

## INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

# **TURKIYE** **3<sup>rd</sup> Review**

SUBMISSION of ADO – Alevi Philosophy Center Association

September 2024



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**ADO**

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# SUBMISSION TO UN HUMAN RIGHTS COMMITTEE

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## *Alevi Düşünce Ocağı Derneği - ADO*

## *Alevi Philosophy Center Association*

*The Alevi Philosophy Center - ADO in Turkey is a pivotal institution that embodies and promotes the teachings and values of Alevism, a distinct non-orthodox/heterodox religious and cultural tradition within Islam, primarily exercised in Turkey. In addition to its educational and spiritual roles, ADO is an important advocate for the rights and recognition of the Alevi community, which has historically faced marginalisation and discrimination in Turkey. The centre works to promote the inclusion of Alevi teachings in the broader narrative of Turkish history and culture, challenging stereotypes and fostering greater social cohesion. Through various programmes, seminars, and cultural events, the centre aims to bridge the gap between Alevis and other religious and ethnic communities.*

*The organisation seeks to contribute to the rich cultural and artistic heritage of the Alevi belief system, support the legal struggle for the community to reclaim their historical lodges and places of worship, and advocate for the full enjoyment of basic human rights to ensure the sustainability of the Alevi faith. ADO is also dedicated to educating younger generations, ensuring that Alevis benefit from all legal and social rights afforded to religious groups in modern democratic societies, and fostering the creation of an ideal democratic society grounded in social equality and justice.*

*The mandate of ADO includes establishing reliable information channels, conducting historical and philosophical research, and producing essential knowledge about the Alevi belief system and rituals through realistic and academic approaches. Additionally, ADO is committed to disseminating accurately produced information through various means both within Turkey and internationally.*

*ADO's primary focus is on advocating for the implementation of Article 18: Freedom of Religion and Belief. Below is a summary of the challenges faced by the Alevi community, as well as other religious and belief groups, within the current legal and political context in Turkey.*

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## List of Abbreviations and Turkish Expressions

ADO	Alevi Philosophy Center Association
<i>Alevi/ Alevism</i>	<i>A distinct non-orthodox/heterodox religious and cultural tradition within Islam</i>
AVF	Federation of Alevi Foundations
CC	Constitutional Court
<i>Cemevi</i>	Alevi places of worship
CM	Council of Europe Committee of Ministers
<i>Dede</i>	Alevi religious clergy title
ECtHR	European Court of Human Rights
FORB	Freedom of Religion and Belief
ICCPR	International Covenant on Civil and Political Rights
İÖG	Freedom of Belief Initiative)
HRC/The Committee	UN Human Rights Committee
TPC	Turkish Penal Code
<i>Vakıf</i>	Foundation

## *Evaluation of list of issues prior to submission of the second periodic report of Turkey*

1. UN Human Rights Committee only refers to the Freedom of Religion or Belief (arts. 2, 18, 19, 25 and 26) under the paragraphs 21 and 22 of the "List of issues prior to submission of the second periodic report of Turkey". Paragraph 21 basically focuses on the right of conscientious objection and compatibility of article 318 of the Turkish TPC, which criminalises "alienating the public from military service".
2. In paragraph 22, the Committee rightfully requests from Turkey to "clarify which religions are recognised under the Government's interpretation of the Lausanne Peace Treaty of 1923". The Committee also goes a step further and wants Turkey to "discuss steps taken to ensure that all religious minorities can access places of worship and that the property and land rights of all religious groups are upheld." For decades Turkey has been using the Lausanne Peace Treaty as a shield to the criticisms of restricting or not acknowledging the rights of ethnic, religious, and linguistic minorities of the country.
3. Issues related to the right to freedom of thought, conscience, and religion [Article 18, ICCPR] are closely tied to Turkey's reluctance to withdraw its reservation to Article 27 of the ICCPR, which pertains to the rights of ethnic, religious, or linguistic minorities. Turkey often invokes the 1923 Lausanne Peace Treaty to justify its stance on minority rights. However, the Lausanne Peace Treaty refers to non-Muslim minorities and is interpreted by Turkey to address the rights of ethnic minority communities of Greek, Armenian, and Jewish descent, along with the rights of Christian and Jewish communities within these groups. In other words, according to the interpretation of Turkey, the treaty does not recognise or protect the rights of other ethnic or religious minorities nor does it extend protections of other Christian groups like Assyrians or non-Sunni Muslim communities including Alevi, Bektashi, Shia, and Sunni Shafiite communities. Consequently, the rights of these groups are neither specifically acknowledged nor safeguarded, let alone promoted. Turkey's stance eventually led to issues such as compulsory religious education, lack of diversity in the curriculum, restrictions on places of worship for different religions and beliefs, centralised, government-oriented management of ethnic and religious communities, and indoctrination of pupils and students through a unified understanding of ethnicity and religion.

