostolic and Jewish schools must also hold RCKE classes but - because of these communities' rights under the 1923 Lausanne Treaty – such classes are based on Christianity and Judaism respectively (see F18News 5 January 2011 http://www.forum18.org/Archive.php?article_id=1526).

RCKE classes have not always been compulsory in Turkey. Because the military leadership of 1980 saw the value of a certain form of "restrained religion" as a unifying factor for the nation and as a preventative tool against what it considered marginal movements, a provision was inserted into Article 24 of the Turkish Constitution making RCKE classes compulsory in primary and secondary education. The same provision goes on to say that "education and instruction in religion and ethics shall be conducted under state supervision and control", explicitly demonstrating the state's strong interest in imposing its control.

This regulation did not foresee any exemption. Only in 1990, the Supreme Council for Education adopted a decision to entitle Christian and Jewish students who are registered as belonging to these faiths in the Public Registry and on Identity (ID) Cards to be exempted from RCKE classes.

Jehovah's Witnesses can be exempted from RCKE classes, either by presenting their ID cards stating that they are Christians (since the state regards Jehovah's Witnesses as a denomination within Christianity, not as a separate religion) or - if the religion section in their ID card is blank - by providing a letter from the Council of Representatives of the Jehovah's Witnesses. The latter is a new practice in effect since early 2011. But school administrations can in practice refuse to grant exemptions (see F18News 5 January 2011 http://www.forum18.org/Archive.php?article_id=1526).

However, the possibility of exemption does not extend to non-believers, Islamic minorities and members of other faiths. Children of atheist, Baha'i, Yezidi or Alevi parents must attend the RCKE classes. And gaining exemption from RCKE classes can be difficult for those who are formally entitled to this (see F18News 5 January 2011 http://www.forum18.org/Archive.php?article_id=1526).

Only in a handful of cases have individual children been exempted through the courts, as parents brought such cases based on the incompatibility of the RCKE content with their philosophical convictions. One lawyer, Kazim Genç, has won such cases on behalf of at least 10 children in recent years.

Children who do gain exemption continue to risk ostracism and bullying from other children and discrimination from teachers (see 'Consequences of opting out' below).

Paradox

A close look at the practice in Turkey concerning RCKE classes immediately reveals a paradox. On the one hand, the government claims that the RCKE course synopsis includes teaching about all religions, while on the other there is a limited opt-out possibility. If the teaching includes all religions, why does the system allow exemption?

This point is also underscored in the report on Turkey from the European Commission against Racism and Intolerance (ECRI), published in 2005 (http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_03/03_CbC_eng/TUR-CbC-III-2005-5-ENG.pdf).

"ECRI considers the situation unclear: if this is indeed a course on the different religious cultures, there is no reason to make it compulsory for Muslim children alone," the report notes. "Conversely, if the course is essentially designed to teach the Muslim religion, it is a course on a specific religion and should not be compulsory, in order to preserve children's and their parents' religious freedom."

The changes made in the textbooks for the 2011/2012 school year to include Alevi and Caferi teachings do not remove the paradox, because the RCKE course still teaches only one religion (Islam) and no adequate exemption is in place.

Although the Alevi and Caferi communities have yet to see the books, the inclusion of their teachings has to be recognised as an improvement towards recognition and respect for diversity within the Islamic community in Turkey. On the other hand it is important to note that these improvements alone do not make the RCKE classes a lesson "about religions".

Also, while this step may satisfy some Alevi groups there are certainly other Alevis who remain categorically against the teaching of religion by the State.

Political perspectives on RCKE classes

Public debate on the RCKE classes has made the views of the interested parties much clearer – but at the same time shown that they are further apart than ever. It is mainly the minorities that oppose the continuation of the current practice and who seek change.

The majority on the other hand, seems largely in favour of the current practice, perhaps with minor changes in the content of the textbooks. Such changes may include the inclusion of teachings of various Islamic traditions while sticking to the general approach of teaching Islam to students. Such changes do not include an appropriate opt-out structure for anyone who finds these lessons to be in conflict with their religious beliefs or philosophical views, nor moving to a course that is "about religions".

The election programmes of the political parties are telling in elucidating what can be seen as three broad positions.

