



Briefing on the Implementation of ECtHR judgments relating to Alevi Cases

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Freedom of Belief Initiative / Norwegian Helsinki Committee

Freedom of Belief Initiative

A human rights based project that monitors and reports on legislative, judicial and administrative developments related to freedom of religion or belief in Turkey

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Judgments

1. Hasan and Eylem Zengin v. Turkey (2007) & Mansur Yalçın and Others v. Turkey (2014)
- Standard Supervision
2. Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey (2017) - Enhanced Supervision
3. İzzettin Doğan and Others v. Turkey (2016)
Grand Chamber – Enhanced Supervision

Hasan and Eylem Zengin v. Turkey (2007)

Mansur Yalçın and Others v. Turkey (2014)

The applicants of the Alevi faith, claimed that the compulsory Religious Culture and Ethics courses that are taught in schools are in violation of their rights under the second part of Article 2 of Protocol I

Finding of the Court:

Turkish education system fails to meet the requirements of objectivity and pluralism & providing an appropriate method for ensuring respect for parents' convictions

Enforcement Issues

Action Plan 2019:

- The Government stated that new curriculum of 2018 satisfies the criteria of objectivism and pluralism;
- Exemption by virtue of judicial decisions.

Questions & Recommendations

- Despite improvements Sunni Islamic perspective continues to dominate the program;
- Atheism and agnosticism approached with Islamic apologetics;
- Discriminatory and burdensome exemption practice;
- If an objective lesson why exemption?

Recommendations:

- That the Zengin Group of cases be brought under enhanced supervision;
- That the Government is asked to continue efforts to bring the content of the lessons in line with ECHR criteria;
- Until then, immediately, implement non-discriminatory exemption.

Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey (2017) – Enhanced Supervision

The possibility under Turkish law for places of worship to be granted an exemption from paying electricity bills and the refusal to grant this privilege to the applicant foundation

Findings of the Court

- Violation of Article 14 taken together with Article 9;
- The differential treatment that the applicants were subjected to was not based on objective and reasonable grounds
- General measures need to be taken at the national level in order to eliminate the discrimination ensuing this exemption

Enforcement Issues

- × Action Plan 2015 & 2019
- × 2015 - traditional spiritual knowledge centres and assembly houses (cemevleri) will be given a legal status in a short time.
- × 2019 - a number of positive domestic court rulings saying the cemevi are exempt from paying electricity bills

Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey 2017



Cemevi / An Alevi cem house

Questions & Recommendations

- × Positive domestic judgments cannot be considered an effective implementation of general measures. Hundreds of cemevi associations would have to pursue judicial remedies.
- × Unclear whether the national court rulings have been enforced with regard to cemevi in question.

Recommendations

- A non-discriminatory process is put in place about acquisition of place of worship status and ensuing benefits
 - The Government should be asked:
 - a) to make public the status of any steps that are planned or are being taken about the implementation of this judgment;
 - b) engage in an inclusive and open process of consultation
 - c) to provide a new Action Plan, laying out plans to bring about these changes.

İzzettin Doğan and Others v. Turkey (2016)

Grand Chamber - Enhanced Supervision

Concerned the request, by followers of the Alevi faith,
that services connected with the practice of the Alevi faith constitute public service,
that Alevi places of worship (cemevis) be granted the status of places of worship,
that Alevi religious leaders be recruited as civil servants and
that special provision be made in the budget for the practice of the Alevi faith.

Violation of Article 9 and Article 14 taken together with Article 9.

Key findings of the Court

- the situation ... amounts to denying the Alevi community the recognition that would allow its members to effectively enjoy their right to freedom of religion
- duty to put in place objective and non-discriminatory criteria for a legal status which confers specific advantages on religious denominations

Enforcement Issues

× **2019 Action Plan**

No specific measures to address the findings of the Court

× **Questions & Recommendations**

- Draft legislation to enable religious or belief communities to acquire legal personality;
- Ensure that principles of equality and neutrality are observed in public services and the allocation of public funds for religious services;
- Take measures to address the restrictions on the right to freedom of religion or belief of the Alevi community, including the lifting the prohibitions on the use of religious titles and recognizing the status of cemevis;

General Remarks

A comprehensive concept of security includes effective protection of human rights, including freedom of religion or belief.

Enhanced and close supervision is needed because:

- The issues raised by these judgments have an impact on millions of individuals a significant part of which are children.
- Judgments deal with systematic issues.

Strong resolution from CoM will guide Turkish authorities and provide civil society, including religious or belief communities to take judgments forward.