## *Recent Developments and Areas of Problem under the Article 18 of ICCPR*

4. After 1982 Military Coupe Constitution ordered to convert Religious Lessons to compulsory status and some individuals started to apply to local courts and finally to ECtHR (Hasan -Eylem Zengin – 1448/04) in order to obtain traditional exemption for their children, later on first wave of Alevi lawsuits began when AVF (Federation of Alevi Foundations) submitted applications prepared by its member CEM Foundation to the relevant ministries in 2005. By 2009, the cases were brought before the ECtHR, which issued a series of judgments in favour of the Alevi community and other religious groups in the country between 2014 and 2016. However, due to the state of emergency in Turkey from 2016 to 2018, the Council of Europe could not take any steps to enforce these rulings. It was only in 2019 that the CM began to include the Alevi case judgments on their follow-up agenda. The cases primarily focused on securing state support and services for the places of worship (*Cemevi*)<sup>1</sup>, obtaining equal legal rights for all religious groups<sup>2</sup>, and exempting children from non-Sunni communities from compulsory religious lessons<sup>3</sup>.

<sup>1</sup> Cumhuriyetçi Eğitim ve Kültür Vakfı v. Turkey, Application No. 32093/10

<sup>2</sup> İzzettin Dogan and others v. Turkey, Application No. 62649/10

<sup>3</sup> Hasan Zengin and Eylem Zengin v. Turkey, Application No. 1448/04; Mansur Yalçın and others v. Turkey, Application No. 21163/11



5. From 2019 to today CM kept following the implementation procedures in Turkey, however mostly with unsatisfactory results.
6. In 2022, Turkey finally established a department, “Alevi Bektashi Culture and *Cemevi* Presidency” under the Ministry of Culture. Although the government ignored *Cemevi* as an official worship place, promising to provide similar support similar to recognised worship places. As a result, the Council of Europe CM decided to close the follow-up procedures for the case of *Cemevi* electricity bills. (No. 32093/10) in 2023. Nevertheless, the problems related to the status of *Cemevi*s persists.
7. During its 1501<sup>st</sup> meeting held in June 2024, the CM reviewed Turkey’s situation regarding the freedom of religion and belief issues. The Committee found Turkey’s developments, explanations and further undertakings sufficient for a roadmap and decided to close follow up procedures of ECtHR case No. 62649/10, (Izzettin Doğan and others). This decision was made despite repeated reports from ADO (Alevi Philosophy Centre), İÖG (Freedom of Belief Initiative), and a status report co-signed by several CSOs and NGOs, indicating that the judgments in the case had not yet been fully and satisfactorily implemented.<sup>4</sup>
8. The other remaining case since 2014 on the CM’s implementation follow-up agenda is related to compulsory religious courses in the national curriculum. The Committee has requested that the Republic of Turkey submit explanations regarding the implementation of the long-standing case of “Mansur Yalçın and others” (No. 21163/11) by the end of 2024.<sup>5</sup> On the other hand Turkish CC also had a judgement on Hüseyin El and others case (No. 2014/15345) dated 7 April 2022. Indicating that this educational system violates Turkish Constitution and Turkish Civil Law. The Turkish Government has not taken any steps on this matter as well.
9. At the start of the 2023-24 school year, students were required to select at least one elective course, but despite a variety of options being listed, schools have mostly offered religious-based electives. As a result, the number of religious education hours has practically increased from 2 to 4 hours per week. Additionally in April 2024, the Directorate of Religious Affairs, the Ministry of National Education, and the Ministry of Youth and Sports signed a protocol (CEDES) which aims to promote religious and traditional values. This protocol allows for clergy members (DRA staff) without any pedagogical training to participate in or even lead educational activities as Value System Club coordinators or advisors in schools. ADO and numerous other Alevi and non-Alevi organisations believe that the Sunni fundamentalist education aims at further assimilation and risks further discrimination of Alevi children. Alevi children are not allowed to be exempt from these lessons that defend contradictory theories and interpretations than what children witness and learn at home, such as creation theory instead of evolution, a fear-based life instead of love-based life etc. The issue has been highlighted in previous ECtHR judgments, the UN HRC 55<sup>th</sup> session reports of High Commissioner<sup>6</sup> and the UN Special Rapporteur on Freedom of Religion and Belief<sup>7</sup> as potentially leading to increased polarisation, stigmatisation, and hate speech.
10. In June 2023, Turkey’s major teachers’ union, Egitim-Sen, filed a petition with the Supreme Court of Justice (*Danıştay*) seeking the annulment of the CEDES protocol. The union argued that the protocol clearly violates several legal provisions, including the Unified Education Law No. 430, Article 36 of Law No. 657 on State Bureaucracy, a CC decision (No. E.1889/1), Article 128 of the Constitution, Articles 43 and 47 of Law No. 1139 (“Basic Law on

<sup>4</sup> For the Turkish text of the decision please follow: <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2014/15345>

Ado also published summary translation of the decision in Implementation of ECtHR Judgements Monitoring Report -6 July 2023 on pages 45 to 47: [https://aleviocagi.org/Content/Upload/Images/FotografGalerileri/pdf\\_ado-report-6-eng-final\\_2182023123850737.pdf](https://aleviocagi.org/Content/Upload/Images/FotografGalerileri/pdf_ado-report-6-eng-final_2182023123850737.pdf)

