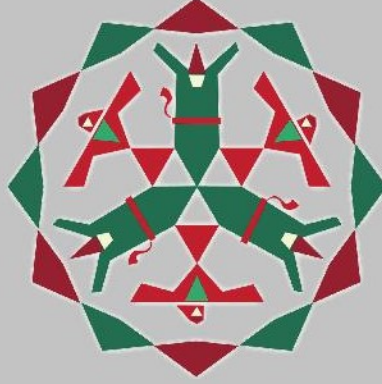


TURKEY

RELIGIOUS FREEDOM - ALEVI ISSUES



ADO

Alevi Philosophy Center

IMPLEMENTATION OF ECtHR JUDGEMENTS

MONITORING REPORT-2

JULY 2020

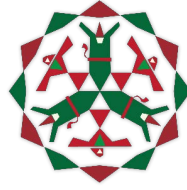


IMPLEMENTATION OF ECtHR JUDGEMENTS MONITORING REPORT-2

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PREPARED BY ALEVI
PHILOSOPHY CENTER



ADO
Alevi Düşünce Ocağı

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About IMPLEMENTATION of ECtHR JUDGMENTS – MONITORING REPORT II

Alevi community has been pursuing “EQUAL CITIZENSHIP RIGHTS” for a long time. After many stages of discussions and legal cases ECtHR have declared various judgments between 2014 and 2016. However, the implementation of the judgments has been subject to long delays due to different reasons and only some partial implementations have been realized so far.

Following the end of the state of emergency (OHAL) conditions in Turkey during 2018, “Committee of Ministers of European Council” (EC-CM) retook CEM Foundation and Hasan Zengin cases judgments to the agenda of implementation procedures. The decisions taken at the 1362nd meeting held on 3-5 December 2019, were published in the ADO - ECtHR DECISIONS MONITORING REPORT I published in January 2020.

During referred meeting CM reminded Turkey about ECtHR judgments of “the attitude of the State authorities towards the Alevi community, its religious practices and its places of worship is incompatible with the State’s duty of neutrality and impartiality and with the right of religious communities to an autonomous existence” and decided that:

- The emerging practice of the domestic courts to order the partial reimbursement of lighting costs to Cemevi is insufficient to resolve the discrimination identified by the Court arising from the blanket exclusion of the Alevi community from State religious subsidies and other benefits, including tax exemptions;
- Measures taken about “religious culture and ethics” classes do not appear to remedy all the concerns raised by the Court, in particular in the absence of an exemption procedure which does not subject parents to a heavy burden and to the necessity of disclosing their religious or philosophical convictions; therefore decided to transfer the cases of Hasan and Eylem Zengin (1448/04) and Mansur Yalçın and others (21163/11) from the standard to the enhanced supervision procedure;
- Strongly encouraged Turkey to prepare comprehensive action plan with a concrete calendar indicating specific legislative and administrative measures and to provide it to the Committee of Ministers by 1 June 2020.
Under the light of these decisions, ADO has prepared a status report on the “Practice of RELIGIOUS COURSES,” which will be followed according to ENHANCED MONITORING procedures and submitted the report to the Com-

mittee of Ministers on 20 April.2020.

Turkish delegation that was responsible from preparations of “ROAD MAP” about Cem Houses and basic rights have met with EC-CM officials on 18-19. December.2019 and have received opinions of Council of Europe on 7. February.2020. However, Turkey informed Committee of Ministers that due to COVID-19 pandemic conditions related works could not completed in due time with a letter dated 3. June.2020 and promised to deliver “ROAD MAP” as soon as possible.

ADO, by publishing a press release on June 14th, 2020, once again reminded that our publicity, civil society organizations involved in religious freedom issues, community organizations and press members are eagerly waiting for the earliest submission of “ROAD MAP” to EC-Committee of Ministers that has been delayed due to reasons beyond control.

At this report of ADO, you will find our status report of “Practice of Religious courses.” and full text of Turkey’s letter submitted to CM for explaining the reasons of delays and ADO’s “Press Release”.



The Committee of Ministers of the Council of Europe

RE: CM/Notes/1362/H46-32 Resolutions of 1362th. CM meeting about Educational cases under enhanced follow-up procedures. (Zengin group of cases - Hasan and Eylem Zengin App. Np 1448/04 and Mansur Yalçın and Others v. Turkey Application No. 21163/11)

In reference with the resolution reached in 1362nd meeting of CM on 3-5. December 2019 we are pleased to present an overview of educational matters and problems related to ECtHR judgments. Resolution reads “measures taken so far do not appear to remedy all the concerns raised by the Court” also points out to the “absence of a non-discriminative exemption procedure”, “violation of parental rights” as well as “necessity of disclosing religious and philosophical convictions”.

