

Belief Groups in Turkey: A New Framework Aimed at Issues and Demands

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This report, within the scope of the “Freedoms of Beliefs in the Process of New Constitution” project which has been started by **Alevi Foundations Federation President Dođan Bermek**, has been drawn up by the **Istanbul Bilgi University Political Sciences Doctoral Candidate Özge Genç** under consultancy of the **Istanbul Bilgi University, EU Institute Director Prof. Dr. Ayhan Kaya**. We owe a debt of gratitude to all who have given support and shared their opinions with us.

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Belief Groups in Turkey: A New Framework Aimed at Issues and Demands

The aim of the study

This project, which has been initiated by the Alevi Foundations Federation and carried out under consultancy of Istanbul Bilgi University EU Institute Director Prof. Dr. Ayhan Kaya, is a comprehensive study aiming at identifying the issues of individual believers of religious faiths and religious faith groups (communities) in Turkey, and the difficulties and limitations which they experience in exercising their religious freedom. In this study, without any distinction between them as to number, size and judiciary status, common issues experienced by all the belief groups in judiciary, institutional, political and social areas will be dealt with, and these groups' democratic citizenship rights and problems concerning religious freedoms will be put forth. The study, in the long run, aims

to establish a **discussion platform** oriented to overcome the issues of the belief groups in Turkey on religious freedoms and equality.

Though being a secular state which guarantees freedom of thought and faith in its constitution and in the international agreements which it became a party to, Turkey does not have a **comprehensive** and **consistent policy** on **beliefs**. The principal of secularism (laicism), in the way it is commonly addressed and implemented in Turkey seems considerably far from being a democratic principle that can be used as a base in matters related to religious freedoms and in governing religion-state-society relations. In a much inconsistent way with the official principal of secularism, which is expected to separate the domains of religion and state and accept the beliefs as private space of individuals, a monotype religiosity understanding has had been exhorted in Turkey. The state in unison with its implementations and institutions, while restraining visibility of pietism in public realm, at the same time encourages and supports single type of Islamic belief, Hanefi sect of Sunni Muslim interpretation via a range of institutions and laws. As the Department of Religious Affairs(DIB) which is connected to Prime Ministry, Imam Hatip Vocational High Schools and the Divinity Schools in the universities are representing only the Sunni-Hanefi religious teaching, all other Muslim non Sunni – Hanefi interpretations are not being recognized by the Department of Religious Affairs which is a Constitutional institution established by the state to provide services of religious faith to the society. Although some of the non-Muslim minority belief groups have protective rights secured with the Lausanne Agreement which is considered to be one of the founding documents of Turkish Republic, together with the other minority groups who have refused the protection of Lausanne with anticipation of equal citizenship, all of those minority groups' freedom of belief rights are constrained through rigid, complex and authoritarian state policies, through different administrative implementations of these unclear policies in different situations, locations and occasions.

The bilateral, personal and verbal negotiations which the state institutions and actors are carrying out with the belief groups are far from producing peaceful, democratic and lasting solutions to the issues experienced by the belief groups in Turkey within the context of freedom of faith. These negotiations most of the time end up with solutions specific to context, temporary and without administrative – judicial clearance or the issue is left without a solution to negligence. As these negotiations can not be carried out in frameworks clearly defined by laws and implementations where all sides are in equal positions, and on platforms where rights and responsibilities have been defined, most of the time interim solutions that can not be harmonized with judicial and administrative facts are adopted. However as a legislative framework has not been established, it is often encountered that in two similar situations where an interim solutions is introduced for a certain case, may be totally rejected in another identical case, because of different interpretations. It is being seen that these numerous “ad hoc” annotations specific to different issues and different situations may be very much in conflict with

one another, create serious resentments and disagreements in the society, and in most of the times do not accompany recognition of a comprehensive damage, restitution and indemnification processes. The way to resolve problems of belief groups passes through **dealing with distinctive issues and demands in its entirety without paying regard to hierarchy between belief groups and rights**. The issues of the belief group which we can tackle under the headline of freedom of thought and faith must be dealt with within the framework of equal and democratic citizenship rights. In this context, discussing the issues regarding belief groups' rights and freedoms like citizenship, secularism and freedom of thought and faith during the forthcoming preparation process of new Constitution, and ensuring that the provisions regarding **Freedom of Beliefs** of the new Constitution are prepared with a practicable, egalitarian and democratic approach that is compatible with the international agreements and obligations which Turkey is also a party, is an indispensable social need. Establishment of a belief policy on the issue of beliefs, that is **understandable, practicable, egalitarian and that pays regard to human rights**, and **transformation of the relations between the state, institutions and belief groups to relations that are understandable, definite and practicable by everyone** in Turkey similar to practices of many other democratic countries is a very belated essentiality.

The report in your hands has been drawn up in consequence of comprehensive interviews made with the representatives of various belief groups in Turkey. The report takes aim at giving a lead for tackling the issues concerning freedom of thought and faith, prevention of discrimination imposed upon belief groups and resolution of issues to the members of the Grand National Assembly of Turkey who acceded after the June 12 2011 elections and to the Government in the process of replacing the 1982 Constitution with a new and democratic Constitution. Moreover, the report should also be considered as a document which offers a constructive critique and feedback concerning the recent developments that can be regarded as positive in the democratization and EU integration process.

A good number of the discriminative implementations which are emphasized in the report are not taking their source from the existing laws and Constitution; the laws are not stipulating discriminative conditions. The issues, to a great extent, hinge upon a "**toleration language**" that "sustains" and not contains a precise understanding of equality which the political authority employs, arbitrary treatments of administrative authorities, supreme Turkish courts' verdicts based on speculative rationales, and prevailing fear based societal mentality. In this context, it is necessary for the doers of politics and policy makers in Turkey to structure a **public policy oriented to faith** which comprehensively considers the faith issue in short and long runs without making discrimination between beliefs, which includes demands and issues of all belief groups into discussion with an egalitarian and consultative understanding and endeavor, and which keeps the judicial, political, and social roadmaps together.

Methodology of the Study :

The belief groups which are addressed in this study are Apostolic, Catholic and Protestant Armenians, Jews, Eastern Orthodox Church Members, Catholic and Orthodox Assyrians, Bahais, Protestants, Yezidis, and Sunni, Alevi and Shia Muslim groups— in order of Hanefis, Shafis, Alevis, Nusayris, Mevlevis and Caferis. The content of the study is made up of interpretation of the interviews made with representatives from these groups by means of critical discourse analysis. This work is a study made within the political science discipline. The performers of the study for instance may not have used the specific concepts used by some religions, sects and interpretations. Instead of these, they have paid attention to use political science concepts which they think would be more neutral. For this reason, we would like to underline that the readers should see this study as a political science study which addresses state-society relations. In this sense, the study has not been completed yet. In the interviews, issues like problems encountered within the frame of religion, faith and belief freedoms, belief implementations/practices, relations with the state and the society, security, financial sources, discrimination, religious education, upbringing of religious officials, gathering up-forming association and speech rights, ownership right, religious holidays, access to public life and visibility are also emphasized. From the viewpoint of intelligibility and readability of the report very limited number of case studies are included, however a large number of case studies on these subjects are available in our records.