<sup>5</sup> CM/Del/Dec(2024)1501/H46-33 <https://search.coe.int/cm?i=0900001680b0498b>

<sup>6</sup> A/HRC/55/47: Hatred on the basis of religion or belief – Special Rapporteur on freedom of religion or belief. Published 08 January 2024, <https://www.ohchr.org/en/documents/thematic-reports/ahrc5547-hatred-basis-religion-or-belief-special-rapporteur-freedom>

<sup>7</sup> A/HRC/55/74: Combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence and violence against, persons based on religion or belief <https://www.ohchr.org/en/minorities/combating-intolerance-against-persons-based-religion-or-belief>



National Education”), and Article 28 of Law No. 652 (“Organization and Duties of the Ministry of National Education”), by undermining the authority of the National Board of Education.<sup>8</sup>

## *Problematic Areas in Turkey in the Context of Freedom of Religion and Belief*

### **Legal Entity of Belief Groups**

#### Status of Places of Worship [*Cemevis*]

11. The related judgement of the ECtHR under consideration is the decision of 32093/10 dated 2 December 2014, in the case of the Cumhuriyetçi Eğitim ve Kültür Vakfı (Republican Education and Culture Foundation - CEM Foundation hereafter). This case addresses the issue of whether the financial benefits provided to places of worship fall within the principle of non-discrimination. The background of this application involves the rejection of *Cemevis* as places of worship based on an opinion from the Directorate of Religious Affairs. The ECtHR, examining the case under the prohibition of discrimination based on religion and belief, unanimously found a violation. The court summarised as follows:

*Cemevis are places where essential Alevi rituals called “cem” are performed. Additionally, funeral services are provided at Cemevis, and no income-generating activities are conducted. Cemevis, like other officially recognised places of worship, are places where religious rites of a belief are carried out.*

12. In Turkey a specific status has been granted to places of worship by law. The issue is the discrimination of worship places of some belief groups from this status. National courts after the ECtHR judgement ruled that *Cemevis* are places of worship and issued judgments to *Cemevis* which have applied for recognition as worship places.. However, the establishment decree of “Alevi Bektashi Culture and Cemevi Presidency” under the Ministry of Culture by Presidential Decree of 112 dated 9 November 2022 and the related law no 7412 dated 16 November 2022 does not include the worship place status related to *Cemevis*. This implementation is inconsistent with the state’s obligation to remain neutral towards religions and beliefs. The state has not provided a valid and reasonable justification for treating *Cemevis* differently from other places of worship. An annulment application is made to the Supreme Court (CC) by the major opposition party in early 2023.

#### Legal entity of belief groups:

13. The related case is “İzzettin Doğan and Others” 62649/10 of 26 April 2016. The Grand Chamber of the ECHR found that the Turkish State’s refusal to recognize Alevism as an autonomous denomination of the Muslim religion violated the applicants’ freedom of religion and conscience, as well as the prohibition of discrimination due to the unequal access of Alevis to public religious services.
14. The application concerned the denial by administrative and judicial bodies of a group of Alevi citizens’ requests for various recognitions and benefits. These included recognizing Alevi worship services as public services, granting place of worship status to Alevi places of worship, hiring Alevi religious officials as public servants, and allocating special state funds for Alevi worship. The ECtHR found that rejecting these demands denied the religious character of Alevism and interfered with freedom of religion and conscience. The Court assessed whether this interference was compatible with the requirements of a democratic society, addressing the arguments presented by the Turkish Republic.
15. The court’s evaluation of freedom of religion and conscience is summarised as follows:

<sup>8</sup> There are also several court cases launched by trade unions -particularly working in education sector- and parents’ organisations against the establishment and implementation of CEDES protocol.

*The ECtHR highlighted that Alevis face discriminatory treatment compared to the majority Sunni Muslims, with no objective or reasonable justification for this disparity. The state's rationale -based on theological debates about Alevism's place within Islam- was deemed inconsistent with the state's duty of neutrality and exceeded the permissible margin of appreciation. The state's argument that recognizing diverse religious demands would violate secularism was also criticized, especially since state subsidies and religious services benefit Sunni Muslims without aiding the Alevi community. The Court concluded that the state failed to offer a valid justification for the unequal treatment of Alevis.*

#### Implementation of ECtHR Judgements:

16. The execution and implementation of the judgments delivered by the ECtHR is monitored by the CM of the Council of Europe. The Committee evaluates the information provided by the state at regular meetings, requests additional information, if necessary, makes recommendations on what needs to be done, and prepares reports on the implementation of judgments. Currently, issues such as compulsory religious culture and ethics education, the lack of financial exemptions for *Cemevis*, the non-recognition of Alevism as an autonomous belief, and the exclusion of Alevis from religious public services have been pending subjects before the Committee since 2016 and followed up between 2019-2024. The case files of these judgments have been standing consecutively at CM meetings agendas since 2019 including 1468 (2023) and 1501 (June 2024) in spite of pending points based on promises made by the Turkish Government.
17. Currently, unresolved issues before the Committee include compulsory religious education, which remains a significant concern, particularly for the Alevi community. The lack of recognition of Alevism as an autonomous belief system and the exclusion of Alevis from religious public services are also pressing matters. The case file concerning compulsory religious lessons remains open, reflecting ongoing disputes. Additionally, the Committee of CM has observed that the partial coverage provided so far is not an adequate remedy, highlighting the need for more comprehensive solutions to address these challenges.
18. Below three quotations from ECtHR Grand Chamber judgement 62649/10 dated April 2016 summarises the main issues related to FoRB in Turkey as follows:

