

TURKEY

RELIGIOUS FREEDOM - ALEVI ISSUES



ADO

Alevi Philosophy Center

IMPLEMENTATION OF ECHR JUDGEMENTS

MONITORING REPORT-3

JULY 2021

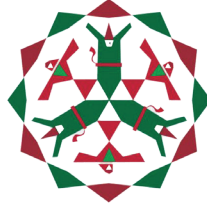


IMPLEMENTATION OF ECHR JUDGEMENTS MONITORING REPORT -3 - JULY 2021

TABLE OF CONTENTS

About ECHR Judgment Implementation Report III.....	3
ADO Press release of June 2020	5
ADO communication with EC CM (European Community – Committee of Ministers) dated 20.October.2020	6
Turkey's communication with EC CM dated December 2020 which ignores 1362. CM decision about the Implementation of Judgments Road MAP and refers to some issues about educational matters.....	7
Communication of Norwegian Helsinki Committee and Religious Freedom Initiative with CM	12
ADO's latest communication with CM dated 6.May.2021	22

PREPARED BY ALEVI PHILOSOPHY CENTER



ADO
Alevi Philosophy Center

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ABOUT ECHR JUDGMENT IMPLIMENTATIONS FOLLOW-UP REPORT III.

The demands for "RIGHTS and EQUALITY", which the Alevi community has been pursuing for many years, were discussed in the agenda of the 1362nd Council of Europe Committee of Ministers meeting held on 3-5 December 2019, after going through many stages. The decisions taken at this meeting were published in the ECHR DECISIONS MONITORING REPORT I. and II. published in January and July 2020.

Under the light of these decisions, a status report on the practices of RELIGION COURSES, which will be followed with ENHANCED MONITORING procedures from now on, was prepared and presented to the EC, Committee of Ministers by ADO on April 20, 2020.

The Turkish delegation responsible for preparation of ECHR judgments implementation of Alevi group of cases "ROAD MAP" reported to the Committee of Ministers with a letter dated June 3, 2020 that they could not complete the work in due time due to COVID-19.

ADO issued a press release on 14.June.2020, reminding once again that we expect completion of the works that were delayed due to unforeseen reasons as soon as possible and presentation of the ROAD MAP to the Committee of Ministers of the Council of Europe and the public.

On October 20, 2020, ADO submitted a status report to the Committee of Ministers, summarizing the situation in Turkey.

In December 2020, Turkey re-summarized the situation and the developments until Dec.2020 in a detailed article, but the document, which comprehensively summarizes what has been done in the past on education decisions, did not mention the ROAD MAP, which should have been submitted on 1 June 2020 according to the decision of the Committee of Ministers.

In March 2021, the Norwegian Helsinki Committee and the Freedom of Belief Initiative submitted a report to the COMMITTEE OF MINISTERS on the implementation process of the Alevi Lawsuits decisions.

On April 30, it was announced that Turkey is in a comprehensive reform study that will last for two years and a "HUMAN RIGHTS ACTION PLAN (IHEP)" prepared in this context was published.

On 6 May 2021, ADO submitted a situation report to the Committee of Ministers of the Council of Europe describing the developments and the current situation.

On May 5, 2021, it was published that a HUMAN RIGHTS MONITORING COMMITTEE was formed in Turkey within the scope of IHEP, and then the 3rd meeting of the board was held on July 2, 2021. However, it was not possible to find and learn the names of the board members. <https://basin.adalet.gov.tr/insan-haklari-eylem-plan-i-icin-follow-kulu-olusturuldu>

On June 23, the 7th issue of the Ministry of Justice HUMAN RIGHTS Journal published a special issue with the title of "HUMAN RIGHTS ACTION PLAN".

No information was found on Alevi cases and educational problems in both the IHEP and the "Human Rights Journal special issue". It was also observed that the decisions of the ECtHR regarding their freedom were not mentioned at all.

In our "Monitoring Report for ECtHR Decisions- III." the developments be-

tween the last months of 2020 and 30.June.2021 are presented together with the documents.

Documents you will find in this report:

- ADO's Press Release dated June 2020.
- ADO's letter to the Council of Europe dated 20 October 2020 and acknowledgment
 - The communication of Turkey sent in December 2020 to EC CM, which refers to some education issues. However the document neither mentioned the “ROAD MAP” nor referred to “ENHANCED FOLLOW-UP PROCEDURES” that has to be applied according to decisions of CM.
 - Information on the implementation of the decisions of the ECtHR on Alevi problems and Education problems presented to the Council of Europe by the Norwegian Helsinki Committee and the Freedom of Belief Initiative.
 - The communication of ADO dated 6 May 2021 submitted to the Committee of Ministers of the Council of Europe.

CONCLUSION:

- Turkey did not take any action regarding the implementation of the judgments related to the group of cases called ZENGİN group of cases (Alevi Lawsuits) in 2020 and until June 2021.
- According to the decisions of the Committee of Ministers of the Council of Europe, the ROAD MAP has not been prepared yet, although it should have been submitted on June 1, 2020, but could not be prepared due to the Pandemic.
- There is no satisfactory explanation of the issues pointed out in the court judgments within the correspondence related to the education cases.
- The IHEP – Human Rights Action Plan, which was announced at the beginning of 2021, does not offer any solution or any proposal related to the issues that are the basis of ECtHR case judgments.
- The year 2020 passed without any positive development on issues regarding the judgments of Alevi cases. No progress on these issues have been recorded during 2020 until the end of June 2021.

Right after this report, we intend to publish a bulletin titled “How does Turkey look in the world in terms of Religious Freedom in 2021”, which includes the observations and official views of various monitoring and think tanks, the United Nations, the European Union, the USCIRF-USA RELIGIOUS AND FAITH COMMISSION and some countries' opinions on TURKEY. A reference bulletin will also be prepared and published.

ADO Alevi Philosophy Center Association

ADO PRESS RELEASE OF JUNE 2020



Alevi Philosophy Center

PRESS RELEASE

ADO - Alevi Philosophy Center Association

Istanbul 14.June.2020

To the public and our press,

The Council of Europe Committee of Ministers carries out the supervision and follow-up of the implementation of the decisions of the ECtHR-European Court of Human Rights, which is the highest legal institution accepted by all member states of the Council of Europe.

Alevi community has obtained several ECHR judgments between 2008 and 2016 related to religious freedom issues of Alevi faith. The implementation of the judgments of the ECtHR on issues such as compulsory education, the status of worship places (Cemevi) and equal citizenship right was interrupted due to the state of emergency declared after the coup attempt in 2016.

Upon lifting of state of emergency in 2018, our government informed CM (the Committee of Ministers of the Council of Europe), that implementation of the judgments was interrupted due to the coup attempt. Based on that declaration in 1362th meeting of CM, a decision was taken that a comprehensive Action Plan (ROAD MAP), clearly showing Turkey's implementation calendar, had to be submitted to the Committee of Ministers by June 1, 2020.

However, since life in Turkey has been severely affected due to the epidemic that has affected the whole world in the intervening time, our government has stated in the 13th article of the letter sent to the Committee of Ministers on June 3, 2020, "Due to the extraordinary developments in this context, the Committee of Ministers It was not possible to prepare an action plan for the execution of the decisions that were the subject of the decision taken at the meeting. " Same statement also pointed out that, "With the reduction of the risk of contamination, the work on the Human Rights Action Plan will continue rapidly."

The aforementioned HUMAN RIGHTS ACTION PLAN is an activity that the Alevi community has been waiting for a long time and will make significant contributions to the culture of coexistence, peace and tranquility in our country.

We hope we may see positive results soon, reminding once again that we expect our authorities to complete the works that were delayed due to reasons beyond our control and submit the long-expected ROAD MAP to Council of Europe Committee of Ministers and to the public.

We would like to inform our public, Alevi NGOs, Religious Freedom organizations and distinguished members of press and media, with our best wishes of peace and tranquility to our society.