It is seen that studies with this and similar scientific quality have been ignored until today and kept out of the secularism and religiousity discussions. It is thought that the study in this sense would contribute to discussion of religious belief issues in public domain in the context of freedom of belief, and help to establishment of a more egalitarian public language towards beliefs.

Limitations of the Study

The freedoms of belief research is not a completed study. In a country like Turkey which shelters a great variety of belief groups and where different implementations varying almost from province to province, administration to administration and community to community are seen, completion of this study necessitates a very crowded staff and long years of work. For this reason, as a matter of course it could not be possible within the framework of this study to converse with each unit or all of regional responsables of every belief group. The study in your hands contains the survey's **preliminary and very accurate findings**, and should be accepted as an **open ended study** which would be continually expanded by recording of the different implementations encountered by different belief groups in

different occurrences and regions. In the course of time from now on, talks with belief groups which are included or not included within the context of study also will be continued. Among the findings of the study, it should be taken into consideration that the opinions of the interviewed belief group representatives would not be identical and may show differences with the opinions of all the belief members and religious officials. Though a great deal of issues mentioned below within the scope of freedom of religion and conscience are taken in hand concurrently, some of the issues that are vital for some of the belief groups and becomes less of an issue for some others. For example, while some of the belief groups are experiencing security problems concerning their worship places, there is not such a problem for some. These condition differs in accordance with geographical and local position, time, nature of the group, and social perception. For example, while the Assyrian churches in Istanbul do not experience a directly physical security concern, it is just the contrary for the sinagogs belonging to the Jewish community.

One of the issues addressed in the study had been the status of the Department of Religious Affairs which is a Constitutional institution, its role and sphere of influence, and the State of the Republic of Turkey's encouraging and supporting policy implemented through the Department of Religious Affairs for the predominant Sunni-Hanefi belief group. The state's supports and encouragements through the Department of Religious Affairs and other means devoted to Sunni-Hanefi belief had positioned the other belief groups in a position that is not equal and just within the framework of democracy and citizenship relations. When the financial status of the Department of Religious Affairs, its privileges and vast sphere of influence are compared put side by side with the difficulties experienced by other belief groups in continuation of faith, building and sustaining worship places and upbringing religious officials, a dissymmetrical and ominous picture comes in sight. Despite that this situation is acknowledged by everyone and creates annoyance, it is seen that in the discussions related to the issue, the interviewed persons have differing perspectives as to the position of the Department of Religious Affairs. The state's total abolishment of its support to belief groups within frame of impartiality and secularism or the state's impartial and egalitarian treatment of the belief groups constitute the two different axes of the discussion.

There are differences of demand between the belief groups on training and educating clergy upbringing of religious official as well. For instance, while closed down Clergy schools constitute a major issue for various Christian sects in training religious officials, it does not constitute a concern for the Jews who train religious officials through a mentor system. Different approaches are witnessed between those who want to train their religious officials within their own system, and those who expect the state's contribution and support for training/educating religious officials. For example, while the Eastern Orthodox community protests against affiliation of the Halki Seminary to the Istanbul University Divinity School after being closed down, some Alevis have declared that

departments can be opened in the universities where the people belonging to Alevi belief will be educated. The issue of upbringing religious officials, training clergy is one of the primary common concern of all the belief groups and the problem has been determined as the most undeniable finding of the study.

The New Constitution Process

One of the main objectives of the study is to contribute, in the making process of a new Constitution, to the discussions that will take place particularly under article headlines regarding citizenship rights and fundamental rights and freedoms like Secularism (Article 2), Freedom of Religion and Conscience (Article 24), Department of Religious Affairs (Article 136), Compulsory religion classes in the primary and secondary education institutions (article 24), Equality before the law (Article 10), and Education and training right (Article 42); and to provide data to these discussions, and to shed light to more in-depth perusals and discussions regarding how the articles under these headlines should be taken in hand in a democratic Constitution. Imperativeness in the process of making a new Constitution of sharing of the implementations encountered by different belief groups regarding the issues that will get under the scope of the articles related to Religion and Conscience Freedoms, the experiences that they undergo, and their demands and proposals with the decision makers and the public is an indisputable reality of the country.

The process of making Constitution, certainly, is a process by which the political and social philosophy will be reconsidered and fictionalized (established). Coming together of different groups in this process and offering contribution to making of a constitution and taking of different opinions and proposals into consideration by the commission which will make the constitution is the most important requirement for the structuring process of a democratic constitution. To that end, the groups and individuals of different religious beliefs in the society should be encouraged to declare and share their opinions on the articles which will determine and guarantee sustaining of their religious belief rights and freedoms (by this way guaranteeing recognition and protection of the identities and cultures they own), and their relationships with the political and social life. This study has been planned and realized with such aim. Action has been taken with the assumption that, in order to compose a Constitution text which is equipped with democratic essences, carrying the quality of being a social contract, participation of all segments of the society in this process equally without having any fear/drawback/doubt is essential. In the Constitution making process which is one of the most critical mileages of Turkey's recent history, it is imperative to consider religion and conscience freedom issues within the frame of international agreements and norms, to guarantee the fundamental rights and freedoms of individuals belonging to different belief groups.

In this context, refictionalization and redefinition of the prevailing sense of secularism and the religion-state-society relations in Turkey with a democratic understanding is essential. Secularism, due to official discourses and implementations, has become a considerably conflictual and controversial principle rather than forming a foundation for a democratic and pluralistic belief policy. It is seen that some of the implementations of the supreme judiciary and state bureaucracy institutions are conflicting with the secularism principle and implementations in the contemporary democracies. The secularism principle confronts us in a great deal of issues as a mechanism and instrument which detains freedom of religion and conscience. When looked at the existence of the Department of Religious Affairs and the implementations such as the headscarf's being taken not as a symbol of belief but being presented as an anti secularism symbol, the state's direct intervention to the religion and conscience freedom via its implementations is clearly seen. The religion and conscience freedom which is underlined in the article 24 of the Constitution has also been left behind the international norms and is considerably far from being a provision which guarantees the freedom of religion and conscience. Among the conditions that restrict freedom of religion and conscience in Article 24, the concepts such as "The State's indivisible unity with its land and nation" and "secularism" which take place by ascription to the Article 14 have been diverted to obstacles in front of religious of freedom and conscience rights, by means of various annotations, preamble decisions of some judicial authorities. Furthermore, the provision of "No one can be censured or alleged due to one's religious beliefs and convictions" which take place in the same article has been breached in propria persona by the state and administrative institutions in various times. The mandatory **religious and ethic cultural lessons** ruled under Article 24 is being perceived as an unjust implementation and imposition which paves the way for inequality from the viewpoint of different belief groups (religions and sects), breaching the **religion, belief and conscience freedom** which is guaranteed by international norms. On the other hand, the mandatory religious course curriculum's are being designed only being appropriate for the Sunni/Hanefi segment, in absolute contrast with the principle of secularism, principle of religion and conscience freedom which take as governing principles of the constitution. These articles regulating the religion and conscience freedom have not been prepared with a presumption and understanding that groups and individuals belonging to different beliefs exists in Turkey. So much so that, an institutional structure, or provisions for individual rights and freedom of citizens, facilitating and/or guaranteeing rights of religious education and sustaining beliefs of different groups have not been stipulated in the Constitution. The Article 24, mainly on the basis of a wide and open-ended provision such as 'misuse of religion,' has been structured with an understanding that gives prominence to the state rather than the individual.