The Election Programmes of the ruling Justice and Development Party (AKP) and the Demokrat Party (DP) are silent about religious education, which implies that they are satisfied with the current practice and do not wish to introduce any changes.

By contrast, the Emek, Demokrasi ve Özgürlük Blok (Labour, Democracy and Freedom Bloc), the Turkish Communist Party (TKP) and the Republican People's Party (CHP) oppose compulsory religion classes. The Bloc instead proposed history of religions and religious studies as optional lessons. The CHP proposed that the RCKE lessons cease to be compulsory, and be offered instead as optional in primary and secondary schools.

The Nationalist Action Party (MHP), Felicity Party (SP) and People's Voice Party (HAS) defend the current practice of compulsory

RCKE classes. In addition, they also propose the ending of the state monopoly over formal religious education.

In June 2011 the Education Reform Initiative (ERG) of Sabanci University in Istanbul expressed concern about the lack of proposals on the continuation of a democratic, plural and participatory discussion on education about religions instead of religious education.

The AKP's apparent wish to continue with the current practice of RCKE classes is not surprising. The party's general perspective, reflecting the desires of its conservative base, is to want to see Islamic identity flourish and be part of social life. However, the AKP will have to accept that continuing the religiously-narrow, compulsory RCKE lessons is incompatible with Turkey's human rights obligations.

The AKP's "will" should become clear in the constitutional drafting process now beginning (see F18News 27 June 2011 http://www.forum18.org/Archive.php?article_id=1585).

Religious communities' concerns and desires

Dogan Bermek, the Chair of the Federation of Alevi Vakifs (Alevi Vakiflari Federasyonu), explains that instead of focusing on the right to exemption from RCKE lessons, discussion should focus instead on their content. He argues that elements that teach a certain religion with the purpose of influencing the child to adopt the religion and its practices must be eliminated, and the lessons should be strictly "about religions".

Bermek also notes that calls to reject entirely any religion classes polarise society and cause the discussions to revolve around whether or not to have religion lessons, rather than on the content. He cautions that taking the exemption route might be dangerous because of the lack of conditions for the enjoyment of such an exemption in schools. The obstacles seem to stem from the attitude of some teachers and children as well as the lack of adequate facilities.

Bermek observes that religion classes should be like any other class. Since no other subject is mentioned in the Constitution, religion lessons should also not be mentioned in the Constitution.

The Chair of the Association of Protestant Churches, Zekai Tanyar, thinks it is unrealistic to expect that there will be no religion classes in Turkey. He views the current practice as the teaching of a certain denomination within Islam, and hence students should have the possibility of exemption. The important thing, as he sees it, is the consequence of the RCKE lessons: because of the narrow focus of the content, students are raised with a narrow view of religion and tend to see members of other religions or traditions as "the other".

Human rights defenders and members of minority faiths believe the stereotypes about other faiths, deeply rooted in society and reinforced by state religious education, cause a dangerous situation for religious minorities (see Forum 18's Turkey religious freedom survey at http://www.forum18.org/Archive.php?article_id=1379).

Consequences of opting out

Even if Christian and Jewish children may have the right to be exempted from compulsory RCKE classes, as well as those who acquire such a right through a court decision, this still leaves problems. The reason for this is the serious difficulty in ensuring an environment conducive for the enjoyment of the exemption.

Genç, the lawyer who has gained exemption through the courts for some children whose parents object to the content of the RCKE lessons, sees three difficulties, as he told Bianet on 22 June 2011: first, families do not want to file a court case fearing that their children will face discrimination at school; second, the children who are exempted from the RCKE classes can be harassed by other children; third, the attitude of teachers changes toward these children, sometimes resulting in lower grades in other subjects.

Such difficulties are confirmed by the experience of children of Protestant families. As Christians they do have a right to exemption from RCKE classes, so they normally do not have to bring a court case. However, Umut Sahin, the General Secretary of the Association of Protestant Churches, notes that there is a socially hostile and intolerant attitude in schools against children who leave the classroom during RCKE classes (see http://www.protestankiliseler.org/Protestants_in_Turkey-_A_Threat_of_Under_Threat_2010_.pdf).

Similarly, Jehovah's Witnesses report cases where some children experience harassment in schools when they do not participate in the RCKE classes.