Best regards

ADO COMMUNICATION WITH EC CM (EUROPEAN COMMUNITY – COMMITTEE OF MINISTERS) DATED 20.OCTOBER.2020

ADO - Alevi Philosophy Center

Date: 20.10.2020

The Committee of Ministers of the Council of Europe

RE: CM/Notes/1362/H46-32 Resolutions of 1362th. CM meeting.

- Alevi community related judgments 32093/10 and 62649/10
- Judgments related to Education under enhanced follow-up procedures. (Zengin group of cases - Judgments 1448/04 and 21163/11)
- Turkey's letter to CM dated June. 3rd. 2020 with ref CM (DH-DD (2020)493)

As we have learned from communication between Turkey and CM, Turkey was unable to submit an ACTION PLAN to CM by June 1st 2020, due to pandemics difficulties.

We are also pleased to note that Turkish and CM staff has met during Dec 2019 and EC have delivered its "official opinions and suggestions on the studies as regards the Human Rights Action Plan." to Turkish officers on Feb.7.2020.

Although Turkey's a/m letter confirms that studies will be completed once pandemic struggle will be over, no reference is made to judgments related to Educational cases, which have been separated and taken into enhanced follow-up procedures.

It is difficult for us to understand substitution of "regular information about measures to be taken" instead of "comprehensive action plan with a concrete calendar". Pandemic inconveniences may cause delays but should not efface or alter the decisions of 1362th. CM meeting.

As a summary during 2020, we have not yet recorded any development in implementation procedures of ECtHR judgements.

In a period while sensitivities toward basic human rights have increased than ever, EU 's latest Annual Report on Human Rights and Democracy, published on June.15th.2020 points out that "Freedom of religion or belief (FoRB) remained a key priority in the EU's external human rights policy, led by the Guidelines on the Promotion and Protection of Freedom of Religion or Belief. ". USCIRF 2020 report about Turkey reads; "Alevis, the country's largest religious minority community, remained unable to gain official recognition for their gathering houses (cemevi) as places of worship or to exempt their children from compulsory religious classes, despite European Court of Human Rights (ECtHR) rulings finding that these policies violated Alevis' rights."

Alevi community is peacefully and patiently awaiting implementation of ECtHR judgements in accordance with item 1. of the 1362nd. CM meeting decisions which reads; "Recalling that in the judgments in this group the Court found, inter alia, that 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".

We look forward to constructive results from coming CM meetings and progress in long-standing implementation procedures of judgments.

Kindest regards Dogan Bermek

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TURKEY’S COMMUNICATION WITH EC CM DATED DECEMBER 2020 WHICH IGNORES 1362. CM DECISION ABOUT THE IMPLEMENTATION OF JUDGMENTS ROAD MAP AND REFERS TO SOME ISSUES ABOUT EDUCATIONAL MATTERS

Ankara, December 2020

**THE TURKISH GOVERNMENT’S SUBMISSION IN RESPONSE TO THE
RULE 9.2 COMMUNICATIONS OF THE NGOS**
(ALEVİ PHILOSOPHY CENTER (ALEVİ DÜŞÜNCE OCAĞI DERNEĞİ-ADO),
NORWEGIAN HELSINKI COMMITTEE, İNANÇ ÖZGÜRLÜĞÜ GİRİŞİMİ)

Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey Group (no. 32093/10)
Hasan and Eylem Zengin v. Turkey Group (no. 1448/04)

I. Introduction

1. The Turkish authorities would like to make the following explanations in response to the submissions of Alevi Philosophy Center (Alevi Düşünce Ocağı Derneği-ADO), Norwegian Helsinki Committee and İnanç Özgürlüğü Girişimi (“the NGOs”) with respect to the Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı (no. 32093/10) group of cases and the Hasan and Eylem Zengin (no. 1448/04) group of cases.

2. At the outset, the Action Plan submitted to the Committee of Ministers (“CM”) in October 2019 and the Additional Information Note submitted to the CM in June 2020 in respect of these groups of cases, comprise Turkey’s actions regarding the issues raised in the communications of the NGOs. The Turkish authorities reiterate their submissions in this regard.

3. As stated in the Additional Information Note submitted to the CM in June 2020, the decision of the CM adopted in the 1362nd meeting as to the above-mentioned groups 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.

4. In this submission, the authorities would like to clarify the following issues raised in the communications of the NGOs.

II. As to the Alleged Absence of Non-Discriminative Exemption Procedure

5. Following the Hasan and Eylem Zengin judgment of the Court, works regarding the curriculum of the Religious Culture and Ethics lesson (“the RCE lesson”) that started before the relevant decision were accelerated. Within the scope of the Court’s judgment of Mansur Yalçın and Others, a Working Group was established.

6. A number of workshops were organized under the auspices of the Ministry of National Education and with the participation of the representatives from the Prime Minister’s Office, Ministry of Justice, Ministry of Foreign Affairs, Religious Affairs Department, academicians and NGOs.

7. This Working Group had held six main meetings within a year and prepared a report. In the report, attention was drawn to the fact that religion fills an important gap in the life, that need to belief should be met, to the importance of knowing different religions and beliefs along with socialisation, to the students’ ability to think critical and to the effect of religion on the formation of culture and civilisation. It was also taken into account that the implementation of the RCE lesson is a work of a long experience. It includes assessments that the content of the curriculum intends to play a role

in eliminating the prejudices faced in the society by creating an environment in which differences between people are an asset rather than a problem.

8. In the Working Group, having regard to the fact that the State may use its margin of appreciation to make this lesson compulsory with the aim of protecting the national identity of the society and including social values in the system, it has been given particular importance to the thought that it would be appropriate to objectively redevelop the content of the RCE lesson, including the Alevi-Bektashi tradition. Thus, works for developing the curriculum had begun in line with the relevant report. In January-February 2017 the draft curriculum was prepared with a commission including Alevi participants. In July 2017 it had been provided that instructors, NGOs, academicians, parents and students expressed opinions and carried out an evaluation online concerning the curriculum; opinions concerning draft curriculum were received from public, all of the incoming opinions and evaluations were reported and reflected in the curricula.

9. Furthermore, opinion regarding draft curriculum was also requested from universities. As a result of the incoming opinions from universities, a workshop was organized with the participation of academicians on 18-20 October 2017 in Ankara in order to put the draft curriculum into final form. Following the completion of the opinion and evaluation process with a broad participation, the draft curriculum was put into final form and then submitted to the Head Council of Education and Morality of the Ministry of National Education (Milli Eğitim Bakanlığı Talim ve Terbiye Kurulu Başkanlığı). By its decision of 19 January 2018, the Head Council of Education and Morality approved the implementation of the new RCE lesson curriculum in schools during the school year 2018-2019. Consequently, the implementation of the Action Plan prepared in relation to the execution of the Court's judgment, the Working Group's meetings, and reporting and preparation of curriculum and lesson materials are conducted in a participatory process by having regard to the transparent and ethical values.

10. Turkey acts in line with the TOLEDO Guiding Principles in the RCE lesson and deals with all beliefs and world views objectively and in line with the pluralism principle.

Accordingly, the RCE lessons are provided within the framework of the following principles:

“If the compulsory RCE lesson is objective in public schools, then it is in compliance with freedom of religion and belief. Wider coverage may be given to the religion prevailing in a place where education of religion and belief is provided. If Religious Culture and Ethics education is provided in an objective way, the issue as to whether it is compulsory or elective does not constitute a problem. Curriculum should be fact-based, impartial and in line with academic and occupational standards.”

III. As to the Allegation that Less Coverage is Given to the Alevism in the Compulsory RCE Lesson's Textbooks

11. The RCE lesson is taught in the 4-12th grade. The Ministry of National Education prepares the curriculum. Textbooks are prepared by authors, including private publishing companies, within the framework of curriculum and submitted to the Ministry of National Education. They are analysed and approved by the experts in accordance with the criteria such as scientificity, compliance with the law and visuality. In this process, the pages of the textbooks may differ in accordance with the expression of the authors. The Ministry of National Education conducts an inspection as to whether a book includes all learning outcomes or not.