Realization of the new Constitution making process in a democratic and participatory course is an ideal opportunity for the democratic transformation of the state and the society, which should not be

missed. A democratic Constitution which restructures the state, rearranges the citizen-state relations under the light of democratic, pluralistic and reconciliatory principles, prioritizes the individual rather than the state, and guarantees individual freedoms will be functional not only in the realm of religion and conscience freedom, but also for the resolution of issues experienced in the other realms pertinent to basic rights and freedoms.

Expectations from the Constitution making process have been put forward by the interviewees in every interview throughout the study. The belief groups' expectations from the Constitution making process are considerably high. It is required that during the Constitution making process, political authorities (Government and the Grand National Assembly) and related commissions should pay enough regard to rights of religious groups and their social demands emerging from different ethnicities, gender, age and various ideological elements by establishing dialogues with the representatives of the belief groups.

Different relation models, and lack of legal and institutional grounds

One of the most important points which emerged in the study is that the relation between the state and the belief groups are not institutionalized, and there is a lack of legal grounds which will maintain, regulate and guide these relations. Although the contacts between the belief groups and senior state authorities are more 'close' and 'warm' as verbalized in the recent epoch, such contacts that proceed on personal relations are not transformed to institutional relations. The relations that are structured in this way is **a proof of the fact that the Republic of Turkey does not possess a belief policy which relies on democratic institutions and legal grounds**. There are different methods, models and approaches used for the relations with different belief group. For example, the authorities who deal with the Alevis and Non-muslim foundations are different and different methods are followed in coping with the issues of these groups. Another example is that the Protestants whose number finds 5000 in Turkey, are totally left outside the aforementioned high level contact netting, and are never addressed at all within the improvement efforts. In the high level contacts and in relations with the administrative offices, most of the time, religious officials (and senior clerical persons) are taken individually as addressees, while the belief centers and the communities do not have a **legal personality**. The associations and foundations which enable belief groups' to gain legal personality experience difficulties with various administrative institutions such as the General Directorate of Foundations, Governorates, Municipalities and Land Registry Offices, Town Planning Board, and Directorate of Monuments on representation, status, and sustaining resources of their communities.

Besides that a consistent and comprehensive belief policy does not exist in Turkey, the state's production of a threat and security atmosphere over different beliefs has also become an ordinary

manner. Massacres aimed at annihilation of belief groups by the state via security forces and involuntary migrations throughout the history also have shaped the policies oriented to the belief groups. While the 1915 incidents, 1938 Dersim incidents, 1942 Wealth Tax implementation, September 6-7, 1955 incidents, Maraş, Sivas and Gazi Mahallesi massacres carried out against the Alevi, and the similar events which do hold place in social memory which are not yet officially been faced shows the vehemence of the political tensions experienced over religious belief, also proves that the political corporation which is expected to resolve these tensions has not done its duty appropriately. In the democratization and ‘demilitarization’ process, policies regarding beliefs should not be structured in a frame of security and threat, instead a pluralistic and democratic frame is a basic requirement.

In the interviews made, the opinion that the belief groups have a demand for ‘modernization’, ‘secularization’, and ‘demilitarization’ in aspects of administration, representation and institutionalization, but that bureaucracy does not allow this and creates difficulties has been one of the frequently encountered assertions. In this sense, in the interviews, especially from the viewpoint of Non muslim groups, that the principle of secularism which came in concurrence with the establishment of the Republic of Turkey creates a fracture in the religion-state-society relations in contrary to as is thought of has been a frequently brought up discussion subject. An unequal dialogue environment is being created in the relations of the non Sunni – Hanefi belief groups with the state. While in contemporary democracies the state establishes relationship with individuals over their citizenship identities and not over different beliefs and ethnic identities, the Republic of Turkey acts with Sunni reflexes in such discourses and drifts apart from the laic-secular principles. The Republic of Turkey’s official speeches and practices hinges upon “seeing” different beliefs with a security focused ideological threat perception on one hand, and “not seeing” beliefs in the context of not recognition and unrelatedness on the other hand.

ISSUES

Problems encountered in practicing of beliefs

In Turkey the policy makers’ relation with the belief groups has not been institutionalized and is built on an unwritten and un-institutionalized structure in which every case is evaluated in itself with its one-to-one addresses. In the predominant speech most of the time “tolerance” and “dialogue” are concepts which define this relationship. However, these tools do not come to mean a relation between equals. Tolerance, as per the meaning of the word, comes forward from over showing complaisance to the other and perseverance as a hierarchical association tool and form.

The Lausanne Agreement which regulates the relations with the Non muslim minority citizens and determines rights and freedoms in Turkey throughout the Republic history is also not being implemented with its full heart and soul today. The Lausanne Agreement has foreseen positive rights to the minorities in between its articles from 37 to 44. However, today's policy has left Lausanne far behind. Quite a lot of political, social and religious issue which had been resolved in Lausanne had later on been rearranged through temporary enactments, instructions and high-handed methods, and quite a lot of positive rights given to some Non muslim minorities had been breached.

And yet some other non muslim groups who refused to be included in the Lausanne Agreement, without feeling need for Lausanne to gain equal citizenship in concurrence with the new established Republic of Turkey have been deprived of even from the rights, freedoms and supports which had been guaranteed in Lausanne.

