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Meeting: 1419th meeting (December 2021) (DH)

Communication from NGOs (Norwegian Helsinki Committee and İnanç Özgürlüğü Girişimi (Freedom of Belief (Initiative)) (11/10/2021) in the cases of ZENGİN, MANSUR YALCIN AND OTHERS, CUMHURİYETÇİ EĞİTİM VE KÜLTÜR MERKEZİ VAKFI and İZZETTİN DOĞAN AND OTHERS v. Turkey (Applications No. 1448/04, 21163/11, 32093/10, 62649/10) (appendices in Turkish are available at the Secretariat upon request).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1419^e réunion (décembre 2021) (DH)

Communication d'ONG (Norwegian Helsinki Committee et İnanç Özgürlüğü Girişimi (Freedom of Belief (Initiative)) (11/10/2021) relative aux affaires ZENGİN, MANSUR YALCIN ET AUTRES, CUMHURİYETÇİ EĞİTİM VE KÜLTÜR MERKEZİ VAKFI et İZZETTİN DOĞAN ET AUTRES c. Turquie (requêtes n° 1448/04, 21163/11, 32093/10, 62649/10) (des annexes en turc sont disponibles sur demande) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



Norwegian
Helsinki Committee



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Oslo, 11 October 2021

CC: Ministry of Justice, Turkish Government

COMMUNICATION

**In accordance with Rule 9.2. of the Rules of the Committee of Ministers
regarding the supervision of the execution of judgments and of terms of friendly
settlements by the Norwegian Helsinki Committee's Freedom of Belief Initiative regarding
the Judgments of the Zengin Group of Cases v. Turkey; Cumhuriyetçi Eğitim ve Kültür
Merkezi Vakfı v. Turkey; İzzettin Doğan and Others v. Turkey**

1. Background

[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 and advocates for the protection of this right for all.¹ The project closely monitors the implementation of freedom of religion or belief related judgments as a priority.

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, *Cumhuriyetçi Eğitim ve Kültür Vakfı v. Turkey* and *İzzettin Doğan and Others v. Turkey* cases and the compatibility of these measures with the European Convention on Human Rights (ECHR, or the Convention).² All these cases are under the enhanced supervision of the Committee of Ministers (CM).

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/en.

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.

We would like to draw the CM's attention to our detailed submissions of [November 2019](#), [September 2020](#) and [March 2021](#) on the cases above.³ The findings and recommendations in these submissions regrettably remain valid since the authorities are yet to take measures to implement the ECtHR judgments effectively. The Turkish authorities have taken no action to address [CM Decision](#) of 5 December 2019.⁴

2. Case Descriptions and Findings of the ECtHR

2.1. Zengin Group of Cases

The ECtHR has

1. found that Turkey has violated the right to education that is protected under Article 2 of Protocol I of the ECHR in the cases of *Hasan and Eylem Zengin v. Turkey*, and *Mansur Yalçın and Others v. Turkey*;
2. observed the inadequacy of the Turkish education system in meeting the requirements of objectivity and pluralism and providing an appropriate method for ensuring respect for parents' convictions;
3. asked the authorities to bring the Turkish educational system and domestic legislation into conformity with The Convention (*Hasan and Eylem Zengin v. Turkey*, para. 84);
4. asked the authorities to make the necessary means available without delay, effective exemption mechanism and without pupils' parents being obliged to disclose their religious or philosophical convictions to make use of them (*Mansur Yalçın and Others v. Turkey* para. 76 and 77 and 84).

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 high school are in violation of their rights under the second part of Article 2 of Protocol I of the European Convention of Human Rights.

2.2. Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v Turkey

The *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v Turkey* case concerned the possibility under Turkish law for Alevi places of worship (*cemevi*) to be granted an exemption from paying electricity bills and the refusal to grant this privilege to the applicant foundation.

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 applicant foundation has claimed that the refusal by the public authorities of the requested exemption from paying electricity bills of the *cemevi* violated their rights, among others, under Article 9 and 14.

The foundation's claims were dismissed by the District Court in 2008 that based its decision on the Directorate's opinion that Alevism was not a religion and that the *cemevis* were not places of worship. That judgment was upheld by the Court of Cassation in 2009. The total amount of the Centre's unpaid bills came to about EUR 290,000.

The ECtHR had found that

- Turkey has violated Article 14 (prohibition of discrimination) taken together with Article 9 (freedom of thought, conscience and religion) of the ECHR since the differential treatment that the applicants were subjected to was not based on objective and reasonable grounds;
- the differential treatment to which the applicants were subjected did not have an objective and reasonable basis. The Court has found that, taking into account that *cemevis* are places where worship takes place in relation to a religious belief, just like other known places of worship, the assessment made by domestic courts that Alevi faith does not constitute a religion cannot be used to justify the refusal to grant exemption from the payment of electricity bills (para. 28);
- whatever the extent of the privileges afforded to places of worship – electricity bills or lighting costs – *cemevis* must be able to benefit from them fully. General measures need to be taken at the national level in order to eliminate the discrimination ensuing this exemption (para. 29).

2.3. İzzettin Doğan and Others v. Turkey

The *İzzettin Doğan and Others v. Turkey* case concerned the refusal by Turkish authorities of the request, by followers of the Alevi faith, that services connected with the practice of the Alevi faith constitute public service, that Alevi *cemevis* be granted the status of places of worship, that Alevi religious leaders be recruited as civil servants and that special provision be made in the budget for the practice of the Alevi faith.⁵

⁵ ECtHR (Grand Chamber), *İzzettin Doğan and Others v. Turkey*, Application No. 62649/10, 26 April 2016.

The Grand Chamber of the ECtHR found that

- Turkey had violated Article 9 (freedom of thought, conscience and religion) and Article 14 (prohibition of discrimination) taken together with Article 9 of the ECHR since the differential treatment that the applicants were subjected to was not based on objective and reasonable grounds;
- the situation ... amounts to denying the Alevi community the recognition that would allow its members – and in particular the applicants – to effectively enjoy their right to freedom of religion. In particular, the refusal complained of has had the effect of denying the autonomous existence of the Alevi community and has made it impossible for its members to use their places of worship (*cemevis*) and the title denoting their religious leaders (*dede*) in full conformity with the legislation (para. 135);
- [there was a] glaring imbalance between the applicants’ situation and that of persons who benefit from the religious public service. Not only is the Alevi community regarded as a “Sufi order (*tarikat*)” and made subject to a legal regime that entails numerous and significant restrictions (see paragraphs 126 to 127), but the members of the community are also denied the benefits of the religious public service. Whereas the Muslim religion in Turkey as understood by the RAD [Directorate of Religious Affairs] is almost wholly subsidised by the State, virtually none of the religious public services – with the exception of some studies on the different religious interpretations and the temporary assignment of religious functionaries for fixed periods – benefit the Alevi community as such, and its specific characteristics are almost entirely overlooked in that regard (para. 180);
- the choice made by the respondent State appears to the Court to be manifestly disproportionate to the aim pursued (para. 184);
- the legal regime governing religious denominations in Turkey appears to lack neutral criteria and to be virtually inaccessible to the Alevi faith, as it offers no safeguards apt to ensure that it does not become a source of de jure and de facto discrimination towards the adherents of other religions or beliefs (para. 182);
- whatever form [of cooperation with the various religious communities] is chosen, the State has a duty to put in place objective and non-discriminatory criteria so that religious communities which so wish are given a fair opportunity to apply for a status which confers specific advantages on religious denomination (para. 183).

3. The Committee of Ministers Decision

The CM’s latest deliberation on the Alevi cases took place in December 2019 and a Decision was adopted where the CM strongly encouraged the authorities to draw 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 2020.⁶

⁶ CM/Del/Dec(2019)1362/H46-32, 5 December 2019.

4. Government Response and Implementation

Previously, the Turkish authorities have provided the Committee of Ministers with Action Plans on 5 December 2015⁷, 21 December 2015⁸ on *Mansur Yalçın and Others v. Turkey*. The Turkish authorities had sent an [Action Plan in January 2016](#) on the implementation of the *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey* judgment stating that the “*cemevi will be given a legal status in a short time*”.

In October 2019, an Action Plan was sent on all Alevi cases where the authorities stated that Alevi Workshops were held (2010), referred to the extraordinary events that took place over the course of nine years since the Alevi workshops took place, listed a number of domestic court judgments which were favorable to the *cemevi* associations that objected to the lighting costs and stated that, following the 2018 curricula, the compulsory Religious Culture and Knowledge of Ethics (RCKE) courses met the criteria of objectivity and pluralism. Finally, the authorities informed the CM that “*parents who believe that the curriculum did not respect their convictions can lodge an administrative case so that their children can be exempted from this lesson*”.

The Turkish authorities sent a [Response](#) on June 2020, to the Rule 9.2 submission of the NHC Freedom of Belief Initiative to 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.*”⁹

The Turkish authorities informed the CM in their [Rule 8.2a Communication](#) of June 2020 that preparatory steps have been taken to prepare a Human Rights Action Plan, that consultation meetings have taken place. However, on account of the extraordinary developments in the context of the Pandemic, it was not possible to take the preparation of the Human Rights Action Plan further and 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 (December 2019).¹⁰

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?ObjectID=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?ObjectID=09000016805acc71 .

⁹ *Ibid.*

¹⁰ Communication from Turkey: DH-DD (2020)493 3 June 2020.

Most recently, the Turkish authorities sent an [Action Plan](#) in October 2021 where the authorities refer to the extraordinary developments such as the Coup attempt and the Pandemic stating that “the impending extraordinary situations interrupted the implementation of these [reform process] schedule[d] as planned since the major concern was to restore the public order and to eliminate challenges posed to the national security.”¹¹

With regard to the *Cumhuriyetçi Eğitim ve Kültür Vakfı v. Turkey*, the authorities cite several domestic court decisions (para. 36-39) accepting the objection of the Alevi association to the electricity bills. The authorities state that

It cannot be predicted whether the payment of the illuminating costs is demanded by each cemevi. In addition, as it is understood from the domestic courts’ decisions, an expert review is required to establish what percentage of the illuminating costs are within this scope. Therefore, the Turkish authorities are of the opinion that resorting to this remedy by those concerned provides sufficient redress. In this context, considering the compatibility of the jurisprudence created by the high judicial authorities with the ECtHR decision, this would constitute a sufficient measure. (Para. 44).

With regard to Zengin group of cases the authorities state that rather than broadening the extent of the exemption, “overhauling the content” of the “RCE” lessons would be appropriate. The authorities reiterated points raised in the previous actions plan and finally state that:

At this point, the Government would like to state that the criteria of objectivism and pluralism has been satisfied owing to the significant contributions from the working group, composed of each part of the society, which had held 6 meetings from 2016 to 2017, thus creating an educational environment in which each student could learn general information objectively on religion and different schools of thoughts therein without having to follow from only one perspective the subjects discussed in the classes. (Para. 63)

the Government’s view is that the new curriculum of the compulsory RCE classes, which is currently being implemented, and the purpose of these classes are compatible with the principles of pluralism and objectivity embodied in Article 2 of Protocol No. 1 of the Convention. (Para. 67)

The October 2021 Action Plan does not include any specific measures taken or planned with regard to *İzzettin Doğan and Others v. Turkey*.

5. Comments on Government Response and Recommendations

We welcome the [Human Rights Action Plan](#) that was announced in March 2021. There are two goals that are relevant for the Alevi cases:

Action 4.3.a Relevant legislation and practice will be reviewed in line with international human rights standards in order to guarantee the freedom of religion and conscience in the widest way possible. The Ministry of Justice will realize this goal within a year.

Action 4.4.g. Educational materials will continue to be prepared to include all segments of society, taking into account the principles of objectivity, impartiality and pluralism. The Ministry of Education will realize this goal continuously.

¹¹ Communication from Turkey, DH-DD(2021)1007, 8 October 2021.

Regretfully, however, these action points do not refer to any concrete measures to prevent similar violations from happening. Furthermore, to date, the authorities have not made public any specific and relevant measures that would be taken with regard to Action 4.3.a and 4.4.g.

Zengin Group of Cases

The Human Rights Action Plan refers to the “*continuation of the preparation of education materials in line with neutrality, pluralism and inclusiveness*” under Combatting Hate Discrimination and Hate Speech. 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 still unclear. As a result, the time-specific and urgent follow-up recommendations that we propose below are all the more important and relevant.