12. In addition, the RCE lesson should be assessed taking into account that it is a lesson involving information about religions and also information about cultural, na-

tional and moral values. In line with the TOLEDO Guiding Principles, information concerning religions and Islam is given with a supra-denominational understanding and an objective approach in the textbooks. National culture and universal moral values that are the common ground of citizens living in Turkey are mostly included in these textbooks. For example, information concerning values and characteristics in our society provided in the textbooks such as kindness, respect, cleanliness, rules of courtesy, manners of communication, table manners, wisdom, justice, patriotism, friendship, honesty, responsibility, patience, helpfulness, avoiding bad habits, impacts of religion on architecture, music, literature and custom.

13. When the RCE lesson's textbooks which are the publication of the Ministry of National Education are examined, it is seen that several religions and religious beliefs and worships are explained in 186 pages. Alevism and Bektashism were mentioned in 21 pages out of 186 pages. Thus, it cannot be considered that less coverage is given to the Alevism in the textbooks.

IV. As to the Alleged Absence of Content on Alevism in Other Official Textbooks

14. All curricula in Turkey are prepared in compliance with the principles of scientificity, pedagogy and legal compliance.^[1]

In this respect, objective contents are provided without any discrimination in terms of beliefs in different lessons if it relates to the content. This situation presents the impartial, objective and scientific attitude of Turkey.

V. As to the Allegation about Additional Elective Lessons

15. In the first place, the Turkish authorities state that these allegations included in the relevant NGO's communication are of no relevance to the execution process of the Court's judgments mentioned above and that these allegations are speculative.

16. Article 24 of the Constitution provides:

"Everyone has the freedom of conscience, religious belief and conviction.

Religious and moral education and instruction shall be conducted under state supervision and control. Instruction in religious culture and morals shall be one of the compulsory lessons in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives. ..."

17. In this respect, in accordance with the decision taken in the 18th National Education Council held with a broad participation about education in Turkey, selective lessons in the field of religion, ethics and values that students could choose have been included in the curriculum.

VI. As to the Allegations about the Number of Imam Hatip High Schools

18. The Turkish authorities state that these allegations included in the communication of the relevant NGO are of no relevance to the execution process of the above-mentioned judgments of the Court and that these allegations are speculative.

19. As required by growing population as well as education policies targeting education quality and capacity, education investments in Turkey are increasing. As a result of this, there has been an increase in imam hatip high schools as well as in other types of schools.

1) Examination Criteria of Textbooks <http://ttkb.meb.gov.tr/www/ders-kitaplarinin-incelenmesi/dosya/32>

VII. As to the Allegations Regarding the Budget Allocated to Imam Hatip Schools

20. First of all, the Turkish authorities state that these allegations included in the communication of the relevant NGO have nothing to do with the execution process of the above-mentioned judgments of the Court and that these allegations are speculative.

21. The state provides free education and does not make any cash expenditures for students other than scholarships and conditional education aids. Students benefit from expenditures through educational environments such as schools and teachers and educational materials such as textbooks. That being the case, it is not possible for a group of students to benefit more from the funds allocated for education than others.

VIII. As to the Allegation about the Faculties of Theology

22. First of all, the Turkish authorities state that these allegations included in the communication of the relevant NGO have nothing to do with the execution process of the above-mentioned judgments of the Court and that these allegations are speculative.

23. Theology faculties are the faculties where the students are entitled to be admitted according to the points that they have obtained from basic academic courses such as Turkish and Mathematics in the central university entrance examination regardless of their religious beliefs. These faculties have a curriculum to provide the students with basic knowledge in the field of Theology.

24. Article 7 of Law No. 657 on Civil Servants regulates that civil servant shall fulfil their duties impartially as follows: "... [Civil servants] are prohibited from discriminating any person on the grounds of language, race, sex, political view, philosophical belief, religion or sect in the course of the performance of their duties..." Discriminating any person on the grounds of language, race, sex, political view, philosophical belief, religion or sect in the course of the performance of the duty is regulated as an act that requires disciplinary penalty.

Thus, it is ensured that civil servants fulfil their duties in an impartial manner.

25. Moreover, by implementing the General and Special Competencies for Teaching Profession (Öğretmenlik Genel ve Özel Alan Yeterlikleri), the Ministry of National Education protects teachers' impartiality by introducing the competence fields such as respecting the child and human rights and respecting individual and cultural differences^[2]

As a result of the objective and impartial attitude of the Ministry of National Education, there are mechanisms that can be applied by students and parents who think that they are subjected to any discrimination. By laws and practices, the impartiality and objectivity in the performance of the duty are ensured not only for the RCE lesson, but also for all other lessons.

IX. As to the Allegation related to the Number of Pages about the Subject of Alevism.

26. In 2008, Turkey has taken steps on its own initiative to ensure that the RCE lesson is more pluralist in this issue. As per the nature of curriculum, information on Alevism is provided in line with the cognitive and emotional development of the students as comprehensively as possible within the framework of pedagogical principles. Besides, in line with

2) General Competencies for Teaching Profession:

[http://oygm.meb.gov.tr/meb_iys_dosyalar/2017_12/11115355_YYRETMENLYK_MES\[1\]LEY_Y_GENEL_YETERLYKLE_RY.pdf](http://oygm.meb.gov.tr/meb_iys_dosyalar/2017_12/11115355_YYRETMENLYK_MES[1]LEY_Y_GENEL_YETERLYKLE_RY.pdf)

See for the curriculum simplification policy:

[https://ttkb.meb.gov.tr/meb_iys_dosyalar/2017_07/18160003_basin_aciklamasi-pro\[1\]gram.pdf](https://ttkb.meb.gov.tr/meb_iys_dosyalar/2017_07/18160003_basin_aciklamasi-pro[1]gram.pdf)

the recommendations made in the report of the Commission established for the execution of the Mansur Yalçın and others judgment of the Court, the RCE lesson has been prepared according to its essence with an approach that includes more cultural and ethical information and contains national, moral and cultural values.

27. In addition, like other lessons such as Turkish and Mathematics the curriculum in respect of the RCE lesson has also been simplified and the number of units has decreased⁽³⁾.

Therefore, there has been no specific decrease in the number of pages as alleged by the communication in question. This process has been conducted in line with the scientific principles and the said allegation of the NGO is speculative.

28. In January 2018, the Ministry of National Education finished its updating works in respect of the curriculum. The updated curriculum was published in the web site “mufredat.meb.gov.tr”. Within the updating works in respect of the curriculum in 2018, the RCE lesson has included the subject “Alevism-Bektashism” in the curriculum and the textbooks and teaching materials have been prepared accordingly.

29. The textbooks which are taught in the schools are prepared in line with the learning outcomes included in the curriculum of the relevant lesson. Any subject outside the scope of the curriculum is not included in the textbooks.

30. The Head Council of Education and Morality selects the textbooks which will be taught in the schools under the Ministry of National Education. This selection is made according to the procedures and principles specified by the Regulation on Textbooks and Teaching Tools of the Ministry of National Education. No textbook, which is in violation of the provisions of the Regulation and not approved by the Head Council of Education and Morality, can be taught in schools.

31. Textbooks are prepared in line with the principle “The textbooks shall offer an approach that supports fundamental rights and freedoms, and rejects any form of discrimination.” laid out in the section “Features of Textbooks” in the Regulation on Textbooks and Teaching Tools of the Ministry of National Education.

