

TURKEY RELIGIOUS FREEDOM- ALEVI ISSUES



ADO

Alevi Philosophy Center

IMPLEMENTATION OF ECtHR JUDGEMENTS MONITORING REPORT-IV

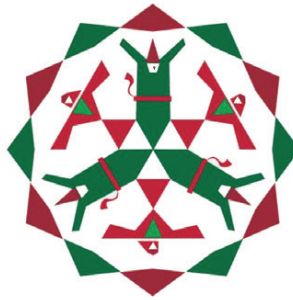
JANUARY 2022



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PREPARED BY ALEVI PHILOSOPHY CENTER



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Alevi Philosophy Center

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About IMPLEMENTATION of ECtHR JUDGMENTS, ALEVİ GROUP OF CASES - MONITORING REPORT IV.

The “FUNDAMENTAL RIGHTS and EQUAL CITIZENSHIP RIGHTS” demands, which the Alevi community has been pursuing for many years, were brought to the ECtHR - European Court of Human Rights after exhausting domestic remedies in a legal process that started in 2005. The implementation of the judgments related to the four cases that were concluded between 2007 and 2016 are monitored by the Committee of Ministers of the Council of Europe under the title of ALEVİ GROUP of CASES.

The subjects of the four cases in question and the references to the ECtHR judgments are summarized below:

LEGAL STATUS OF CEM HOUSES:

- CEM VAKFI - Republican Education and Cultural Center Foundation. (Case no. 32093/10). Final judgment: 20 April 2015

COMPULSORY RELIGIOUS COURSES:

- Hasan-Eylem Zengin Case. (Case no.1448/04). Final judgment: 9 January 2008
- Mansur Yalçın and Others Case. (Case no 21163/11). Decision finalized: 16 February 2015

FAITH GROUPS – STATE RELATIONS (EQUAL RIGHTS):

- Izzettin Doğan and his friends (Case no. 62649/10). Final judgment: 26 April 2016

The results of the Committee of Minister of the Council of Europe’s meeting regarding the implementations and monitoring of the judgments may be viewed and read in detail in three separate earlier monitoring reports published by ADO in 2020 and 2021. All of our monitoring reports can be viewed, downloaded, and shared in Turkish and/or English on our CASE TRACKING page on the ADO website. <http://aleviocagi.org/dava-takipleri>

According to the decisions of the Committee of Ministers 1362th meeting held in 2019, a ROAD MAP about the implementation calendar of the case judgments should have been submitted to the Committee of Ministers in June 2020. However, the map in question was not presented on time due to the Covid-19 pandemic’s disruption of the work. After a long gap, the Committee of Ministers declared on September 2021 that it placed the issue on the agenda of its 1419th meeting which will be held on 30 November 2021.

Before the meeting, ADO submitted an Informative note (Appendix 1) to the Committee of Ministers on 20 September, and a status report on ALEVİ CASES on 11 October 2021 (Appendix 2). Both of the documents reviewed the problems experienced and indicated the importance of the 1419th meeting.

At the same time, the “Norwegian Helsinki Committee” and the “Freedom of Belief Initiative” also presented a joint report to the Committee of Ministers. In the quite comprehensive report, some suggestions were made to the Committee of Ministers after the problems were reviewed once again (Appendix 3). The full report can be accessed in English on the web page: [https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2021\)1078E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2021)1078E%22%5D%7D)

The ACTION PLAN or ROADMAP prepared and presented by the Turkish authorities before the meeting was announced to the public by the Council of Europe on October 18th (Appendix 4). The following was mentioned in the announced ROADMAP:

I) The subject of the judgements of the Cem houses case has been fully implemented to the domestic law and every Cem house that files a lawsuit will benefit from this right, so the implementation process of the CEM houses status case has been fulfilled,

II) Since the children who were the subject of education lawsuits graduated many years ago; it is no longer applicable,

III) The curriculum has been modified to include Alevism,

IV) The lawsuits regarding education should also be closed,

The report also mentioned that the Council of Europe will be informed as developments occur in matters related to the case of the State-faith group relations.

Later, the relevant authorities sent an additional report on 3 November 2011 with additional statements highlighting that, “The Turkish authorities would like to point out that the reform process on Alevi issues underlined in the current resolutions was initiated by the Government long before the violations. The Turkish authorities remain keen to eliminate the causes leading to the violations at hand.” With this statement, they defended that they had a good-willed approach to the issue. The ROAD MAP announced on 18 October is presented in APPENDIX 4, and the additional information communication dated 3 November in APPENDIX 5.

Based on these two documents, which - in our opinion- interpreted the decisions of the ECtHR with a very different and biased understanding, ADO also had to submit an additional report on 8 November 2021, and tried to remind about the court decisions again by expressing that the cases were interpreted in a biased way. The document can be found in Appendix 6.

After these developments and the unusually high volume of document sharing, the 1419th Meeting of the Committee of Ministers of the Council of Europe started on 30 November and the decisions taken at the meeting were published on 2 December. Appendix. 7.

The Committee of Ministers decided that, “The Court’s decisions have not yet been implemented in all cases, that the Turkish authorities should endeavor to complete the implementations, and that the Council of Europe is ready to assist the relevant authorities in the implementation process.” The last article of the decision requests that a comprehensive and detailed road map be submitted to the March 2023 meeting and in order to be a measure against ill information cases and secretariat of the Committee of Ministers is instructed to prepare criteria to be sought in the map to be presented.

As a result, the Committee of Ministers’ 1419th meeting held on 30 November - 2 December 2021, once again emphasized that the European Council will continue to follow the issues until the decisions of the ECtHR are fully implemented.

At this stage, it is evident that it will be of great benefit for the Turkish public to deal with the issues more intensely and to convey their demands in a clearer way to the administrators before the upcoming 2023 elections.

As Turkey’s submission of 5 November indicated that; “The Turkish authorities remain keen to eliminate the causes of the violations at hand.”

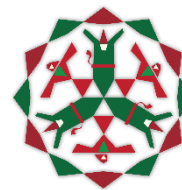
This important statement indicates, the determination of the state to solve these problems. As Alevi community, it is our duty to contribute to the acceleration of implementation practices by presenting information and documents to administrative authorities, politicians and legal institutions that will assist the relevant authorities on their efforts of developing suitable solutions for these issues.

The Alevi community, as always, continues to seek equal citizenship rights within the framework of applicable national and international legal rules and laws.

We respectfully present this information to publicity.

ADO – Alevi Philosophy Center Association

Appendix 1 – Informative note submitted to CoM by ADO. 20.September.2021



ADO Alevi Philosophy Center

Date: 20.09.2021

Briefing notes about Alevi case judgements of ECtHR.

Alevi -Muslim belief group is non-Sunni Muslim interpretation and they form about 15-20 pct of total population in Turkey. Alevi communities live in Syria, Iraq, Iran, Azerbaijan, Lebanon, UAE and Saudi Arabia and Balkan countries as well.

Turkey although constitutionally secular has ignored Alevis from all religious services and rights. Especially after WWII with the rise of Muslim fundamentalism and movements like Ihvan, Turkey slowly moved toward fundamental Muslim, after two coupes although constitution and legislation are still the same applications became more and more fundamentalist and this trend is still going on today however now it is much more visible.

In 2005 we applied to local courts for correction of discriminative applications basically for:

- Recognition of our worship places (Cemevi) and benefiting from state support provided to Sunni worship places (Mosques).
- Relieving Alevi students from compulsory religious lessons, which are highly fundamentalist.
- Allowing Alevis and all other minorities of Turkey benefiting from the same support provided to Sunni communities.

Currently Alevi communities have three vital cases that are on the agenda of ECHR and/or EU Committee of Ministers:

The referred cases are;

- Compulsory Religious Lessons (Compulsion and curriculum problems): (Application no. 21163/11) Started in 2005, Judgement of ECHR became final in February 2015.
- Recognition of Cem Houses as worship places: (Application no.32093/10). Started in 2008 Judgement of ECHR became final in April 2015.
- Equal citizenship rights in public religious services for Alevi citizens: (Application no. 62649/10 Started in 2005, Judgment declared at 26 April 2016 in Strasbourg by ECHR.)

After 2016 Turkey lived another unsuccessful coup attempt and we had a Emergency State situation for two years until 2018. During this period, we had extremely little progress in implementation of ECtHR judgements.

After lifting Emergency conditions and returning to relatively normal conditions in 2019, EC Council of Ministers (EC- CoM) restarted following implementation progress of court judgements and in its 1362nd meeting in Dec. 2019 decided that Turkey should deliver a Road Map for implementation of judgements by June 2020. The Road Map was not delivered due to Pandemic conditions in June 2020 and we still do not have any sign of progress.

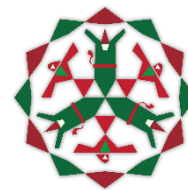
So now EC-CoM decided to take this vital problem to its agenda of 1419th meeting that will be held in Nov.30-Dec.2.2021.

We expect this meeting will help us and to our country to achieve some progress in these highly vital problems. Our children are growing up with Sunni belief theories, we are not allowed to open schools for educating our own clergy, our worship places have legislative problems and are being deprived of state support that is provided to Sunni Muslim, belief groups (including Christians- Jews etc.) are not allowed to establish legal entities, there is a great imbalance among faith groups of the country.

Details of the three important judgments of ECtHR, which are under the observation of EC-CoM until implementations according to EC legislation may be found in next pages.

We thank you very much for your interest and support in our activities.

Kindest regards
Dogan Bermek
President
Alevi Philosophy Center Association



ADO Alevi Philosophy Center

Date: 11.10.2021

The Committee of Ministers of the Council of Europe

**Directorate of Human rights
Department for the execution of judgments.**

RE: 1419th.CoM meeting
CUMHURİYETÇİ EĞİTİM VE KÜLTÜR MERKEZİ VAKFI GROUP of cases
(32093/10- 62649/10),
ZENGIN HASAN AND EYLEM GROUP (1448/04)

We are thankful to Committee of Ministers for including our cases to the agenda of CoM 1419th meeting.

As it is rightfully stated in the agenda, item 36 Alevi Group of Cases have been subject to: ***“Structural and administrative problems leading to various differences in treatment between followers of the Alevi faith and adherents of the majority branch of Islam, including compulsory religious education classes.”***

Alevi group of cases have been standing idle for a long term without any satisfactory implementation of judgments. As it was pointed out among decisions of CoM meeting 1362, failure to link individual measures to the general measures and only paying penalties to applicants without correcting the related legislation and procedures is still going on and provides a major obstacle in completion of implementations and just satisfaction issues.

Status of Cemevis (32093/10) is still an open problem,

Partial reimbursement of lighting costs of cemevis is still not subject to a regulation and/or administrative guide, therefore in order to benefit from a minor fraction of state supports provided to worship places, each of the thousands of Cemevis are forced to open separate court cases and complete/replicate same procedures that has already been completed several times in Turkish Courts. Although discussions are focusing on electricity bills as a symbolic indicator, Court judgment actually points out to this fact that there are many other supports than electricity bills and this fact was again mentioned in 1362 meeting decisions by reminding our authorities that; ***“partial reimbursement of lighting costs to cemevis 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.” In other words, we are still standing at the first small step of State religious subsidies problems.

Status of religious groups:

Izzettin Dogan and others (62649/10)

In spite of the Court judgment dated 2016, we do not have any progress related to implementations yet;

- Religious groups are not allowed to have legal identity, (Para 92,94 and 95 of judgment)
- Religious groups may not train their clergy, (Para 110,124)
- Non- Sunni and minority belief groups does not benefit from state supports provided to Sunni group. (Blanket exclusion as referred above)

Conditions stated in Para 124.of judgment are still persistent in Turkey; **“Court considers 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.”**

“Denial of the autonomous existence of Alevi community” is going on with all implications of the situation as stated in Para 135 of judgment.

1362th CoM requested Turkish 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.”**

Such a ROAD MAP has not yet been delivered till September 2021 according to our knowledge and no reference or declaration of will has been announced by authorities.

Educational Judgments: Hasan and Eylem Zengin (1448/04), Mansur Yalcin and others (21163/11)

Educational cases were transferred to enhanced supervision procedures during Dec.2019.

However as Turkish educational system is in a chaotic situation due to pandemic inconveniences no progress has been noted so far.

Curriculums remain as they were, electives are now being used as a tool for additional religious training, there are even some initiatives suggesting to include fundamentalist religious lessons to pre-school educations of under 6 years old children. The Norwegian Helsinki Committee’s “Freedom of Belief Initiative” have submitted a wide report to CoM on educational matters dated 2. March.2021, we agree and confirm many points of their findings and wait start-up of a communication with Turkish authorities.

Naturally Educational applications are representing the biggest threat to the future of Alevi community with its assimilative nature.

Turkey’s Judiciary reform about human rights:

There is no progress on Human Rights Action Plan (HRAP) of Turkey in relation with Religious Freedom issues, since our last report submitted to Dept. for the execution of judgments on 7. May.2021 with confirmation ref: DGI/IB/OFN/bk

As a short note, on 8. October.2021 we have met with European Parliamentary Assembly, Turkey rapporteur Mr. Nacho SANCHEZ AMOR and exchanged ideas with him, thanks to arrangements made by EU Delegation in Turkey.

We are now expecting 1419th meeting with great enthusiasm.

kindest regards
Dogan Bermek

Alevi Philosophy Center Association

Appendix 3- Submission from “Norwegian Helsinki Committee” and “Freedom of Belief Initiative”

Full text of report may be reached from following page.

[https://hudoc.exec.coe.int/eng#{%22EXECIdentifier%22:\[%22DH-DD\(2021\)1078E%22\]}](https://hudoc.exec.coe.int/eng#{%22EXECIdentifier%22:[%22DH-DD(2021)1078E%22]})

At this appendix we are presenting preface and recommendations of this important valuable report.

We are thankful to both organizations for their valuable contributions to monitoring activities of ALEVİ CASES.



DGI Directorate General of Human Rights and Rule of Law Department for the
Execution of Judgments of the ECtHR
F-67075 Strasbourg Cedex
FRANCE

Email: DGI-Execution@coe.int 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.

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.

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).

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

“ CONCLUSIONS section of the above presented NHC and IOG report.”

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;

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.

-
- 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 Dr. Mine Yildirim

Deputy Secretary General Head of Freedom of Belief Initiative

ACTION PLAN

İzzettin Dogan 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. CASE DESCRIPTIONS

1. In İzzettin Doğan case the European Court found a violation of the right to freedom of religion in conjunction with Article 14 holding 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.
2. Cumhuriyetçi Eğitim ve Kültür Merkezi v. Turkey case concerns a violation of Article 14 of the Convention taken in conjunction with Article 9 of the Convention, in that, Alevi places of worship (cemevis) were not granted an exemption from the payment of illumination costs provided for places of worships by the Religious Affairs Department.
3. Mansur Yalçın and others v. Turkey case concerns a violation of Article 2 of the Protocol No.1 to the Convention. Having reached the said conclusion, the Court based its decision on the compulsory nature of the religious culture and ethics (RCE) classes involving subjects that do not meet the criteria of objectivity and pluralism.
4. Hasan Eylem Zengin v. Turkey case concerns a violation of Article 2 of Protocol No. 1 to the Convention. In reaching this conclusion the Court considered that the instruction provided in the school subject "religious culture and ethics" could not be considered to meet the criteria of objectivity and pluralism, enabling pupils to develop a critical mind with regard to religious matters, nor to respect the religious and philosophical convictions of the parent of a pupil who belonged to the Alevi faith, on the subject of which the syllabus was clearly lacking.

II. INDIVIDUAL MEASURES

5. The authorities have taken measures to ensure that the violation at hand has been ceased and that the applicants have been redressed for its negative consequences.

Just Satisfaction

6. In respect of İzzettin Doğan, the Government would like to reiterate that the Court did not make any award in respect of pecuniary damage by holding that the findings of a violation of Article 9 of the Convention and of Article 14 taken in conjunction with Article 9 can be regarded as sufficient just satisfaction in this regard.
7. The European Court did not award just satisfaction in respect of non-pecuniary damage; however, awarded just satisfaction in respect of costs and expenses (EUR 3.000) sustained by the applicants. The just satisfaction awarded was deposited into bank account on 26 July 2016 and the applicants were notified of the placement. As of today, these amounts are still pending in the escrow account as the applicants failed to provide relevant documents for payment. (see Annex 1)
8. In the judgment of Cumhuriyetçi Eğitim ve Kültür Merkezi, the Court reserved the question of the application of Article 41. By taking into account the possibility of an agreement between parties, the parties were granted time to that end.
9. On 20 June 2017 upon the failure to reach an agreement by the parties, the Court held that the respondent State was to pay the applicant EUR 44,400 in respect of pecuniary damage as well as EUR 10,000 in respect of non-pecuniary damage.
10. Relying on Article 80 of the Rules of the Court, the Government submitted a request for revision of the Judgment of 20 June 2017. On 19 February 2019 the Court dismissed the request submitted by the Government.
11. Following the said decision, the total sum of just satisfaction awarded by the Court was transferred to the applicant's bank account on 23 January 2020. (see Annex 2)
12. In respect of Mansur Yalçın and others case the applicants did not submit any claim for just satisfaction. Accordingly, the Court did not make any award to that end.
13. In respect of Hasan Eylem Zengin application, the applicants did not make any claim for compensation in respect of pecuniary and non-pecuniary damage. Accordingly, the Court did not make any award to that end. However, upon the claim of the applicants, the Court awarded just satisfaction in respect of the costs and expenses sustained by the applicant. It was paid within the deadline set by the Court.

Other Individual Measures

14. In respect of Mansur Yalçın, the Government notes that the children in question have already passed the age of compulsory religious culture and ethics classes, since the application at hand had been filed before the Court became final. Therefore, it is believed that no further individual measures are required.

-
15. In respect of Hasan Eylem Zengin, the Government would like to note that the child in question has already passed the age of compulsory religious culture and ethics classes. Therefore, the Government is of the opinion that no further individual measures are required.
16. In respect of Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı, following the violation judgment the applicant initiated several proceedings before the civil courts including objection to its debts arising from electricity bills. In the proceedings the applicant alleged that it did not owe a certain amount of money including illumination cost as it had cemevi functioning under its authority. In many cases, the civil courts of first instance accepted the applicant's claims and considered that the part of the building is functioning as a place of worship. In its reasoning, the first instance courts referred to the case law of the European Court of Human Rights (Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey, 32093/10). Those decisions were upheld by the Court of Cassation.
17. Additionally, in cases rejected by the courts of first instance, the Court of Cassation annulled the decisions by referring to the case law of the European Court of Human Rights (Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey, 32093/10) and ordered that an expert review should be conducted in the buildings of the applicant and the lighting expenses should be determined exactly through evaluating which parts of the buildings were used as a place of worship. With this reasoning, the Court of Cassation reversed the cases and ruled that a new decision should be made according to this result.
18. In this context, the authorities submit relevant judgments with regard to the applicant's illumination costs. (see Annex 3)
19. Therefore, the Government is of the opinion that no further individual measures are required.

III. GENERAL MEASURES

20. The Government would firstly like to underline that the Republic of Turkey is a democratic and secular State of law where everyone is equal regardless of language, race, colour, sex, political opinion, philosophical belief, religion or membership of any religious movement or on other grounds. The Government states at the same time that the Republic of Turkey is also a State where everyone enjoys the freedom of conscience, religion, and thought, and where acts of worship, religious rites, and ceremonies can be freely performed unless they are in line with the Article 14 of the Constitution, which prohibits abuse of rights and freedoms.
21. Up to the present, Turkey has committed to the international human rights obligations as a party to core universal and regional human rights treaties. In this context, it has taken necessary steps and measures in the course of time to protect these values. For the freedom of religion, Turkey has abolished certain restrictive and outworn provisions on the basis of the freedom of religion, such as the headscarf ban in public spaces. Furthermore, the 2014 amendment to the Turkish

Criminal Code led to the criminalisation of interferences with persons' lifestyles based on their beliefs, thoughts, and convictions.

22. In line with the principles enshrined in the Constitution and the international conventions to which Turkey is a party, all institutions and organisations of the State perform their activities with the reference to the equality of everyone by law without any discrimination based on political view, philosophical belief, religion, sect or similar other reasons. In this context, the State equally treats all faiths and religions, and it is impartial towards different faiths. Nevertheless, there appear social and economic issues in the society from time to time, such as the current issue, that has a complex nature in essence and the deep-rooted issues arising from it might be a matter of debate.
23. In light of the above-mentioned explanations, it must be noted that addressing the issues mentioned in the judgements of the ECtHR requires extremely meticulous attention which is the approach that the Government takes. In this connection, the works to that end could be critically assessed as follows:

1. Alevi Workshops Organized as Part of the Process Called "Alevi Opening" (as regards violations of the right to freedom of religion and Article 14 of the Convention taken in conjunction with Article 9 of the Convention)

24. As part of the process called as "Alevi Opening", a set of seven workshops and three meetings had been organized to determine and address the issues by Alevis in Turkey.
25. The Government underlines that the Turkish authorities were aware of the issues even before the European Court delivered its judgments (of Mansur Yalçın on 16 September 2014, Cumhuriyetçi Eğitim ve Kültür Merkezi on 2 December 2014 and İzzettin Doğan on 26 April 2016) and they aimed at responding to Alevi demands. Hence, a series of workshops were set up from 3 June 2009 to 30 January 2010 at various dates under the auspices of the Ministry of State.
26. Among those who participated in the first workshop, held on 3-4 June 2009, are found religious and spiritual leaders of Alawite (Alevi dedeleri), highly respected opinion leaders, and intellectuals. In the second workshop, organized on 8 July 2009, academicians expressed their opinions on the matter. In the third workshop, held on 19 August 2009, theologians discussed mainly the issue in detail, which had already been discussed by the participants of the first workshop. In the fourth workshop on 30 September 2009, representatives of NGOs and Human Rights Organizations examined the approach launched by society in general toward the issue. In the fifth workshop on 11 November 2009, media representatives and journalist exchanged their views on to what extent news and media reflects Alevism objectively. The discussion further included assessment on the approach indicated by the society to Alevis. In the sixth workshop on 17 December 2009, politicians from different parties and from diverse backgrounds gathered with intent to examine political side of the issue. The last workshop held

between 28 January 2010 and 30 January 2010 was composed of a number of participants of the workshops organized until that day.

27. Upon the need to eliminate vague points and question marks raised in the minds of Alevi during the workshops, three meetings further were held with participation of religious and spiritual leaders of Alawite, families of those who lost their lives on 2 July 1993 (Madimak Olayı) and representatives from NGOs on 14 January 2010, 11 February 2010, and 24 February 2010.
28. Final report on Alevi Workshops was published in 2010. Based on this, several recommendations were made.
29. The Turkish authorities indicate that the issues subject to the cases at hand have historical, sociological, and theological backgrounds, and these issues have been a matter of discussion for centuries.
30. The Government took an initiative for the first time to discuss these issues openly in order to find a solution, because Turkey was aware of the problems concerning this issue well before the European Court's judgments. However, these efforts towards addressing the issue had been halted abruptly and severely because of the attempts that targeted national security and democratic structure of the country on many occasions. In other words, Turkey has unfortunately undergone very challenging and exceptional period starting from 2011 and continuing until present which had inevitable impact on its reform policies such as those included in the report on "Alevi Opening" and the judgments cited above. The authorities would like to note that the terrorist incidents and actions that caused these works to fail and targeted the security and democratic structure of our country were explained in great detail in the previous action plan.
([https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2019\)1214E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2019)1214E%22%5D%7D)) §§ 29 – 34)
31. Nonetheless, in spite of the threats to the national security, the 64th Government had declared its program and announced an Action Plan on 10 December 2015. A series of workshops were organized on 5,12,18,19, 25 and 27 January 2016 and 1-2 February 2016, under auspices of the Ministry of Justice with participation of relevant persons/institutions deemed to be necessary in finding the best solution for those issues. However, the Coup attempt of 15th of July 2016 and subsequent complications of this subversive act disrupted further steps at the time. The Turkish authorities consider that the general measures to be taken require working closely with the Alevi community and carrying out a series of meeting activities together. However, due to the coronavirus pandemic (COVID-19) has resulted in severe disruption of social life. Since March 2020, when the disease was first seen in Turkey, the Ministry of Health has taken many measures to reduce and eliminate the contagiousness of the disease within the scope of the State's positive obligation to protect the lives. Within this context, numerous public areas have been partially or fully closed, and many events have been cancelled or postponed. Moreover, face to face meetings have also been postponed, rotation system and flexible work arrangements have been implemented, certain restrictions

were imposed in respect of freedom of movement in certain cities and all necessary rules have been introduced to ensure social distance and social isolation. Similar measures were and have been implemented by many countries around the world.

32. Certain works have been objectively and naturally affected by this process due to the said measures introduced to eliminate the risk of spreading the disease in question and to protect the health of all people throughout the world and in our country. Therefore, it has not been possible to hold workshops with broad participation since March 2020, as it was in 2009, 2010, 2015, 2016. However, with the decrease of the risk of spreading and returning of the conditions to normal, it is expected that the works will resume.
33. Given that, the Turkish authorities notes that the reform process, concerning the Alevi issues underlined in the judgments at hand, had already been initiated by the Government well before the judgments of violations. Nonetheless, the impending extraordinary situations interrupted the implementation of these schedule as planned since the major concern was to restore the public order and to eliminate challenges posed to the national security.

2. Case Law Developments of the Court of Cassation and the Supreme Administrative Court

34. In the aftermath of above-mentioned challenges that took place during the cited period in Turkey, the public order and national security were disrupted and threatened substantially. The authorities indicate that despite the impediments highlighted above in certain points a good progress has also been achieved.
35. The Government recalls that, following the publication and dissemination of those judgments, the domestic courts ruled in conformity with the Court's findings in the judgment of *Cumhuriyetçi Eğitim ve Kültür Merkezi v. Turkey* by the Court.
36. In a domestic application lodged by Erenler Eğitim ve Kültür Vakfı, the İstanbul 6th Chamber of Administrative Court annulled the administrative act that refused the reimbursement of illumination costs. In its judgment, this court held that the reimbursement of the illumination costs is to be paid to Cemevis (dated 29 April 2016, Docket no. 2015/1555, Decision no. 2016/986). An appeal filed against the decision of 29 April 2016 was rejected by the 13th Chamber of Supreme Administrative Court (dated 10 Temmuz 2017, Docket no. 2016/4277, Decision no. 2017/2263). Request for the rectification was also dismissed by the same Chamber (date 10 December 2018, Docket no. 2018/161, Decision no. 2018/3820) (see Annex 4)
37. In a domestic application lodged by Kağıthane Hacı Bektaş Veli Eğitim ve Kültür Derneği in order to have the administrative act concerning the refusal of payment of its illumination costs according to provisional Article 6 of Law No. 6646 annulled the İstanbul 7th Chamber of Administrative Court dismissed the case. (dated 19 February 2018, Docket no. 2017/952, Decision no. 2018/266). However,

er, in the appeal proceedings filed by Kağıthan Hacı Bektaş Veli Eğitim ve Kültür Derneği İstanbul Regional Administrative Court quashed the decision of the İstanbul 7th Chamber of Administrative Court and annulled the administrative act concerning the refusal of payment of illumination costs referring to the case law of the Supreme Administrative Court. (see Annex 5)

38. In the domestic proceedings brought by Alevi Kültür Dernekleri Tarsus Şube Başkanlığı, the claimant alleged that the cemevi functioning under its authority did not owe a certain amount of money (illumination cost amounting to 647,20 Turkish liras). In its judgment this court held that the reimbursement of the illumination cost is to be paid to Cemevis. Tarsus 3rd Chamber of Civil Court of First Instance accepted the case for the part of the building functioning as Cemevis (dated 7 February 2019, Docket no. 2017/64, Decision no. 2019/29). In its reasoning, the first instance court referred to the case law of the Court of Cassation (3rd Chamber of Court of Cassation, dated 31 May 2019 Docket No. 2016/17500, Decision No. 6192). (see Annex 6)
39. In the domestic proceedings brought by Alevi Kültür Dernekleri Mersin Şube Başkanlığı, the claimant alleged that the cemevi functioning under its authority did not owe an amount of money (illumination cost amounting to 3.189,30 Turkish liras). Mersin 2nd Chamber of Civil Court of First Instance accepted the case for the part of the building functioning as a place of worship. In its reasoning, the first instance court referred to the case law of the Court of Cassation (Plenary Court of Cassation (Civil Matters), dated 3 December 2014, Docket No. 2014/7-1038E., Decision No. 2014/990, 3rd Chamber of Court of Cassation, Docket No. 2014/11238, Decision No. 9711, 3rd Chamber of Court of Cassation, dated 27 November 2015, Docket No. 2015/15230, Decision No. 2015/16775) as well as case-law of the European Court of Human Rights (Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey, 32093/10)
40. As it was mentioned above in the section on individual measures, the applicant Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı also brought cases before the civil courts against its debts arising from electricity bills. In many cases, by referring to the case law of the European Court of Human Rights (Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey, 32093/10) the civil courts of first instance accepted the cases on the grounds that the part of the building had been functioning as a place of worship.. (Decision of the 2nd Bakırköy First Instance Court of General Jurisdiction, docket no. 2018/497, decision no. 2019/382). In addition the Court of Cassation adopted the same approach and upheld the decisions of the first instance courts. (judgment of the 3rd Chamber of Court of Cassation (Civil Matters), dated 14 December 2020, Docket no.2020/9913, Decision no.2020/7760). (see Annex 3)
41. Consequently; the illumination costs, which were the subject-matter of the application to the Court leading to the finding of a violation of Article 14 of the Convention taken in conjunction with Article 9 of the Convention, are paid by the Presidency of Religious Affairs in the event that the administrative judicial

authorities interpret a judgment in favour of them. In this context, it is clear that the costs of lighting can be covered by the administration should the applicant applies to the judicial authorities.

42. In this regard, the Government would like to clarify that in the Provisional Article 6 of the Electricity Market Law (Law No. 4664), it is stated that only the illuminating costs related to the places of worship that are eligible for public worship and that are entered free of charge shall be paid by the Presidency of Religious Affairs. As it can be understood from the said regulation, it is clear that it is not possible to cover all the electricity costs of places of worship, and only the illuminating costs will be covered.
43. At this point it should be taken into consideration that in terms of their architectural features, the cemevis are not only buildings that contain –solely- a place of worship, but also contain various other elements, such as library, museum, meeting hall, etc. In these kind of buildings, there is not a separate electricity metering equipment for each common use area, but a single electricity metering equipment for the whole building. For this reason, it is not possible to determine the exact amount how much electricity is consumed for the illuminating by only taking account the electricity metering equipment. Therefore, bring an action and expert review are required in order to calculate the lighting costs of cemevis.
44. 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.
45. As a result, having regard to the ECtHR judgments, all the judicial authorities harmonised their case law in conformity with the Court's findings. Therefore, this issue is no longer constitutes a subject open to discussion in Turkish Judiciary.
46. Regarding the ECtHR judgments, all the judicial authorities harmonised their case law in conformity with the Court's findings. Therefore, this issue is no longer constitutes a subject open to discussion in Turkish Judiciary.

3. Measures taken relating to the violations of Article 2 of Protocol No.1 to the Convention.

47. The Government would like to make following statements as regards to measures taken in respect of Article 2 of Protocol No.1 to the Convention.
48. 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.

49. The Court maintained its stance in *Mansur Yalçın and others* as well. 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).
50. 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. In this respect, the authorities would further like to note that in *Hasan and Eylem Zengin* the Court clearly emphasized that the setting and planning of the curriculum fell in principle within the competence of the Contracting States (§ 51). The Court stated that the second sentence of Article 2 of Protocol No. 1 did not prevent the States from disseminating in State schools, by means of the teaching given, objective information or knowledge of a directly or indirectly religious or philosophical kind. Moreover, according to the Court it did not even permit parents to object to the integration of such teaching or education in the school curriculum, for otherwise all institutionalised teaching would run the risk of proving impracticable.
51. As can be seen, the Court did not point out a concrete practice to eliminate the violation caused by the situation at that time. On the contrary, it left the issue to the State's margin of appreciation.
52. Taking into account the views of the Court on the "exemption procedure", the authorities have taken various steps in the field of redressing the violation. In the first place, the Turkish Authorities would like to clarify that the existence of a compulsory RCE classes was not considered a violation in itself in the ECtHR's judgment (see *Mansur Yalçın and Others v. Turkey*, no. 21163/11, 16 September 2014, § 64). In its violation judgment the Court underlined the content of the curriculum of RCE classes.
53. Within this scope, in the sense of solving the problem, a number of general measures have been taken regarding these issues.
54. The Turkish authorities indicate that concerning the violations found in *Mansur Yalçın and Hasan Eylem Zengin* (21163/11 and 1448/04 respectively); a number of workshops were organized under the auspices of the Ministry of National Education between June 2016 and January 2017 by a commission composed of representatives from the Prime Minister's Office, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of National Education, the Presidency of Religious Affairs, scholars, NGO's. The commission held workshops on 2 June 2016, 14 June 2016, 22 September 2016, 3 November 2016, 7 December 2016 and 25-27 January 2017 and drew up an advisory report.
55. In the report, attention was drawn to the fact that religion has an important role in the life, to the importance of knowing different religions and beliefs along

with socialization, to the students' ability to critical thinking, and to the effect of religion on the formation of culture and civilization. It was also taken into account that the implementation of the RCE classes is a work of a long experience. It includes assessments that the content of the curriculum should 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.

56. At the working meetings of the commission, 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 idea that it would be appropriate to objectively redevelop the content of the RCE classes, including the Alevi-Bektashi tradition.
57. Based on the advisory report by the Commission, a draft curriculum was prepared with the participation of relevant persons (mentioned-above) in January and February 2017. In July 2017, the draft curriculum had been published for a period of time on the website of the Ministry of National Education in order to take into consideration, criticisms, arguments, and assessments made by the students, parents, and by the public in large. With the publication of the draft curriculum, it had been provided that instructors, NGOs, academicians, parents, and students expressed opinions and carried out an evaluation online concerning the curriculum. All of the incoming opinions and evaluations were reported and reflected in the curricula.
58. Upon the completion of the period during which the draft curriculum had been published and assessments had been gathered from the interested parties, the draft curriculum was sent to the Universities in Turkey in order to include their recommendation in the curriculum. On 20 October 2017, another commission was set up, composed of academicians as well, by the Ministry of National Education to finalize the draft. On 19 January 2018, the draft was approved by the Board of Education of the Ministry of National Education (Milli Eğitim Bakanlığı Talim ve Terbiye Kurulu Başkanlığı). It could be accessed through the following link: <https://dogm.meb.gov.tr/www/ogretim-programlari/icerik/14>
59. The draft curriculum prepared with the participation of wide range of individuals coming from different backgrounds and 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.
60. The commission, set up to draft the above-cited curriculum, also signified the importance of the existence and mandatory nature of the classes of RCE. The subjects such as Alevism and Bektashism, among others, were objectively explained in detail in the textbooks by benefiting from opinions and articles published by religious and spiritual leaders of Alawite (Alevi dedeleri).
61. 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 Board of Education. By its decision of 19 January 2018, the Board of Educa-

tion approved the implementation of the new RCE lesson curriculum in schools during the school year 2018-2019.

62. 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.
63. 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.
64. The authorities emphasize that Turkey acts in line with the TOLEDO Guiding Principles in the RCE classes and concerns all beliefs and world views objectively and in line with the principles of pluralism. Accordingly, the RCE classes 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."
65. The Government would like to further note that further works and observations to develop curriculum are carried out regularly and continuously.

Content of the Compulsory Religious Culture and Ethics Classes

66. The Government presents following statements as regards to RCE classes in primary and secondary schools at the present.
67. In this regard, 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. In particular, in the new instruction programmes of the compulsory RCE classes, which were started to be structured as of 2005 and lastly put into effect in the 2011-2012 school year, information about different cultures and their religious values was included.
68. With the new RCE classes designed with a supra-denominational approach, it has been aimed to "ensure that all the different groups of the society live under a single umbrella in harmony within the framework of mutual respect and toleration for each other with no one being alienated". The current instruction programmes of the RCE classes, which were put into effect in the 2011-2012 school year, have given more room to the various religious formations of Islam living in Turkey and the information about different religions. The instruction programme of the RCE classes has not been drawn up on the basis of the issues on which the in-

terpretation of faith and the theological interpretation differed from each other, but on the basis of the Quran and Sunnah (Mansur Yalçın and Others v. Turkey (no. 21163/11) which have been acknowledged as a common source by both of the interpretations. This approach does not mean, in any way, that the different understandings have been disregarded or overlooked. On the contrary, it has been aimed with the programme to provide information about the interpretations of faith and the theological interpretations emerged in Islam, the Sufi thoughts, and other religious formations, to make their similarities and differences recognized and to establish empathy.

69. 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". The Ministry of National Education prepares the curriculum for RCE courses that are taught to students receiving education between 4th and 12th grades in middle and high-school. The curriculum of RCE has been developed through a participatory process involving representatives who define themselves as a member of religious groups (such as Alevi-Bektashi), and also the experts of theology, sociologists, experts on the history of religions and religious education, and representatives from non-governmental organizations. Draft curricula are made available for comments and evaluation through an online platform accessible to the whole public for approximately one month. The curriculum takes its final form within the framework of the opinions and evaluations received.
70. Textbooks are prepared by the relevant authorship, including private publishing houses, within the framework of the curriculum and presented to to the Head Council of Education and Morality of the Ministry of National Education. It is approved by the experts following an examination carried out according to criteria such as scientific rigour, legal compliance, and the standards for visibility. Textbooks are prepared by the authors of the Ministry of National Education and private publishing houses on the basis of the curriculum. Textbooks have validation for a certain period of time. In this process, the pages of the textbooks may differ in accordance with the expression of the authors. The Ministry conducts an inspection as to whether a book includes all learning outcomes or not.
71. In addition, the RCE lessons should be assessed taking into account that it is a lesson involving information about religions and also information about cultural, national, 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.
72. Toledo Guiding Principles on Teaching About Religions and Beliefs in Public Schools proposes criteria for teaching about religions and beliefs. Some important criteria are as follows:
 - Teaching about religions and beliefs must be provided in ways that are fair, accurate and based on sound scholarship. Students should learn about religions

and beliefs in an environment respectful of human rights, fundamental freedoms and civic values.

- Those who teach about religions and beliefs should have a commitment to religious freedom that contributes to a school environment and practices that foster protection of the rights of others in a spirit of mutual respect and understanding among members of the school community.
- Teaching about religions and beliefs is a major responsibility of schools, but the manner in which this teaching takes place should not undermine or ignore the role of families and religious or belief organizations in transmitting values to successive generations.
- Efforts should be made to establish advisory bodies at different levels that take an inclusive approach to involving different stakeholders in the preparation and implementation of curricula and in the training of teachers.
- 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.
- Those who teach about religions and beliefs should be adequately educated to do so. Such teachers need to have the knowledge, attitude and skills to teach about religions and beliefs in a fair and balanced way. Teachers need not only subject-matter competence but pedagogical skills so that they can interact with students and help students interact with each other in sensitive and respectful ways.
- 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.
- Curricula should be developed in accordance with recognized professional standards in order to ensure a balanced approach to study about religions and beliefs. Development and implementation of curricula should also include open and fair procedures that give all interested parties appropriate opportunities to offer comments and advice.
- Quality curricula in the area of teaching about religions and beliefs can only contribute effectively to the educational aims of the Toledo Guiding Principles if teachers are professionally trained to use the curricula and receive ongoing training to further develop their knowledge and competences regarding this subject matter. Any basic teacher preparation should be framed and developed according to democratic and human rights principles and include insight into cultural and religious diversity in society.
- Curricula focusing on teaching about religions and beliefs should give attention

to key historical and contemporary developments pertaining to religion and belief, and reflect global and local issues. They should be sensitive to different local manifestations of religious and secular plurality found in schools and the communities they serve. Such sensitivities will help address the concerns of students, parents and other stakeholders in education.

73. RCE curricula meets all the necessary factors issued in the TOLEDO Guidelines in terms of attainment and teaching methods.

74. The objectives and method of the RCE lesson in the curriculum are explained as follows, (see <http://mufredat.meb.gov.tr/ProgramDetay.aspx?PID=318>)

.....

2.1. Basic Philosophy and General Objectives of the Program

The course of RCE aims to teach the Islam and other religions with a descriptive approach. Within the scope of RCE courses, Islam was conveyed to the students within the framework of the basic principles set forth by the Quran and Sunnah. The interpretations that emerged in Islamic philosophy were handled with a scientific method and a supra-sectarian approach. On the other hand, the other existing religions were discussed with a scientific method and factual approach.

.....

2.3. Principles and Explanations Regarding the Implementation of the Program and Book Writing

.....

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.

.....

8) Students are not forced to memorize the verses of the Quran, hadiths, and suras which are involved in the units.

.....

9) Approaches, attitudes and behaviours that harm freedom of religion, conscience, and thought are avoided. In this context, students are not forced to express their religious feelings and thoughts, and to practice religious practices in which they have knowledge.

.....

16) Students are encouraged to behave in a way that respects human beings, opinions, freedom, morality, and cultural heritage.”

75. However, the RCE should be evaluated on the grounds that it is not only a course that includes information about religions, but also a course that is obliged to give information about national culture and universal moral values that are the common ground of citizens living in Turkey. In line with the Toledo principles, the elements of national culture and universal moral values are included into the textbooks and information about other religions and Islam is given with an objective approach.

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76. If needed to provide examples, the following subjects are included in the textbooks regarding the general values and characteristics of Turkish society: “The Basis of Human Relations: Love and Respect”, “I Keep My Body and Clothes Clean”, “I Keep My Home and School Clean”, “Keep My Environment Clean”, “Rules of Courtesy”, “Greetings Manners”, “Communication and Speaking Manners”, “Table Manners”, “Some Harmful Habits”, “Reasons for Starting Harmful Habits”, “Ways to Avoid Harmful Habits”, “Core Values Uniting Our Society”, “Good Moral Attitudes and Behaviors : Justice, Friendship, Honesty, Self-control, Patience, Respect, Love, Responsibility, Patriotism and Benevolence”, “Values and the Source of Values”, “The Place and Importance of Values in Youth’s Personality Development”, “Basic values: Wisdom, Justice, Chastity and Courage”, “Relationship of Morality and Discipline”, “Religion is Good Morality”, “Traces of Religion in Our Architecture”, “Traces of Religion in Our Music”, “Traces of Religion in Our Literature”, “Traces of Religion in Our Customs and Customs”. As seen above issues, the REC lessons include information about religions, national culture and universal moral values in line with the Toledo principles.
77. Examining the RCE textbooks, which are the publication of the Ministry of National Education, it is seen that a total of 186 pages are related to religious beliefs and worship with respect to Judaism, Christianity, Hinduism, Buddhism, Confucianism, Taoism, Sunnism, Hanafism, Alevism-Bektashism, Hanbalism, Shafism, Malikism, Asharism, Yesevism, Rifaism, Kadirism, Mevlevism and Naqshbandism. In these sections several religions and religious beliefs and worships are explained. Alevism and Bektashism were also mentioned in 21 pages out of 186 pages. When it is considered the other beliefs included in the textbooks, this ratio is remarkable. Thus, it cannot be argued that less coverage is given to the Alevism in the textbooks.
78. The curricula and textbooks of this course are approved by the Board of Education. In the content of the RCE courses, considering the development levels of the students, the main issues in the field of religion and morality are dealt with objectively with a theological approach based on the basic resources. It is not the aim of the course to impose or dictate any religious practice. This course prioritizes enlightenment/acclturation about religion and morality. Therefore, a kind of denominational religious education is not given in this course, on the contrary a way of informing and acculturation is taken as a basis.
79. As a result, the Government notes that all curricula in Turkey are prepared in compliance with the principles of scientificity, pedagogy, and legal compliance. In this respect, objective contents are provided within the textbooks without any discrimination in terms of beliefs. This situation presents the impartial, objective, and scientific attitude of Turkish education system.

4. Other developments

Judicial Reform Strategy

80. In May 2019, the Ministry of Justice of Turkey released a Judicial Reform Strategy (the JRS).¹ The Strategy sets out nine objectives for reform of the justice system of Turkey, and lists a number of “activities” as specific measures to these ends. The stated purposes of the Strategy are:
- ...strengthening the rule of law, protecting and promoting rights and freedoms more effectively, strengthening the independence of the judiciary and improving impartiality, increasing the transparency of the system, simplifying judicial processes, facilitating access to justice, strengthening the right of defence and efficiently protecting the right to trial in a reasonable time.
81. Reflecting international law obligations of Turkey, the Judicial Reform Strategy affirms that:
- ...[t]here is a structural link between the rule of law and the independence and impartiality of the judiciary. Ensuring the independence and impartiality of the judiciary in democracies is a prerequisite for rule of law. This is also a guarantee for the individual rights and freedoms
82. Under the Aim 1 “Protection and improvement of rights and freedoms” of the Judicial Reform Strategy, new policies with a broad perspective have been set out for the protection and promotion of rights and freedom.

Human Rights Action Plan

83. On the other hand, in March 2021, the Human Rights Action Plan was announced by the President of Turkey. The preparation process of the Action Plan has been carried out in a collaborative and participative approach. In the Human Rights Action Plan, all judgments and decisions of the Court, Directives and Recommendations of the relevant bodies and committees of the Council of Europe and the United Nations were taken into consideration. In this scope, the opinions of all relevant public institutions, non-governmental organisations, international organisations and relevant participants were sought and meetings were held with them. The opinions and proposals gained as a result of these meetings are being assessed diligently.
84. In this regard, it is aimed to develop solutions for areas of violations mentioned in the decisions of the Constitutional Court and the European Court, to consider the monitoring reports of the international protection mechanisms in the field of human rights and to improve cooperation with national and international NGOs working on the field of human rights.
85. Within the scope of the preparation process, on 17 December 2019 and 18 December 2019 the views and proposals were exchanged with the authorities of the Council of Europe and the European Commission, respectively. On 7 February 2020 the Council of Europe delivered its official opinions and suggestions on the studies as regards the Human Rights Action Plan.
86. In the 4th Section, the Human Rights Action Plan dealt with the protection and

promotion of the freedoms of expression, association and religion as a whole. In order to ensure the enjoyment of the freedom of religion and conscience at the widest extent, the Plan envisages the review of the relevant legislation and practice in line with international human rights standards.

87. As can be seen above issues, the Plan envisions under this aim more guarantees with regard to the freedom of conscience and religion.

5. Publication and Dissemination of the Judgment

88. The Government ensured that publication and dissemination measures have been taken. To this end, the European Court's judgment have been translated into Turkish and made available on the Court's website².

89. Furthermore, the European Court's judgment has been transmitted, together with an explanatory note on the European Court's findings, to the Religious Affairs Department, Ministry of National Education, the Council of Judges and Prosecutors, the Ombudsman Institution and to the domestic courts involved in this case as well as to other relevant court such as the Constitutional Court and the Court of Cassation.

IV. CONCLUSION

90. The authorities consider that the individual measures taken ensured that the violation at hand has ceased and that the applicants are provided redress for its negative consequences.

91. The Committee of Ministers will be regularly informed about the measures taken as regards the execution of the judgments of İzzettin Doğan v Turkey, Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey, Mansur Yalçın vd v. Turkey and Hasan Eylem Zengin v. Turkey.

¹ Republic of Turkey Ministry of Justice, Judicial Reform Strategy, May 2019 (hereinafter referred to as JRS), available at http://www.sgb.adalet.gov.tr/ekler/pdf/YRS_ENG.pdf

Appendix 5- Additional submission of Turkish authorities 3.November.2021

Ankara, November 2021

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.

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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.

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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 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.

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

²See for the curriculum simplification policy:

https://ttkb.meb.gov.tr/meb_iys_dosyalar/2017_07/18160003_basin_aciklamasi-program.pdf

DH-DD(2021)1150: Communication from Turkey.

The Committee of Ministers of the Council of Europe

Directorate of Human Rights

Department for the Execution of Judgments.

Re: 1419th CoM meeting. (Additional notes to our letter of 11. October.2021)

Cumhuriyetçi Eğitim ve Kültür Vakfı Group of Cases (32093/10 - 62649/10), Zengin Hasan and Eylem- Mansur Yalçın Group of Cases (1448/04 – 21163/11)

We have worked on the ACTION PLAN of Turkey dated 5 October 2021 as well as Turkey's additional SUBMISSION dated 3 November 2021 that we became aware through Hudoc-Exec public notification. We are sorry to express that the ACTION PLAN once again reveals that Republic of Turkey appears to be supposing that execution of orders gets completed by the payments of awards to the applicants. Therefore, we want to remind once again that paying awards is not enough by itself for implementation of a judgment unless individual and general measures thereof are completed and implemented.

We kindly want to underline that; Article 46 of the convention reads;

- “1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.”*
- 2. The final judgment of the Court shall be transmitted to the Committee of Ministers which shall supervise its execution.”*

CoM measures implementation of judgements according to three main criteria (Art. 6 of Rules of CoM);

- 1. Whether any “just satisfaction” (often a combination of pecuniary losses, non-pecuniary losses, legal fees, and interest payments) awarded by the court under Article 41 of the convention has been paid;*
- 2. Whether individual measures have been taken to ensure that the violation in question has ceased and restitutio in integrum achieved—in other words, that the injured party is restored, to the extent possible, to the same situation he or she enjoyed prior to the violation;*
- 3. Whether general measures have been adopted, so as to prevent “new violations similar to that or those found, putting an end to continuing violations.”*

We are at the opinion that general measures have not been taken and implemented fully in any of our cases as we have previously summarized in our communication dated 11 October 2021.

Upon working on the ACTION PLAN of Turkish authorities dated 5 October 2021 we want to kindly draw attention to following points:

Articles 14, 15 and 19 of the ACTION PLAN (Zengin-Yalçın) states that subject children have passed the age of compulsory religious culture and ethics classes by ignoring millions of other children who are in school ages. We would like to point out that millions of our children that are currently subject to similar applications, therefore necessary steps should be taken to fulfil the judicial requirements in accordance with the judgements. Turkey's above-mentioned understanding is contradictory to Rule of Law Art. 6 and against the requirements of Court judgement which states; *“Court found that the content of the religious culture and ethics classes in primary and secondary schools, and their compulsory nature with only limited possibilities of exemption, offers no appropriate options for the children of parents who have a religious or philosophical conviction other than that of Sunni Islam”*¹ (violation of Article 2 of Protocol No. 1).”

As Educational cases were transferred to ENHANCED SUPERVISION procedures, we believe that above comments sufficiently explain our position and views.

Articles 30, 31 and 33 of the ACTION PLAN:

ACTION PLAN Article 33 declares the fact that **“The impeding extraordinary situations interrupted the implementation of these schedule as planned since the major concern was to restore the public order and to eliminate challenges posed to the national security.”** We just want to emphasize that public order can only be restored by obeying the national and international agreements and Rule of Law. Implementation of Court judgements is actually an important tool to eliminate challenges.

Article 91 states that **“The Committee of Ministers will be regularly informed about the measure taken as regards the execution of the judgments of İzzettin Doğan v Turkey, Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey, Mansur Yalçın vd v. Turkey and Hasan Eylem Zengin v. Turkey.”**

We totally agree with the above statement as it is in conformity with our views. Judgement of İzzettin Doğan reads:

“Generally, the Court found 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”.

States' duty of neutrality, impartiality and the right of autonomous existence of religious communities are still unobserved and unachieved. Therefore, claims of satisfactory implementation by only payment of awards for some cases are far from being sufficient. Implementation process of the case of İzzettin Doğan and others have not even started

or discussed publicly yet. State's duty and impartiality in relation with the rights of Alevi communities' autonomous existence and equality of state benefits provided to Sunni Muslim may only be achieved with various multi-dimensional legal and administrative corrections and implementations. The ROAD MAP requirement of the Addendum 4 of the European Council Committee of Ministers decisions (1362nd meeting, 3-5 December 2019) actually pointed out this fact. Thus, we would like to point out once again that unless all legislative –judiciary implementations are fully completed, violations mentioned in the Court judgements are still valid to a great extent.