Institutionalization and legal personality issue, non-recognition and unrelatedness condition

In the interviews made with the belief groups, issues of being not recognized before the state, unrelatedness, being unable to find an addressee regarding the issues daily, not being able to own a systematic and institutional relationship netting, and being deprived of public legal personality conditions had been the most important ones among the most verbalized issues. In the recent periods of the EU membership proceedings, as the minorities issue was one of the important subjects of the political process, with the efforts of the institutions who administered the process (General Secretariat of the Council of the European Union and Ministry of Foreign Affairs of Turkey) and in line with the "opening" policy carried out by AK Party in this sphere, belief groups' issues have been dealt one-to-one within a high level (Ministry and Municipalities) contact frame and an improvement course has been entered. However, this type of bilateral relations have not encouraged a lasting institutionalization, a way to a legal arrangement regarding situations which stayed uncertain is not followed, and on the contrary, have been limited to personal relations, taking appointment, going to Ankara, mutual visits, wishing of merry hollidays and iftars. When the person and/or the party in power changes and in a different political conjuncture, there is no guarantee for these relations to continue in the same way. These relations which are defined as "close relations" by the belief groups rely on mutual give-and-takes of good intentions, tolerance and dialogue. The relations are mainly carried out by some religious leaders on behalf of communities and are far from being institutionalized. In the warm atmosphere created by these relations, the state and administrative institutions take the issues singularly in hand and try to reach a solution in short term through informal ways (telephone, circular, beseech, etc.) Nevertheless, from the viewpoint of some belief groups, even these insufficient relations are deemed as a considerably important improvement in the way of earning visibility by increasing the contact between the state and the belief groups.

Some of the belief group representatives, with whom we have interviewed, referred to the relations established with the state and administrative offices and the improvement efforts, as a tool which the state uses as a “foreign and domestic policy instrument” with respect to “serving to demonstrative purposes”. That the Minister of State Bülent Arınç, who deals with the Non muslims’ foundation issues is found to be a person of tolerance who is open to dialouge, but that this situation can not be resolved by tolerance are also emphasized. The reason of the high level communication requirement with the state and administrative offices and the non muslim citizens, who had been included in Lausanne, are the adversities that have been experienced from the past to date and serious breaches of rights. In normal conditions, for the resolution of such issues no need should be felt for high level contacts, usage of methods like presenting, demand, complaint, application just like any citizen to the relevant national or local administrative institutions should be sufficient. The language and tone used in such relations are not being built on freedom of belief basis, acknowledgement of that beliefs and belief practices can be freely experienced and on the principle of giving equal status to the belief venues. As some interviewees have referred, the concerns are limited to “managing the day” and generating short run resolutions. It is necessary to reconstruct the state-belief group relations within the framework of individual citizenship rights. The Constitution making process is an important opportunity in this respect.

One of the most important issues in the relations with the state and administrative offices is the issue of public legal personality. Belief groups and belief centers (Chief Rabbi’s office, Patriarchate, Cem houses, monasteries, etc.) have not legal structure by way of legal personality. This condition is conflicting with the international legislation which directly recognizes the belief groups and centers. Legal personality is being proceed bay way of associations and foundations which gather around prayer centers. Quite a number of belief groups have had established, associations and foundation with the purpose of possessing a status which the state can understand and recognize, sustaining of prayer practices, providing financial funds for upbringing belief leaders and to collect donations and alms. However, functions and purposes of the belief groups and centers and the foundations and associations are not coinciding. Especially while Foundations are dealing with problems of the communities and administrative issues, the belief centers and religious officials are naturally dealing with only the prayer matters and religious services. Belief centers and groups which do not have a legal organization structure are becoming fragile and open to state’s interventions. On the other hand, such groups and centers can not be able to apply to the national judicial authorities when their rights are extorted because of the lack of official identities and missing legal structures. When the legal personality will be taken under guarantee by constitution and /or laws, law and courts will be in the foreground, not the political command. As long as, such a legal guarantee does not exist the harnesses will be in the hands of the political edict.

The communities and belief centers which do not possess a legal personality and are not recognized before the state as an institutional body, in some cases are asked to undertake representative duties, in some activities of the Ministry of Foreign Affairs or in some national and foreign public events. In the representative duties abroad, recourse is made to such bodies which do not possess a legal personality in Turkey and they can thus be functional and beneficial in this way. While such symbolic exercises ongoing for long years draw a multi-cultured and multi-religious country image in appearance, they do not offer any contribution to the resolutions of the issues in practice. Another discrepancy also in here is that, for instance while the Fener Eastern Church Patriarchate which is a focus point of the international public opinion is accepted as a Turkish institution in the negotiations and dialogues made by the state, this title is not being used in official correspondence address within the country. The correspondences are being ascribed to the person of the Patriarch. The relations with the Department of Religious Affairs on the other hand are limited only to interreligious dialogue, interreligious conventions where the good intentions and functions are being discussed, and friendship and merry holiday wishing visits are exchanged with regional and local mufti offices. Moreover, illumination expenses of the venues in prayer house status are being allotted through some mufti offices affiliated to the Department of Religious Affairs.

In the relations with the non-Muslim minorities who are included in Lausanne, only the religious leader (Chief Rabbi, Patriarch, Archbishop, etc) is taken into account as the official addressee person. The state recognizes only the mosques and masjids for all the Muslims without making any distinction of sects and interpretations, and conduct the religious life through the muftis it assigns in government official status. The Department of Religious Affairs, with a monotype understanding, does not respond to different prayer needs of even the Shafiis which take place within the Sunni belief sect.

In the system which historically enured from the Ottomans to the Republic, the nation head system still continues in practice and today for the non-Muslim minority groups the religious leaders already taken as addressees in every kind of matters. But in eliciting of a community's religious freedoms sustenance, other than foundations and associations around religious establishments there are also the bodies which carry out the administrative matters. Among these establishments, for instance the Jewish Community of Turkey does not have any legal personality. As the existence of such establishments which had been recognized during the Ottoman era by the 1865 Regulations is not being legally banned due to that this document could have not been updated and transformed to a modern regulation, the existence of the Community is sustained as de facto..

In the present structure, in spite of the fact that though the communities have got accustomed to the present mechanism as much as the state authorities, new needs and demands are rising in a parallel way to the democratization process of Turkey.

Necessity of a new institutional and legal framework is evident for accession of faith based groups to legal, public and social services, meeting of their basic needs like property rights, potential and sustainability of establishing places of worship, training of religious officials and solving their problems, such as administrative and operational problems readily, by means of legal mechanisms at national level as well as to base their legal status on a law. A by-law determining the legal entity and official-legal status of communities and the necessity of a legal base for the implementation of this by-law were often expressed by negotiants.

Lack of a legal base regarding administration and operation is a problem which arises in elections of religious leaders. These elections, especially in non-muslim communities, are required by the religious personality, on each case for once only and not to set a precedent. There is no law with regard to the election of religious leader and permit for election is subject to the approval of the Ministry of Interior. For instance, in consideration of the events that took place during the election procedure of Armenian patriarch in recent years, the request of Armenian community for election of a patriarch (or co-patriarch) as Patriarch Mesrob II, due to his health problems could not perform his patriarchal duties, request for election was not only refused by the cabinet, but a “patriarch general proxy” position was established in a way which is non-conforming with tradition. It was observed that this situation had caused tension within Armenian community.