32. In addition, the following criteria provided by the said Regulation guarantee that there will be no discriminating approach in the textbooks:

- The content should be prepared with an approach that supports fundamental human rights and freedoms and rejects all kinds of discrimination, taking into account the principle of equality, which is clearly stipulated in the Constitution and the Basic Law of National Education (Millî Eğitim Temel Kanunu).
- The principle of social equality should be ensured in the description of people and the presentation of events when teaching subjects or giving examples.
- There should be no element violating the rights and freedoms of individuals.
- The preparation of content should be based on the principle that all individuals are equal and free.
- The principle of pluralism in content should be guaranteed.
- Expressions that humiliate a segment of the society, political opinion or way of thinking or that can create prejudice should not be included.
- There should not be negative generalizations about different ethnicities.
- There should not be degrading or excessively glorifying extreme statements towards individuals and societies.
- The content should not contain any expressions or implications that degrade individual, social, professional identities and personalities.
- In the content; equality, freedom of religion and conscience, freedom of thought and

-
- expression, justice, social peace and human rights should be respected.
- The content should be based on the principle that universal human rights apply to everyone regardless of race, colour, language, religion, political preference, ethnic origin, property or any other distinction.
 - The content should be prepared in a way that it respects social sensitivities and appeals to all layers of the society.
 - The content should not include insulting, exclusionary, labelling expressions in respect of the persons, occupational groups, communities etc.

X. As to Other Allegations of the NGOs

33. The Turkish authorities would like to state that the execution process of these two groups of cases concerns only the judgments of the European Court included in these groups.

The allegations of the NGOs are not related to the execution process of these judgments. For this reason, the authorities would not like to comment on the issues which are not related to these two groups of cases.

CONCLUSION

34. The Turkish authorities kindly invite the Committee of Ministers to take into consideration the above-mentioned explanations within the scope of the execution of the

Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı (no. 32093/10) group of cases and the Hasan and Eylem Zengin (no. 1448/04) group of cases.

35. Furthermore, the Turkish authorities would not like to speculate on the claims raised in the communications that are not subject to any current application or judgment of a violation by the Court

Communication of Norwegian Helsinki Committee and Religious Freedom Initiative with CM



Norwegian
Helsinki Committee



The Committee of Ministers Council of Europe
CC: Ministry of Justice, Turkish Government
Enforcement of the Judgments of the Zengin Group of Cases v. Turkey

1. Background

2 March 2021

1. The Norwegian Helsinki Committee's Freedom of Belief Initiative is a human rights project that monitors and reports on legislative, judicial and administrative developments related to freedom of religion or belief in Turkey.¹

2. This submission aims to provide information on the status of the general measures that the Turkish Government needs to take in the context of the enforcement of the European Court of Human Rights (ECtHR) judgments on the Zengin group of cases.² The Zengin group of cases are under the enhanced supervision of the Committee of Ministers (CM).

3. We would like to draw the CM's attention to our detailed Submission of 28 October 2019 on the cases above.³ The findings and recommendations in this 2019 Submission remain valid. As stated in the latest Communication of 4 January 2021 from the Turkish authorities no action has been taken to date to address CM Decision of 5 December 2019.⁴

Here is a table of contents of this Submission for easier navigation:

Table of Contents

1. Background 1

2. Case Descriptions and Findings of the ECtHR 2

2.1. Zengin Group of Cases2

3. Committee of Ministers Decision3

4. Government response and implementation3

5. Comments on Government Response and Recommendations4

5.1. A human rights based assessment of the current RDKE books4

5.2. Recommendations12

2. Case Descriptions and Findings of the ECtHR

2.1. Zengin Group of Cases

4. The Zengin Group of cases comprises of two ECtHR judgments: Hasan and Eylem Zengin v. Turkey and Mansur Yalçın and Others v. Turkey. Both cases concerned applicants, who stated that they are of the Alevi faith, claiming that the compulsory Religious Culture and Knowledge of Ethics (RCKE, hereafter) courses that are taught in middle and highschool are in violation of their rights under the second part of Article 2 of Protocol I of the European Convention of Human Rights (ECHR).

3. Committee of Ministers Decision

5. The CM's latest deliberation on the Alevi cases took place in December 2019.⁵ The CM Decision noted that the 2018 curriculum for the compulsory "religious culture and ethics" classes in primary and secondary schools includes information on the Alevi faith and that parents may initiate legal proceedings requesting exemption of their children. However, it emphasized that these measures 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.

6. Furthermore, the CM strongly encouraged the authorities to build upon Alevi Workshops recommendations in drawing up a comprehensive action plan with a concrete calendar indicating specific legislative and administrative measures and, in view of the passage of time since the first of these judgments became final, to provide it to the Committee of Ministers by 1 June 2020.

4. Government response and implementation

7. The Turkish authorities sent a Response to the Rule 9.2 submissions of the NHC Freedom of Belief Initiative and Alevi Philosophy Centre the CM in January 2021 outlining the process of consultation and preparation of the RCKE lessons that schools began to use as of 2018- 2019 school year. The Response states that:

Turkey acts in line with the TOLEDO Guiding Principles in the RCE lesson and deals with all beliefs and world views objectively and in line with the pluralism principle. Accordingly, the RCE lessons are provided within the framework of the following principles: "If the compulsory RCE lesson is objective in public schools, then it is in compliance with freedom of religion and belief. Wider coverage may be given to the religion prevailing in a place where education of religion and belief is provided. If Religious Culture and Ethics education is provided in an objective way, the issue as to whether it is compulsory or elective does not constitute a problem. Curriculum should be fact-based, impartial and in line with academic and occupational standards."⁶

8. Previously, the Turkish authorities have provided the Committee of Ministers with Action Plans on 5 December 2015,⁷ 21 December 2015,⁸ and 23 October 2019 and finally in June 2020.

5. Comments on Government Response and Recommendations

9. We welcome the adoption of the Human Rights Action on 2 March 2021. The Human Rights Action Plan refer to the "continuation of the preparation of education materials in line with neutrality, pluralism and inclusiveness" under Combatting Hate Discrimination and Hate Speech.⁹ However, the Action Plan does not refer to the RCKE courses, the enforcement of Zengin group of cases or exemption from the compulsory RCKE. Therefore, the extent to which the intended work on education materials is relevant for the implementation of the judgments on the Zengin Group of cases is unclear. As a result, the time-specific and urgent follow-up recommendations that we propose below are all the more important and relevant.

10. Therefore our detailed Submission of 28 October 2019 on the Alevi cases,¹⁰ the findings and recommendations remain valid.

5.1. A human rights based assessment of the current RDKE books

11. We would like to draw the CM's attention to the findings of a recent human rights

based review of the RCKE lesson textbooks used throughout 4-12th Grades.¹¹ As shown below, the review demonstrates the incompatibility of the teaching materials of the RCKE lessons with the general measures indicated by the ECtHR as well as the Toledo Guidelines on Teaching About Religions or Belief in Public Schools,¹² (Toledo Guidelines) – to which the authorities also allude in their January 2021 response to the Rule 9.2 submissions as indicated above. Toledo Guidelines offer criteria that should be considered in teaching about religions and beliefs. Some of the key criteria include:

- Teaching about religions and beliefs must be provided in ways that are fair, accurate and based on sound scholarship.
- Preparation of curricula, textbooks and educational materials for teaching about religions and beliefs should take into account religious and non-religious views in a way that is inclusive, fair, and respectful. Care should be taken to avoid inaccurate or prejudicial material, particularly when this reinforces negative stereotypes.
- Efforts should be made to establish advisory bodies at different levels that take an inclusive approach to involving different stakeholders in the preparation of the curricula.
- Where a compulsory programme involving teaching about religions and beliefs is not sufficiently objective, efforts should be made to revise it to make it more balanced and impartial, but where this is not possible, or cannot be accomplished

⁹Ministry of Justice, Human Rights Action Plan, 2 March 2021.

¹⁰Meeting: 1362nd meeting (December 2019) (DH) Communication from a NGO (Freedom of Belief Initiative and Norwegian Helsinki Committee) (28/10/2019) in the cases of ZENGİN, CUMHURİYETÇİ EĞİTİM VE KÜLTÜR MERKEZİ VAKFI and İZZETTİN DOĞAN AND OTHERS v. Turkey (Zengin group) (Applications No. 1448/04, 32093/10, 62649/10) DH-DD(2019)1294, 7 November 2019.

¹¹Yıldırım, M. “Türkiye’de Zorunlu Din Eğitimi: Din Kültürü Ahlak Bilgisi Dersi ve Kitapları Hakkında İnsan Hakları Temelli bir Değerlendirme”, Association for Monitoring Equal Rights ESHİD, 2021.

¹²OSCE/ODIHR, Toledo Guiding Principles on Teaching about Religions or Beliefs in Public Schools, 2007.

immediately, recognizing opt-out rights may be a satisfactory solution for parents and pupils, provided that the opt-out arrangements are structured in a sensitive and non-discriminatory way.

Impartial / Non-doctrinal

12. Teaching about religions should be carried out in an impartial, objective and non-doctrinal manner.¹³ In the RCKE textbooks, information on the existence and nature of God, the Holy Qur’an, information about the Prophet Mohammad, the formation of the world, the purpose of human beings and life, death, afterlife, angels and demons is presented from within the theological discipline and with reference to the doctrines of the religion of Islam in the form of positive propositions.

Examples:

We learn about angels from the Quran and from the words of Muhammad. Angels protect and care for people, pray for them and seek the well-being of people. Some angels record people’s actions. People who believe in the existence of angels stay away from bad behavior and have peace of mind knowing that the angels pray for them. (Grade 4 p.33)
Allah sent divine books to guide people to the right path and teach them what they do not know. The last divine book sent by Allah to Muhammad is the Quran. The Quran is the

word of Almighty Allah from beginning to end. (4th Grade, p.42)

Islam, on the other hand, is the last religion sent by Allah to the last of the prophets Muhammed through revelation and sent to all humanity. (Grade 9, p.26)

What are the first things that come to mind when you talk about the hereafter?

Every person dies after living the life set for her / him. Because his mission in this world is over. Nobody can escape death. Even the planets and the whole universe turn upside down and disappear in due course. Every person who has died until the Day of Judgment, when the life of this world will come to an end, is kept in a world called barzakh between the world and the hereafter. Resurrection takes place after the doomsday. All people are resurrected by the order of Allah and gather at the place of Judgment, they are taken into account by Allah. All he has done while in this world is weighed in the scales of divine justice called trial balance. People now have only one road (Sirat Bridge) left. Those who pass the order will enter Paradise with the permission of Allah, and those who cannot enter Hell. (Grade 7 p.23)

13. Similarly, topics such as heaven and hell, the formation of the universe, the existence of God, the existence of prophets, fortune, destiny, angels, demons the issues are conveyed from within religion by referring an unquestionable Authority, Allah or the Quran:

Everything that exists in the universe was created by Allah's creation. This creation is planned and measured. (Grade 8, p.15)

When a person dies, his soul is kept in the realm called the barzakh between the world and the hereafter until the doomsday comes and resurrection occurs. The Prophet says that

¹³Ibid.

death will be the first stop of the person hereafter life's by stating that "The grave is the first of the stops in the hereafter. If someone escapes from that stop, the next stops are easier to pass. If not, it will be more difficult to pass the next ones."

Every person who dies is questioned by the angels of Munker and Nekir in his grave. (Grade 7, p.24)

Inclusive

14. RCKE includes information on different religions and Islamic interpretations in separate chapters.

15. Alevism,¹⁴ is discussed in its broadest form in the 5th Chapter titled "Interpretations in Islamic Thought" in the 7th Grade textbook and in the 3rd Chapter titled Sufi Interpretations in the 12th Grade Textbook.

Sufi interpretations are riches that facilitate the understanding of the religion of Islam, reach a wide audience and ensure that different ideas are respected. (Grade 12, p.75)

16. The brevity of the sections devoted to Alevism in all of the RCEK text books has been a matter of criticism.¹⁵ In addition, it is not stated that the cemevis, which are considered places of worship of the Alevis by this community, are places of worship, and that the Alevis prayer semah is a form of worship. According to Yaman¹⁶, previous criticisms of the book are still valid:

- Content is not supra-denominational, but sectarian. Among the classes 4-12, Sunnism is covered in different sections under the name of sectarianism but for example, Alevis worship is not included in the worship sections in those books. After the prayer cem and fasting, there are no Muharram and Khidr fasts after fasting are not included.
- After explaining Sunni practices in hundreds of pages, you can find in separate sections in 4-6. grades books and 8-11 grades books and there are at the end of classes. First, it is presented with an understanding such as "learn the correct practice of belief in Islam, then you can

do cem, you can do Khidr fast”.

- The subject of semah was mixed with the Sunni understanding. The Semah is accompanied by the words of Pir Sultan and Alevi lovers, “It is called one of the beautiful names of Allah and one of the most important practices. Cemevi cannot be called a place of worship, and Semah cannot be said to be a part of worship.
- The sects, which are considered as prohibited due to Law No. 677, are discussed in a separate section (Sufi Interpretations in Islamic Thought). Since Alevism is taught under this Section it is seen as a prohibited sect. Considering it as a Sufi interpretation is not enough to put it in the same category with Naqshilik and Qadiriyya. Naqshis and Kadiris basically do not have a Djemevi and a difference of religious understanding like Alevi.

17. Although information about Christianity and Judaism is included at different grade levels, the basic principles and practices of these religions are broadly included in the 11th grade textbook. However, according to Christian and Jewish theologians in Turkey the textbook contains inaccuracies or incompatibilities with the basic teachings of Christianity

¹⁴Başdemir, H. Y. (2011). Din dersleri ve Aleviliğin aktarılması (Religious Courses and Instruction of Alevism),

Liberal Thinking, 16(63), 59- 72.

¹⁵Yaman, A., In “Alevism Education in Public Schools of Turkey”, Religious Diversity at School, Springer 2021.

¹⁶This evaluation regarding the Alevism-related parts of RCMK textbooks was made by Prof Dr Ali Yaman. February 11, 2021.

and Judaism. ¹⁷In particular, the assumption of the Islamic view that their scriptures which constitute the main sources of Christianity and Judaism, “have been tampered with” has an important place in the book.

Torah: Hz. It is a divine book sent to Moses. It is the holy book of the Jews. After Moses, Torah was distorted by the Jews and could not preserve its original. Jews call the Torah “Tora”. There are verses about the Torah in the Quran. In one of them, the following is stated: “We have sent down the Torah even though there is true guidance and light in it. The prophets devoted to Allah have reigned over Jews with it...”(1) The Torah is also called Ahd-ı Atik (Old Testament). The events of Moses and his tribe play an important role. In addition, this book contains religious and moral orders and prohibitions. According to the determination of Islamic interpreters and researchers, the Torah could not keep the state in which he was sent down to Moses. (2)

(3) The Psalm has been distorted like the Torah and could not preserve the form it descended from Allah. Example: The lies and slanders that Christians invent about Jesus are answered as follows in the Quran. “... Christians said,” Jesus Christ is the Son of God. “This is their (lie) words spoken by their mouths. Their words are similar to what people who have previously denied. God damn them. “ (MEB Publications, Grade 7, p.36)

Bible: It was revealed to Jesus. The Bible is also called Ahd-ı Cedid (New Testament). The Bible was written years after Jesus. Therefore, the Bible has not survived until today as it came from Almighty Allah. It has undergone many changes in the historical process. ... However, those who wrote the Bible have never seen Jesus. According to our religion, it is obligatory to believe in the way the Torah, Psalms and the Bible were revealed from Allah. (Grade 6, p.22)

In Judaism, Allah, who was named Jehovah, was made the special god of the Jews and Judaism lost its universal character and evolved into a national religion. Christianity has also moved away from the monotheistic belief by placing the trinity (trilogy) consisting of