While we expect Turkey to submit a detailed plan on June 1st.2020 for possible measures to meet the requirements of the Court judgements, attached please find an overview of educational matters related to this group of cases with a STATUS REPORT dated April 2020.

As it may also be seen in STATUS REPORT, during the long time passed since the Court judgments progress have been extremely slow and in some occasions quite confusing or difficult to understand and follow up.

Compulsory courses are still compulsory and an exemption procedure is not developed. Curriculum is basically the same with very minor insertions to texts; such as only 20 pages mentioning Alevism among 1782 pages of religious culture and ethics courses curriculums of 8 years from the primary 4th.class to the end of high school education. Unfortunately, instead of achieving progress on matters of religious culture and ethics courses curriculum and procedures, additional electives all with fundamentalist contents are inserted to programs and pupils are forced to select one elective in addition to compulsory lessons. On top of these facts Alevi's and all other religions are not allowed to educate their clergy in any kind of school and university, in other words education policies are designed to assimilate all citizens of country to a single interpretation of one religion. We would like to emphasize the importance of educational policies related to this group of cases since the Court's judgment of İzzettin Doğan and Others v. Turkey (62649/10) as well refers to educational matters in articles 128/129/169/177/179 which are directly related to two cases in hand.

Attached status report presents more detailed references on these matters. We are ready to present more information should it become necessary.

Kindest regards

Dogan Bermek

Alevi Philosophy Center Association



ALEVİ EDUCATION IN TURKEY – STATUS REPORT

THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

RE: Status Report on implementation of cases of

- Hasan and Eylem Zengin v. Turkey Application No. 1448/04
- Mansur Yalçın and Others v. Turkey Application No. 21163/11
- İzzettin Doğan and Others v. Turkey Application No. 62649/10

In reference with the above mentioned judgements please find our status report as follows:

Implementation of two ECtHR judgements directly focusing on religious education in Turkey (Hasan and Eylem Zengin v. Turkey: 1447/04 – 2007 and Mansur Yalçın & Others v. Turkey: 21163/11 – 2014), and a third one containing comments on this issue (İzzettin Doğan & Others v. Turkey: 62649/10 – 2016) have been under supervision. In the former cases that are under standard supervision, the applicants of the Alevi faith claimed that the compulsory “Religious Culture and Ethics” courses that are thought in schools are in violation of their rights under the second part of Article 2 of Protocol I. The Court decided in both cases that the Turkish educational system fails to meet the requirements of objectivity and pluralism as well as providing an adequate content for providing respect for parents’ convictions. Although the latter case which is under enhanced supervision concerned specifically the request by the followers of the Alevi faith that Alevi venues of worship (*cemevi*) be granted the status of places of worship, and services connected with the practice of the Alevi faith constitute public service, therefore equal provisions in terms of religious leaders and financial affairs be granted as been done for the Sunnis; the Grand Chamber decided that the current regarding situation in Turkey amounts to denying the Alevi community the recognition that covers education as well.¹ In this case, the Court considered that the state authorities’ attitude towards the Alevi

¹) See ECtHR Grand Chamber Judgment in the case of İzzettin Doğan and Others v. Turkey (application no.62649/10) of 26 April 2016, especially 128. ... that Alevis face numerous other problems which affect not just the organisation of the religious life of their community but also the rights of Alevi parents whose children attend primary and secondary schools; 129. Likewise, in its judgment in Mansur Yalçın and Others, cited above, which concerned the compulsory classes in religious culture and ethics taught in primary and secondary schools, the Court previously stated that Alevi parents could legitimately consider that the arrangements for teaching the subject in question were liable to create a conflict of allegiance for their children between their school and their own values, giving rise to a possible issue under Article 2 of Protocol No. 1 (*ibid.*, § 71). The Court held in particular that the education system of the respondent State was not appropriately equipped to ensure respect for the beliefs of those parents (*ibid.*, § 77.); 169. ... the Alevis form a religious community which has distinctive characteristics in numerous spheres including theological doctrine, principal religious practices, places of worship and education; 170. The Court notes that the right to freedom of religion protected by Article 9 encompasses the freedom, in community with others and in public or in private,

community, its religious practices, and its places of worship is incompatible with the State's duty of neutrality and impartiality and with the right of religious communities to an autonomous existence. The Court also found that Turkey had overstepped margin of appreciation in choosing the forms of cooperation with the various faiths. "The judgment in *Izzettin Doğan and Others v. Turkey* is an important one for the ECtHR jurisprudence on state-religion arrangements because it rigorously scrutinizes a model that provides benefits to the dominant religious group in a way that creates restrictions on the right to exercise religion or belief in its collective dimension for a minority group."²