Gaining and exercising the right to exemption from RCKE classes continues to be difficult, despite both Turkish court decisions and international human rights law (see F18News 5 January 2011 http://www.forum18.org/Archive.php?article_id=1526).

Compulsory teaching incompatible with human rights standards

The Turkish Court of Cassation considers the compulsory nature of the RCKE classes incompatible with freedom of religion or belief. A number of Alevi and atheist families have won cases before administrative courts where their right to exemption has been recognised on a case by case basis. The Education Ministry then allows the exemption of those students who have a court decision. It will be interesting to see whether the 60 new members of the Court of Cassation appointed by the High Council of Judges and Prosecutors in February 2011 will uphold the stance demonstrated in such previous cases.

International human rights law does not allow the compulsory teaching of religion with the purpose of instructing students in a particular religion. Where such instruction exists, states are under the obligation to create adequate means of exemption. In addition, states, when undertaking their obligations in the educational sphere, must respect the rights of children, parents or legal guardians and teachers. More generally, the interests of society and minority religious communities as well as those without a religious faith also have to be taken into account.

In the case of Hasan and Eylem Zengin v. Turkey (Application No. 1448/04), brought by an Alevi parent who objected to the content of RCKE lessons and the lack of exemption, the European Court of Human Rights in Strasbourg found in October 2007 that "the instruction provided in the school subject 'religious culture and ethics' cannot be considered to meet the criteria of objectivity and pluralism". The judgment signals that the Turkish authorities need to widen the exemption possibility to all, end the requirement for those seeking exemption to reveal their religious or philosophical views, end the negative consequences for children who are exempted, and – more broadly – make the subject more objective and acceptable to all (see F18News 5 January 2011 http://www.forum18.org/Archive.php?article_id=1526).

The enforcement of this judgment is still pending. The Council of Europe's Committee of Ministers overseeing the execution of judgments declared in June 2008 that "The Turkish authorities are invited to present an action plan for the execution of this judgment, taking into account the European Court's specific indication of an appropriate general measure". However, the Turkish authorities have so far provided neither an action plan nor an action report.

What alternatives in teaching religion to children?

The Turkish authorities impose significant limitations on teaching religion to children outside the school system. The government's Presidency of Religious Affairs (Diyanet) can offer summer courses on reading the Quran for children who are older than 12, with state funding. While it is prohibited for private groups to open similar courses, many such courses operate and the authorities seem to turn a blind eye to them. On 19 August 2011, the human rights group Mazlum-Der (Organisation of Human Rights and Solidarity for Oppressed People) organised a demonstration in Beyazit (Istanbul) demanding that the age restriction for participation in Quran courses be abolished.

As for non-Muslims, legally it is not possible to establish schools for teaching their religion. Religious education of young people takes place at home or in places of worship as part of religious activity. For example, the Syrian Orthodox community teach their youth the language and rituals of their religious tradition in the church. The experience of other religious communities, such as Catholics, Protestants and the Baha'is, is similar. They have to teach the youth in their place of worship without state funding, while at the same time supporting Islamic education by the Diyanet and Education Ministry through their taxes (see F18News 4 May 2011 http://www.forum18.org/Archive.php?article_id=1567).

What is the purpose of RCKE course?

In order to design a course on religion or a course about religions the vital first step is to seek consensus on its purpose and function. Current practice does not have a clear purpose. It seems to strive to be both a course on teaching Islam and a course on religions and it is not working. The current arrangement concerning RCKE lessons results in a practice that is not compatible with Turkey's human rights obligations. Turkey has the obligation to respect the rights of children to freedom of religion or belief and to respect the rights of parents to educate their children in line with their beliefs. Also, the current course functions as a tool to form a certain religious identity and such a function - coupled with its compulsory nature - is highly problematic.

To move forward, Turkey should consider approaching the matter in a holistic manner. Society could benefit from a compulsory course about religions with the purpose of promoting an understanding and appreciation of diversity, respect for everyone's human rights as well as providing an objective presentation of religions. Such a course could function as a means of building mutual understanding, respect and acceptance. At the same time, given that many parents want their children to learn about Islam at school, the state could offer courses on that faith. However, these must be optional, with no negative consequences for those who choose not to participate. (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>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY