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Date: 04/11/2021

DH-DD(2021)1150

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

Reply from the authorities (03/11/2021) following a communication from NGOs 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).

Information made available under Rule 9.6 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)

Réponse des autorités (03/11/2021) suite à une communication d'ONG 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) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 9.6 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

Ankara, November 2021

DGI

03 NOV. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

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

İzzettin Doğan and Others v. Turkey (62649/10)

definitive judgment of 26 April 2016

Cumhuriyetçi Eğitim ve Kültür Merkezi v. Turkey (32093/10)

judgment of 2 December 2014, final on 20 April 2015

Mansur Yalçın and Others v. Turkey (21163/11)

judgment of 16 September 2014, final on 16 February 2015

Hasan Eylem Zengin v. Turkey (1448/04)

judgment of 9 October 2007, final on 9 January 2008

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 Government would like to note that the Action Plan submitted to the Committee of Ministers ("CM") in October 2021 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. Therefore, the Turkish authorities reiterate their previous submissions in this regard.

3. As stated in the Additional Information Note and Action Plan submitted to the CM, 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 the present submission, the authorities would like to clarify the following issues raised in the communications of the NGOs.

5. In the notification texts, the NGOs mainly argued that the action plan submitted in October 2021 did not include any specific measures taken or planned regarding these groups of cases and that no concrete response was given to their allegations in the Government's

submission on the issues raised. They further pointed out that the Turkey had not taken necessary steps for fulfilling the ECtHR's judgments.

6. First of all, the Government would like to underline that the allegations made in the said submission are of the same nature as the allegations made in the previous submissions by the same associations.

7. Therefore, the Government, primarily, would like to reiterate the points raised in the Government's comments previously submitted in response to the submissions of the same associations with respect to these groups of cases. Furthermore, the Government is of the opinion that the Action Plan, submitted on 5 October 2021, has detailed explanations regarding the issues included in the latest submission of the associations.

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

8. First of all, it should be underlined that in its judgment of *Hasan and Eylem Zengin* case (no. 1448/04, § 75, 9 October 2007), the Court considered that the exemption procedure was not an appropriate method and did not provide sufficient protection to parents. According to the Court this kind of exemption may compel the parents to inform the school authorities of their religious or philosophical convictions and this situation makes it an inappropriate means of ensuring respect for their freedom of conviction. The Court maintained its stance in *Mansur Yalçın and Others* as well.

9. The European Court found that the procedure for exemption was likely to subject pupils' parents to a heavy burden and to the necessity of disclosing their religious or philosophical convictions in order to have their children exempted from the lessons in religion (§ 76 of the judgment). On this basis the Turkish authorities are of the opinion that the most appropriate measure would be overhauling of the content of the RCE classes rather than broadening the extent of exemption from these lessons.

10. 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.

11. Within the scope of the Court's judgment of *Mansur Yalçın and Others*, a Working Group was established. 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.

12. This Working Group had held six main meetings within a year and prepared a report and 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. Therefore, works for developing the curriculum had begun in line with the relevant report.

13. 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. Furthermore, opinion regarding draft curriculum was also requested from universities.

14. 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.

15. 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 TOLEDO Guiding Principles.

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

16. In line with the TOLEDO Guiding Principles, in the RCE Lessons, 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. Furthermore, the instruction programs of the RCE classes have not confined themselves to include the religious thoughts and movements that are found only in Turkey, but they have also aimed "*to recognize the basic characteristics of other religions and to act with tolerance towards their followers*". 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.

17. 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.

18. 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 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.

19. In addition, like other lessons the curriculum in respect of the RCE lesson has also been simplified and the number of units has decreased². 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.

20. 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

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

²See for the curriculum simplification policy: https://ttkb.meb.gov.tr/meb_iys_dosyalar/2017_07/18160003_basin_aciklamasi-program.pdf

RCE lesson has included the subject “Alevism-Bektashism” in the curriculum and the textbooks and teaching materials have been prepared accordingly.

21. The textbooks which are taught in the schools 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.

IV. As to Other Allegations of the NGOs

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

23. The Government would like to state that the Republic of Turkey is a State where everyone enjoys the freedom of conscience, religion, thought and where acts of worship, religious rites, and ceremonies can be freely performed unless they are in breach of Article 14 of the Constitution. Up to the present, Turkey has been committed to international human rights obligations as a party to universal and regional human rights treaties. In this context, it has taken many necessary steps and measures in the course of time to protect these values. In the area of the freedom of religion, Turkey has abolished certain restrictive and outworn provisions on the basis of the freedom of religion.

24. The Government took an initiative to discuss these issues openheartedly in order to find a solution. As noted in the action plan, numerous meetings and workshops have been organized in this respect.

25. The Turkish authorities would like to note that the reform process concerning the Alevi issues underlined in the judgments at hand had already been started by the Government well before the judgments of violations. The Turkish authorities’ maintain their willingness to eliminate the reasons leading to the violations at hand.

CONCLUSION

26. 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.

27. 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.