Religious education in Turkey, as well as other religious services, have been predominantly with an Sunni-Hanafi understanding. Despite the related judgements of the ECtHR, non-objective, non-pluralist, partial and discriminatory practices of the Turkish Administration against the followers of the Alevi faith continues. Especially since 2012, it has been a part of AKP governments' educational policy to increase the number of *Imam-Hatip* (preacher) Schools that are basically religious vocational secondary and high schools: "Between 2012 and 2017, the number of *Imam Hatip* Lycees (upper secondary level) increased from 537 to 1,485 and the number of students attending those schools went up from 268,245 to 503,978. In 2016-2017 the total number of students in the lower and upper level of *Imam Hatip* schools increased to 1,291,426. This number was 71,100 in 2002 when the AKP came to power (Eğitim-Sen Report, 2017-2018:4). Moreover, the statistics of the Ministry of National Education of the last two years show that there are more girls (56%) attending religious upper secondary level of *Imam Hatip* Schools than boys (44%). According to a Reuters' report (2018) 'government budget and investment plans shows that spending on *Imam Hatip* upper schools for boys and girls aged 14 to 18 will double to 6.57 billion Turkish lira (\$1.68 billion) in 2018 - nearly a quarter of the total upper schools budget. In the 2019 budget of Turkey 8.679 billion Turkish lira and in the 2020 budget of Turkey 9.9 billion Turkish lira got allocated for the *Imam Hatip* schools. Although the 645,000 *Imam Hatip* students make up only 11 percent of the total upper school population, they receive 23 percent of funding - double of what spend per pupil at mainstream schools."³ Current data reveals that 26% (1625) of the 6242 secondary schools in Turkey is *Imam Hatip*

to manifest one's religion in worship, teaching, practice and observance); 177. Although the Alevi faith constitutes a religious conviction which has deep roots in Turkish society and history and has distinctive characteristics, it does not enjoy any legal protection as a religious denomination: the cemevis are not recognised as places of worship, its religious leaders have no legal status and its followers do not enjoy any of the benefits of the religious public service (as regards issues linked to the education system of the respondent State, see paragraph 129 above).

2) Mine Yildirim, <https://strasbourgobservers.com/2016/07/18/grand-chamber-judgment-in-izzettin-dogan-and-others-v-turkey-more-than-a-typical-religious-discrimination-case/>

3) Funda Karapehlivan, "Constructing a 'New Turkey' through Education, 1 October 2019. <https://tr.boell.org/en/2019/10/01/constructing-new-turkey-through-education>

schools⁴, however the demand dramatically seems to decrease for these religious vocational schools⁵.

Although the mandatory Religious Culture and Ethics courses in the regular curriculum are presented to be courses on religious culture and moral knowledge, it is basically a sectarian education taught by teachers that had studied in existing theology faculties with almost a complete Sunni-Halefi academic approach. The drastic increase in the number of Imam Hatip Schools and the introduction of three selective religious courses⁶ in addition to the compulsory Religious Culture and Ethics courses are a natural result of this conventional sectarian educational policy. Moreover, the National Educational Council took an advisory decision regarding the extension of the scope of the Religious Culture and Ethics classes to the 1st, 2nd and 3rd grades in 2014, which has not yet been applied.⁷

Incorporating Alevism into the official books of the compulsory Religious Culture and Ethics courses became more of an issue of discussion with the developments in Turkey's EU accession process and mentioned in the EU progress reports. As of 2014, the government started to work on the incorporation process. However initial "comprehensive" incorporation of knowledge on Alevism into the course books of Religious Culture and Ethics was actually of a previous date, 2008. Later, in 2011, more information on Alevism was incorporated into the course books, which was a result of work carried out by a commission founded right after the Alevi Workshops. Ironically, in the course books published in 2018, the number of pages appropriated for Alevism decreased.

In the 5th chapter in the book for the 7th grade pupils, titled "Interpretations in the Islamic Thought", "Alevism Bektashim" was given place as a sub-section following some other sub-sections as "Yasawiyya", "Qadiriyya", "Naqshbandiyya" and "Mawlawiyya" (2018, 135). In this chapter, following subchapters are found: Core Concepts and Methods of Alevism, Musahiplik, Consent and Rightful Share, Twelve Services in Cem, Semah, Gulbenk, Lokma Prayer, Hızır and Muharrem Fasting (2018, 135-142).

4) https://sgb.meb.gov.tr/meb_iys_dosyalar/2019_09/30102730_meb_istatistikleri_orgun_egitim_2018_2019.pdf

5) <https://www.sozcu.com.tr/2018/egitim/anadolu-liseleri-doldu-meslek-ve-imam-hatipler-bos-kaldi-2550260/>

6) An administrative regulation issued in 2012 introduced new selective religious courses besides the compulsory RCMK course: The Rudiments on Religion, The Quran and The Life of Prophet Mohammed. It seems needless to say that these are all courses given by a Sunni Hanafi perspective. Promises by AKP governments regarding to the introduction of a selective course on Alevism in the secondary education was never fulfilled.

7) See <http://www.hurriyet.com.tr/egitim/20-maddede-milli-egitim-surasi-27712781>

In the 3rd chapter in the book for the 12th grade pupils, titled “Sufi Interpretations in Islamic Thought”, “Alevi Bektashi Thought” was given place as a section following the sections “Yasawiyya”, “Qadiriyya”, “Naqshbandiyya” and “Mawlawiyya” and “Rifaiyya” (2018, 79). In this section, following subsections are found: “Core Concepts and Methods of Alevism, Cem and Cemevi, Companionship, Consent and Rightful Share, Semah, Gulbenk, Hızır and Muharrem Fasting and Four Doors – Forty Stations” (2018, 79-84).

“The classification of Alevism as a sufi interpretation of Islam, that is as a cult, is a Sunni understanding of Alevism. Whereas Sunni understanding of Islam, its worship order and traditions are thoroughly detailed in the course books, mentioning Alevism in a superficial way along with Naqshbandiyya, Qadiriyya etc. is a reflection of the sectarian understanding. Furthermore, from a quantitative perspective, the total number of pages of the books of the compulsory Religious Culture and Ethics course from 4th to 12th grade is 1782, while the number of pages appropriated for the Alevism-related content in these books is only 20. The fact that Alevism is so superficially dwelled on is a proof of a biased approach.”⁸

Apart from the books of the compulsory Religious Culture and Ethics course, it is impossible to find any content on Alevism in the official course books of primary and secondary education. Only in certain literature and history books, there exists some indirectly related information such as references to some famous Alevi bards and their works, however without naming Alevism at all.

In the higher education system, there are hundreds of theology or Islamic sciences faculties in public universities that only teach the Sunni-Hanafi understanding of Islam.⁹ Furthermore, in certain private universities, such as 29 Mayıs University, İbni Haldun University, İstanbul Şehir University and İstanbul Sabahattin Zaim University, there are also theology and Islamic sciences faculties with Sunni-Halafi lenses. Thus, while there are hundreds of institutions of religious education that are in the service of Sunni citizens and consequently providing them job opportunities in the public sector, there is not a single institution for the education of clerics to provide religious services for Alevis. Actually, the right to educate clerics of a faith group is a major issue that has been violated by the governments of Turkey extensively. Another example of this violation is the Heybeliada Theological School (Halki Seminary) that was founded on a supranational base to educate Greek- Orthodox clergymen in 1844. In 1971 the school was closed legally due to an act to reorganize higher education and prohibiting operation of privately owned schools. 1970’s was a decade that frictions over Cyprus have started between Turkey and Greece. Since then Halki Seminary has been a subject of political bargaining between the two sta-

8) Ali Yaman, “Alevism Education in Contemporary Turkey”, paper in International Conference on Religion(s) @ School, 15-17 November 2019 Vienna, University of Vienna.

9) <https://yokatlas.yok.gov.tr/lisans-bolum.php?b=20041>

tes. Preventing the re-opening of the seminary is a intersecting violation of religious and educational rights.¹⁰

In the Action Plan of 2019, the Government stated that new curriculum of 2018 satisfies the criteria of objectivism and pluralism, however despite some minor improvements, the Sunni Islamic perspective clearly continues to dominate the program, actually recently there is a clear regression in the implementation of the regarding ECtHR judgements. Atheism and agnosticism are approached with Islamic apologetics. There exists a discriminatory and burdensome exemption practice that brings to mind that if Religious Culture and Ethics courses are objective as the Government claims then why there is an exemption procedure for so-called non-Muslim students.

In conclusion, it is beneficial to underline that hardly any of the judgments pertaining to freedom of religion or belief has been effectively enforced by the Turkish authorities. Therefore, we appreciate a lot that in the 1362nd meeting of the European Council Committee of Ministers, cases of Hasan and Eylem Zengin v. Turkey Application No. 1448/04, and Mansur Yalçın and Others v. Turkey Application No. 21163/11 were decided to be transferred from the standard to the enhanced supervision procedure. In the light of regarding ECtHR judgements, Turkey definitely needs to build up an entirely new educational policy that is compatible with the State's duty of neutrality and impartiality.

Prepared on April 2020 by
ADO Alevi Philosophy Center Association / Turkey

10) Utku Kırıldökme, (2010) “The Greek Orthodox Patriarchate of Istanbul and the Heybeli Theology School (Halki Seminary): History, Discussions and JDP Government’s Policy”. The Turkish Yearbook of International Relations, 41: 31-58.

**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**

DIRECTORATE OF HUMAN RIGHTS
DEPARTMENT FOR THE EXECUTION OF JUDGMENTS
OF THE EUROPEAN COURT OF HUMAN RIGHTS



Ref ► DGI/COV/IB/OFN/bk

Mr Dogan Bermek
ADO Alevi Düşünce Ocağı Derneği
Alevi Philosophy Center

Strasbourg, 21 April 2020

Subject: Zengin group of cases v.Turkey (Application No. 1448/04) – Judgment of 9 October 2007, final on 9 January 2008

Dear Mr Bermek,

Thank you for your letter of 20 April 2020 concerning the general measures in the above-mentioned case.

Your information has been forwarded to the Permanent Representation of Turkey to the Council of Europe and will be made available to the Committee of Ministers, in accordance with the Rules adopted by the Committee for the application of Article 46, paragraph 2, of the European Convention on Human Rights (Rule No. 9).

For any further information concerning the follow-up of the case before the Committee of Ministers, you can consult the relevant documents on the website www.coe.int/execution.

Yours sincerely,

Clare Ovey
Deputy Head of Department *a.i.*

Turkey's message to Committee of Ministers about delays in submitting road map

SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES



Contact: Zoe Bryanston-Cross
Tel: 03.90.21.59.62

Date: 08/06/2020

DH-DD(2020)493

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1383rd meeting (29 September – 1 October 2020) (DH)

Communication from the authorities (04/06/2020) in the case of CUMHURİYETÇİ EĞİTİM VE KÜLTÜR MERKEZİ VAKFI v. Turkey (Application No. 32093/10).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1383^e réunion (29 septembre-1 octobre 2020) (DH)

Communication des autorités (04/06/2020) relative à l'affaire CUMHURİYETÇİ EĞİTİM VE KÜLTÜR MERKEZİ VAKFI c. Turquie (requête n° 32093/10) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

03 JUIN 2020

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Ankara, June 2020

ADDITIONAL INFORMATION NOTE

Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey (no. 32093/10)

İzzettin Doğan and Others v. Turkey (no. 62649/10)

Hasan and Eylem Zengin Group v. Turkey (no. 1448/04)

1. During the 1362nd DH Meeting held between 3-5 December 2019, the cases of *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı Group* (no. 32093/10) and *Hasan ve Eylem Zengin Group v. Turkey* (no. 1448/04) were examined. In its decision, the Committee of Ministers invited the authorities to provide information on measures to be taken in this respect.

2. The decision of the Committee of Ministers adopted in the 1362nd meeting as to the above mentioned group of cases was translated. Both the decision and its translation were submitted to the relevant public institutions in order to carry out necessary works and to take relevant measures.

3. Under the Aim 1 “Protection and improvement of rights and freedoms” of the Judicial Reform Strategy which was declared by the President of Turkey in May 2019, new policies with a broad perspective have been set out for the protection and promotion of rights and freedoms. Detailed provisions on rights and freedoms will be included in the Human Rights Action Plan, of which preparation is underway. In this regard, it is aimed to develop solutions for areas of violations mentioned in the decisions of the Constitutional Court and the European Court, to consider the monitoring reports of the international protection mechanisms in the field of human rights and to improve cooperation with national and international NGOs working on the field of human rights.

4. In the Human Rights Action Plan that is under-preparation, all judgments and decisions of the Court, Directives and Recommendations of the relevant bodies and committees of the Council of Europe and the United Nations are taken into consideration. The preparation process of the Human Rights Action Plan is being carried out in a collaborative and participative approach. In this scope, the opinions of all relevant public institutions, non-governmental organisations, international organisations and relevant participants have been

sought and meetings have been held with them. The opinions and proposals gained as a result of these meetings are being assessed diligently.

5. Within the scope of the preparation process, on 17 December 2019 and 18 December 2019 the views and proposals were exchanged with the authorities of the Council of Europe and the European Commission, respectively. On 7 February 2020 the Council of Europe delivered its official opinions and suggestions on the studies as regards the Human Rights Action Plan.

6. However; the infectious disease, which is known as COVID-19 and affects the whole world, have also impact on this process inevitably. Indeed:

7. According to the report of the World Health Organisation (WHO) dated 9 March 2020, the contagious respiratory disease Coronavirus known as COVID-19 was added on the records with the 109,000 confirmed cases in over 100 countries. On 2 March 2020 the WHO upgraded the global risk of the Coronavirus outbreak from “high” to “very high”. On 11 March 2020 the WHO declared the pandemic of COVID-19, which was first identified in Wuhan, China and spread throughout the world. As is known, a pandemic is an infectious disease affecting health of people across the globe.

8. Following the initial diagnosis of the disease in question in our country, various institutions have taken a great amount of administrative measures within their reach in order to eliminate risk of spreading the disease and to protect the health of the people in the light of the advice from the Ministry of Health and the Scientific Advisory Board (*Bilim Kurulu*).

9. From the moment the pandemic detected in Turkey, a great amount of precautionary measures were taken and put into practice in order to manage the risk caused by the pandemic in terms of public health and public order, to ensure social isolation, to maintain social distance and to control the rate of spread.

10. Within the scope of these measures, face to face meetings have been postponed, rotation system and flexible work arrangements have been implemented, certain restrictions were imposed in respect of freedom of movement in certain cities and all necessary rules have been introduced to ensure social distance and social isolation. Similar measures were and have been implemented by many countries around the world.

11. Certain works have been objectively and naturally affected by this process due to the said measures introduced to eliminate the risk of spreading the disease in question and to protect the health of all people throughout the world and in our country.

12. However, with the decrease of the risk of spreading, the works on the Human Rights Action Plan will also continue rapidly.

13. On account of the extraordinary developments in this context, it was not possible to prepare an action plan with regard to the execution of the judgments that constitute the subject matter of the CM decision taken during the 1362nd DH Meeting.

CONCLUSION

14. In the light of the abovementioned explanations, the Committee of Ministers will be regularly informed about the measures taken as regards the execution of the judgments of *İzzettin Doğan v. Turkey*, *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey*, *Mansur Yalçın and Others v. Turkey* and *Hasan and Eylem Zengin v. Turkey*.



PRESS RELEASE of ADO

Press release from Alevi Philosophy Center

İstanbul 14.June.2020

European Council Committee of Ministers is the authority responsible from monitoring implementation of ECtHR judgments in related countries.

During 2008-16 in various cases opened by Alevi communities ECtHR arrived to judgments related compulsory religious lessons, status of Cem Houses and equal citizenship rights. However due to State of Emergency declaration in the country at 2016 implementation of ECtHR judgments have been interrupted.

After termination of State of Emergency conditions in 2018, Committee of Ministers of European Council took the cases in it's agenda again and have decided that Turkey should deliver a detailed action plan by June 1st.2020.

However Turkey has sent a letter to Committee of Ministers on June 3rd. 2020 and informed that due to Covid-19 difficulties and public isolations, preparations of action plan have been interrupted and plan will be delivered as soon as possible once usual working conditions will be recovered..

Mentioned action plan is also known as "HUMAN RIGHTS ACTION PLAN" in Turkey and has been awaited by our publicity for a long time. We believe implementation of judgments will serve to various segments of our society along with Alevi communities. Expected action plan will definitely improve culture of living together and will make significant contributions to peace and tranquility of our society.

Recalling long waiting periods that passed while expecting an action plan, we wish usual working conditions will regenerate soon and that delayed action plan preparations due to reasons beyond control will be completed and presented to publicity without further delays.

We submit this information to our publicity, to Alevi and all related civil society organizations dealing with human rights and freedom of thought with due respect and reiterate that we shall keep closely monitoring implementation procedures of ECtHR judgments.