We have a few comments on information provided by Articles 41-43-45-46. (Case 32093/10)

Art. 41. Although Tarsus Cem house have completed all necessary local court procedures, their payment request for the electricity bills was rejected by the Presidency of Religious Affairs, the institution that has to pay the bills in accordance with current legislation.

<https://www.cumhuriyet.com.tr/turkiye/mahkeme-kararina-karsilik-diyamet-cemev-lerin-elektrik-faturasini-odemiyor-1881362>

Art.43. Art 45. It was noted by Article 3 of CoM 1362th meeting that, “**emerging practice of the domestic courts to order the partial reimbursement of lighting costs to cemevis bring proceedings**; however, authorities have not yet fulfilled the requirement of General Measures according to Rule of Law Art 6 para 2 and 3.

Therefore, although the case law is in conformity with the Rule of Law, individual and general measures have not yet been adopted at all.

Art.46. ACTION PLAN reads: **Regarding the ECtHR judgments, all the judicial authorities harmonised their case law in conformity with the Court's findings. Therefore, this issue is no longer constitutes a subject open to discussion in Turkish Judiciary.** In contrary Court judgement reads: “*If a State introduced a privileged status for places of worship, all religious groups which so wished had to be offered a fair possibility of seeking the benefit of such status and the established criteria had to be applied in a non-discriminatory manner.*” Furthermore, according to Rule of Law Art.6 all implementational activities must be in accordance with individual and general measures. So far Alevi community have not enjoyed any benefit from the benefits provided to Sunni Muslim community.

We have summarized our views about Turkey's HRAP (Human Rights Action Plan) in our earlier communication dated 11 October 2021.

Art. 90 and 91 of the ACTION PLAN states that violations at hand have been ceased, which is not agreeable due to above mentioned comments. We just like to underline once again that no progress have been registered in legal status of Alevi or any other belief group yet in country.

On the other hand, Grand Chamber Judgement 62649/10 (İzzettin Doğan v Turkey) have not yet been subject to any implementation initiative nor to any corrective execution. All violations stated in judgement are still valid and continues in country. Below articles are from judgement:

184. The existence of an Alevi community with deep roots in Turkish society and history, the importance for that community of being legally recognised, the Government's inability to justify the glaring imbalance between the status conferred on the majority understanding of Islam, in the form of a religious public service, and the almost blanket exclusion of the Alevi community from that service, and also the absence of compensatory measures – the choice made by the respondent State appears to the Court to be manifestly disproportionate to the aim pursued.

185. In conclusion, the difference in treatment to which the applicants, as Alevi, have been subjected has no objective and reasonable justification.

There has therefore been a violation of Article 14 of the Convention taken in conjunction with Article 9.

As no progress has ever been recorded in the above judgement, it is hard to accept that “violations at hand have been ceased” as indicated in the ACTION PLAN.

Additionally we want to underline once again that upon working on Turkey's submission dated 3 November 2021 we object to Article 23, since ECtHR Judgements indicate various violations and Turkish authorities also declare that “The Committee of Ministers will be regularly informed about the measures taken as regards the execution of the judgments of İzzettin Doğan v Turkey, Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey, Mansur Yalçın vd v. Turkey and Hasan Eylem Zengin v. Turkey.” Above statement confirms that “violations have NOT been ceased” as even writers of the report feel obliged to note that they will keep informing CoM about developments, which proves that implementation process is still at early periods as actual reality of today. We may only add that a long time have passed since those judgments were taken.

Our notes about Turkey's SUBMISSION dated 3. Nov.2021 related to chapters are as follows: Chapter I – Introduction;

Insistence on problems that needs to be resolved may only lead to a deadlock of communication.

Chapter II - As to the Alleged Absence of Non-Discriminative Exemption Procedure
Current exemption procedures are rather majoritarian than being pluralist. Questioning parent's beliefs is against convention. Meetings with Alevi's may produce positive results when and if their views are reflected to curriculum and syllabuses.

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

The 20-pages referring to Alevi denomination among 1800-page curriculum of 4th-12th year RCE syllabus gives an important idea about the impartiality and scientific structure of the curriculum.

While Turkey has taken steps in line with court judgements, authorities have persistently tried to preserve Sunni sectarian approaches. Changes of curriculum in 2006,2008,2011 and 2018 and ratio of 20/1800 in RCE books are proofs of such speculative defensive attitudes of authorities. We as an NGO keep asking for corrections according to court judgements.

Appendix 7- Committee of Minister 1419th meeting decisions. 30.November- 2 December.2021

MINISTERS' DEPUTIES Decisions

CM/Del/Dec(2021)1419/H46-36 2 December 2021

1419 meeting, 30 November – 2 December 2021 (DH)

H46-36 Cumhuriyetçi Eğitim Ve Kültür Merkezi Vakfı (Application No. 32093/10), İzzettin Doğan and Others (Application No. 62649/10) and Hasan and Eylem Zengin group (Application No.

1448/04) v. Turkey

Supervision of the execution of the European Court's judgments

Reference document

CM/Notes/1419/H46-36

Decisions

The Deputies

1. 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”;

As regards individual measures

2. Invited again the authorities to provide information on whether the applicant foundation in the case Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı has been exempted from the payment of lighting costs since September 2017 and to consider practical solutions allowing the applicant foundation to regularly receive the reimbursement of such costs;
3. Noted that this and the other individual measures in these cases are linked to the general measures;

As regards general measures

4. Recalled their previous conclusions that the practice of the domestic courts to order the reimbursement of lighting costs to cemevis (Alevi places of worship) 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; urged therefore the authorities to adopt more comprehensive measures to ensure equal treatment of the Alevi faith and to consider some practical solutions to exempt cemevis from the payment of lighting costs;
5. Noted again that the 2018 curriculum for the compulsory “religious culture and ethics” classes in primary and secondary schools does not appear to remedy all the concerns raised by the Court; therefore urged the authorities to ensure that the Turkish education system fulfils the State’s duty of neutrality and impartiality towards the various religions, denominations and beliefs, respecting the principles of pluralism and objectivity, and offers appropriate options for the children of parents who have a religious or philosophical conviction other than that of Sunni Islam to opt out of compulsory religious education, without pupils’ parents being obliged to disclose their religious or philosophical convictions;
6. Recalled that a national discussion on how to resolve the issues highlighted by these judgments was embarked on the “Alevi initiative” workshops and urged the authorities to further the implementation of the recommendations reached by consensus in 2010 in the final report of these workshops, in drawing up a comprehensive action plan with a concrete calendar indicating specific legislative and administrative measures without further delay; in this respect, encouraged also the authorities to draw inspiration from the relevant Council of Europe recommendations, including the reports of the European Commission against Racism and Intolerance (ECRI) adopted on 10 December 2010 and 29 June 2016;
7. Strongly encouraged the authorities to take specific solution-oriented measures in the framework of the implementation of the new Human Rights Action Plan to address the Court’s findings in the present group of cases; expressed in this respect the readiness of the Council of Europe to provide assistance;
8. In view of the longstanding issues examined in these cases and the lack of progress achieved so far, decided to resume consideration of these cases at their DH meeting in March 2023 and instructed the Secretariat to prepare a draft interim resolution for examination at that meeting, in the absence of comprehensive information allowing for a positive assessment of the general measures.



ADO

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