Status of Places of Worship/Belief Centers

As a result of the decrease of non-muslim belief groups population in Turkey and also concentration of population especially in Istanbul and to some extent in other big cities, unused places of worship (churches and synagogues) are in uncared for and abandoned state. Especially most of the churches of Syrian, Chaldean, Nestorian and Assyrian groups living in Eastern and Southeastern Anatolia were damaged during ongoing conflict between PKK and Turkish security forces as a result of evacuation of villages and forced migration and many of them were demolished. Chaldean and Syrian population immigrated to and settled in Istanbul have purchased or rented some churches which had lost their communities and have restored them. However, several problems arise with the General Directorate of Foundations in the

possession process of these churches by these communities. For instance, Syrians church in Yeşilköy, Istanbul were rented to Syrians by General Directorate of Foundations but rental contract was later nullified. General Directorate of Foundations had let Syrian Catholic community the use of the building as a church, but property right was nullified without showing a valid reason. In a similar way, Şahkulu Foundation in Göztepe, Istanbul, although it is a historical and cultural Alevi heritage, is being rented to Alevi's by General Directorate of Foundations; or as Hacibektaş Dervish Lodge had become a museum bound to Ministry of Culture, Alevi's can enter to their Dervish Lodge only after buying a ticket. It is possible to mention several other similar incidents. It is one of the findings of this project that similar incidents were experienced by other belief groups and that there are many suits in this regard which were carried to European Court of Human Rights. Many churches and monasteries still remaining in Anatolia today are in an unusable state. Although some of these are being restored recently for tourism considerations, property rights of these churches are never transferred to belief centers they are attached to. For belief groups, possession of property rights constitute a guarantee for the future, otherwise buildings which can not be possessed remain vulnerable to interference by state or by administrative offices and suitable for partial or total appropriation. History of the Republic is full of examples of such unjust interferences.

For some belief groups, there are also obstacles in opening of places of worship. Although some positive developments were realised during European Union integration process, restrictions and reservations in Urban (Zoning) Law, especially arbitrary applications of Municipalities and civilian authorities cause difficulties in opening places of worship. For instance, most important problem in opening Alevi Cem houses, Caferi mosques, and new Protestant churches arise due to not being able to obtain construction or reconstruction permit. In rconstruction permit applications, permits are not given as no Cem house or church were allocated in the zoning plan of the area and making alterations in zoning plan is not being possible. When permits are not obtained, buildings (houses) which sometimes do not have any characteristic elements of a church can be used as a church without any legal assurance, by means of personal relations with municipalities and within the framework of "tolerance" and perseverance, all Cem houses in big cities provide their services without any legally fulfilled authorization. Applications against each different unit of Protestant community consisting of about 100 different church communities are different from each other and inconsistent. In some cases, without showing any reason, such an application is not permitted. Protestant groups, when they meet in their private houses can be accused of being occupied with

“missionary” activities or with “terror” and busted by the police, or Alevi “Dede”’s teaching Kuran to children in his house could be brought into court, as was the case in Antioch last year.

Regarding Alevi’s, a series of questions exist, arising from the fact that Cem houses are not recognized as places of worship by the state and administrative offices. The fact that whenever an application is made for the allocation of a treasury land in for building a Cem house, application is refused as Cem houses are not recognized as places of worship has often been pointed out during interviews. From time to time, problems cause serious social tension are faced, when a Cem House is being constructed on a lands that is purchased through Alevi’s own means, local authorities want to stop construction because the land is not in worship areas of zoning plans. When construction is completed, then problems are encountered in obtaining authorization. Although situation is rather different in cases where land is acquired from municipalities and provincial directorates of administration, difficulties are still encountered in obtaining authorization and possession of property issues.

One of the most important conditions for the protection and conservation of places of worship is having sufficient number of religious officials and service personnel in places of worship. However, it is observed that in several places of worship, regular worshipping can not be made for reasons such as insufficient number of trained religious officials, closure of schools where religious officials can be trained and inhibiting of their re-opening or opening of new ones. For instance, there are nearly 65 churches in Istanbul, Gökçeada and Bozcaada for the Greek Orthodox community. Currently, this community do not have the means of appointing 65 priests to 65 churches. Therefore, in many churches religious services are held alternately. The need is not only for priests but also for singers of hymns. Evidently, inhibiting training facilities of religious officials have caused a serious problem in need of religious officials for many belief groups. This problem is at an extremely high level in over 2500 Cem houses of Alevis. Alevis are in need of a great number of well trained belief leaders and Zakirs. Due to insufficient training facilities, many Cem houses continue providing their services with huge costs, great difficulties and often discretely.

Problems in prolongation of belief

Most important problem in Turkey that has to be dealt with in relation to freedom of religion, belief and conscience is prolongation of belief, its intergenerational transmission and restrictions in training of religious officials. Although the population figures of some groups had decreased due to migration, wars, massacres and authoritarian state mistreatments, at present, belief groups are exerting great endeavor for the prolongation of their beliefs and their intergenerational transmission. Many of them have succeeded in sustaining their existence against oppressions and being ignored by the state and, at present, they are in a struggle effort for being noticed and being recognized.

Places of worship have an important role not only in the prolongation of belief but also in

providing a range of different social services. For instance, various philanthropic organizations have been established within belief group structures. These organizations provide various social and medical services to helpless, poor and needy members and refugees and immigrants of similar belief groups. For instance, medical center tied to Chaldean church has been providing medical services primarily to Iraqi immigrants and also to other immigrants and refugees who had taken refuge in Turkey. Belief groups and commonly used places, like places of worship and cemeteries serve as a means of socialising and function like a family. Religion and religious institutions are one of the most important factors which had helped different ethnic and cultural groups in succeeding to conserve their cultures, languages and religions in Anatolia.

Migrations, wars and massacres

As already mentioned above, in Turkey, throughout history and at different times, different belief groups had been subject to state led massacres and forced immigration. At present, these incidents are being put into words more often, number of citizens who demand to know and learn about his peoples history are increasing and the form of politics which had caused these incidents are being questioned at a greater scale.

In recent years, Syrian, Assyrian, Chaldean, Nesturian and Yezidi groups living especially in Southeastern and Eastern Anatolia regions had to immigrate due to war and martial law conditions. Evacuation of villages had caused migration of a greater part of population abroad and some to Istanbul. One of the heavy costs of the clashes still taking place in southwestern Turkey which is not being mentioned very often is the migration of belief groups of the region and destruction of language, belief and cultural practices and the places of worship. Most places of worship belonging to Syrians especially in Mardin and in Diyarbakır, Urfa and Malatya, of Nestorians in Hakkari and Erzurum, of Assyrians in Mardin, Urfa, Hakkari, Silopi and Nusaybin and of Chaldeans had been destroyed. Most of the remaining places of worship (churches and monasteries) are either in an unusable state or pillaged or turned into a mosque or into a different area of use. Those which are still in a usable state do not have their

congregations, since entire population of their communities had immigrated.

Similar mistreatments had been exerted on Alevis throughout history, attempts were made to force Alevi communities to convert to Sunni belief by means of massacres and forced migration. Even at present, mosques are being built in Alevi villages by favour and support of Religious Affairs Administration, imams and muezzins are being appointed to these mosques which do not have a congregation.

Traces of mistreatments and oppressions that continued throughout history is ongoing with different state mechanisms and denial policy contradicts the course of action that a country should take if it claims to have started a democratization process. Inhibiting prolongation of cultural existence of belief groups, restricting their living space, confiscating properties belonging to these groups and restricting their usage show that a similar policy is still ongoing at present day's Turkey which is being democratized.

Intergenerational Transmission of Belief (Education) :

Certainly, most important tool in intergenerational transmission of belief is providing education, in this respect to those who would like to learn about their belief. Compulsory Religious Culture and Moral Knowledge course, which is one of the compulsory courses in primary and secondary education institutions in accordance with Article 24 of the Constitution had been designed so as to contain Sunni-Hanefi religious teaching and practices to meet the needs of the Sunni-Hanefi belief of the muslim religion, although Constitution does not imply so. This course, being "compulsory" and containing knowledge of only the muslim Sunni-Hanefi belief and practices is being found problematic by different belief groups and sects in Turkey. The existence of the Article establishing Religious Culture and Moral Knowledge courses as compulsory is in contradiction with freedom of religion and conscience and

founding laicism principles of the same constitution which has to be embraced by all citizens of the country, whether members of different belief groups or non-believers and expected to establish the principles of living together in harmony. This issue had been carried several times to European Court of Human Rights and decisions were taken against Turkey. So far, Turkey has not taken any apparent steps to implement decisions of European Court of Human Rights which have legal obligation. Many negotiants have stated that Religious Culture and Moral Knowledge courses constitutional imperativeness have definitely be ended and in all cases it's content should be revised so as to approach all religions and sects equally and neutrally. New constitutional process carries great importance also for the solving of this issue.

While making any arrangements with religion courses, needs of individuals of different belief groups has also be taken into consideration. Opening of education and training institutions for those who would like to become religious officials and for those who would like to receive further education for themselves or for their children has been one of the demands under education issue that was most often expressed by negotians. Arrangements regarding religious courses should not be based on the assumption that only members of the Hanefi belief within Sunni sect live in the country but needs or demands of different belief groups and atheist, deist and agnostic groups regarding religious education should also be determined. Religious education should be endowed with a structure which does not further trigger the present prejudices between religions and prevailing discrimination in social sphere and discourses with hate content but emhasize peace and pluralism and display the historical richness of beliefs in Turkey.

At present, the system being used for being exempt from taking Religious Culture and Moral Knowledge courses are defected with several problems. Among problems expressed by negotiants are several unjust treatments like school administrations being uninformed about right of being exempt from said course, having to deal with red type due to requirement of submitting a written application, students being subject to ostracism, humiliation, and insult by other students while leaving the class before lesson starts and students being exhibited for their religious beliefs. Present situation which disturb all different belief groups is becoming an important source of social unrest and tension.

During Ak Parti cabinets negotiations with the Alevis in recents years, it had been decided that information on Alevi belief and practices should be included in Religious Culture and

Moral Knowledge courses curriculum and that this issue should be discussed with Alevi representatives. Some Alevi negotiants had expressed that promises were made regarding preparation of textbooks of 2011-2012 school year with a new approach. Although there is no information regarding the inclusion of knowledge on Alevi belief to what extent and to which classes textbooks and in which way they were included, predominant belief is that inclusion of this knowledge in textbooks by itself would be insufficient in solving the prevailing problems. The necessity of training the teachers of Religious Culture and moral Knowledge courses regarding Alevi and other beliefs, sects and their interpretation is an issue most often expressed by the Alevi negotiants.

Training clergy and Religious Officials

Another issue that has to be dealt with within the framework of religion and conscience freedom is raising of religious officials. In Turkey, with the exception of Imam Hatip High Schools and Faculties of Divinity providing education directed to Hanefi belief within Sunni belief sect, there are no institutional and legal structure for raising religion officials or training clergy for any of other religions, sects or interpretations. The case which has displayed the deficiency in this field is obviously the closing of Heybeliada seminary in 1971, which met the needs of Greek Orthodox communities for raising religious officials by violating Lausanne Agreement. Surp Haç Tibrevank seminary which met the needs of the Armenian communities need for raising religious officials was also closed in 1967 in the same way. Closing of seminaries had prevented especially the raising of higher level clerical persons in line with the traditions and teachings of Non-muslim community. At present, number of religious personnel who are capable of leading worship services in churches and take their seat in synods of religious institutions or perform services like Patriarchy, Co-Patriarchy or Primacy are very few and these persons are very old. Even if short term solutions for raising spritual leaders, such as sending students to receive education from religious schools in other countries or employing religious officials working or communities in other countries could be adopted, the requirement that these officials have to be citizens of Turkish Republic, education in a foreign country creating a heavy financial burden on the community and reluctance to return to Turkey of those who were sent abroad for religious education stand out as important problems in raising of religious officials. This problem is being solved by issuing of long term residence permits by administrative chiefs. However,

this is also a short term solution to save the day, which is obtained as a result of high level and intense negotiations with the state.

In line within the framework of deadlock or alternative pursuits created by deadlock and in religions with the exception of christian tradition, like Judaism, religious officials are being raised with unofficial methods, within master and apprentice relations or by means of private lessons. States approach in this regard could be opening Secondary Education institutions in accordance with the İmam Hatip High Schools (vocational religious secondary schools) model (such as Syrian Priest School, Alevi Dede and Zakir School) and faculties similar to Theology Faculties for different beliefs too. For Christian communities who want to continue with their tradition in raising religious officials, opening of seminaries is an unavoidable necessity. Addressing the problem of raising religious officials and achieving applicable and sustainable realistic solutions is considered by all belief group representatives to be very important and essential.

In Turkey, not only for Non-Muslim belief groups, but for all Muslim belief groups except Sunni-Hanefi belief group, problem of raising religious personnel constitute an important obstacle in prolongation of belief. In İmam Hatip High Schools and Theology Faculties where religious personnel education is being carried out in Turkey, education is given in accordance with the rules of the Hanefi sect. Even if the personnel working in Religious Affairs Administration could be a member of another muslim sect, they have to act according to Hanefi sect belief and practice. In these institutions no education is given about other sects and interpretations. The problem expressed from the perspective of Alevis is not only limited with the education of belief leaders and “Zakir”s, but providing of personal rights to these persons when they start performing their duties after completing their education is also among the demands of some groups.. Costs of Alevi religious officials and personnel constitute substantial financial difficulties for Cem houses. Some interviewed Alevi representatives have stated that this education should be supported by “state” institutions and be given assurance, that they consider this to be very important as there is a need for this education not to be limited to theological issues but should also contain a pedagogic and sociological academic education.

In this context, re-opening of Heybeliada seminary and a new seminary experince in 21st century Turkey will constitute an important step in showing the way how this problem will be

solved for other belief groups in overcoming the obstacles in raising of religious officials. Representatives of christian groups other than Greek Orthodox communities have stated that they are waiting the finalization of the policy regarding Heybeliada seminary for taking any further steps for raising religious officials.

Although it is stated by senior authorities that there is a “political will” for the opening of the school in some way bound to Ministry of National Education, no steps have been taken in this regard. Problem will not be solved by re-opening of the school; in line with needs and religious traditions, issues like operation of the school, it’s resources, it’s equipments and staff should be negotiated with the persons who are parties of this issue. So far, no negotiations have been realised regarding the situation after re-opening of the school and matter is deadlocked on the re-opening of the school and looks as if the matter is confined in a fear based ideological base. It is expected that during the constitutional process, a discussion that will be started within the framework of freedom of religion and conscience, an initiative will be obtained on this platform regarding this issue which is left to remain unsolved and postponing of finding a solution.

Institutional/Financial support and transfer of public resources

With the exception of Sunni belief group, there is no contribution presented by the state for the prolongation, application, meeting various needs or raising and appointing religious officials. Many belief groups cover the expenses for meeting such needs from their own budget. Means granted to places of worship belonging to Sunni belief groups and to the religious personnel working there are not given to other belief groups which do not receive any aid from public budgets and which even do not have a legal entity. Belief groups which are not muslim, and to be precise, which are not sunni-Hanefi are deprived of the rights to have a bank account, to possess a real estate ownership certificate, receive rental income and other rights which can generate funds, such as receiving aid, collecting donations etc. since they do not have a legal entity.

The only contribution of the state to places of worship other than mosques which have a place of worship status is contribution for “illumination”. This contribution covers only the consumption for illumination purposes, it does not cover other electricity consumption like heating or cooling. Aid for consumption of water which is granted to mosques and “mescit”s are not granted to other places of worship. Contribution for illumination is made from the budget of Administration of Religious Affairs through the Müftülük of the location of each place of worship. Several difficulties arise in payment of this contribution. For instance, limited funds can be a reason for declining from payment of this contribution. No contributions are granted to Cem houses and other Dergâhs, including “illumination” contribution, which are not recognised by the state as places of worship.

Security of places of worship are provided by private security companies. State does not provide any support except sending police force/personnel on special days and holidays within general security perception. Some places of worship have to allocate a substantial part of their budgets for security expenditure. Security expenditures include private security company expenses, fortification of buildings and other precautions to make them safer.

In every country there are different application in allocation of public funds to belief groups. Public funds can be distributed equally at a certain rate according to the demographic structure of belief groups or in some countries no contribution or support is given to any belief group. What is extraordinary about Turkey is that of all the sources allocated from public budget being used for the services and meeting the needs of only a single belief group.

In Turkey, besides no contributions are being made to other belief groups from the public budget, all along the history of Turkish Republic real estate acquired for earning some income to the foundations established to enable the prolongation of belief and worship had been taken over for several reasons. Through several legal and actual mechanisms, use of these real estate or earning of rental income from them had been prevented or restricted. For instance, at present, renting of a building having a place of worship status but which is no longer being used as a place of worship due to having no congregation is not permitted for other uses for income purposes. It is not possible to make any alterations in the status of the buildings to make possible doing other types of business and receiving permits from municipalities in this respect. On the other hand, it has been witnessed several times that status changes of buildings

with place of worship status were being made very easily if and when building of place of worship status belongs to a foundation which for some reason was not able to realize its annual general assembly and were taken over. Status of buildings which can not be change in any way when their administration belongs to foundations could be very easily changed whenever the administration of real assets buildings belongs to General Administration of Foundations. Prevention of earning income and not receiving any contribution from public funds is, with regard to religion and conscience freedom, standing as a great obstacle in belief groups strive for prolongation.

Large amount of public funds allocated for Administration of Religious Affairs increases the inequalities between belief groups. These funds are being used only for the existence, prolongation and support of Sunni-Hanefi belief and they are not being distributed for the needs of groups belonging to other sects and interpretations of İslam. For example, Alevis do not receive any contribution from Administration of Religious Affairs for Cem houses or for raising religious officials.

Diyanet, which has a comprehensive range of duties and a substansial budget controls belief and worshipping, arranging mosques and mescits, employing imams and religious officials, informing public on religous matters, and carrying out similar activities at nearly 81 different foreign countries. Diyanet is also being used by the government with the purpose of application of policies regarding women, families, taxation and fight against terror. Recently accepted “Law for the Establishment and duties of Administration of Religious Affairs”, against all expectations regarding Administration of Religious Affairs, would lead to the widening of the sphere of influence of Administration of Religious Affairs. Although there is no doubt that Administration of Religious Affairs constitutes a very important structure for meeting the needs of the dominant belief group, this institutions activities and duties, it’s structure, status, finance, the questions it creates with respect to laicism and neutrality of the state and it’s approach to different traditions of Islam should be reconsidered as other belief groups in Turkey are facing various obstacles in prolongation of their religious beliefs. In the new constitutional process the institutional and legal status of Administration of Religious Affairs and it’s sphere of influence should be reconsidered by taking into account how state should succeed in being neutral and stay at equal distance towards all different beliefs and sects. Discussions on laicism, relations among religion, state and society, minority rights and freedom of religion shall inevitably be focused on Administration of Religious Affairs reform.

One of the most important issues that has to be mentioned in this framework is establishment of alternative mechanism for groups which are not represented by and do not benefit from the services of the institution. It is very obvious that arrangements has to be made for different belief groups which would provide them the functionality provided by Administration of Religious Affairs and institutional and legal convenience and support.

Foundations and Real Assets of Foundations

Salaries of religious personnel, water, electricity and heating expenses, salaries of service personnel, repair and maintenance expenses of places of worship are being covered by foundations and associations. Revenues of foundations are obtained from rents received from tenants of real assets, donations and aids. When real assets of foundations are taken over and not returned, vital resources of these belief groups are cut. Although some recent betterments were realised by new Foundations Law (2008) and legislative decree (2011) regarding the returning of the foundation properties belonging to non-muslim communities subject to Lausanne Agreement there are several questions regarding it's application. On the other hand, an important deficiency of this betterment is that many Alevi and Mevlevi foundations the properties of which had been destroyed and transferred to third persons had not been taken into account in this context.