While the authorities refer to the consultation process in the preparation of the current RCEK curricula still many are excluded from consultation with the working group.¹² In addition, human rights organizations and Alevi organizations continue to point to the non-implementation of the ECtHR judgments on the Zengin group of cases. Most recently, 43 Alevi organizations have issued a joint statement in October 2021 calling on the Government to “end the assimilation” through the compulsory RCKE lessons.¹³

While the Turkish authorities informed the CM in the 2019 Action Plan that parents could take administrative action and have their children exempted from the RCKE courses, the Court of Cassation and regional administrative court decisions point otherwise. The 2017 Court of Cassation (ANNEX 1) decision had found that the content of the RCKE course constituted religious culture and religious instruction.¹⁴ In the aftermath of this decision, regional administrative courts followed and rejected exemption claims.¹⁵ Therefore the information provided by the Turkish authorities is not compatible with current domestic court practice. The October 2021 Action Plan does not refer to domestic court decisions in favour of extending the exemption mechanism since the authorities claim that the current RCKE lessons are compatible with Article 2 of Protocol I of the ECHR.

¹² While there is no information on the members of the Working Group and the actors they consulted with, it is clear that many the organizations that continue to monitor the compatibility of the RCKE lessons with international human rights standards were not consulted.

¹³ T24, [Alevi kurumlarından ortak açıklama: Cemevleri ibadethane sayılsın, maddi manevi haklar karşılsın](#), 8 October 2021.

¹⁴ Court of Cassation 8th Chamber, E2015/12002 K2017/8377, 23.11.2017.

¹⁵ See for example, Konya Regional Administrative Court 4th Administrative Chamber E2020/1083 K2020/1389, 22 September 2020.

Furthermore, we would like to draw the CM's attention to the findings of a recent human-rights based evaluation of the RCKE lesson textbooks that are used throughout 4-12th Grades in the Turkish education system.¹⁶ We submitted a detailed account of the findings of this report, including excerpts from the textbooks, in our [Submission](#) of 1 March 2021.

The findings below demonstrate that the teaching materials of the RCKE lesson are not objective, nor in line with Article 2 of Protocol I of the ECHR, nor compatible with Toledo Guiding Principles on Teaching About Religions in Public Schools as it is claimed in the October 2021 Action Plan provided by the authorities.

As shown below, again, the review demonstrates the incompatibility of the teaching materials with the general measures indicated by the ECtHR as well as the Toledo Guidelines on Teaching About Religions or Belief in Public Schools,¹⁷ (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 in public schools. Accordingly:

- 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 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

Teaching about religions should be carried out in an impartial, objective, and non-doctrinal manner.¹⁸ 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 Islamic theological outlook and with reference to the doctrines of the religion of Islam in the form of positive propositions. Some examples include:

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

¹⁶ Yildirim, 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.

¹⁷ OSCE/ODIHR, [Toledo Guiding Principles on Teaching about Religions or Beliefs in Public Schools](#), 2007.

¹⁸ *Ibid.*

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)

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)

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

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 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

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

Alevism¹⁹ 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)

The brevity of the sections devoted to Alevism in all the RCKE textbooks continues to be a matter of criticism.²⁰ In addition, it is not stated that the *cemevis*, which are considered places of worship of the Alevi community by this community, are places of worship, and that the

¹⁹Başdemir, H. Y. (2011). Din dersleri ve Aleviliğin aktarılması (Religious Courses and Instruction of Alevism), *Liberal Thinking*, 16(63), 59- 72.

²⁰ Yaman, A., "Alevism Education in Public Schools of Turkey", *Religious Diversity at School*, Springer 2021.

Alevi prayer *semah* is a form of worship. According to Yaman,²¹ previous criticisms of the books 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, Alevi 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, content on the Alevi faith is covered in separate sections in 4-6. grades books and 8-11 grades books and they are at the end of year. The logic here is, "first learn the correct practice of belief in Islam, then you can do *cem*, you can do Khidr fast".
- The subject of *semah* is mixed with the Sunni understanding. The Semah is accompanied by the words of Pir Sultan and Alevi, "It is called one of the beautiful names of Allah and one of the most important practices. *Cemevi* is not called a place of worship, and Semah is not presented as 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 Alevis.

Although information about Christianity and Judaism is included in the textbooks, according to Christian and Jewish theologians in Turkey, the textbook contains inaccuracies or incompatibilities with the basic teachings of Christianity and Judaism.²² In 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.

The authorities refer to the basic philosophy of the RCE lessons:

4) A factual approach is adopted both in the teaching of different religions and beliefs, and in the teaching of the interpretations of Islamic thought. In this context, religions, beliefs, and interpretations in Islamic thought are subject to teaching based on their own texts, sources and acceptances. (Para. 74 of October 2021 Action Plan)

However, as demonstrated below, religions and world views are not taught with reference to their own sources or text but with the Islamic point of view of them:

(2) 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

²¹ This evaluation regarding the Alevism-related parts of RCMK textbooks was made by Prof Dr Ali Yaman. February 11, 2021.

²² For 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.

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.

(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 as they 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 Father, Son and Holy Spirit, at the center of religion. (Grade 4, p.99)

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)

In addition, the following information about Judaism is given:

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.

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 / apologetics on 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)

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)

One of the aims of the RCMK program is that students adopt "national values". These values, however, do not consider religious and other diversity in Turkey. Instead, narratives on places of worship, cultural heritage, and traditions of commemorating or celebrating important stages of life ignore the "different ones".

The child's right to freedom of religion or belief

Every child has the right to freedom of thought, religion and conscience and may exercise this right to the extent of his/her evolving capacity.²³ The child uses his/her right, not through their parents or anyone else. The examples given below demonstrate that children must give the "right" answers (as accepted by the curricula) 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 academic 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.

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)

"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)

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.

²³ Convention on the Rights of the Child, Article 12.

Dilek: We just have to pray for ourselves.

Ibrahim: 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)

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)

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)

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

The doctrinal information set out above may not be compatible with the religious or philosophical views of some parents. The formation process of the universe and human beings and the purpose of human existence are subjects about which many religions, beliefs or thought systems offer explanations. 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.

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

The content of the RCEK textbooks constitutes 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 must fulfill his/her homework and/or exam responsibilities for course evaluation. The performance requirement increases the impact and prevalence of this interference.

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.

As a result of the non-implementation of the ECtHR judgments on the Zengin group of cases, potentially the rights of 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.

Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey

Following the ECtHR’s *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey* judgment several domestic courts have ruled in favour of *cemevis* in the context of the payment of *cemevis*’ electricity bills.

However, no legislative or administrative measures have been taken to date by the Government. While court judgments are important, they do not set a precedent that all courts must follow. Nor are they binding for the cases of *cemevis* other than those parties to these relevant cases. To be able to benefit from the exemptions for the electricity bills, every *cemevi* would have to pursue judicial remedies. This would be a costly, burdensome, and lengthy process. Not every *cemevi* would have the human and financial resources to pursue this path.

Despite several favourable judgments, the Government remains therefore under a positive obligation to put in place a non-discriminatory, clear, foreseeable, and easily accessible process for accessing benefits applicable to places of worship.

Furthermore, domestic judgments cannot be considered a measure that amounts to effective implementation of general measures needed to effectively enforce the *Cumhuriyetçi Eğitim*

ve Kültür Merkezi Vakıf v. Turkey judgment. Hundreds of *cemevi* associations would have to pursue judicial remedies.

In addition, despite domestic court judgments in favour of some *cemevi*, it is unclear whether the domestic judgments have been enforced about the *cemevi* in question by relevant administrative bodies.

In the October 2021 Action Plan the authorities state that “it cannot be predicted whether the payment of the illuminating costs is demanded by each *cemevi*. In addition, as it is understood from the domestic courts’ decisions, an expert review is required to establish what percentage of the illuminating costs are within this scope. Therefore, the Turkish authorities are of the opinion that resorting to this remedy by those concerned provides sufficient redress.” (Para 44) The burdensome process of having to pursue legal remedies, which also includes the requirement of an expert review surely cannot be considered “sufficient redress”. On the contrary, the authorities’ statement points to the urgent need to make adequate and non-discriminatory legislative and administrative changes to ensure that *cemevis* can benefit from the privilege of having the illumination costs covered by public funds.