18. The 5th unit of the 11th grade textbook contains the following information about the scriptures of Judaism:

The scriptures of Judaism are of two groups, written and oral. Written texts; It consists of three parts: Torah (Torah), Nebiim (prophets) and Ketuvim (books). Of these, the Torah was given to Moses and is called Tanakh. The Torah contains the events that took place until the death of Moses and the laws God sent to Moses. However, today's Torah is not the same as the divine book given to Moses (pbuh). Because the Torah could not preserve its original because it was distorted in later periods. (Grade 11, p.133)

19. In addition, the following information about Judaism is given:

¹⁷For information on Judaism, the following sources can be used in the development of RCMK books: Alalu, S., Arditi, K. et al., Yahudilikte Kavram ve Değerler- Dinsel Bayramlar – Dinsel Kavramlar - Dinsel Gereçler (Concepts and Values in Judaism – High Holidays – Religious Tools), 5th Edition, Gözlem Yayınevi, 2018 and/or Gürkan, S., Yahudilik (Judaism), İSAM, 2017. Basic principles included in Temel İlkeleriyle Hristiyanlık (Christianity with Basic Principles) written by the Joint Commission of Churches in Turkey may serve as a source for information about Christianity included in RCMK textbooks. Joint Commission of Churches in Turkey, Temel İlkeleriyle Hristiyanlık, Kitabı Mukaddes Şirketi, 2015.

One of the main features of Judaism is the idea of a chosen nation. Accordingly, Jews are different and superior to other people. God chose the Jews among other nations to represent His will on earth and made them superior.

20. Regarding Christianity, the following information is provided:

Jesus explained the divine truths revealed to him during his prophethood. He said that he was the messenger of God, calling people to believe in the existence and oneness of God. He preached and taught them the principles of Christianity. However, after his death he was placed in a very different position in Christianity. Although Jesus invited people to believe in God and live by her/his commands, he was elevated to the position of god in the period after his death.

Over time, Christianity has become a religion centered on Jesus and it has evolved from its original point to different points within the framework of various interpretations about it. Paul, who was a Christian saint and considered the architect of today's Christianity, ... he laid the foundations of today's Christianity with the views and teachings he put forward and his comments. The acceptance of Jesus as Lord, the original sin, Jesus' sacrifice and similar issues were put forward by Paul. So much so that it would not be wrong to say that today's Christianity is his work.

21. Theism, deism, atheism, and agnosticism are discussed in the 4th unit of the RCMK 11th Grade textbook under the heading "Issues Regarding Faith". It is dealt with Islamic explanations / defenses regarding these, and its teachings are not presented objectively. Example:

Islam firmly rejects the deist approach. According to our religion, it is Allah who created the universe and everything in the universe. His dominance over the universe continues all the time. Everything in the universe exists and continues to exist thanks to the infinite might, knowledge and creativity of Allah. (Grade 11, p.102)

22. Furthermore, after explaining the features of atheism, the following explanations are given:

Atheism is an understanding contrary to human nature. Because in human nature, belief in Allah is innate. For this reason, even those who claim to be atheists take refuge in Allah when they are in a difficult situation and when they are desperate. (11th Grade, p. 111)

23. One of the aims of the RCMK program is that students adopt "national values". And

these values are not available to take into account religious and other diversity in

Turkey. Rather, mainstream Islamic places of worship, cultural heritage, and traditions of commemorating or celebrating important stages of life ignore the “different ones.”

What do you think distinguishes a nation from other nations? Value refers to the whole of the material and spiritual elements of a nation in social, cultural, economic and scientific fields ... For example, historical mosques have material value as an architectural work and spiritual value as a religious building. (MEB Publications Grade 9 p.87)

Islam, which strengthens social ties, contributes to the formation and adoption of common values ... Practices such as naming, circumcision, mawlid, funeral, engagement and marriage ceremonies as well as holidays, condolences and patient visits are an element of our culture, and their source is largely from religion. (MEB Publications Grade 9 p.88)

24. “Value refers to the whole of the material and spiritual elements of a nation in social, cultural, economic and scientific fields.” Despite his statement, the fact that only some Islamic values are included in the books raises a question mark. When it comes to the word “nation” used in Turkey, does not include all the people living in this country, with different ethnic origin, religion or belief? Either it should be clearly stated that by “nation” only a certain part of the people is meant, or “national values” should be reviewed in a way to include diverse sources. In its current form, the way “national values” are presented is far from being inclusive and representative of the diversity in Turkey.

A person who adopts religious principles; places values such as justice, helping relatives, treating guests, honesty and helpfulness in his life. In this respect, religion adds meaning and value to a person’s world of thought and life. Religion; it directs people to goodness by counseling moral values such as honesty, responsibility and justice. Therefore, the effect of religion is evident in the values of good people. (Grade 9, p.87)

Many factors are effective in the emergence of the customs and traditions formed in the historical process. Religion is one of the most important of these factors. Therefore, many practices in our culture have been influenced by religion. Practices such as naming, circumcision, mawlid, funeral, engagement and marriage ceremonies as well as holidays, condolences and patient visits are an element of our culture, and their source is largely from religion. In addition, our society; include in life the values such as respect for parents, greetings, visiting relatives and protecting their homeland as a requirement of both tradition and religion. The verse “... When you enter the houses, greet each other as a blessed and pleasant wish of peace from Allah ...” shows that our tradition of greeting has a religious basis...

Another good practice in our culture is the ceremony of naming the newborn child. Among the most commonly used names in our country are the names of the Prophet and his descendants. In addition, the names of the Companions are frequently used. It is possible to see the effects of religion on culture in many events that a person has experienced throughout his life, from the call to prayer recited in his ear at birth, to the salah read at his funeral. (Grade 9, p.88)

The child’s right to freedom of religion or belief

25. Every child has the right to freedom of thought, religion and conscience and can use this right to the extent of its evolving capacity. The child uses his/her right, not through their parents or anyone else. The examples given below demonstrate that children have to give “right” answers to doctrinal matters that are not presented objectively and that children are led to certain behaviors as “right” behavior. Considering that the RCKE course performance of children will be evaluated through exams, homework or in-class participation and that the grade they

will receive will have a significant effect on their education life, it is evident that the child must perform by doctrinally approving of the information provided within the course. This exposes the child to conditions in which he or she may have to act against his/her thoughts, conscience or religion.

8. It is the name given to all blessings created by Allah for living creatures. What we eat, what we drink, what we wear, knowledge, wisdom, the air we breathe, in short, material and all spiritual needs are evaluated within this scope.

Which of the following is the concept defined?

A) Sustenance B) Will C) Life D) Accident (8th Grade, p.41)

6. "O Believers! Alcohol, gambling, idols and fortune-telling are undoubtedly devilish, avoid them so that you can enjoy happiness. " (Maide Sura, verse 90.)

Which of the following cannot be deduced from this verse?

A) Islam prohibits alcohol and gambling.

B) It is stated in the verse that fortune telling, and arrows of chance should be avoided.

C) The religion of Islam wanted people to stay away from things that harm their mental health.

D) It is okay to drink enough to not get drunk. (Grade 8 p.88)

Islam shapes our life with its orders and recommendations. It wants our words and actions to be in accordance with these orders and recommendations. It reminds us that even our simple tasks in our daily life are carried out with the permission and name of Allah. Therefore, when we start a job, we will mention the name of Allah (c.c.) by using basmala. (4th Grade p.13)

7. When we see a friend who is studying, we say and we pray.

5. () Prayer shows our devotion to Allah. (Grade 4 p.29)

26. The child is expected to write a prayer:

Write a prayer based on the prayers of the Prophet (Grade 5, p.27).

Read the Rabbena prayer and write a prayer in your own words. (Grade 5, p.55)

B. Answer the multiple-choice questions below.

1. Hümeýra: We should pray with the beautiful names of Allah. Erdem: We should ask for clean and beautiful things.

Dilek: We just have to pray for ourselves.

