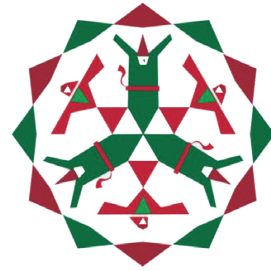

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**PREPARED BY ALEVI
PHILOSOPHY CENTER**



ADO

Alevi Philosophy Center

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About IMPLEMENTATION of ECtHR JUDGMENTS, ALEVI GROUP OF CASES - MONITORING REPORT V.

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 ALEVI 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 others (Case no. 62649/10). Final judgment: 26 April 2016

The results of the Committee of Minister of the Council of Europe’s meetings regarding the implementations and monitoring of the judgments may be viewed and read in detail in four separate earlier monitoring reports published by ADO in 2020 and 2022..

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>

The most recent meeting of the Committee of Ministers of the Council of Europe at which the group of cases known as the Alevi cases group was on the agenda took place on November 30th-December 2nd 2021 (meeting no.1419). A review of the decisions taken at this meeting indicates that the issues are concentrated around the two basic topics of the status of CEM HOUSES and COMPULSORY RELIGION LESSONS. However, in general, the approaches taken towards these issues continue to be rather unclear.

To begin with, although the reports sent by the authorities of Türkiye insistently declare that the rulings of the European Court of Human Rights (ECtHR) are being implemented, it is clear from the decisions of the Committee of Ministers that they are

not convinced by these declarations. Despite this, no progress of any kind was made in practice in the ten months from the date of the meeting up to September 2022.

CEM HOUSES – LEGAL STATUS OF CEM HOUSES

- Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı [Republican Education and Culture Centre Foundation]. (Case no. 32093/10)

- Judgement finalised: April 20th 2015

The first and most important problem area, which is currently being debated with specific reference to the electricity charges of CEM HOUSES, is actually the issue of the status of the CEM HOUSES as PLACES OF WORSHIP. The reports of the Republic of Türkiye constantly repeat that each and every Cem house can acquire this status by opening its own separate lawsuit. However, they avoid referring to the long years which it takes to open and pursue these cases for legal and traditional reasons, or to the possibility of won cases being appealed against and sent to higher courts for review. In this way, they persist in obliging the administrators of Alevi institutions to, in a sense, confront the state. This situation continues to create both social and administrative tension, and very substantially limits access to rights that have been gained in law. Status suits generally last for 3-5 years, and while the CEM HOUSES win them in the end, each case comes at the expense of tensions and significant costs.

In spite of the decisions of the Committee of Ministers No.1362 (Annex 1) of December 2019 and No. 1419 (Annex 2) of December 2021, no step of any kind had been taken on this issue up to October 2022.

The rapid increases in electricity and natural gas bills that accompanied the extraordinary inflation and exchange rate crisis in the country from December 2021 onwards added to the concerns of the Cem houses. In particular, some distribution companies applied their commercial customer rates to the Cem houses, raising the prices substantially once again. The issue featured on social media and in the press. Enforcement orders started to be sent to Cem houses which did not pay and their power supplies started to be cut off. The Cem houses in Istanbul held a meeting in February 2022 and decided to take a common defence initiative on the issue by establishing a LEGAL UNIT (Annex 3). Following this decision, the government gave instructions to district governors calling for an immediate halt to the enforcement practices, while high-ranking officials stated that the rates would be changed, or even that they had already been changed, from commercial customer rates to domestic user rates. In this way, measures were taken to reduce the tension and to avert the new lawsuits that had started to be opened.

In the course of these events, the attentions of administrators of Alevi institutions were distracted on the one hand while on the other hand the partial relief ensured by the state developed into a tendency to turn the issue that had escalated with the electricity bills into a purely material affair, as opposed to a question of status. Accordingly, the government started to offer solutions to the local issues faced by the administrators of the CEM HOUSES based on small amounts of financial support. These approaches had a positive and comforting effect on most of the administrators of the institutions. The administrators of the umbrella organisations also became less determined to track the

problems rigorously and to make the Legal Unit they had established operational. As a result of the disinterest of the umbrella organisations, the Legal Unit dissolved without ever having become as operational as expected.

Starting in August, the government started to pay regular visits to Cem houses. On October 7th, it made a statement announcing that the electricity, natural gas and water expenses of the Cem houses would be met, that support would be extended and land allocated for the construction of Cem houses, and that posts would be created for the key staff working in the Cem houses so that they would receive salaries. To these ends, a new department would be established within the Ministry of Culture and Tourism. However, this approach was devised in such a way as to provide supports similar to the legal rights from which places of worship benefit to the Cem houses too, but without actually recognising the Cem houses as PLACES OF WORSHIP or legally declaring them to be so. In this connection, the Presidential Decision No. 6364 (Annex 4) concerning personnel and the Presidential Decree No. 112 (Annex 5) took effect upon their publication in the Official Gazette No. 32008 of November 9th 2022, and an “Alevi-Bektashi Culture and Cem House Presidency” was formally established. The corresponding adjustments to laws related to the issue were finalised when the “Law Amending the Tax Procedure Code and Other Laws” (Law No. 7421) was approved by the Grand National Assembly of Türkiye (Parliament) on November 16th 2022 in an open ballot in which 415 members took part with 242 votes in favour and 173 votes against. The articles of the finalised text of the Law which relate to Cem houses are given in Annex 6.

During the period when the law and decrees in question were being announced and debated, important arguments and criticisms were made. The main topics of discussion can be summarised as follows:

- The use of a compendium law (also containing provisions on unrelated matters) to address the issue,
- The failure to mention the status of the Cem houses as places of worship,
- The obligation to obtain the permission of the provincial governor in order to establish a Cem house,
- The treatment of the Alevi system of belief as a cultural activity,
- The taking of decisions without entering into sufficient dialogue with Alevi institutions.
- The possibility of the Cem houses which Alevi institutions have set up using their own means coming under the supervision of the state or being nationalised,
- The failure to mention Alevi sustainability (compulsory religion lessons/ Training of men of religion).

Both the government side and the opposition parties, the Alevi members of parliament in the Grand National Assembly and administrators of Alevi institutions have expressed a variety of opinions on the above topics. Quotations from the different views expressed taken from the records of the Grand National Assembly are to be found in Annex 7. The Alevi institutions generally criticised the way the issue of PLACE OF WORSHIP status was overlooked. Some umbrella organisations argued that the implementation of the policy will be unsuccessful.

In our view, considering the use of a compendium bill to address the issue and the neglect of the issue of place of worship status, even though these developments create the impression that some of the rights accorded to places of worship are being provided or will be provided to the Alevi community too, the country's Faith Policy remains far from clear. Moreover, the establishment of a new presidency within the Ministry of Culture contains elements that are contradictory both to domestic law and to the decisions of the ECtHR. The Sunni segment, the minorities protected by the Treaty of Lausanne, the minorities not covered by the Treaty of Lausanne (Assyrians, Yazidis, Bahai) and the Alevi have been separated into four groups with different legal and administrative statuses. Moreover, there is a high probability that the Shafi, who are Sunni but not entirely in harmony with the practices of the Presidency of Religious Affairs, and the Shi-ites will soon be added to these groups. Rather than leading to understandable and comparable FAITH POLICIES in Türkiye, there are quite serious concerns that these arrangements will only augment the lack of clarity and comprehensibility.

The statements made by Alevi institutions and the views expressed by members of parliament during the debate in the Grand National Assembly are to be found in Annexes 7 and 8. The observations and opinions of a Sunni academic known for his impartiality concerning the recent developments can be perused in Annex 9.

Annex 7 – A joint declaration of some Alevi institutions – November 16th 2022

Annex 8 – Some of the speeches made in the Grand National Assembly of Turkey (Parliament) during the debate on Law No. 4712

Annex 9 – “THE ALEVİ ARE UNEASY” (Prof. Dr. Bilal SAMBUR)

COMPULSORY RELIGION LESSONS

- Hasan-Eylem ZENGİN Case (Case no.1448/04). Judgement finalised: 9.Ocak.2008
- Mansur Yalçın et al. Case (Case no 21163/11). Judgement finalised: 16.Şubat.2015
- Hüseyin & Nazlı Şirin EL Case – CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY (Case no. 2014/15345). Date of ruling: April 7th 2022

With respect to the long-running issue of the compulsory RELIGIOUS CULTURE AND MORALITY lessons, which the Committee of Ministers of the Council of Europe decided at its meeting no. 1362 of December 2019 (Annex 1) to allocate to ENHANCED SUPERVISION, there has been no change in the syllabus since 2018.

In general, Alevi families are wary of opening cases or taking initiatives on this matter.

In the Hüseyin and Nazlı Şirin EL Case that began in 2014 and was referred to the Constitutional Court, the Plenary of the Court decided on April 7th 2022 that the practice constituted a violation of the provisions of the Constitution and the Civil Code (Annex 10).

This ruling was published in the Official Gazette No. 31906 of July 28th 2022 but has not yet been implemented. As of the 2022-2023 School Year, which commenced eight weeks after the publication of the ruling, the Religious Culture and Morality lessons are still obligatory. No news of decisions taken or other information has been received concerning the lawsuits which some families have opened in the administrative courts since the school year began.

Some changes have been made regarding the optional lessons but the syllabi have not been changed. Some units which appear in the syllabi are not included in the school-books published by the Ministry of National Education for the 2022-2023 School Year. There are discrepancies or grey areas between the syllabi and the books.

There has been no change since 2018 in the Religious Cultural and Morality education.

No initiative has been taken similar to the *Imam-Hatip* schools to raise men of religion in accordance with Alevi traditions. No preparations or arrangements have been made with a view to raising Alevi men of religion either at the secondary level or in higher education. There is no reference that mentions this topic in the decree foreseeing the establishment of an Alevi-Bektashi Culture and Cem House Presidency or in the syllabi of the Ministry of National Education.

Annex 10 – Quotations from the Constitutional Court ruling.

FAITH GROUP – STATE RELATIONS (EQUAL RIGHTS):

- İzzettin Doğan et al. (Case no.62649/10). Judgement finalised: 26.Nisan.2016

There has been no development regarding the implementation of the judgement in this case. The question of corporate identity rights for faith groups has not come onto the agenda.

No arrangement or progress has been made regarding faith groups benefitting from equal rights. However, it has been announced that some rights similar to those extended to places of worship may also be provided to Cem houses on different terms through the establishment of an Alevi-Bektashi Culture and Cem House Presidency under the Ministry of Culture and Tourism.

The Presidency of Religious Affairs and the Ministry of National Education cooperate with one another on preschool education and on religious education, but no similar rights are accorded to other faiths.

Currently, different institutions – the Presidency of Religious Affairs for Sunni Islam, the Prime Ministry and Ministry of Foreign Affairs for the Minorities, and the proposed new presidency and the Ministry of Culture and Tourism for Alevi Islam – are conducting different practices in Türkiye without clear principles and rules. There is no question of a FAITH POLICY that is comprehensible and can be monitored.

Annex 11- News from the press and page-links

CONCLUSIONS

The year has seen some attacks on Alevi institutions, and publications and acts that worry the Alevi have continued. At the same time, the effort to, in effect, push the Alevi outside the realm of faith by linking them to the Ministry of Culture and Tourism has met with a significant reaction. Behaviour that gives cause for concern to non-Muslims is also observed from time to time. Annex 11 – A commentary from the international press

Some political parties are preparing to apply to the Constitutional Court for the annulment of the compendium law, Law No. 7421 on the Amendment of the Tax Pro-

cedure Code and Other Laws, which contains articles on the Alevi and Alevi practice.

Public opinion is rather uneasy and uncomfortable with the failure of the state to develop a specific, just FAITH POLICY and with the very different practices which different faiths encounter.

The judgements of the ECtHR and the Constitutional Court are not being implemented for reasons which are not understandable.

There has been no visible progress in the implementation of the Human Rights Action Plan.

Judgement No. 32093/10 of the ECtHR on electricity bills for Cem houses has been partially implemented.

There have been some partial implementations regarding judgements No. 1448/04 and 21163/11 of the ECtHR on Compulsory Religion and Morality Lessons but no new steps have been taken since 2018.

No move of any kind has been made with respect to the ruling no. 2014/15345 of the CONSTITUTIONAL COURT OF THE REPUBLIC OF TURKEY of April 2022.

With respect to judgement no. 62649/10 of the ECtHR, a compendium law has been adopted that is the topic of much debate. There is no question of any arrangement for clarifying the relations between the state and faith groups.

IMPORTANT NOTE: This report is prepared based on information publicized and developments realized until 25th of November.2022.

Att. 1- European Council Committee of Ministers decisions.

1362nd meeting, 3-5 December 2019 (DH)

H4d-32 Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı group (Application No. 32093/10) and Zengin Hasan and Eylem group v. Turkey (Application No. 1448/04)

Supervision of the execution of the European Court's judgments Reference document
CM/Notes/1362/H4d-32 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 the authorities to provide information on whether Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı is exempted from the payment of lighting costs; noted that the individual measures for the remaining cases are linked to the general measures;

As regards general measures

3. noted the emerging practice of the domestic courts to order the partial reimbursement of lighting costs to cemevis which bring proceedings, but underlined that this is insufficient to resolve the discrimination identified by the Court arising from the blanket exclusion of the Alevi community from State religious subsidies and other benefits, including tax exemptions;

4. noted further that the 2018 curriculum for the compulsory “religious culture and ethics” classes in primary and secondary schools includes information on the Alevi faith and that parents may initiate legal proceedings requesting exemption of their children, but emphasized that these measures do not appear to remedy all the condemnments raised by the Court, in particular in the absence of an exemption procedure which does not subject parents to a heavy burden and to the necessity of disclosing their religious or philosophical convictions; therefore decided to transfer the cases of Hasan and Eylem Zengin (1448/04) and Mansur Yalçın and others (21163/11) from the standard to the enhanced supervision procedure;

5. noted, finally, that a national discussion on how to resolve the issues highlighted by these judgments was embarked on in the “Alevi initiative” workshops; welcomed the inclusive nature of the workshops and the fact that recommendations were reached by consensus in a final report in 2010; therefore strongly encouraged the authorities to build upon these recommendations in drawing up a comprehensive action plan with a concrete calendar indicating specific legislative and administrative measures and, in view of the passage of time since the first of these judgments became final, to provide it to the Committee of Ministers by 1 June 2020.

Att. 2- 1419th CoM meeting decisions

https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a4acc7

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.

Att. 3- Alevi Federations joint LAW COMMISSION

<https://www.ikrarhaberajansi.com/alevi-federasyonlari-hukuk-birimi-kuruluyor/>

17.March.2022 - A joint Law Commission is established by the Alevi Bektashi Federation, the Alevi Foundations Federation and the Alevi Associations Federation. After the first meeting held in Garip Dede Lodge, the presidents of the federation and the lawyers made a joint press statement. At the meeting held at the Garip Dede Lodge, a legal struggle will be held regarding the violations of Faith and Rights throughout Turkey. On behalf of the Alevi Federations, a press release was made regarding the establishment of the unit that will fight against the usurpation of rights of all citizens.

ALEVI FEDERASYONLARI HUKUK BİRİMİ YÜRÜTME KURULU



ABF Genel Başkanı
Hüseyin Güzelgil

AVF Genel Başkanı
Haydar Baki Döğem

ADDF Genel Başkanı
Celal Fırat



ADDF Başkanı
Adil Başkara

Av. Lyla Sıcan

Av. Zeynel Öztürk



Av. Nuran Adanar

Av. Namık Sofuoğlu

Av. Nebahat Bektaş



Av. Zeynel Çambelli

Av. Ulaş Çam

Av. Seyit Sönmez



Av. Muharrem Akbaş

Av. Cem Yılmaz

Av. Hüseyin Akhan

KAMUYOYUNA DUYURU

Uzun yıllardır örgütlü olarak devam eden Alevi hak mücadelesi, günümüzde yaşadığımız çetresiz aygıtların sebebiyle daha da önem kazanmıştır. Bu nedenle, ülkemizdeki Alevi kurumlarının büyük çoğunluğunun çatı örgütleri konusundaki Alevi Federasyonları olan

**Alevi Bektashi Federasyonu (ABF),
Alevi Vakıfları Federasyonu (AVF)
Alevi Dernekleri Federasyonu (ADDF)**

olarak; Alevilerin hak mücadelesinde birlik ve ortaklaşa ile yol yürümemin daha faydalı ve etkili olacağı düşüncesindeyiz. Demokratik hak ve ortak taleplerimize gündeme taşınan hukukî zeminde bizlere yol gösterecek bir "Hukuk Birimi"ni" mülakât ihtiyacı olduğuna görülmüş olup, Alevi Federasyonlarımız, bağlı kurumlarımız, bağışçısı Alevi kurumlarımız yetkili temsilcilerinin ve Alevi hak mücadelesi aktivistlerinin katılımıyla 22.02.2022 tarihinde toplantıda

"Alevi Federasyonları Hukuk Birimi"

kuruluşuna karar verilmiştir. Alevi Kurumlarımızın hak mücadelesinde geçmişten bugüne bu şekilde birlikte hareket eden Avukatlarımızla / Hukukçularımızla başlayarak bu çalışma, tüm kurumlarımızın bundan sonraki hak mücadelesinde daha etkili sonuç alınmasını amaçlanmaktadır.

Kamuyoyuna saygıyla duyurulur.



Alevi Bektashi Federasyonu



Alevi Vakıfları Federasyonu



Alevi Dernekleri Federasyonu

Alevi Federasyonları Hukuk Birimi'nin yapımı

olduğu ilk toplantısında alınan önemli kararlar:

1-) Avrupa İnsan Hakları Mahkemesi'nin (AİHM) 32093/10 sayılı karar, Yargıtay 3. Hukuk Dairesi'nin 2013/9711 sayılı karar, İdari Yargı ve Adli Yargı mercilerinin sınırlı kararları ile

"CEMEVLERİMİZİN" "İBADETHANE"

olduğu hususları izahıtan vareside olduğundan;

Alevilerin İbadethaneleri olan

"CEMEVLERİMİZE"

bundan sonra gönderilecek olan

ELEKTRİK FAİZ KALAKARININ

BEDELİLERİN ÖDEMESİ VE ÇİĞİMİZİN

İsim Alevi kurumlarımızın devr alınması,

2-) Cemevlerimize ve bünyesinde Cemevi bulunan

Alevi kurumlarına karşı "Elektrik Dediği" ile ilgili

olarak "icra takibi" başlatılması halinde;

icra takibine ilişkin olumsuz tebligatından itibaren

EN GEC 7 İYEDİ GÜN İÇERİSİNDE

İLGİLİ İÇRA POSTALARINA

YAZILI OLARAK İTİRAZ EDİLMESİNE,

(İlgili tutara dilenince ömektir. Alevi Federasyonları

Hukuk Birimi tarafından hazırlanacak olup,

Federasyonlarımız tarafından talep eden

kurumlarımızın derhal iletilecektir.)

3-) Alevilerin talepleri ile ilgili olarak

yasal mevzuatı yapılmaması gereken düzenlemeler

hakkında, gerekli çalışmaların yapılmasına, bu

çalışmalar sonucu

hazırlanacak önerilerin Alevi Federasyonları

tarafından ilgili kamu kurumlarına ve

siyasi partilere sunulmasına

karar verilmiştir.

Att. 4- Presidential Decision No. 6364

Nov.9.2022 OFFICIAL GAZETTE No. 32008

PRESIDENTIAL DECISION

Decision No: 6364

It has been decided that the attached "Principles on Amending the Principles Regarding Employing Contracted Personnel" will be put into effect, pursuant to paragraph (B) of Article 4 of the Civil Servants Law No. 657.

Nov.8.2022

Recep Tayyip Erdoğan
PRESIDENT

9 Kasım 2022 ÇARŞAMBA

Resmî Gazete

Sayı : 32008

CUMHURBAŞKANI KARARI



Karar Sayısı: 6364

Ekli "Sözleşmeli Personel Çalıştırılmasına İlişkin Esaslarda Değişiklik Yapılmasına Dair Esaslar"ın yürürlüğe konulmasına, 657 sayılı Devlet Memurları Kanununun 4 üncü maddesinin (B) fıkrası gereğince karar verilmiştir.

8 Kasım 2022

Recep Tayyip ERDOĞAN
CUMHURBAŞKANI

Att. 5- Presidential Decree No. 112

November 9th 2022

Official Gazette

No. 32008

PRESIDENTIAL DECREE

PRESIDENTIAL DECREE ON THE AMENDMENT OF SOME PRESIDENTIAL DECREES

Decree Number: 112

ARTICLE 1- The following sub-clause has been added to Presidential Decree No.1 on the Organisation of the Presidency following sub-clause (f) of the first clause of article 277 and the following sub-clause has been made to follow accordingly.

“g) to carry out business and operations related to cem houses and research into the Alevi-Bektashi culture,”

ARTICLE 2- The following sub-clause has been added to Presidential Decree No.1 following sub-clause (k) of the first clause of article 279 and the following sub-clauses have been made to follow accordingly.

“k) Alevi-Bektashi Culture and Cem House Presidency,”

ARTICLE 3- The following article has been added to Presidential Decree No. 1 following article 292.

“Alevi-Bektashi Culture and Cem House Presidency

ARTICLE 292/A- (1) The duties and authorities of the Alevi-Bektashi Culture and Cem House Presidency are as follows:

a) To carry out activities to identify cem houses and their needs and to coordinate the effective and efficient conduct of the services in the cem houses,

b) To carry out business and operations related to the transfer of allocations to local administrations or to investment monitoring and coordination presidencies for the provision of the services of the cem houses identified by the Presidency,

c) To carry out and commission scientific research on all aspects of Alevi-Bektashism, integrating the social sciences and humanities; to arrange seminars, symposia, conferences and similar national and international events on these topics, and to prepare suitable environments for the generation of original knowledge, produce publications and support studies in this field,

d) To cooperate with universities and relevant institutions and organisations in order to support academic activities related to Alevi-Bektashism,

e) To research and gather material on Alevi-Bektashism scientifically at home and abroad and support efforts made for this purpose,

f) To keep track of the scientific activities conducted by national and international bodies and institutions within its area of responsibility, and of publications in this field, and to have those which it deems necessary translated and arrange for their printing and publication,

g) To carry out and support educational and cultural activities concerning Alevi-Bektashism,

h) To carry out other duties allocated by the Minister.

(2) An Advisory Board has been established to assess the work carried out by the Presidency in the field of its responsibilities and to inform the Presidency of its recommendations. The President of the Alevi-Bektashi Culture and Cem House Presidency shall also be the chair of the Advisory Board. The members of the Advisory Board shall be selected by the President of the Republic for a period of three years from among persons who have come to prominence on the Alevi-Bektashi path and who have conducted research and performed work in the area of responsibilities of the Presidency. The Minister may chair the Advisory Board if he considers this necessary. The transport and accommodation expenses of the members of the Advisory Board and of persons invited to meetings shall be met from the budget of the Ministry. The operating principles and procedures of the Advisory Board shall be determined through a regulation issued by the Ministry.

(3) With respect to their financial and social rights and assistance and other personal benefits, Alevi-Bektashi Culture and Cem House President and the Alevi-Bektashi Culture and Cem House Vice-President shall be on a par with a strategy development president and ministry deputy general director respectively in accordance with supplementary article 30 of the Decree in the Force of Law No.375.”

ARTICLE 4- The line “ALEVI-BEKTASHI CULTURE AND CEM HOUSE PRESIDENT AND VICE-PRESIDENTS” has been added to Schedule no. (I) annexed to the Presidential Decree no.3 on High-Level Public Officials and Appointment Procedures in Public Institutions and Bodies.

ARTICLE 5- The posts included in the attached list have been created and added to that section of Schedule no. (I), in annex to the Presidential Decree no.2 on the General Personnel and Related Procedures, which concerns the Ministry of Culture and Tourism.

ARTICLE 6- This Presidential Decree shall take effect upon the date of its publication.

ARTICLE 7- The provisions of this Presidential Decree shall be executed by the President of the Republic.

8 November 2022

Recep Tayyip ERDOĞAN
President of the Republic

Att. 6– ARTICLES OF THE COMPENDIUM LAW THAT ARE RELATED TO ALEVISM

<https://www5.tbmm.gov.tr/kanunlar/k7421.html>

LAW ON THE AMENDMENT OF THE TAX PROCEDURE CODE AND OTHER LAWS

ARTICLES RELATED TO ALEVISM

Law No : 7421

Date: November 16th 2022

ARTICLE 8- The following supplementary article has been added to the Settlement Act (Law No. 3194) of May 3rd 1985.

“SUPPLEMENTARY ARTICLE 10- When drawing up settlement plans, sites shall be allocated for the cem houses that are necessary in consideration of the conditions of the town and region being planned and its prospective needs.

In provinces and districts, cem houses may be constructed on condition of obtaining the approval of the highest local authority and compliance with the settlement planning legislation.

A place allocated for a cem house may not be allocated for other purposes in contravention of the settlement planning legislation.”

ARTICLE 14- The sub-clause below has been added to the first clause of article 7 of Law No. 5216 of July 10th 2004 on Metropolitan Municipalities following the sub-clause (aa), and the following sub-clause has been added to the third clause of the same article following the sub-clause (f).

“bb) Where necessary, to construct buildings and facilities for cem houses and to carry out all kinds of maintenance and repair of these buildings and facilities and provide the necessary support in the form of materials.”

“g) To carry out the construction, maintenance and repair of cem houses.”

ARTICLE 15- The following clause has been added to the Special Provincial Administration Law (Law No. 5302) of February 22nd 2005 following the first clause of article 6.

“The special provincial administration may carry out the construction, maintenance and repair of holy places, cultural and natural assets, places of importance for the urban fabric and history, and cem houses within the borders of the province.”

ARTICLE 16- The phrase “; may carry out the construction, maintenance and repair of cem houses” has been added to sub-clause (b) of the first clause of article 14 of the Municipalities Law (Law No. 5393) of July 3rd 2005 following the phrase “may construct”.

ARTICLE 17- The phrase “and to hospitals” contained in the second sentence of the sixth clause of article 15 of Law No. 5393 has been altered to “, to hospitals and to cem houses”.

ARTICLE 22- The following supplementary article has been added to the Electricity Market Law (Law No. 6446) of March 14th 2013.

“SUPPLEMENTARY ARTICLE 6- (1) The lighting expenses of cem houses are met from allocations to be included in the budget of the Ministry of Culture and Tourism.”

Att. 7– Joint Statement of some Alevi Institutions

<https://www.evrensel.net/haber/474821/alevi-kurumlarindan-ortak-aciklama-bizle-ri-yok-sayanlar-da-yasalari-da-yok-hukmunde>

November 16th 2022

JOINT STATEMENT OF SOME ALEVI INSTITUTIONS: THOSE WHO IGNORE US AND THEIR LAWS ARE NULL AND VOID

Alevi institutions stating that an attempt is being made to redesign Alevism have held a joint press conference at which they stressed that the struggle would continue against the arrangement whereby cem houses are to be assumed into the Ministry of Culture.

The representatives of the Alevi institutions drew attention to the way in which Alevism is being redesigned by the compendium law. Holding a press conference at the Taksim Hill Hotel, the Alevi institutions said that they would continue their struggle against the arrangement by which the administration, ignoring the Alevis, is subjecting their places of worship and faith leaders to a department established within the Ministry of Culture and Tourism.

The Alevi-Bektashi Federation (ABF), the Federation of Alevi Associations (ADFE), the Federation of Alevi Foundations (AVF), the Confederation of European Alevi Unions (AABK), the Haci Bektaş Veli Antatolian Culture Foundation (HBVAKV), the Alevi Culture Associations (AKD), the Pir Sultan Abdal Culture Association (PSAKD) and the Democratic Alevi Associations (DAD) have made a statement in Taksim, Istanbul concerning the legal arrangements regarding the Alevi which the Justice and Development Party (AKP) has brought to parliament as part of a compendium law and the Alevi-Bektashi Culture and Cem House Presidency which has been established by means of a Presidential Decree.

The statement was made on behalf of the institutions by Mustafa Aslan, the General President of the Alevi-Bektashi Federation. “We would like to repeat our demands,” Aslan said, “for equal citizenship first and foremost, and for a legal status for the cem houses which are our places of worship, for the abolition of compulsory religion lessons, for the conversion of the Madimak Hotel into a museum of shame, for an immediate end to the construction of mosques in Alevi villages, for the restoration of the Alevi lodges to the Alevis, for an end to discrimination in the public sector, and for the dissolution of the Presidency of Religious Affairs.”

“FOR YEARS OUR DEMANDS HAVE NOT BEEN MET”

Aslan recalled that the AKP administration held seven sessions in 2009 and 2010 under the rubric of an “Alevi opening”. “The heads of our institutions took part in the meetings and expressed their joint demands to the government officials,” he went on. “At these sessions, we saw that those who govern this country have never given up finding descriptions and definitions for those other than themselves. Following those sessions, not one of the Alevi demands has been met.”

“The Alevi want secularism. They want democracy. They want equal citizenship,” Aslan said. “Without listening to these demands, the administration has sent a team headed by the Ministry of the Interior – as if the Alevi were a security problem of this country – to visit so-called Alevi institutions and listen to the demands of so-called Alevi. The administration has paid no attention to the demand for equal citizenship which we have been voicing for years; instead, it is intent on creating a false impression. We have said that the state should not define or describe any faith, but that every faith has to be free. We have paid visits to the leaders of the parliamentary parties of political parties with groups in the Grand National Assembly of Turkey [Parliament]. We have called for the withdrawal of this compendium bill and told them that the demands of the Alevi are for equal citizenship and for secularism.”

CONGRESS TO BE HELD ON DECEMBER 25TH

Aslan continued as follows:

“The Alevi-Bektashi Culture and Cem House Department is a decree that disregards our faith. It is an initiative that disregards our religious leaders, that disregards our demand for equal citizenship, and that disregards the demands of the Alevi community with their emphasis on democracy and secularism. We will continue our struggle on both the political and legal planes.”

Aslan said that the Alevi are to hold a congress in Istanbul on December 25th. “We will not only invite Alevi institutions,” he explained, “but all the segments that are in favour of democracy, secularism and equality in this country. The Alevi will once again share what they have to say with Turkish public opinion at an event with tens of thousands of participants in Istanbul on December 25th. Regarding the legal, judicial process, our lawyers in Türkiye are continuing their discussions with the heads of the parliamentary parties of the opposition parties. We accept neither the department, nor the decree, nor the compendium law.” (Istanbul/EVRENSEL)

Att. 8– Speeches made during the debate on Law No. 4712 in the Grand National Assembly of Turkey (Parliament)

SİBEL ÖZDEMİR (Istanbul)

– Thank-you, Mr Speaker.

Unfortunately, the common demands of our Alevi citizens and our Alevi institutions regarding their faith and worship, which are based on a constitutional grounds and equal citizenship, have once more been ignored in this twenty-year period of government. The articles of law inserted in the compendium law respond to the demands of our Alevi citizens neither in the way they were prepared nor in their method and content. Just this weekend, Alevi organisations all over the country again appealed for the bill not to be adopted in this form by Parliament. Yet this compendium law, which does not fulfil the demands and expectations which they have conveyed, will today be approved, honourable members, in the General Assembly.

I want to stress this once again: We need to meet the rightful demands of our Alevi citizens, which are grounded in equal citizenship, through a separate, specific law that we have drafted in a transparent and participatory manner, and I would once again like to put this expectation and need on the agenda of the General Assembly.

NAZIR CİHANGİR İSLAM (Istanbul)

– Thank-you.

When we come to summarise these twenty years of governance, we are confronted with a situation in which the problems neither of Sunni citizens, nor of our Kurdish citizens, nor of our Alevi citizens have been resolved. You have made this distinction: To those who obey you unconditionally, you have offered all kinds of benefits, but when it comes to those who oppose you, you have even restricted their rights. Your latest bill – this change in legislation which you propose – does not solve the Alevi issue; rather, it adds additional problems to this issue.

Last year I was in our constituency in Istanbul. I spoke face to face with Alevi citizens in the Avcılar, Bağcılar, Esenyurt and Çatalca areas, and paid visits to the cem houses. You know what came to my mind: that story from La Fontaine, where the fox invites the stork to dinner – don't get me wrong – but serves up her soup in a bowl as flat as a tray. None of our citizens – our Alevi citizens – regard this issue of lighting and this business of water charges and buildings and repairs as a response to a need; they have no such demands, they make no such requests of you.

Making the construction of cem houses subject to the permission of provincial and district governors has created considerable anxiety; they consider it to be “open to obstruction”. They consider the establishment of an Alevi-Bektashi Culture and Cem House Presidency under the Ministry of Culture and Tourism to be a way of imposing an identity on them. Similarly, they regard the treatment of their faith – a question of belief – almost in the same way as folklore... they regard this conception of their faith as an attempt to belittle, insult and devalue the Alevi faith. And they view the Presidency – I mean, the presidency of this department – as the appointment of an administrator to oversee the Alevi faith.

My honourable friends, they are concerned that once you accept the cem houses that are approved by this presidency as legitimate, the others – that is, the ones that have not been approved – will be excluded from the realm of legitimacy. Look what the President of the Republic said when announcing this news: “In our lodges, science and morality go step in step.” Yes this is true. This is what these lodges are there for. He said something else too: he said, “They raise people who are good for our civilization.” This is also true; it’s also true but for a civilisation to flourish, my honourable friends, a society must embrace five basic rights and keep them alive and well and reinforce them. These five rights are not only an Islamic tradition; all the religions, all the ancient traditions, and even a significant proportion of the major contemporary schools of philosophy are in agreement about them. The first of them is the safety of life and property, which ensures that the individual and the society maintain their existence. Then comes the right to religion and belief, conscience and the generation of reason and ideas. This guarantees that human beings and their societies can live like humans and like human communities. And the fifth right is considered to be the security of generations – which means that it’s not just about me living in this period of time with my community until I lose my life, but also about future generations – about the transfer of this tradition and faith to which I adhere to the generations to come. My most honourable friends, yes, these points have all been made throughout history by people from very different backgrounds and they have been able to rein in the sultanate administrations and autocratic and totalitarian administrations of history, at least a little.

My honourable friends, the trouble with what you are doing here is this: You are filling in the public domain with the state and you are not leaving any room for civil society in the public realm. And you explain what you are doing to the people as if it were an Islamic tradition, whereas in fact you are clinging to the traditions of a way of thinking that have come down to us in the course of history from the authoritarian administration of Byzantium and which continued with the sultanate. Look, in Religious Affairs, let alone the Alevis and our Alevi citizens, you don’t even make space for the Shafi tradition, apart from Hanefism.

My most honourable friends, the solution is very simple. The solution lies in taking the demands of civil society into account and in drafting a constitution envisaged by civil society together.

TULAY HATIMOĞULLARI ORUÇ (Adana)

Yes, dear peoples, yesterday was the 85th anniversary of the death of Seyit Rıza and I remember him with gratitude and respect. The Alevis were massacred in Dersim, and Seyit Rıza and his friends were a few of them. Throughout history there have been massacres of Alevis, in Koçgiri, Sivas, Maraş, Çorum and Gazi and also – related to what we were talking about a little earlier – in Latakiye and Ishtabraq – also by hands extending from here. Despite all these massacres, and all the oppression, the Alevis have not compromised on any of their beliefs; in order to live freely in accordance with their beliefs, they have managed to continue their struggle for the acknowledgement of cem houses as places of worship, notwithstanding the official ideology of the state.

So what now is the intention behind these articles of law that are being discussed here in the Assembly at this moment? It is an attempt to buy off – in inverted commas – the Alevi. We don't see this simply as an election policy of this administration. We don't regard it as a bribe – in inverted commas – to seek the votes of the Alevi. What we see here once again as we discuss this bill is how the concept of the state that has failed to subdue the Alevi, and to assimilate their beliefs, through massacres down the years, has risen again under this administration, and how this official ideology is being continued. The purpose here quite clearly is to integrate the Alevi into the system, to assimilate the Alevis' beliefs, and to do away with Alevisism by turning their centres of worship into cultural centres – in other words, to put into effect in this way, through laws and decrees issued like this, what they have been unable to bring about through by massacres. But all in vain. The Alevis have said “No” to all this right from the outset. They have come to the gates of the Assembly and said “No”. Doesn't this mean anything to you? The government officials come here and say, “We have talked with the cem houses”. Well, we have talked with them too.

Look, as the Peoples' Democracy Party, we launched a campaign in Dersim on May 5th. In our campaign, we called for the right to equal citizenship for the Alevi, and this campaign is still going on. We are wandering from village to village and neighbourhood to neighbourhood. We are meeting up with the Alevi community and listening to their demands, and this booklet we have put together is the product of the workshops that we have held with Alevi institutions so far. If this administration wants to look at the question “What do the Alevi want?”, then they could take a look at that booklet, or gather the Alevi institutions and seek their views. But instead, Erdogan with the air of an Alevi *dede* [hereditary leader], is trying to define what Alevisism should be. Nobody has the right to do this, nor do the principles of law permit it, and we will stand against it to the end.

We will continue to stand by all that is precious to our Alevi citizens and to support all their demands. Let us make a promise to the Seyit Rızas, the Hallacı Mansurs, the Pir Sultans and the Baba İshaks that we will break this wheel of the Hızır Pashas, and along with the padishah in whom they trust we will overthrow them from this seat of power so that never again will have the right to raise their hands or voices against either the Alevis or any of those they regard as others – in inverted commas – in this country. Let this be our pledge to all the Alevis who have paid the penalty throughout the whole of history. (Applause from the HDP benches).

CANDAN YÜCEER (Tekirdağ)

– Mr. Speaker, honourable members, Here we have an issue that concerns millions of people – an ancient people with roots in the depths of history, who have been deprived of their rights of belief and worship for centuries, whose existence has been denied, and who have been the object of all kinds of oppression, tyranny and hate speech and suffered massacres. And while this issue should rightly be addressed through a basic law in conjunction with those concerned within the context of rights and freedoms, instead it has been brought before us squeezed into a compendium bill made up of unrelated articles. This is a great act of disrespect both to that faith and to its adherents

numbering millions of people. This alone is actually sufficient to illustrate the way you look upon the Alevi and the freedom of belief.

On the other hand, we are also confronted here with a way of thinking that reduces the demands of the Alevi community – and with them an authentic belief specific to Anatolia and to Thrace, rooted in history, and which goes back thousands of years – to a matter of water, electricity, concrete and culture, and an attitude that looks down on this faith and treats its members as others. This faith and faith community, the existence of which has been disregarded and denied on this territory for hundreds of years, you are now seeking to disregard by means of laws. This bill says “You are not a faith, you are a culture. This is how we see you and what we see fit for you.” It is the adherents of a faith who define that faith – not political administrations. A religion exists because those who believe in that religion make it exist. This is precisely the line at which the political authorities must stop. In spite of all kinds of oppression and tyranny, millions of people have been saying for thousands of years that “This is my belief”, “These are my prayers”, “This is my place of worship”. And you say: “No, culture”, “No, folklore”, “No, this,” “No, that.”

Alevism is the faith of 25 million people living in this land, the faith of my ancestors, my grandparents, my mother and father. My faith. What right or reason have you to question a faith? To define it and categorise it? Alevism is Alevism. It is a living faith – an ancient faith that has existed since the spirits were created – and it needs no definition. What the Alevis need is for their rights to be respected and their demands met on a basis of human rights, equal citizenship and freedom of belief. If the Alevis say, “This is our belief”, “These are my prayers”, “This is my place of worship”, then the cem is a prayer and the cem houses are places of worship. It’s as simple as that. It’s not your duty to define a faith; it’s your duty to acknowledge it. It’s your duty to keep an equal distance from all faiths. Just like the other faiths, it’s your duty to open the way for the cem houses to continue their existence in freedom and safety. That’s what freedom of belief is, what democracy is and what secularism is.

Nobody has the right to say, “My faith, my prayers or my sect is superior to yours”. No state can prize one faith and disdain another. Anyone who does so knows nothing of human rights or humanity.

When it comes to rhetoric, we hear that “We are all brothers and sisters – all equal.” For goodness’ sake, how can you favour one of these brothers or sisters and ignore the others? When for years the decisions of the European Court of Human Rights, and of the Court of Cassation and the Council of State, which you ignore, speak of discrimination and inequality. When – since I am past talking about disregard for the law – you cannot bring yourselves to call the cem houses a place of worship but speak of “rave halls”, “chanting houses”, “places of learning”, “monstrosities” and “cultural centres”. And when you continue to impose compulsory religion lessons on people according to a single interpretation of a single faith... How are we going to be equal, how are we going to call ourselves brothers and sisters?

Religious Affairs has a budget much larger than many ministries, using the taxes of the Alevi as well. If it is only going to serve one segment of society, and behave as if there were no other beliefs, then what kind of equality is that?

Look, if Alevi face discrimination today in access to public services, in public assistance, in promotions, in public sector appointments, and if there is not a single Alevi provincial governor, then let nobody stand up here and speak of brotherhood or equality.

Those who address rallies saying “Race is important, race!”, those who have the crowd jeer a weeping elderly mother who has lost her child, those who do not seek to shed light on the truth about the events at Sivas, at Maraş and at Çorum, but instead try to protect and support the fugitive suspects with time-limit tricks and congratulate them on their statute of limitations... These people can never bring brotherhood and equality to this country. Nor can they solve any of the country’s problems. (Applause from the CHP and HDP benches.) All you do is deceive, just as you did at the Alevi workshops, just as you are doing with this proposed legislation. You are trying to re-invent Alevism from scratch. You are trying to bring the Alevi under your own supervision and control. But you will not succeed. Those who did not bow down before the Tuğlu Pashas and the Hızır Pashas, but who followed Pir Sultan, who said, “Let the turners turn; I turn not”... they will not bow down before you.

Friends, you are doing something that has not been done to any faith before. With this article, you are denying the existence of a faith by calling it a “culture”, and in this way you are signing off on the greatest discrimination and the greatest tyranny possible. Remove this proposal from the bill immediately and accord the cem houses the status of places of worship. Acknowledge the demands and the rights of our Alevi citizens and bring these arrangements before us as a basic law. And so saying, I pay you my respects.

ARSLAN KABUKCUOĞLU (Eskişehir)

– Thank-you Mr. Speaker.

Dear speaker, honourable members. I am here to speak about the 22nd article of the bill with the serial number 364.

It is a strange thing that in the regions where I was born and where I live, there are people of different denominations, but none of them discriminate or point up the differences in the way the Grand National Assembly of Türkiye does. I have to say that I find this situation deplorable.

Article 22 proposes that the lighting costs of the cem houses be met by the Ministry of Culture and Tourism. If you aske me, this is not enough; their heating, maintenance and other costs should also be paid by the state.

İBRAHİM ÖZDEN KABOĞLU (İstanbul)

– The current illegal procedures are being given the protection of a coat of non-accountability. When we take this together with the cem houses, what we see is the following: The Constitution is a worldly text. As a worldly text, it provides assurances for all the faiths. From the point of view of a taxpayers’ rights, a Sunni citizen may say, “Why should tax be spent on an association?”, since this proposal of law reduces Alevism to the level of an association. And an Alevi citizen will say “Why should tax be spent on the Presidency of Religious Affairs?” That makes two. And any and all citi-

zens of the Republic of Turkey who look at the website of the Department of Religious Affairs and the website of the Religious Affairs Foundation, and see that the Foundation is active in 149 countries and has built mosques in 103 countries and undertaken the maintenance and repair of 491 mosques in norther Syria, will surely ask “Why is my tax being spent outside the borders of the National Pact?” These questions are quite legitimate. When you consider the matter in conjunction with the Savings Deposit Insurance Fund, there is a continuous monetary state of emergency. I mean, the Fund is keeping this state of emergency of belief going.

Two questions need to be asked here: Is the intention to prolong the monetary state of emergency, and the state of emergency of belief, which have been made permanent by means of the Savings Deposit Insurance Fund?

Even in countries with an official religion in their constitutions, other religions and faiths benefit from tolerance and worship communally in their own places of worship. Yet in the Republic of Turkey, which is based on the principle of secularism, and the basic principle of which is secularism and democracy, the Alevi faith is denied and not even the principle of religious tolerance can be said to apply. I wonder if this is because article 24 of the Constitution makes religion constantly a tool of politics – as if to say that without the law there is no morality either? Well in that case since the European Court has issued six finalised decisions on this issue, honourable members, and this law is contrary to these finalised decisions of the European Court, then sooner or later when it comes before the European Court, and the European Court orders a substantial compensation, which the poor people of Anatolia will have to pay for, I wonder if those who vote in favour of this law here today will not feel any pangs of conscience?

MURAT ÇEPNİ (İzmir)

– Thank-you Speaker.

General Assembly, and our dear people, An attempt is being made here to put a faith into the bottom end of a compendium law and to drown it in the dark corridors of the state. This policy is not just an electoral investment by an exhausted administration; rather, it is a direct product of a monist concept of the state that envisages “one nation, one voice, one faith, one sect”. It is a strategic assault – the strategic assault of political Islamist fascism.

The Alevi are being told: either you obey or you cease to exist. First there were no Kurds; then there were Kurds but they had no rights. Now Alevism used to be deviance, then cem houses became rave halls, and now they are trying to turn them into centres of culture and not of faith, and convert them into commercial enterprises. The creation of the state’s Alevi, the state’s Kurds, the state’s Muslims, the state’s workers, the state’s trade unionists and even the state’s leftists is a strategic policy of this monist approach of the state.

The Alevi people and the Alevi faith are now being expected to conform to this approach. But nobody should expect them to conform. Far from making a contribution, or meeting a demand, this arrangement constitutes the theft of all the rights and positions which the Alevi have won until now. It has no other meaning. The Alevi have come

down to the present day from one death to another. Like the phoenix they have risen from their ashes and been born again and come down to the present day, and whatever they have achieved, they have earned with their own hands and paid the price for it. They have organised; they have gained their places of worship in practice, and they have managed to bring their own cultural traditions down to the present by paying the price in practice. Today, to say “I am an Alevi” may not be a constitutional offence, but it is still a reason to be massacred on the streets. Today, marks are still being made on the doors of the Alevi, and the forces that claim this is merely the work of “lunatics”, far from being punished, are held in high esteem. Religious sects, jihadist gangs and the Department of Religious Affairs are today being primed with the taxes of millions of Alevi. This legislation is a commercial affair; it is a bid to buy off the Alevi. Yet here you are mistaken. Yes there are some people you can buy; if you want to know who they are you can look in the mirror. This legislation is a coup. There is no consent for this legislation among the Alevi people. This legislation is robbery; it is the effective theft by state forces of all the rights that have been acquired. This legislation is guardianship: it is a part of the policy of creating one’s own Alevi. The Alevi faith is being subjected to a board, and the President of the Republic will select the members of the board. In other words, Tayyip Erdogan has the nerve and temerity to determine the Alevi faith, just as he determines everything else. The Alevi faith is one of the most ancient assets of the world – of all humanity – from, the Tahtacı to the Bedreddins and the Bektashi to the Çepni Alevis to which I belong. This is not a fact that can simply be altered in the Grand National Assembly of Turkey or in the palace. The demands of the Alevi are for equal citizenship, and this demand is a demand for a right that has been stolen away. It has nothing to do with hoping for anyone’s support. The Alevi demand the recognition of the cem houses as places of worship; this right too has been stolen away. Alevism is not subject to anyone. Alevism is democratic and libertarian. The Alevi faith is a direct part of the struggle for democracy in freedom in this country and everywhere else; it is a direct part of the struggle for democracy, for freedom and for socialism.

Laws like these that are produced in palaces will be torn up by souls on the streets. Come souls let’s be one; come souls let’s be one; come souls let’s be one! (Applause from the HDP and CHP benches)

ALİ HAYDAR HAKVERDİ (Ankara)

– Thank-you Mr. Speaker.

My honourable member friends, I greet you all with respect.

Last week, some of my member friends who came to speak from this rostrum stated that there were people in their families named Ali, Hasan, Hüseyin and Fatma, that they knew Alevis in their surroundings and among their neighbours, and even that they had good friends who were Alevis. I am sad to say that you have not gone any further than being friends with these Alevis, and that today unfortunately you are sitting here passing a law that makes judgements about the Alevis. First and foremost, I would like to make clear that faiths should not be a matter of politics. Once you have established freedom of religion and belief in our umbrella law – that is, our Constitution – then the

faiths can deal with everything else themselves; there is no need for further definitions.

Honourable friends, sadly, you have never asked the Alevi "What are your key demands?" You have never asked them about their priorities. In fact, there is hardly anybody left who hasn't heard what the Alevi want, yet this twenty-year AKP administration unfortunately still hasn't heard them. With this Bill numbered 364 on the Amendment of the Tax Procedure Code and Other Laws – this compendium bill – you are making a judgement about the Alevi. I am afraid you have mixed faith and money in this bill. This in itself is very hurtful and shameful, but I am afraid you are not even aware of this. You have never got to know the Alevi and you are still continuing to disregard them. "Two worlds fit in me; I fit not in this world," say the Alevi, but you are trying to fit them into the pocket of a compendium bill. The Alevi won't fit into this bill, honourable friends; you can't squeeze them into this small space, and the Alevi certainly don't see this treatment as fit for them.

Honourable friends, the Alevi want equal citizenship first of all. They support the freedom of religion and conscience. Without any discrimination of religion, language, race or denomination, they want all the nations of the world to be viewed with the same eyes. We understand that you have Alevi friends, that you have Alevi neighbours, that there are Alis, Hasans, Hüseyins and Fatmas in your families – and yet sad to say you don't have a single Alevi provincial governor.

Who can know better than we do what we believe, how we pray or what are basic demands are? We are the scholars of what we know and the students of what we know not, but you do not know this. We do not seek plots of land, iron bars or cement. We pay our taxes in this country, we perform military service for this country, and all we ask for is equal citizenship.

Honourable friends, Do not try to mould the Alevi's faith upon another faith. Do not define them. Just get to know them. That will suffice. Cem houses are the Alevi's place of worship. Period. Does accepting this fact, and respecting it, bring any harm upon the mosque? On the contrary, respect and tolerance are the things that bind us together. We have been living together for centuries. We wish to live on this soil in peace and quiet. The Alevi are patriots. They are among the founding elements of this country. Do not separate us out; do not sow discord among us. And please abandon your policies of denial.

"I have not the slightest desire for the things of this world.

It is the Lord who sustains me; I do not thank the servant."

This is what we say. But you put us into the same basket as money and offer us steel and cement as a bribe. You have really never got to know the Alevi.

"When it is the plentiful Redeemer who provides for us all,

I do not praise the sultan, the caliph of the world."

This is what we say, but you attach us to the Ministry of Culture. Honestly, what do you mean by attaching us to the Ministry of Culture? Does that make any sense? Or let me put it this way: Are the cem houses theatres, the Alevi *dede* actors and the *zakir* singers? Is that what you really think

I repeat: Are the cem houses theatres? Are the *dede* actors? Are the *zakir* singers? Are the *talip* the audience and is the *semah* a folk dance? Is that what you think? How can you really attach Alevism to the Ministry of Culture, my friends? We call on the politicians, and especially this parliament, to respect those who share poverty and wealth, and who keep their companionship alive, and who wish to practise their faith.

My dear colleagues, the Alevi have long memories and strong wills. Their loyalty to the People of the House is complete. Those who describe the cem houses as rave halls, and who have our party leader booed at their rallies on account of his faith, those who cannot stand the photos of the Prophet Ali, Hacı Bektaş Veli and Atatürk in the cem houses and have them removed, those who won't hear of equal citizenship and who were punching and slapping in front of that door just last week... Now they are hastily pulling out all the stops ahead of the elections. But I must tell you that people who have kept control of their hands, their loins and their tongues for hundreds of years will never, never take bribes from the twenty year-old AK Party administration just five minutes before an election.

GARO PAYLAN (Diyarbakır)

– Mr Speaker, honourable members, my respects.

Dear colleagues, we are a society of many identities, many beliefs, many religions, and many cultures. Yet for more than a hundred years we have been forced into a single mould, and I am afraid, dear friends, that the policies of assimilation have had a certain effect and our colours have faded. The Georgians and Laz and Circassians and Boshnaks and Macedonians have all become Turks. Many faiths have been forced off these lands and a policy of monism has been enforced. If assimilation has succeeded in part, has this been a good thing? Unfortunately, the colours have faded and we have become fewer. All together we have become fewer. But at the same time a resistance has developed against the monism, honourable friends, a resistance. And do you know what that resistance is? Look, we all have our identities and our identities are our honour, so we say, our honour. We are fighting for our honour. We are engaged in a struggle of honour to preserve our identities. But the understanding of the state is being used as an instrument of oppression and tyranny against this struggle for our honour, my dear friends.

Look honourable friends, for hundreds of years the Alevi have been struggling for equal citizenship. And as a Christian Armenian citizen I support this struggle of the Alevi for equal citizenship. Why do I support them? Because we too have the same problem in common.

I took part in the demonstrations of Mazlum-Der, dear friends.

Look, at one time you were victims. You have forgotten those days when you were victims. Today I'm afraid you have become tyrants, dear friends.

Look, I am the child of a people that has experienced treachery. There is hardly an identity here that has not experienced treachery; we have all been through it. All of us have experienced treachery in the machinery of this state on account of our beliefs and our identities and our languages. And this social group that once experienced treachery is now coming and saying to the Alevi, "My brother, your cem houses are cultural cent-

res. We'll give you your electricity and your water. Now shut up." What right have you got? Have you no sense of shame, honourable friends? Isn't this shameful? Isn't this an insult to the Alevi?

Is it up to a state to define a faith? Is it up to a parliament? If a faith calls itself a faith, and says that "My place of worship is the cem house", all we have to do is to keep quiet and to respect that, dear friends.

Religions preach justice, honourable friends, do they not? All religions preach justice. I have read the Quran too and I have read the Tanakh and the Bible and I have been to the cem house. I have been to a Buddhist temple. Every religion preaches justice. If you make religion a part of the state, that's when justice comes to an end. Then only the state speaks. Whoever has the authority to speak for the state speaks and justice is abandoned.

Look what they've done. They made sunni Islam a part of the state. Has it been a good thing? Not if you ask me. Today, if you vote for his proposal, then they are going to make Alevism a part of the state too. Look I'm against making the Armenian patriarchate a part of the state too. Why not? Because I want the priests to speak of justice, I want the *dede* to speak of justice, I want the imams to speak of justice, I want all people of religion to speak of justice, but when the state takes them over, then that finishes off all the faiths, dear friends.

Look in Alevism – and I'd like to say that I obtained the consent of the Alevi in order to make this speech – the most important thing is consent. The Alevi get things done with consent; they seek one another's consent. Did you ask for the consent of the Alevi in order to make this legal arrangement, honourable friends?

Did you ask for the consent of the Alevi, honourable friends? No, you didn't. Do not raise your hands and lower your hands for these amendments without obtaining the consent of the Alevi, dear friends.

With my respects. (Applause from the HDP benches)

MÜZEYYEN ŞEVKİN (Adana)

– Thank you Mr Speaker.

My respects to the supreme Assembly.

Dear members, Almost certainly we are faced with a first here. We are involved in a process whereby an attempt is being made to legalise a faith, or rather to draw legal frameworks around it. The Justice and Development Party – which has raised social tensions, formed a privileged clique, triggered discrimination, and constantly displayed a completely political approach to beliefs, and reflected this in all its policies – is continuing to polarise Türkiye. Even before this bill could be discussed, a presidential decree was published in the Official Gazette establishing an Alevi-Bektashi Culture and Cem House Presidency within the Ministry of Culture and Tourism. As honourable members of the supreme parliament, does this not concern you? This really is a question mark.

What you can be sure of is that the Alevi do not want to be regarded as a field of cultural activities under the umbrella of the Ministry of Culture. They do not want to be squeezed into this space. There is no way that we can accept initiatives aimed at destroying the hearths of the Alevi.

Our problem is clear. Our demand is for equal citizenship of the country. The cem houses are the places of worship of all our Alevi citizens. Given that you still cannot get your tongues used to speaking of the cem houses as places of worship, we really wonder what you think you are doing here. Only last week, when the Alevi marched in the name of love, peace, tolerance and togetherness, you sprayed them with gas and assaulted them.

The AKP mindset has now decided it will define the faith of the Alevi. My friends, you have no right to do this. We will never permit the Alevi to be pressed into certain moulds and their desire to live equally and freely throughout the world to be ignored.

As the relevant article of the Constitution requires, it is vital that a constitutional arrangement should be made so that these enlightened and progressive people who walk in the footsteps of Mustafa Kemal Atatürk, who aim to reach the level of contemporary civilisations in the light of his principles and revolutions, and who work hard for their country, for togetherness, for peace and for brotherhood, will be able to live in equality and freedom.

Our Alevi citizens will not be bound to anyone's yoke, my friends. Far from respecting the beliefs of the Alevi or from broadening their rights, this proposal of law represents a denial of their longstanding and continuing demands. Which Alevi association did you consult with? Which of the seven workshops they held was incorporated into this bill or proposed legislation? No way! What you are now doing is to deny the Alevi faith and identity. Let nobody – and I mean nobody – try to make their own definition of the Alevi or to question the Alevi faith. (Applause from the CHP benches). Those who insult our identity, who try to define Alevism as a cultural element, and who insult our faith and our identity will be confined to the dark pages of history.

The Alevis – almost 25 million of them – do not want to be regarded as a culture. They do not agree with the establishment of a general directorate within the Ministry of Culture, as if it were a distribution of allowances. Their basic demands are for equal citizenship, for the cem houses to be recognised as places of worship, and for the abolition of the compulsory religion lessons. These are the basic demands of this faith. By offering to meet expenses like water and electricity as a kind of favour, do you think you can put the Alevi into another category? The Alevi want equal citizenship guaranteed by the Constitution. They want an end to the unjust and unlawful practices of the Presidency of Religious Affairs. They want mandatory taxes to be collected fairly and fairly shared. The demand of the Alevi is not for arrangements that have been hurriedly inserted into the Tax Procedures Code, or for this bill to be imposed on them against their will, but for it to be withdrawn. (Applause from the CHP benches).

What the Alevi want is not to be defined but to be recognised.

This compendium law that you haven't brought in for 20 years and you are now trying to bring in six months before the elections is neither sincere nor just. A law should be made that encompasses the real demands of all the Alevi and their representatives. This is essential. Enough is enough. Don't get on people's nerves. When we come to power – the Republican People's Party – we will build a fairer, freer Türkiye in which all faiths including the Alevi will become freer. Have no doubt about it. Let this be our promise.

While speaking here, I'd also like to honour the memory of Pir Sultan Abdal by saying "Off you go, Hızır Pasha/ Your wheel will break as well./ The padishah in whom you trust/ One day will be overthrown too."

MAHMUT TOĞRUL (Gaziantep)

– Thank-you Mr Speaker, dear members, I offer my respects to the General Assembly and its workers. I also offer my respects to our dear citizens watching us on the screen.

Honourable friends, the thousand year-old faith of the Alevi... You have squeezed our faith of thousands of years into a compendium bill, and I am the final speaker on the final article of this bill. We are warning you, in fact, that what you are saying with this compendium proposal is this: "This faith of yours that we have denied and disregarded for thousands of years... Come on, let's make a deal. Let's give you cement and paint and plaster and pay for your electricity and your water, and then you be our subjects, the state's Alevi, so that we can meet these needs of yours."

Honourable friends, the Alevi have been scorned for a thousand years. For a thousand years they have faced oppression and tyranny. Look what Pir Sultan says about this oppression and tyranny:

"If judges and muftis write fatwas,
Here's the rope, here's my neck if it hangs it,
Here's the dagger, here's my head if it chops it.
Let the turners turn, I turn not from my path."

In other words, Anatolian *Kızılbaş* Alevism has braved death, denial, derision and everything else and lived according to its faith for millennia. You cannot make it the property of the state with your bags of cement or your electricity and water bills.

Honourable friends, In democratic developed countries, nobody defines people's faiths for them. The Alevi have never interfered with anyone's faith or criticised anyone for their faith. But the Alevi have been through everything on this territory, including detention, including torture, and including massacres.

From Koçgiri to Dersim, from Çorum to Maraş and from Sivas to Gazi, the Alevi have experienced massacres but they have never tried to define anybody else's faith. Now the AKP-MHP administration wants to fit our faith into a template. We will not conform to this template of yours. We are the comrades of Pir Sultan, who gave his life but never bowed down. For this reason, we will never be deceived by your electoral bribe. Do not define our Alevi faith for us; we learned it from our hearths, our mentors, our *dede* and our mothers; I'm sorry but we are not going to learn it from you.

Look, the European Court of Human Rights has come to a clear decision. The Alevi are struggling against compulsory religion lessons for Alevi children. It is quite clear what the Alevi are calling for: the Alevi say, "Our prayer is the cem. Yes, our place of worship is the cem house." It's nobody's place to debate this; nobody has the right. And yet unfortunately up to now the Alevi have faced obstacles in getting jobs in the public sector, in society and in many other places on account of their faith. Look, today, in this society, there is no Alevi minister, no Alevi provincial governor, no Alevi general and

no Alevi university rector. And you say there is no discrimination! Well, there is; we are experiencing it. This is what we face. Whatever you may say, it's us who are affected. So, honourable members, don't put your signatures to a bill that you will be ashamed of in future. The Alevi faith is neither a cultural activity nor a touristic one. Leave the Alevi alone to believe how they wish and pray how they wish; don't try to define them.

The Alevi faith will not fit into the chambers of that assimilation presidency of yours. The doctrine on which the Alevi faith rests is consent. We do not consent to this compendium bill. It's not just me who's saying this: the representatives of all the Alevi institutions, and of their foundations and associations, and those who represent the Alevis came to the gates of this assembly and cried out, and you set the police on them. I'll say it once again: We do not consent to this bill; we reject it. Do not put your signatures to a bill when tomorrow you will say, "Why did I go and sign that? If only I hadn't signed it."

MAHMUT TANAL (İstanbul)

– Mr Speaker, can I say something on a point of order: faiths cannot be put to a vote.

MUSTAFA SEZGİN TANRIKULU (İstanbul)

– Honourable members, the bill under discussion could have been a reckoning with the past. It could have been a law that faced up to the past and apologised for it. You should not have brought up the issue of the Alevi faith and the cem houses and attached it to the tax procedure issue. When you look back on the past from the future you will be ashamed of yourselves for this, you really will be ashamed. We could have adopted a special law of three articles or five articles or ten articles but you didn't do this. You did the wrong thing. This should have been a law that came to a reckoning and faced up to the past. I'm saying it openly.

ENGİN ÖZKOÇ (Sakarya)

– In a short while, a law which all the Alevi associations have said they do not want will be put to a vote in this Assembly. Just now the leader of the AKP parliamentary party showed us a picture and said, "Look there are Alevi *dede* here; there are Alevi associations here." We are not talking about the AKP's own associations; we are talking about the representatives of the Alevis. (Shouts of 'Bravo' and applause from the CHP benches) We are not talking about the AKP's back garden; we are talking about the real representatives of our Alevi citizens.

If among any of our Alevi citizens – in any of the associations you went to – there is a single Alevi who said "Cem houses should not be places of worship", then stand up and tell us; if there is a single Alevi who says that, then tell us about it here. (Applause from the CHP benches)

Now seeing all this and knowing all this, to pretend that there is such a demand and that the AKP is fulfilling this request... its not right from an ethical point of view for a start.

Secondly, did the the Alevis say to you, "Pay our electricity money and our water

money”, and did they speak to you about their own cem houses and say “Never mind them being places of worship; first let’s get the other things passed.”? What the Alevi want is their rights, not charity. The Alevi want their rights. The Alevi don’t want you to donate anything to them. (Applause from the CHP benches) The Alevi say, just like you said from this rostrum a little earlier, “If we are equal citizens of the Republic of Turkey, then the place where we pray is the cem house and we want it to be counted as a place of worship.” And you say to them: “It’s not important what you want; the important thing is what the Public Alliance does; whatever the Public Alliance says, you are obliged to accept it.” And then they say, “We reject you.” And that’s why the Republican People’s Party is going to vote to reject this law. Right to the last. Every last one of us is going to vote ‘No’. (Applause from the CHP benches) For those miners of ours who gave their lives, all of the Republican People’s Party members here will fight to the last to protect their rights and seek justice for them. But some members didn’t turn up. Why not? Because of the way you bring in laws. They don’t want to vote against something concerning the lost miners. But later... People were critical; they said. “If the Republican People’s Party and the National Alliance are present, then this law won’t pass.

Now let me turn to the AKP benches. The Alevi do not want this law; they want equal citizenship. Don’t say ‘Yes’ to a law they don’t want. We are going to say ‘No’. (Applause from the CHP benches; calls of “Come off it” from the AK Party benches)

KEMAL ZEYBEK (Samsun)

– Mr Speaker, Mr Speaker... Alevism is a faith asset. The prayers of the Alevi cannot be banned. The faith assets of the Alevis cannot be prohibited. (Noises from the AK Party benches)

Att. 9– “THE ALEVI ARE UNEASY” A column by Prof. Dr. Bilal SAMBUR

<https://www.indyturk.com/node/577551/t%C3%BCrki%CC%87yeden-sesler/aleviler-huzursuz-hayaller-e%C5%9Fit-vatanda%C5%9Fl%C4%B1k-ger%C3%A7ekler-daire>

THE ALEVI ARE UNEASY: THEIR DREAM IS EQUAL CITIZENSHIP; THEIR REALITY IS A GOVERNMENT DEPARTMENT!

Prof. Dr. Bilal Sambur- member of the academic staff of Ankara Yıldırım Beyazıt University – written for the newspaper Independent Türkçe.

Friday November 18th, 2022 08:28

For hundreds of years there has been an Alevi problem in this part of the world. Although there has been an Alevi problem in a very real sense, no similarly realistic policy has been put into effect with the same sense of realism for the solution of this Alevi problem.

The most recent move to affect the Alevis was the publication of a decree in the Official Gazette establishing an Alevi-Bektashi Culture and Cem House Presidency under the Ministry of Culture and Tourism.

The Alevi object to being squeezed into a government department and consequently sterilised. Most recently, the Federation of Alevi Associations, the Federation of Alevi Foundations, the European Confederation of Alevi Unions, the Hacı Bektash Veli Anatolian Culture Foundations, the Alevi Culture Associations, the Pir Sultan Abdal Culture Associations and the Democratic Alevi Associations jointly expressed their objections to the establishment of a department for the Alevis in the Ministry of Culture and Tourism.

The Alevi problem is not a problem that was created by the Alevi. It is the nationalist, religious, sectarian and authoritarian way of thinking that regards the sociological, historic and religious existence of the Alevi as a problem, and sees Alevism and the Alevi as a problematic, faulty and mistaken entity.

This way of thinking, which views Alevism and the Alevi as a problematic, faulty and mistaken entity, accords to itself the mission and the prerogative to correct and resolve Alevism and the Alevi and to put them into proper shape.

The reduction of Alevism and the Alevis to an object like a plastic chair that can be sat upon, played with, bent and twisted and interfered with at will is the main reason that constitutes the Alevi problem.

Alevism is not a problematic, faulty and mistaken social and religious reality. Abandoning the disease of imposing their own erroneous, problematic, faulty and pathological sentiments, opinions, values and projects onto Alevism and the Alevis would be a good thing for the Alevis and for everyone else as well.

Sociologically and historically, many different faith, religion and denomination groups live in this region. Society is highly diverse and colourful from the point of view of faith and religion.

There is a need to acknowledge all the different colours and varieties of social and religious diversity and to avoid excluding or otherising any of them.

In our society, there are two main large-scale realities: Sunnism and Alevism. The Sunni tradition is not the only, dominant faith reality in this society.

The fact that there are two major faith realities – namely, Sunnism and Alevism – needs to be accepted.

Unless the Alevi reality is acknowledged just as much as the Sunni reality, then anything that is said or done about Alevism has to be seen as erroneous, problematic and faulty.

The Alevism problem stems from an obsession: the zeal to use Sunnism and Islam to establish dominance over the Alevi.

The desire and drive to subjugate the Alevi has continued for hundreds of years without being satiated or coming to an end. Since the obsession with establishing dominance over the Alevi has not been abandoned, new ways of subjugating them continue to be generated.

In the same way as Alevism is not a faulty object that can be reinvented externally using the power of the state, so the Alevi are not a group of people that the Sunni and the Hanefi can subjugate.

The Alevi demand for equal citizenship actually refers to the construction of a social and political order based on democracy, secularism and the rule of law, in which neither the Sunnis nor the Alevi would be able to subjugate one another.

However, those who do not accept being equal citizens with the Alevi on a democratic basis, and who cannot reconcile themselves to being equal with believers in other faiths, have turned a deaf ear to the demand of the Alevi for equal citizenship. They scorn this demand and in no way take it seriously.

People must decide freely whether a doctrine can or cannot be called a faith, and whether a place can or cannot be considered a place of worship.

For the Alevi, Alevism is not only a culture. The Alevi look on Alevism as a faith reality in which their cultures, histories, literatures, theologies, ideologies, instruments, *semah* and rituals are all united and integrated.

Alevism is a faith that is continuously broadened and deepened with new interpretations and practices in accordance with changing social and historical conditions.

Definitions of Alevism which do not take these changing historical and social conditions into account, and which deny the experiences of the Alevi, and which limit and narrow it to a single sect, ethnicity or mysticism, are unsound and unrealistic.

Alevism is a faith which is continually being renewed and extended. Alevi who see their Alevism as a faith also see the cem house as their place of worship.

Since the Alevi regard Alevism as a distinct faith and the cem house as their place of worship, they have demands to make for freedom, and legal demands, in the context of freedom of religion and conscience and of human rights.

It is a natural right for those who are different to demand freedom. What is not natural, and a use of force, is for a demand for freedom and rights to be stifled and suppressed through artificial discourses and interventions.

Islam should not be used in any manner to repress the demands of the Alevis for rights and freedom. To immediately launch a debate on whether Alevism is a part of Islam or not whenever the Alevi demands for equal citizenship and freedom of religion and conscience come onto the agenda is nothing other than a deliberate distortion, manipulation and intervention.

The Alevi problem should not be distorted repressed or provoked with the question of whether Alevism is part of Islam or not.

The Alevi problem should be discussed and spoken about in a fruitful and constructive manner in the framework of democracy, the rule of law, secularism and human dignity with the aim of finding ways of living with the Alevi, a different faith group, in pluralism and peace, and policies should be developed and steps taken accordingly.

A Sunni has no duty of, or responsibility for, developing a theology for the Alevi, calling on them to reach the true path, managing their cem houses or organising the cem.

Just as Sunnism is no business of Alevis, Alevism is no business of Sunnis either. We have to become mature enough not to stick our noses into each other's religious lives.

Let's leave Alevism to the Alevi. Alevism and the Alevi must be viewed from outside the Sunni, nationalist, statist and authoritarian perspectives.

We must develop and internalise an approach that recognises, respects and accepts Alevism and the Alevi from a new civilian and democratic viewpoint in the framework of democracy, law, pluralism, reason, freedom and peace.

A civilian and democratic viewpoint that rejects the practices of denial and assimilation towards the Alevi should accept the existence of the Alevi as they are, and defend their right to go on existing freely with their own distinctiveness.

Instead of assimilationist impositions like the building of mosques in Alevi villages, the cem houses should be recognised as places of worship, obligatory religion lessons should be ended, the management and control of all the Alevi lodges should be left to the Alevi community, the state should cease to interfere in religion and all bureaucratic religious institutions should be disbanded.

We must face up to the Sivas massacre in which 33 people were burned to death and to all the other massacres.

To develop the consciousness that all inhuman massacres and slaughters must never happen again, Madımak should be converted into a museum of shame.

The hate, discrimination and racism systematically generated against sections of society that are different, particularly the Alevi, must be challenged, and legal arrangements must be made to deter them.

The establishment of an Alevism Culture Department within the Ministry of Culture and Tourism will not solve the Alevi problem.

The Alevi are not making any demand for the establishment of an Alevi Culture Department. The demands of the Alevi cannot be resolved through non-Alevi initiatives.

Although the Alevi call the cem house a place of worship, the new legal arrangement reduces Alevism and the cem house to the level of folk culture.

Instead of making efforts to control, guide, manage and dispatch the Alevi, the natu-

re of relations between the state and religion, which is at the root of the problem, needs to be changed.

In relations between the state and religion, the state should not be involved in any aspect of religion. For as long as the state is involved in every aspect of religion, the Alevi problem will persist.

Through a democratic, free, secular and pluralist model of relations between the state and religion, the Alevi dream of equal citizenship can become true, and the Alevi problem can be resolved in a democratic manner.

Att. 10- CONSTITUTIONAL COURT RULING

The whole text of the ruling can be reached via the following link. Only the parts of the ruling which we think will be significant for the reader have been included in the text of this annex.

<https://kararlarbilgibankasi.anayasa.gov.tr/BB/2014/15345>

REPUBLIC OF TURKEY
CONSTITUTIONAL COURT PLENARY RULING
APPLICATION OF HÜSEYİN EL AND NAZLI ŞİRİN
(Application No.: 2014/15345)
Date of Ruling: 7/4/2022
Date and No. of Official Gazette: July 28th 2022 - 31906

I. TOPIC OF THE APPLICATION

1. The application concerns claims of a violation of the right of parents to demand respect for their religious and philosophical beliefs in education due to the fact that there is no possibility of a student being exempted from religious culture and morality lessons, and of a violation of the right to a trial within a reasonable time due to the long time taken by the court process.

II. APPLICATION PROCESS

2. The application was made on September 12th 2014...

...

III. EVENTS AND FACTS

...

IV. RELEVANT LAW

97. The relevant section of Article 26 of the Universal Declaration of Human Rights reads as follows:

“3. Parents have a prior right to choose the kind of education that shall be given to their children.”

98. The relevant section of Article 18 of the International Covenant on Civil and Political Rights reads as follows:

“4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

99. The relevant section of Article 13 of the International Covenant on Economic, Social and Cultural Rights reads as follows:

“3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to... ensure the religious and moral education of their children in conformity with their own convictions.”

102. The relevant section of Article 14 of the Convention on the Rights of the Child (CRC) reads as follows:

“1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child...”

103. Relevant sections of the Toledo Guiding Principles on Teaching about Religions and Belief in Public Schools, which was drafted upon an initiative of the Organisation for Security and Cooperation in Europe and published in 2007, read as follows:

“...the basic principle under international standards appears to be that teaching about religions and beliefs is permissible even if it is compulsory, so long as it is given “in a neutral and objective way.” Moreover, non-neutral religious instruction is permissible if there are adequate opt-out provisions...” (p.70)

“Where compulsory courses involving teaching about religions and beliefs are sufficiently neutral and objective, mandatory participation in such courses as such does not violate the freedom of religion or belief (although states are, of course, free to allow partial or total opt-outs in these settings)...” (p. 72)

6. Reports of the European Commission against Racism and Intolerance on Türkiye

104. The relevant section of the Report of the European Commission (the Commission) against Racism and Intolerance on Türkiye dated December 15th 2000 reads as follows:

“...[The Commission] notes that the compulsory nature of religious education is currently the subject of public debate in Turkey and considers that, in order to guarantee the respect of personal choice in matters of religion, thereby contributing to the respect of genuine plurality, religious education should not be compulsory.”

105. The relevant section of the Report of the Commission on Türkiye dated June 25th 2004 reads as follows:

“68. ... [The Commission] considers the situation unclear: if this is indeed a course on the different religious cultures, there is no reason to make it compulsory for Muslim children alone. Conversely, if the course is essentially designed to teach the Muslim religion, it is a course on a specific religion and should not be compulsory, in order to preserve children’s and their parents’ religious freedom.”

106. The relevant section of the Report of the Commission on Türkiye dated December 10th 2010 reads as follows:

“72...[The Commission] observed that if the course indeed covered different religious cultures, there should be no reason to make it compulsory for Muslim children alone; conversely, if it was essentially designed to teach the Muslim religion, it should not be compulsory, in order to preserve children’s and their parents’ religious freedom....”

73. No significant changes in practice have been reported since [the Commission]’s third report; numerous sources consider that the compulsory religious education delivered in state schools in accordance with Article 24 of the Constitution and Article 12 of Law No. 1739 on National Education still focuses essentially on instruction in the principles of the Sunni Muslim faith.

74. [The Commission] refers to its recommendations made elsewhere in this report regarding the implementation of the judgment of the European Court of Human Rights in the case of Zengin Hasan and Eylem,³² and emphasises the need to ensure that the convictions of members of all religious minority groups are respected in the education system, including the convictions of persons who do not want their children to receive any religious instruction at school.”

107. The relevant section of the Report of the Commission on Türkiye dated June 30th 2016 reads as follows:

“89. ...As ending structural discrimination in these fields and in particular in religious education is important for sustainable integration of minority groups, [the Commission] notes with regret that the ECtHR has again found serious violations...”

90. These cases show that the authorities still do not respect the state’s duty to neutrality and impartiality in religious matters and that this results in various forms of structural discrimination against religious minority groups. Since ending such structural discrimination is important for successful integration, [the Commission] again urges the authorities to expedite implementation of the ECtHR judgments in this field...”

7. The Convention and the Jurisprudence of the European Court of Human Rights

a. The Right of Parents to Demand Respect for their Religious and Philosophical Beliefs in Education

108. Article 2 of the First Protocol to the Convention (P1-2) is as follows:

“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

....

127. The relevant section of Article 9 of the Convention reads as follows:

“1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance...”

128. According to the ECtHR, as the second sentence of P1-2 only encompasses a right for parents, a child receiving education cannot claim that s/he is a victim of a violation of the right accorded to parents under the second sentence of P1-2 (Eriksson/Sweden, § 93). However, children may base their cases on the issue of respect for their religious beliefs in matters related to education on Article 9 of the Convention. The ECtHR states that Article 9 of the Convention provides protection against state religious indoctrination. According to the ECtHR, this article primarily protects the area of personal and religious beliefs (Saniewski/Poland (dec.), B. No: 40319/98, 26/6/2001).

129. On the other hand, the ECtHR has indicated that the freedom to manifest one’s religious beliefs comprises also a negative aspect, namely the right of indi-

viduals not to be required to reveal their faith or religious beliefs and not to be compelled to assume a stance from which it may be inferred whether or not they have such beliefs (Grzelak/Poland, B. No: 7710/02, 15/6/2010, § 87).

130. The ECtHR has observed that that information about personal religious and philosophical conviction concerns some of the most intimate aspects of private life, and that imposing an obligation on parents to disclose detailed information to the school authorities about their religious and philosophical convictions may constitute a violation of Article 8 of the Convention and possibly also of Article 9 (Folgerø et al /Norway, § 98).

VI. RULING

It has been decided on April 7th 2022:

A. 1. by MAJORITY VOTE, and with the dissenting votes of Kadir ÖZKAYA, Recai AKYEL, Yıldız SEFERİNOĞLU, Selahaddin MENTEŞ, Basri BAĞCI and İrfan FİDAN, that the parents' claim that their right to demand respect for their religious and philosophical beliefs in education IS ADMISSIBLE;

B. by MAJORITY VOTE, and with the dissenting votes of Kadir ÖZKAYA, Hicabi DURSUN, Muammer TOPAL, Recai AKYEL, Yıldız SEFERİNOĞLU, Selahaddin MENTEŞ and İrfan FİDAN, that the rights of parents to demand respect for their religious and philosophical beliefs in education guaranteed in the fourth clause of Article 24 of the Constitution HAS BEEN VIOLATED;

C. That moral compensation of TL20,000 be PAID JOINTLY to the applicants, and the other claims for compensation BE REJECTED;

F. That copies of the ruling are to BE SENT to the Council of the State and the Ministry of National Education for their information;

G. That a copy of the ruling is to BE SENT to the Ministry of Justice.

Att. 11- Some news from the press and page-links

<https://ahval.io/christians/turkeys-christians-face-increasingly-dangerous-persecution-analyst>

<https://www.newsweek.com/turkeys-christians-face-increasingly-dangerous-persecution-opinion-1583041>

<https://www.gazeteduvar.com.tr/alevi-derneklerine-saldirinin-kronolojisi-organize-ve-planli-haber-1575542>

<https://www.cumhuriyet.com.tr/turkiye/ankarada-uc-alevi-kurumuna-saldiri-ankara-emniyet-mudurlugunden-aciklama-1963777>

<https://yesilgazete.org/mersinde-alevilerin-evlerine-carpi-isareti-koyuldu/>

<https://www.tihk.gov.tr/ankarada-alevi-kurumlarina-ve-cemevlerine-yonelik-gerceklestirilen-saldirilara-iliskin-basin-aciklamasi/>

<https://www.alikenanoglu.net/aleviler-icisleri-bakanligi-soru-onergesi/>

ADO STATEMENT of ESTABLISHMENT

ALEVI PHILOSOPHY CENTER has been formed;

- To understand and explain Alevi belief system and culture under contemporary conditions.
- To furnish and update social memory with correct and dependable information.
- To explain roots of Alevi philosophy to future generations,
- To keep successfully interpreted Alevi cultural and social codes during its long history, covering knowledge, music, literature, poetry, samahs, images and symbols, alive and vital within Turkey and international arenas,
- To register and disseminate demands and problems of Alevi's with their own voice and contemporary terms, contribute to rich cultural and art treasury of Alevi community and belief system.
- To support the legal struggle of Alevi community to reobtain rights of using their historical lodges and worship places,
- To benefit from basic human rights to improve sustainability of Alevi belief system, educating young generations and benefiting from all legal and social rights provided to belief groups in modern democratic countries.
- To serve to the formation efforts of an ideal democratic society based on social equality and justice.

With these aims;

We shall work hard to establish dependable information channels, organize historical and philosophical researches and studies, we shall work hard to produce much needed information about belief system and rituals of Alevism with realistic and academic approaches, to reduce negative prejudices attributed to Alevism due to result of misinformation and illiteracy about Alevism.

We shall try to disseminate rightfully produced information with the help tools like meetings, workshops, training programs, conferences and symposiums within and out of our country.

We shall open contact and rep offices in and out of country, will consult, cooperate, organize joint studies and activities with all institutions working on human rights and religious freedom. We shall establish networks, establish contacts and become members of existing networks, working in these fields.

We shall work hard for accommodating and establishing transparency, good governance, audit traditions in belief centers and Cem houses of Alevi organizations to improve and update their activities, vitality and energy.

We shall try to benefit from all facilities of social media, press and public tools; we shall organize performances and all available communication facilities.

We have started our efforts with almost no funds with the belief that our community, which has always updated itself according to contemporary requirements of ages, will support us in our marching efforts. (August 2015)

*Dervish Ali says do not believe traitors
They are fund of their own characters
Do not try to fill God's knowledge
To punctured pots which can never be filled.*