*31. The absence of a clear legal framework governing unrecognised religious minorities causes numerous legal, organisational and financial problems. First of all, the religious leaders of these communities have no legal status and there is no appropriate establishment able to train staff involved in the practice of the religion or creed in question. Secondly, their places of worship do not have any legal status and do not enjoy any legal protection. The ability to build places of worship is uncertain and is subject to the good will of the central or local authorities. Arrangements for the upkeep of immovable property with a cultural heritage, which in some cases is literally falling into ruin, are complex. Thirdly, the communities in question cannot officially receive donations from members or State subsidies. Lastly, as they do not have legal personality, these communities do not have access to the courts in their own right but only through foundations, associations or groups of followers.*

*129. Likewise, in its judgement in Mansur Yalçın and Others, cited above, which concerned the compulsory classes in religious culture and ethics taught in primary and secondary schools, the Court previously stated that Alevi parents could legitimately consider that the arrangements for teaching the subject in question were liable to create a conflict of allegiance for their children between their school and their own values, giving rise to a possible issue under Article 2 of Protocol No. 1 (ibid., § 71). The Court held in particular that the education system of the respondent State was not appropriately equipped to ensure respect for the beliefs of those parents (ibid., § 77).*

*177. Although the Alevi faith constitutes a religious conviction which has deep roots in Turkish society and history and has distinctive characteristics, it does not enjoy any legal protection as a religious denomination: the Cemevis are not recognized as places of worship, its religious leaders have no legal status and its*



*followers do not enjoy any of the benefits of the religious public service (as regards issues linked to the education system of the respondent State, see paragraph 129 above).*

19. As it is summarised in article 129 of the above judgement following questions may be raised during CCPR:

- Will Turkey provide a clear legal framework for religious minorities, recognizing their rights to legal identity and equal rights to train clergy?
- Should Turkey unify the status of worship places for all religious minorities?
- Should Turkey recognize the rights of all belief groups to receive proportional subsidies from the State budget?
- Should Turkey take steps to prevent conflicts of allegiance for children between their schools and their personal values?

## Compulsory Religious Courses

20. The longstanding debate over freedom of religion and belief in education in Turkey centres around Article 24 of the 1982 Constitution, which mandates state supervision and control over religious and moral education. This provision includes a compulsory course on religious culture and morals in primary and secondary schools. The Basic Law of National Education No. 1739 reinforces this mandate, highlighting the state's emphasis on religious education as a core part of the national curriculum.

### RECOMMENDATION

The Turkish government must take meaningful steps to align its educational policies with international human rights standards, ensuring that all students have the right to freedom of religion and belief.

21. Article 24, while making religious education compulsory, also stipulates that “other forms of religious education are subject to the individual's desire, or for minors, the request of their legal guardians”. This suggests that the Constitution's intention is not to impose religious courses universally but to ensure that any compulsory religious education is limited to what is outlined in the Constitution. The ECtHR has ruled that compulsory religious education does not violate human rights as long as there is an option for exemption. (*Saniewski v. Poland* [40319/98], *Grzelak v. Poland* [7710/02])

22. For over 20 years, due to the interpretation of this provision by administrative judges and legal experts from the Ministries of National Education and Foreign Affairs as “all primary and secondary school students must take religious courses,” individuals have been compelled to take these classes against their will.

### Related Court Cases

23. The issue of compulsory religious education has led to various legal challenges in Turkey. One significant case involved Hüseyin El (decision No. 2014/15345, dated 7 April 2022), who sought an exemption for his daughter from the compulsory Religious Culture and Ethics (DKAB) course. After a long legal battle, including an appeal to the CC, the CC court found that the DKAB course did not fully meet the constitutional requirements for religious culture and ethics education and that exemptions should be available to parents who do not wish their children to participate in such courses. On the other hand, the judgement indicated that this educational system violates Turkish Constitution and Turkish Civil Law. Unfortunately, the Turkish Government has not taken any steps on this matter as well.

24. The ruling of Turkish CC is consistent with ECtHR decisions, which have emphasised the need for religious education to be taught in an objective and pluralistic manner, free from indoctrination. The ECtHR has also highlighted the importance of respecting parents' beliefs and ensuring that children are not forced to participate in religious education that contradicts their family's beliefs. In cases like *Hasan and Eylem Zengin v. Turkey* and *Mansur Yalçın v. Turkey*, the ECtHR found that Turkey's compulsory religious education curriculum violated the right to

freedom of religion by failing to provide adequate exemptions and by not respecting the diversity of beliefs among students.

25. Despite these rulings, the Turkish government has not taken significant steps to amend the religious education curriculum or to ensure that exemptions are consistently available to all students. The CC's ruling, while recognising a violation of rights, did not lead to any substantial changes in the education system, reflecting a discrepancy between Turkey's domestic legal responses and the standards set by the ECtHR and Turkish Supreme Court CC:

### Current Situation

26. Since 2018, Turkey has made no significant amendments to its compulsory religion curriculum, despite the ECtHR's rulings against it. The CM of the Council of Europe has placed Turkey's religious education curriculum under intensified monitoring and has requested detailed responses from Turkey regarding ongoing issues by the end of 2024.<sup>9</sup> Additionally, the Turkish CC ruled in 2022 that the current educational system violates both the Turkish Constitution and Turkish Civil Law, yet no action has been taken by the government to address these issues.

### **SITUATION**

The current state of religious education in Turkey remains problematic, with significant issues related to the compulsory nature of religious courses and the lack of respect for the diversity of religious beliefs among students.

27. A significant gap remains in the provision of religious education for non-Sunni Muslim groups, such as Alevis, and non-Muslim communities. Unlike Imam Hatip Schools, which provide religious education aligned with Sunni Islam, there are no equivalent institutions for training religious clergy within the Alevi tradition or other minority religious groups in Turkey. This lack of educational infrastructure for minority religious communities exacerbates the challenges these groups face in maintaining their religious practices and traditions.

### Discrimination in Education

28. Investigations into religious education in Turkish schools have revealed significant discrimination against Alevi students. Many Alevi children face mistreatment by school administrators and teachers, often leading to conflicts that extend beyond religious education classes. Students who openly identify as Alevi are particularly vulnerable to negative treatment, which can lead to a decline in their academic motivation and contribute to a strained relationship between the public and the state.<sup>10</sup>
29. Alevi students are often forced to disclose their religious identity in religion classes, which exposes them to further discrimination. The lack of support for these students within the school system, combined with the compulsory nature of religious education, creates a hostile environment that undermines their educational experience. [Please refer to the section "The Problem of Training Clergy" below]

### Elective Courses and Religious Education

30. In 2023, Turkey introduced a restructuring of elective courses in middle and high schools. [Board of Education and Discipline, Decision No. 43] The new framework categorises elective courses into three distinct groups: "Human, Society, and Science," "Religion, Ethics, and Values," and "Culture, Art, and Sports." Middle school students are required to select one course from each of these categories. groups. [Refer to table below for details]
31. Further changes were introduced on August 10, 2023, to the Weekly Course Schedules for Secondary Education Institutions. High school electives are now organised into four categories: "Academic Studies," "Human, Society,

<sup>9</sup> <https://www.coe.int/en/web/execution/-/freedom-of-belief-and-non-discrimination-in-t%C3%BCrkiye-council-of-europe-urges-progress-on-compulsory-military-service-and-religious-education>

<sup>10</sup> <https://www.esithaklar.org/wp-content/uploads/2015/10/T%C3%BCrkiye-E%C4%9Fitim-Sisteminde-Ayr%C4%B1mc%C4%B1l%C4%B1k-Raporu2015.pdf>



and Science,” “Religion, Ethics, and Values,” and “Culture, Art, and Sports.” The “Religion, Ethics, and Values” group includes courses such as “Quran,” “Understanding the Quran,” “Life of the Prophet,” “Basic Religious Knowledge,” “Turkish Thought History,” and “Classical Ethics Texts.” The new regulations mandate that students in grades 9 and 10 choose at least one course from each of the aforementioned elective categories, while students in grades 11 and 12 must select at least one course from at least two of these categories. This represents a departure from previous guidelines, where students had more flexibility and were not required to select courses from the “Religion, Ethics, and Values” category.

	4-8TH GRADES	9-12TH GRADES
Courses in “Religion, Ethics, and Values” Category	<ul style="list-style-type: none"><li>• The Noble Qur’an</li><li>• The Life of the Our Prophet</li><li>• Basic Religious Knowledge</li><li>• People who Influenced Our Culture and Civilization</li><li>• Morals and Citizenship Education</li></ul>	<ul style="list-style-type: none"><li>• The Noble Qur’an</li><li>• The World of the Quran’s Meaning</li><li>• The Life of the Our Prophet</li><li>• Basic Religious Knowledge</li><li>• Turkish Thought History</li><li>• Classical Moral Texts</li></ul>
Student Requirements	<ul style="list-style-type: none"><li>• Select one course from each category</li><li>• 2 hours per week for compulsory Religious Culture and Ethics Education</li><li>• Additional 2 hours per week from “Religion, Ethics, and Values”</li></ul>	<ul style="list-style-type: none"><li>• <u>Grades 9 &amp; 10:</u> Must choose at least one course from each category</li><li>• <u>Grades 11 &amp; 12:</u> Must choose at least one course from at least two categories</li></ul>
Resource: Ministry of Education Website. <a href="https://ttkb.meb.gov.tr/www/haftalik-ders-cizelgeleri/kategori/7">https://ttkb.meb.gov.tr/www/haftalik-ders-cizelgeleri/kategori/7</a>		

32. This new policy raises concerns about the right to freedom of religion or belief, as it compels students to engage with religious content regardless of their personal or familial beliefs. The approach appears to prioritise a narrow interpretation of national consciousness, failing to accommodate the diversity of religious and cultural identities within Turkey.

### Recommendations

33. To address these issues, it is recommended that the Turkish government and its Ministry of Education:

1. Uphold the ECtHR and Turkish CC judgments regarding religious education and make religious education an elective subject for all students, regardless of their religious affiliation.
2. Ensure that all schools uphold the option for exemption from religious education and provide adequate support for students who are exempted.
3. Revise the exemption policy to avoid forcing students and their families to disclose their religious affiliation.
4. Include diverse religious traditions in textbooks, ensuring that all religious groups with populations in Turkey are adequately represented.
5. Address the specific needs of Alevi students by including content that reflects the diversity of views within the Alevi community and how they relate to Sunni Islam.

## The Problem of Training Clergy

### RECOMMENDATION

Turkey must be encouraged to make the necessary legal amendments and to create conditions that allow religious minorities to train their religious leaders and provide clerical education.

34. The *Tevhid-i Tedrisat Kanunu* (Law on the Unification of Education) is a significant piece of legislation in Turkish history, passed on the 3<sup>rd</sup> March 1924. The law aimed to unify all educational institutions in Turkey under the Ministry of National Education, which consequently eradicated the differences between ethnic, religious, and linguistic minorities and denied their specific needs as minority communities.
35. It is a well-known fact that for a belief system to sustain itself, it requires a specialised cadre/clergy capable of conducting its rituals and ceremonies. Currently, in Turkey, there are 112 Faculties of Theology, 54 Faculties of Islamic Sciences, and 1,673 Imam Hatip High Schools. Among these institutions, only a very limited number of faculties in major universities have departments dedicated to Christianity and Judaism; however, these departments do not provide religious clerical education. Out of the total 176 higher education institutions, there are no departments or chairs dedicated to other interpretations of Islam, such as Alevi, Shia, or Ismaili, nor for other Sunni schools of thought, including Shafi'i, Maliki, and Hanbali, apart from the predominant Sunni Hanafi (Wahhabi) interpretation.
36. The situation is relatively different for the Greek Orthodox, Jewish, and Armenian minorities, who are partly protected under restricted interpretation of the Lausanne Peace Treaty by Turkey. Armenians had the Üsküdar Surp Haç Church's Tibrevank High School, established in 1678, and the Greek Orthodox community had the Higher Orthodox Theology School, founded on Heybeliada (Khalki island) in 1844, which later became the Heybeliada Private Greek High School after 1923 and today known as Khalki Seminary, both of which were institutions for training clergy. However, both schools were closed in 1971 when the Ministry of National Education decided to intervene in their curricula.<sup>11</sup>
37. Since the Syriac/Assyrian community is not protected under the Lausanne Peace Treaty, they have not been able to establish schools within Turkey. Instead, they have traditionally sent their students to Syriac educational centres in Syria to meet their need for clergy. However, the civil war in Syria has significantly disrupted this arrangement, causing major challenges in continuing this practice.
38. In Turkey, with a population of over 85 million, approximately 20-25 million people identify as Alevi, 8-9 million follow the Shafi'i school of Sunni Islam, and several million adhere to other Sunni Islamic beliefs. Despite this religious diversity, all these groups are obliged to receive services from religious officials trained exclusively in Ministry of National Education (MEB) Imam Hatip schools and universities, which primarily teach the Sunni Hanafi interpretation of Islam.
39. The Alevi community trains their religious clergy, known as *Dede* and *Zakir*, through traditional and familial education within their *Cemevis* (places of worship) or within the family and community. However, this informal and unsystematic approach often leads to significant inconsistencies in religious practices.
40. In 2015, the Ministry of National Education (MEB) signed a protocol with an Alevi foundation in Istanbul to establish the **Hacı Bektaş Veli Anadolu Project High School**. The aim was to train Alevi religious officials. Despite the foundation completing all the necessary expenditures as outlined in the protocol and finishing the project in 2022, the Ministry of Education ultimately decided that this school would also follow standard Sunni Imam Hatip curriculum instead of agreed specialised Alevi religious education. The protocol was also breached in spite of the fact that the subject foundation had also invested considerable amounts of funds with the expectation that protocol would be implemented.

<sup>11</sup> <https://www.uscifr.gov/news-room/uscifr-spotlight/50-years-and-counting-continued-closure-halki-seminary-turkey>  
<https://www.cemaatvakiflaritemsilcisi.com/index.php/vakiflar/ermenivakiflari/154-surp-hac-tibrevank-ermenilisesi-vakfi>



41. Similarly, the Sunni Shafi'i community faces challenges in educating their own religious clergy. Despite lacking formal educational institutions for this purpose, a few thousand Shafi'i clerics have been appointed to the Presidency of Religious Affairs since 2021. It is noted that these appointments were facilitated due to their fundamentalist views and close political alignment with the ruling AKP government.
42. Consequently, in Turkey, religious education is provided solely for Sunni Hanafi clerics, and there are no institutions available for other Muslim or non-Muslim communities to train their religious leaders or clergy. Ethnic minorities with Christian backgrounds try to overcome this issue by bringing in pastors and priests from abroad on temporary visas. However, Alevi, Ja'fari, and Shafi'i populations, despite being indigenous to Anatolia, are unable to train their own religious clergy. This situation could be seen as a long-term assimilation policy or a gradual attempt at cultural genocide.
43. Based on the challenges outlined in the context of religious education and the lack of inclusivity in Turkey, here are four recommendations Turkey could consider in relation to its obligations under the ICCPR:
1. Ensure Equal Access to Religious Education for All Communities  
Article 18 of the ICCPR protects the right to freedom of thought, conscience, and religion, which includes the right to practise and teach one's religion. Turkey should create specialised religious education programmes for underrepresented religious groups such as Alevi, Shafi'i, and other Muslim communities, as well as Christian minorities.
  2. Provide Legal Recognition and Support for Minority Religious Institutions  
The closure of minority religious schools, such as those for Greek Orthodox, Armenian, and Syriac communities, violates Article 27 of the ICCPR, which protects the rights of ethnic, religious, and linguistic minorities to enjoy their own culture and practise their religion. Turkey should reopen these schools and provide legal protections to safeguard their curricula, allowing these communities to train their own religious leaders without state interference.
  3. Facilitate the Establishment of Independent Religious Institutions  
The restrictions on religious groups establishing their own educational institutions contradicts the ICCPR's provisions on religious freedom and equality. Turkey should allow religious minorities, including unrecognised ones, to set up their own schools and training centres, ensuring they have the necessary legal and financial frameworks to operate independently.
44. These recommendations aim to promote inclusivity, equality, and respect for religious diversity in Turkey, in line with its obligations under the ICCPR.

## Hate Crimes & Hate Speech

45. The legal framework and its implementation in Turkey regarding hate crimes and hate speech are largely ineffective and not aligned with international human rights law. The Human Rights Action Plan of April 2021 included goals to introduce new regulations in the TPC addressing discrimination and hate crimes, as well as to improve the database and statistics related to these crimes. However, despite three years passing since then, no significant progress has been made on these critical steps.

### RECOMMENDATION

Turkey should introduce a separate law or a comprehensive set of laws to effectively combat hate speech and hate crimes.

46. Although various legislative proposals have been prepared at different times to incorporate hate crimes into the TPC, there is still no specific or adequate regulation addressing hate crimes. The report titled "The Principle of Non-Discrimination in the Context of Combating Hate Speech and Xenophobia and the Role of Equality Institutions"



published by the Turkish State Human Rights and Equality Institution (TİHEK) in 2023 also does not address the need for a standalone regulation in this area. Instead, it lists insufficient and generic regulations scattered across different laws without making any substantial comments on the need for comprehensive legislation.

47. There are numerous hate crimes committed in Turkey based on various motivations, and unfortunately, the issues surrounding the regulation of hate speech and hate crimes in Turkey are substantial. One major problem is the lack of comprehensive legal regulations on hate crimes, leading to serious legal gaps. In terms of hate speech, existing legal regulations are not effectively enforced to prevent hate speech. Another significant issue is that hate speech and hate crimes are not regulated under a single legal category. In the TPC, different articles such as Article 122 (hate and discrimination crime), Article 125 (defamation), Article 115 (hindrance of the exercise of freedom of belief, thought, and opinion), Article 153 (damage to places of worship and cemeteries), and Article 216 (incitement to hatred and enmity among the public) address hate speech and hate crimes. However, these articles do not cover all the grounds for discrimination that should be included, resulting in incomplete regulations across these provisions.
48. According to the data compiled by the Freedom of Belief Initiative, out of 36 religious belief or non-belief motivated hate crimes, 15 incidents were perpetrated against people with Alevi background in the year 2022. The total number of the hate crimes in the year 2023 increases to 47 registered incidents documented by the Freedom of Belief Initiative. 7 incidents have targeted Alevi people or their properties.<sup>12</sup>
49. Attacks are being carried out against *Cemevis*, the places of worship for Alevis in Turkey. However, due to the lack of official recognition of Alevism as a sect, belief system, or religion, these attacks on Alevi places of worship are not being prosecuted under Article 153 of the TPC, which deals with crimes against places of worship. As a result, prosecutors are not initiating investigations into these incidents.
50. This situation persists despite the ECtHR rulings in 2015 (*Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey*, Application No 32093/10 dated 20 April 2015) and in 2017 (*Mansur Yalçın and Others v. Turkey*, Application No. 21163/11, dated 19 September 2017) that recognised *Cemevis* as places of worship. Furthermore, Turkish Court of Cassation Penal Department No 3 ruled on 28 May 2015 that *Cemevis* are worship places and must benefit from support provided to worship places following the ECtHR judgement.<sup>13</sup> Despite these legal precedents, the ruling is not being implemented, leading to a clear violation of the Covenant and Article 153 of the TPC. However Turkish authorities insist on breaching both Turkish Cassation court and ECtHR judgments repeatedly and insistently.
- Additionally, there have been instances where the homes of Alevi citizens have been marked, creating a climate of fear and intimidation among the community. Unfortunately, effective and preventive measures to address and stop these actions have not been taken. [Please refer to Status of *Cemevis* and Hate Crimes & Hate Speech section above]

## Mass Graves and Killings by Unidentified Perpetrators / Assaultants

51. The 20th century in Turkey was marked by several tragic events, including massacres and acts of genocide that have left deep scars on the nation's history. These include forced migration of Armenian population in and after 1915, pogrom of Jewish communities in Eastern Thrace region, state perpetrated incidents of 6-7 September 1955 against the Greek population of İstanbul, operations against Alevi population of Dersim allegedly to fight against rebellions, massacres of Maraş, Malatya, Sivas Madımak etc. These incidents and more incorporate internal displacements, mass deportations, forced marches, and eventually mass graves where countless victims were

<sup>12</sup> <https://inancozgurlugugirisimi.org/wp-content/uploads/2023/08/iog-nefret-sucu-raporu-2023-web.pdf>  
<https://inancozgurlugugirisimi.org/wp-content/uploads/2024/07/IOG-Nefret-Sucu-Rapor2023-TR-Full.pdf>

<sup>13</sup> Court of Cassation Penal Department No 3 E. 2014/11238 K. 2015/9711 T. 28.5.2015



buried. Despite the overwhelming historical evidence, these incidents remain a deeply contested issue in Turkey, where the government has long refused to acknowledge its involvement or provocation.

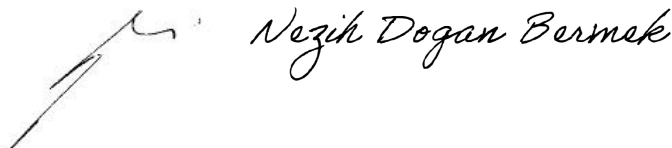
52. As said, the Kurdish and Alevi communities also suffered brutal repression during the 20th century. The Dersim Massacre of 1937-1938 is a stark example, where the Turkish state, under the pretext of suppressing a rebellion, launched a military campaign against the predominantly Alevi Kurdish population in the Dersim region. Thousands were killed, villages were destroyed, and victims were buried into mass graves, or left to die in the mountains. This event, like many others targeting the Kurdish and Alevi communities, reflects the broader pattern of state violence and the systematic denial of cultural and political rights. The legacy of these massacres continues to fuel tensions and grievances in Turkey, where the memories of mass graves and the loss of entire communities remain potent symbols of unresolved historical injustices.
53. Based on the testimonies of military and civilian witnesses to the Dersim Massacre, it is understood that there are numerous mass graves in the region. Unfortunately, the investigation of these graves, the identification of their locations, and the excavation process are being carried out by independent individuals and lawyers. The absence of a designated official institution authorised to handle these matters leads to inconsistencies in practice as well.
54. The first significant initiative related to mass graves in the Dersim region was the legal process concerning one of the mass graves in the Seke Sure hamlet. This legal struggle took place between 2014 and 2016, leading to the discovery of the remains of 11 individuals, including seven children and four adults. The events surrounding the Seke Sure process have important implications for confronting the past:
1. The Forensic Medicine Report confirming that seven of the deceased in the mass grave were definitively children provides the clearest forensic, legal, and scientific evidence.
  2. The discovery of bullet casings and projectiles in the mass grave indicates that the causes of death were not natural, further pointing to a massacre.
  3. The identification of 11 skulls -seven belonging to children and four to adults- in the Forensic Medicine Report suggests the existence of a second mass grave site in the Seke Sure hamlet.
55. The struggle to open the Seke Sure mass grave has paved the way for subsequent efforts in this area. The legal process initiated for another mass grave located in the Avlosan Creek bed is still ongoing. Throughout this process, differing legal interpretations and decisions have emerged at various stages, including the Chief Public Prosecutor's Office, the local first-instance court, and the Court of Cassation. Although the Tunceli Criminal Court of Peace overturned the prosecutor's decision not to pursue an investigation regarding the mass grave, this ruling was later annulled by the Court of Cassation.
56. Under the circumstances described above, it is clear that Turkey needs to introduce relevant legal regulations, to confront and shed light on major human rights violations of the past in order to establish social peace and coherence. The ongoing process surrounding the Avlosan Creek mass grave clearly underscores this need. Turkey is required to support and promote independent researchers and experts working in the field. Additionally, adherence to international standards, particularly the UN Minnesota Protocol - Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, is essential in this area.

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Kind Regards

Doğan Bermek

Chairperson – Alevi Philosophy Center Association





**ADO**

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