İbrahim: We must pray in secret and wholeheartedly.

The teacher asked the class "How should we pray?" Which of the students gave the wrong answer to this question?

A) Hümeýra B) Erdem C) Dilek D) İbrahim (5th Grade, p. 34)

27. The child who does not adopt the idea of creation in her/his own world of belief or is raised in a household where his/her parents reject creation, will experience contradiction in the expected answer to the following question.

5. Which of the following statements is false?

A) Beings in the universe came into being by chance.

B) Allah is the creator of everything.

C) Allah knows everything we do.

D) Allah has power over all things. (Grade 5, p.35)

28. The child is expected to approve statements that amount to accepting religious doctrines:

Ç. Write "T" before the true ones among the information given below and "F" for the wrong ones.

..... The names of 35 prophets are mentioned in the Quran.

..... The verses of the Quran were sent down to the Prophet in the form of a book.
..... The Quran was both written and memorized in the time of our Prophet
..... The Quran is the last divine book sent by Allah.
..... The Quran is a universal book sent to all humanity.
..... All the divine books have survived until today as they were downloaded.
..... Nübüvvet and Risalet are two concepts that mean prophethood. (Grade 6, p.31)

29. Although not in all new RCKE textbooks, expressions such as “our religion”, “our prophet”, “our holy book, the Quran,” which are signs of a language that teaches religion from within, continue to be used in many books:

Zakat is the fact that a Muslim who is considered rich by our religion gives a certain amount of his property to the needy every year with the intention of worshiping. (4th Grade, p.39)

Ablution is the washing and wiping of certain organs in our body as required by our religion. (4th Grade, p.105)

Example: “Let us know that prayer is a very important act of worship required in our religion. Let’s give importance to fulfill our duty of servitude by praying. Your prayers we perform. It means to appear before Allah, to talk to our Lord, to communicate with him without intermediaries. (MEB Publications, Grade 6 p.35)

Explain the importance of prayer in our religion with verses and hadiths. Why do we pray? Explain. (Grade 6, p.62)

The right of parents to raise their children in line with their own religious or philosophical views

30. The doctrinal information set out above may or may not be compatible with the religious or philosophical views of some parents. The formation process of the universe and human being and the purpose of human existence are the subjects about which many religions, beliefs or thought systems offer an explanation. Therefore, the doctrinal teachings, examples of which are given above, are incompatible with the obligation of states to respect the right of parents to raise their children in line with their religious and philosophical convictions.

31. As demonstrated above, the content of RCKE textbooks continues to have elements that do not comply with a neutral, objective and inclusive with which teaching about religions in public schools should comply. Beyond the “space allocated to Islam or sects within Islam, different traditions and other religions or beliefs” have in the teaching content, how they are presented is the most important factor that determines the quality of the course.

32. Religious education constitutes an interference in both the freedom of thought, religion and conscience of the child and the right of parents to raise their children in line with their own religious or philosophical views. Throughout grades 4-12, the child is exposed to this religious education for a significant part of his / her teaching life and has to fulfill his / her homework and / or exam responsibilities for course evaluation. The performance requirement increases the impact and prevalence of this interference.

33. As shown above the current teaching materials of the compulsory RCKE course constitute religious education/instruction and not objective teaching about religions. Therefore, under international human rights law the course cannot be compulsory. If it is compulsory a non-discriminatory exemption procedure must be adopted. Turkish authorities have not put in place a non-discriminatory exemption mechanism that is extended to all who wish to be exempt from the RCKE course without having to declare their religion or belief.

34. As a result of the non-implementation of the ECtHR judgments on the Zengin group of cases potentially thousands of students and their parents’ rights at the intersection of freedom of religion or belief (Article 9) in the context of education (Article 2 Protocol I) continue to be violated.

5.2. Recommendations

35. Considering the information provided above, about Zengin Group of cases, we recommend that:

- The Government to be asked the following:

a) to bring the Turkish educational system and domestic legislation into conformity with The Convention – **in particular, by remedying the shortcomings of the teaching materials and exemption mechanism.**

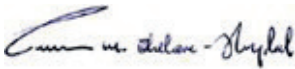
b) to take steps to implement non-discriminatory exemption.

- The Government to be asked to provide **a new Action Plan by June 2021**, setting out plans to bring about these changes by September 2021 in time for the 2021- 2022 school year.

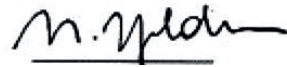
- The Committee of Ministers **schedule a CM-DH meeting on the Zengin group of cases for its June 2021 meeting.**

36. Therefore, we call on the Committee of Ministers to prepare a speedy timetable for the measures to be put in place and that the Committee of Ministers review the implementation of the timetable in the near future, given the extensive delays already involved in these cases.

Sincerely yours,



Gunnar M. Ekelove-Slydal
Deputy Secretary General
Initiative



Dr. Mine Yildirim
Head of Freedom of Belief

1) For more information on the Norwegian Helsinki Committee see www.nhc.no and for more information on the Freedom of Belief Initiative see www.inancozgurlugurgirisimi.org.

2) ECtHR, Hasan and Eylem Zengin v. Turkey, Application no. 1448/04, 9 October 2007 and ECtHR, Mansur Yalçın and Others v. Turkey, Application no. 21163/11, 16 September 2014.; ECtHR (Second Chamber), Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey, Application no 32093/10, 20 June 2017; ECtHR (Grand Chamber), İzzettin Doğan and Others v. Turkey, Application No. 62649/10, 26 April 2016.

3) Meeting: 1362nd meeting (December 2019) (DH) Communication from a NGO (Freedom of Belief Initiative and Norwegian Helsinki Committee) (28/10/2019) in the cases of ZENGİN, CUMHURİYETÇİ EĞİTİM VE KÜLTÜR MERKEZİ VAKFI and İZZETTİN DOĞAN AND OTHERS v. Turkey (Zengin group) (Applications No. 1448/04, 32093/10, 62649/10) DH-DD(2019)1294, 7 November 2019.

4) DH-DD(2020)493 3 June 2020 and CM/Del/Dec(2019)1362/H46-32, 5 December 2019.

The Norwegian Helsinki Committee, St. Olavs gt. 25, 0166 Oslo Phone: (+ 47) 22 47 92 02 – www.nhc.no

5) CM/Del/Dec(2019)1362/H46-32, 5 December 2019.

6) Ibid.

7) Action Plan communicated by the Turkish Government on the case of Mansur Yalçın and Others v. Turkey, Document No. DH-DD(2016)43 ,15 January 2016, accessible at https://search.coe.int/cm/Pages/result_details.aspx?Objec-tID=09000016805acc71.

8) Action Plan communicated by the Turkish Government on the case of Mansur Yalçın and Others v. Turkey, Document No. DH-DD(2016)43 ,15 January 2016, accessible at https://search.coe.int/cm/Pages/result_details.aspx?Objec-tID=09000016805acc71.

ADO – Alevi Philosophy Center Communication with EC- CM.



ADO - Alevi Philosophy Center

Date: 20.10.2020

The Committee of Ministers of the Council of Europe

RE: CM/Notes/1362/H46-32 Resolutions of 1362th. CM meeting.

- Alevi community related judgments 32093/10 and 62649/10
- Judgments related to Education under enhanced follow-up procedures. (Zengin group of cases - Judgments 1448/04 and 21163/11)
- Turkey's letter to CM dated June. 3rd. 2020 with ref CM (DH-DD (2020)493)

As we have learned from communication between Turkey and CM, Turkey was unable to submit an ACTION PLAN to CM by June 1st 2020, due to pandemic difficulties.

We are also pleased to note that Turkish and CM staff has met during Dec 2019 and EC have delivered its "official opinions and suggestions on the studies as regards the Human Rights Action Plan." to Turkish officers on Feb.7.2020.