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Att. 1 - Compulsory Religious Education in Turkey

Compulsory Religious Education in Public Schools of Turkey

Burcu Meltem Arık¹

Turkey continues to keep Sunni Islam as the base of the state's approach to religion, and religious education at every level of K-12 is regulated and directed by the state in Turkey. The curriculum for the Religious Culture and Moral Education (RCME) class, which revised in 2017 continues to have objectivity and pluralism problems, and still incompatible with human rights standards by national and international adjudications. Specific superficial changes regarding the compulsory RCME classes took in place, however no solution created for the fundamental demands regarding the content and exemption mechanism. The new curriculum is also not impartial to all religions and belief systems does not adopt a moral code that is independent from religious beliefs, and does not provide a general "education on religious beliefs" based on the principles of neutrality, objectivity and pluralism.

RCME includes elements of "religious education" that aim to promote belief principles and worship of a specific religion, as opposed to providing "education on religions". It adopts a Sunni Islamic perspective and moral view and has an exclusionist approach that is far from pluralism, by associating "national, moral, humane and cultural values" with only the Turkish and Muslim identity.

In the RCME curriculum, the concept of "religion" is rarely used in its general term, but rather, refers to Islam in most contexts. The curriculum includes concrete goals in terms of Islam, but more abstract goals with regards to other religions, such as "recognizing other faith systems and interpretations and respecting these", and "acknowledging that different interpretations of religion bring richness". The impression is that religions outside of Islam are allowed insofar as they serve to create "a culture of co-existence" and that there is a hierarchy within religions. It also teaches that the Torah, the Book of Psalms and the Bible were distorted by humans in the past ages, which is an Islamic interpretation, and therefore contradicts the goal of objectivity and neutrality. Another problem is the depiction of Alevi and Bektashi beliefs as a "Sufi interpretation" of Islam and the teaching religious concepts from within a Sunni framework alone. Skills that listed in the curriculum, such as "having a world-view that sustains religion and national values" and "being aware that religion is the primary element that creates a national culture" suggest that the Islamic culture taken as the norm. One of the main goals of the curriculum, "discussing other religions with an objective approach" is not upheld when it comes to teaching about Islam. In this way, the curriculum continues to violate the decisions of the European Court of Human Rights (ECHR).

Following the Hasan and Eylem Zengin v. Turkey case in 2007, the ECHR decided for a second time, at the Mansur Yalçın v. Turkey case on September 16, 2014, that Turkey violated the European Convention on Human Rights for making RCME classes compulsory.² The basis of this ruling was that Alevi students were obliged to take a class founded on Sunni-Islam beliefs, that the exemption clause which Christian and Jewish students benefited from, did not apply to all other beliefs, and that there was no

¹ Education Reform Initiative, Education Observatory Coordinator

² Tüzün, September 22, 2014.

non-discriminatory mechanism for being exempt from the RCME class.³ To secure freedom of religion and conscience in education, the compulsory status of the RCME class should be annulled, and if not, at least the lesson should be re-designed to “contribute to the co-existence of all denominations, religions and faith systems, including atheism, with respect and tolerance”,⁴ and also “an exemption mechanism which will not cause discrimination or stigmatization” should be implemented.⁵

Because students can take elective courses at the secondary education level, such as Essentials of Koran, Prophet Mohammad’s life, and Foundations of Religious Knowledge, there is no basis for RCME to be relying heavily on Islam and not having a pluralistic approach. The RCME class should cease to be compulsory, and the program should not focus on ideological and political concerns but only and primarily on providing the “best interest of the child” and “developing mechanisms that will create complete development”.⁶ For this process, using the Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools, published by the Organisation for Security and Co-operation in Europe (OSCE), is recommended.⁷

Compulsory RCME classes taken to the European Court of Human Rights (ECHR) and although cases against Turkey won at the ECHR, the rulings of the court not fully implemented. Alevis’ demands regarding compulsory RCME remained unanswered.

The second article of the 1982 Constitution emphasize that Turkey is a “democratic, secular and social state governed by the rule of law”. The 24th article of the same constitution, however, classifies the RCME classes as compulsory. The RCMK curriculum still based on Sunni Islam doctrine. Overall, the emphasis of all curriculum, not only RCMK has moved away from foundational skills like critical and analytical thinking in favor of values-based education; values mostly focus on Sunni Islam values.