Attaining efficiency in the administration and operation of the foundations is very important for sustaining the financial resource. Foundations survival can be possible if a certain number of members take place in their management. However, decrease of population of belief groups prevent having sufficient number of people in their management, which make efficient management and operations of foundations very difficult. There are many obstacles placed by bureaucracy which make merger of foundations, downsizing and simplifying their management systems difficult if not impossible. This method is evaluated as part of a "divide and rule" policy by several negotiants. It has been witnessed from time to time that voting for the management was not permitted by claiming that foundations have no congregation left and as election could not be realized Administration of Foundations was taking over the management of the foundation and it's properties. At present, a betterment made regarding elections is to the effect that when population of congregation is not sufficient the closest location having a congregation is determined as electoral district and realize elections for

management of the foundation and its properties. Therefore, although it is not possible to take over management of foundations after today, several difficulties arise in having the ones taken earlier to be returned to their owners. In August 2011 by means of a legislative decree, foundation properties which had been taken over by Administration of Religious Affairs make returning of foundation properties possible and enable filing suits for reparation for the ones which had been sold to third parties. However, this betterment does not include properties which had been declared before 1936 or properties returned to their previous owners. This legislative decree which is considered by nonmuslim groups as a historical step now waits for the determination of bureaucratic and administrative obstacles which may come out on non muslim foundations way and their removal for the application of this legislative decree, which is important for the continuity of the process.

In 1924, in accordance with the abolishment of the Caliphate, Şeriye ve Evkaf Vekaleti (Ministry of Muslim Religious Law and Foundations) was transformed to Administration of Religious Affairs and a great number of properties owned by Alevi foundations had been transferred to third parties, these foundations had been devastated. Similar applications had continued after the establishment of General Administration of Foundations. Alevi foundations never had a possibility of getting back properties which had been taken over or transferred to third parties. It has often been pointed out by several negotiants that properties of foundations issue should be handled by a serious research commission to be established, by taking all belief groups and all foundations connected to these groups into consideration.

Discrimination and Hate Discourse

One of the problems often pointed out by belief groups is the discourse with discriminative and hate content and applications directed to themselves by institutions of the state and by the society. A very often observed case is that those out of the dominant belief group are very often referred by words such as “enemy” or “infidel”, which are humiliating and create dangers in social and political sphere. Most negotiants pointed out that radical changes have to be made and realised in the education system and in the laws which prevent discrimination in order to prevent the cases of outcasting and discrimination which are very widespread in the society. Besides widespread verbal assaults and expressions with discrimination and hate content, some belief groups and centers could be subject to physical assaults and violence.

Neither Turkish Penal Code, nor Grand National Assembly of Turkey and other Human Rights Commissions do not have an effective enforcement impact in prevention of discourse with discrimination and hate content. Legal and political mechanisms that will be used in the struggle against discrimination will enable discrimination and unjust treatment in a very widespread area, from headscarves ban which is still effectively applied to Antisemitism.

In lieu of Result: Towards Solution

Proposals regarding solutions of the problems have also been discussed during interviews with negotiants. This section includes a general outline of the discussions regarding proposals for solutions. As we have pointed out in the beginning section, this is an open ended study and in further stages, solution proposals will be detailed and developed during further interviews and meetings with the representatives of belief groups. For the time being, designations regarding the problems and demands discussed above in detail comprise some clues directed to solution of problems.

Necessity of the **Changing of the state and society paradigm** have constituted the main axis of the discussion directed to the solution of the problem. Such a change in the paradigm

would mean, primarily, that in its relations with belief groups, state should adopt 'equal distance to all' principle, should "neutralize" and make itself "irreligious"; and religion-state-society relations should be based on a modern, legal and institutional foundation. A beliefs policy which will reconsider religion, state and society relations should at the same time bring, (a) reconsideration of freedom of religion and conscience in line with the decisions of European Court of Human Rights and remove all barriers in front of religious freedoms; (b) recognition as a right of opening places of worship; (c) an initiative on the part of the state on matters regarding election of religious officers and their education, prolongation of belief and its intergenerational transmission and raising of religious officials; (d) a reconsideration of beliefs and members of belief groups so that they should not be considered as elements of threat against national, social and cultural security of Turkey, but recognized as a cultural wealth which should be protected; (e) recognition of belief groups without making any discrimination among sects, in the way they are and in the way they demand to be recognized and be treated equally with other belief groups.

In this framework, legal entity of belief groups and their institutions should be recognized materially.

One of the main problems that has come out during interviews was the issue of **training clergy and raising of religious officials**. In this framework, reopening of Heybeliada seminary and schools of other belief groups which are close or had been closed and making necessary arrangements regarding their operations so as to meet the needs of the belief communities which have schools of their own and enabling the communities participation in decision process for their design would constitute an important and inevitable step in solving the problem.

While losses, massacres and serious material and moral damages encountered in the past until today and demands for facing them and applying for reparations come to the forefront during the interviews with belief groups, at the same time the necessity of taking protective and preventive measures with a new approach in order to preserve what exists at present and secure whatever is left at hand has been pointed out. In this context,

(a) protection of places of worship especially in Anatolia and obtaining permits for worship should be considered as a historical heritage of Turkey, not as an element of foreign policy

and respectability;

(b) transfer of sufficient public funds for the repair and maintenance expenses of places of worship throughout Turkey, whether they are open or closed for worship;

(c) regarding the minorities subject to Lausanne Agreement of 1924 which is in effect, state should fulfill its obligations mentioned in the agreement and take initiative for taking responsibility for the protection of cultural and religious rights set forth by the agreement in line with legal requirements;

(d) it is essential that adjustments which would establish the institutional and legal base of relations with other belief groups not on bilateral relations but on institutionalism, law and justice should be dealt with priority in this new Constitution process.

Solution of problems can be brought to completeness by a framework which contains social struggle besides legal and political struggles. At this point, transformation of social mentality constitutes one of the main axis of solution of the problem. In this framework, issues which should be dealt with at first stage are,

(a) not considering intolerance as an isolated incident and punishing discourse with discrimination and hate content;

(b) that tolerance discourse is not sufficient all by itself and that equality and recognition discourse should be adopted and extended;

(c) putting an end to connecting members of belief groups in Turkey to other countries over their religious ties;

(d) changing hostile behaviour and discourse towards social differences and the perception which triggers violence through education and mass media.

Another step towards the solution of the problem is the necessity of execution of international agreements Turkey accedes to and court decisions in the context of freedom of religion and conscience which are used when existing national legal and institutional tools and mechanisms are not capable of solving problems and conflicts but enroot problems. In this context, observe to agreements which guarantee freedom of religion, conscience and belief and which Turkey accedes to and securing their establishment as a norm and especially execution of the advisory jurisdiction of European Court of Human Rights in cases which Turkey had been convicted carry utmost importance.

As mentioned in the beginning, headings expected to be discussed during new constitution

process are opportunities which should not be neglected in reaching solutions and creating a discussion platform which is necessary for a solution. These issues are also being discussed in drafts which are being prepared by several non-governmental organizations and initiatives. Examination of these studies, determination of their deficiencies and sharing them with the public will be making representatives of belief groups a part of this discussion. At this point, impact of acting together would be stronger. Lastly, introversion of these groups and embracing demands and unjust treatments of each other without seeking any priority and hierarchy between rights would be of capital importance.

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