Although Turkey's a/m letter confirms that studies will be completed once pandemic struggle will be over, no reference is made to judgments related to Educational cases, which have been separated and taken into enhanced follow-up procedures.

It is difficult for us to understand substitution of "regular information about measures to be taken" instead of "comprehensive action plan with a concrete calendar". Pandemic inconveniences may cause delays but should not efface or alter the decisions of 1362th. CM meeting.

As a summary during 2020, we have not yet recorded any development in implementation procedures of ECtHR judgements.

In a period while sensitivities toward basic human rights have increased than ever, EU 's latest Annual Report on Human Rights and Democracy, published on June.15th.2020 points out that "Freedom of religion or belief (FoRB) remained a key priority in the EU's external human rights policy, led by the Guidelines on the Promotion and Protection of Freedom of Religion or Belief. ". USCIRF 2020 report about Turkey reads; "Alevis, the country's largest religious minority community, remained unable to gain official recognition for their gathering houses (cemevi) as places of worship or to exempt their children from compulsory religious classes, despite European Court of Human Rights (ECtHR) rulings finding that these policies violated Alevis' rights."

Alevi community is peacefully and patiently awaiting implementation of ECtHR judgements in accordance with item 1. of the 1362nd. CM meeting decisions which reads; "Recalling that in the judgments in this group the Court found, inter alia, that 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".

We look forward to constructive results from coming CM meetings and progress in longstanding implementation procedures of judgments.

Kindest regards

Dogan Bermek

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**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/IB/OFN

Mr Dogan Bermek
ADO Alevi Düşünce Ocağı Derneği
Alevi Philosophy Center

sent by email to: dbermek@gmail.com

Strasbourg, 20 October 2020

Subject: Zengin group of cases v. Turkey (Application No. 1448/04) – Judgment of 9 October 2007, final on 9 January 2008; Cumhuriyetçi Eğitim ve Kültür Vakfı (Application No. 32093/10) Judgment of 2 December 2014, final on 20 April 2015; İzzettin Doğan and Others (Application No. 62649/10) - Judgment of 26 April 2016 (Grand Chamber)

Dear Mr Bermek,

Thank you for your letter of 20 October 2020 to the Committee of Ministers, concerning the general measures in the above-mentioned cases.

Your information has been included in the case-file and forwarded to the Permanent Representation of Turkey to the Council of Europe, in accordance with the Rules adopted by the Committee of Ministers 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,

Işık Batmaz
Head of Section

ADO – Alevi Philosophy Center communication with EC-CM 06.May.2021



ADO Alevi Philosophy Center

Date : 06.05.2021

The Committee of Ministers of the Council of Europe

RE: Case of Mansur Yalçın and others v. Turkey 21163/11 (LEADING Hasan and Eylem Zengin v1448/04), Case of Cumhuriyetçi Eğitim ve Kültür Vakfı –.32093/10, Case of İzzettin Doğan and Others v.- 62649/10
Implementation of Judgments.

President of Turkey declared a “Human Rights Action Plan” (HRAP) and an implementation procedure of 2 years with a circular no 2021/9 on 30th.April.2021. Action plan link is below:

https://inhak.adalet.gov.tr/Resimler/SayfaDokuman/5320211949561614962441580_insan-haklari-EP-v2_eng.pdf

We intend to reinform CM about current status of ECtHR judgments implementations in relation with Alevi community and latest reform declaration.

1362nd CM meeting of December 2019 had noted that;

“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”

CM also recommended following to Turkey;” **drawing up a comprehensive action plan with a concrete calendar indicating specific legislative and administrative measures and, in view of the passage of time since the first of these judgments became final, to provide it to the Committee of Ministers by 1 June 2020.”**

Turkey sent an Information Note on June 2020, informing that due to pandemic conditions ACTION PLAN could not be prepared.

[https://hudoc.exec.coe.int/eng#%7B%22EXEIdentifier%22:%5B%22DH-DD\(2020\)493E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXEIdentifier%22:%5B%22DH-DD(2020)493E%22%5D%7D)

Afterwards Turkey sent another submission during December 2020 as a reply to NGO communications about Rule 9.s. [https://hudoc.exec.coe.int/eng#%7B%22EXEIdentifier%22:%5B%22DH-DD\(2021\)8E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXEIdentifier%22:%5B%22DH-DD(2021)8E%22%5D%7D)

As result Turkey have not yet submitted requested ROAD MAP or any other document that may give an idea about possible implementation strategies on pending Alevi cases since 2015.

The new HRAP that is officially declared on 30th of April 2021 predicts nine different aims out of which Religious Freedom is only referred as part of AIM 4 at page 60 as follows:

- A review will be made on the relevant legislation and practice in line with international human rights standards in order to guarantee the enjoyment of the freedom of religion and conscience at the widest extent.
- Regardless of their religion, public and private sector employees and students will be granted leave of absence on the holydays of their respective religions.

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-
- c. Convicts and detainees being accommodated in penitentiary institutions will be offered additional chances of having contact visits and video calls on their respective holydays.
 - d. Depending on the need and the demand, suitable environments will be set up in the buildings and spaces allocated for public use so that the believers of different religions can fulfil their religious obligations.
 - e. Regular meetings will be held with representatives of non-Muslim communities in order to identify problems and develop solutions.
 - f. The Regulation on Foundations will be amended in so far as relevant to the issue of the composition of and the elections for executive boards of non-Muslim community foundations. There is no reference made to ECtHR judgments and no reference made to ACTION PLAN for Alevi group of cases.

As far as our group of cases are concerned:

32093/10 is partially implemented for only case beneficiary and all other Cemevis are forced to open new cases in local courts to obtain the same rights. Although CM had pointed out that; "this 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." so far neither procedures about lighting fees have changed, nor Cemevi s are allowed to benefit from other supports given to worship places.

We expect and hope that long awaited necessary progress may be achieved to allow CEMEVI's to benefit from state support provided to other worship places as required by Court's judgement.

CM also decided at 1362nd meeting to transfer the cases of Hasan and Eylem Zengin (1448/04), Mansur Yalcin and others (21163/11) to enhanced supervision procedure. So far partially due to turbulence that pandemic has created and partially due to attitude of related ministry we did not register any progress in this matter during the last 16 months following 1362nd CM meeting.

We hope we may observe some progress in educational matters under the guidance of ECtHR judgements during HARP studies and implementation.

All ECtHR judgments are actually subject to Article a. of Aim 4 of the new HRAP.

We understand that state will be more sensitive to non-Muslim communities' problems as specified in HRAP, but no reference have been made to Alevi community problems in spite of ECtHR judgements and CM meeting notes. We expect CM receives the Action Plan requested in 1362nd meeting soon and finally we may observe some progress in implementation of Alevi group of cases judgments.

Kindest regards
Dogan Bermek

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**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/IB/OFN/bk

Mr Dogan Bermek
ADO Alevi Düşünce Ocağı Derneği
Alevi Philosophy Center

sent by email to: dbermek@gmail.com

Strasbourg, 11 May 2021

Subject: Zengin group of cases v. Turkey (Application No. 1448/04) – Judgment of 9 October 2007, final on 9 January 2008; Cumhuriyetçi Eğitim ve Kültür Vakfı (Application No. 32093/10) Judgment of 2 December 2014, final on 20 April 2015; Mansur Yalçın and Others (Application No. 21163/11) – Judgment of 16 September 2014, final on 16 February 2015; İzzettin Doğan and Others (Application No. 62649/10) – Judgment of 26 April 2016 (Grand Chamber)

Dear Mr Bermek,

Thank you for your letter of 7 May 2021 to the Committee of Ministers, concerning the general measures in the above-mentioned groups of cases.

Your information has been included in the case-file and forwarded to the Permanent Representation of Turkey to the Council of Europe, in accordance with the Rules adopted by the Committee of Ministers 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,

Işık Batmaz
Head of Section



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