Course books in the primary, secondary and higher educational institutions reflect this change. According to the recent study of Aratemur and Bayhan (2018)⁸, where they compared 2016 and 2017 textbooks, there has been “a significant shift in terms of secularism” in 9th grade History, 9th grade Religious Culture and Morality textbooks; and “slight shift” in Life Knowledge and Social Sciences textbooks. According to the research, these books are “blind to differences”, in “denial of diverse identities in Turkish society” and commit “to Turkish nationalism”. The revision in 2017 increased “inequalities and discrimination in education”. The textbooks, particularly history books, are “based on political-Islamist discourse”. RCME textbooks in 2017 included the notion of honour, “equated in Turkish culture with controlling women’s bodies”. 2016 and 2017 9th grade RCME textbooks are Sunni Islamic, and there is a denial of

³ Tüzün, September 27, 2014.

⁴ Tüzün, September 27, 2014.

⁵ ERG, 2011.

⁶ ERG, 2011.

⁷ Some principles that would contribute to an education of peace include being aware of and questioning negative stereotypes for religious groups or their members; having a historical and psychological awareness that during periods where religious tolerance didn’t exist, extreme violence became prevalent; being able to counteract in a peaceful and sensitive way against situations where non-tolerance and discrimination exists.

⁸ Aratemur & Bayhan, 2018

other beliefs and values that are not religion centered. “Muslims are urged to stick to the Quran and Sunna”.

Turkey’s President announced that he wants to create a “pious generation”. The government is giving priority to schools that teach Islamic values. Therefore, it is also essential to understand the percentage of the budget share for religious schools. As seen from the table below, the percentage of the budget share continuously increased for religious schools.⁹ However, the percentage of students enrolled in these schools and student/teacher ratio is less than the general secondary education and vocational education. These reflect the importance given.

Table 1: Share of Ministry of National Education funds allocated to schools (Secondary Education)

	2018		2019		2020	
	TL	%	TL	%	TL	%
General Secondary Schools	9.559.918.000	10,3	11.608.738.000	10,2	12.915.001.000	10,3
Vocational Schools	12.419.331.000	13,4	14.716.121.000	12,9	15.909.063.000	12,7
Religious Schools	6.750.744.000	7,3	8.600.260.000	7,6	9.789.599.000	7,8
Total Budget of Ministry of National Education	92.528.652.000	100	113.813.013.000	100	125.396.862.000	100

Resource: MoNE, 2019

Table 2: Number of schools

	Number of Imam Hatip High Schools*	Total Number of Secondary Education Schools*	Percentage
2012-13	708	10.417	6,8
2013-14	854	10.954	7,8
2014-15	1.017	9.060	11,2
2015-16	1.149	10.549	10,9
2016-17	1.452	11.075	13,1
2017-18	1.604	11.780	13,6
2018-19	1.623	12.503	13,0

*Open schools not included

Resource: MoNE, 2019

⁹ ERG, 2019

Table 3: Number of students

	Students enrolled in Imam Hatip High Schools (IHL)*			IHL Students/Secondary Education Students (%)		
	Total	Boys	Girls	Total	Boys	Girls
2012-13	380.771	180.240	200.531	7,6	6,8	8,5
2013-14	474.096	227.065	247.031	8,7	7,9	9,6
2014-15	546.443	258.397	288.046	9,6	8,6	10,7
2015-16	555.870	256.711	299.159	9,6	8,4	10,8
2016-17	514.806	236.935	277.871	8,7	7,4	10,1
2017-18	514.806	236.935	277.871	9,0	7,9	10,3
2018-19	498.002	223.790	274.212	8,8	7,4	10,4

*Open schools and Anatolian Imam Hatip Schools not included.

Resource: MoNE, 2019

There are millions of Alevis living in Turkey, and there are critical court decisions with regard to the demands of Alevis. The government, however, applied only superficial changes in these decisions. Thus, Turkey reflects being reluctant to address the full solution for Alevis' fundamental problems on the new curriculum of compulsory RCMK course which is a violation to human rights. The criteria of "objectivism and pluralism" has not been fully satisfied.¹⁰ Besides there is no information publicly shared on the "regular and continuous" revision of the curriculum or a calendar announced. Individuals can apply to judicial decisions for being exempt from RCME classes, however, this mechanism is not non-discriminatory.¹¹ The need for "an exemption mechanism which will not cause discrimination or stigmatization" continues.¹²

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¹¹ Tüzün, September 27, 2014.

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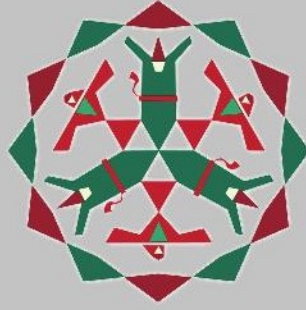
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