The Human Rights Action Plan of March 2021 or the October 2021 Action Plan do not refer to any concrete measures that will be taken to ensure corrective measures are taken to prevent similar violations from happening.

İzzettin Doğan and Others v. Turkey

The Government has not yet taken any specific measures to address the findings of the *İzzettin Doğan and Others v. Turkey* judgment. The glaring “imbalance between the applicants’ situation and that of persons who benefit from the religious public service” (*İzzettin Doğan and Others v. Turkey*, para. 180) remains. The significant restrictions on the manifestation of religion or belief in practice for Sufi orders remain in force. The October 2021 Action Plan does not include any specific measure that are planned to prevent similar violations from happening.

6. Conclusions and Recommendations

Consequently, the non-implementation of the ECtHR judgments on the Alevi cases continues to have a negative impact on the right to freedom of religion or belief of millions of Alevis, including children, in Turkey. Alevis are not recognized, do not receive public religious services despite paying taxes that are directed to the budget of the Presidency of Religious Affairs, *cemevis* where Alevis worship are not recognized as places of worship and thus cannot benefit from privileges, Alevi parents cannot raise their children in line with their religious views and children’s right to freedom of thought, conscience and religion is interfered with.

Having regard to the arguments set out in this Submission, we kindly ask the CM to request the Turkish authorities to specify what measures will address the general measures needed to implement the Alevi group of cases.

With regard to Zengin Group of cases, we recommend that the Committee of Ministers requests the Turkish government:

- a) To inform the CM about any work on the implementation of the judgments of the Zengin group of cases;
- b) To bring the Turkish educational system and domestic legislation into conformity with the Convention without delay – in particular, by remedying the shortcomings in the current arrangements that are in the areas of textbooks and exemption rules;
- c) To take steps to implement non-discriminatory exemptions without delay.
- d) To provide statistics on the exemption applications made by parents and first degree and high domestic court decisions taken on the denial of exemption claims.
- e) To provide a new Action Plan, setting out plans to bring about these changes.

With regard to *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey*, we recommend that:

- A non-discriminatory process is put in place through legislative and administrative amendments about acquisition of place of worship status and ensuing benefits that does not require *cemevi* associations to pursue legal remedies in each case to challenge the orders or payment for illumination charges.
- The Committee of Ministers request the Turkish Government:
 - a) to make public the status of any concrete steps that are planned or are being taken about the implementation of this judgment;
 - b) engage in an inclusive and open process of consultation to identify the best procedure for the acquisition of place of worship and benefits that this status confers;
 - c) To provide information on the implementation of the domestic court decisions.
- The Government provide a new Action Plan, laying out plans to bring about these changes.

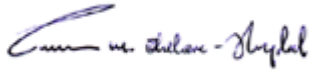
With regard to *İzzettin Doğan and Others v. Turkey* case, we recommend that:

- the Government be asked to start an inclusive and public consultation process, with the participation of relevant civil society organizations to address the freedom of religion or belief issues raised by the judgment;
- The Government enact draft legislation to enable religious or belief communities to acquire legal personality, as such, in line with Article 9 and Article 11 of the ECHR and the OSCE/VC Joint Guidelines on Legal Personality of Religious or Belief Communities;
- The Turkish authorities ensure that equality and neutrality are observed in religious public services and the allocation of public funds;
- The Turkish authorities take measures to address the restrictions on the right to freedom of religion or belief of the Alevi community, including the lifting the prohibitions on the use of religious titles and recognizing the status of *cemevis*.
- The Government provide a new Action Plan, laying out plans to bring about these changes.

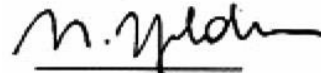
Finally, we kindly request that the CM issue an *interim* resolution since there is no progress.

We call on the CM to request the authorities to prepare a speedy timetable for the measures to be put in place. We also kindly request the CM to review the implementation of the timetable soon, given the extensive delays already involved in these cases.

Sincerely yours,



Gunnar M. Ekelove-Slydal
Deputy Secretary General



Dr. Mine Yildirim
Head of Freedom of Belief Initiative