

The Committee of Ministers
Council of Europe

2 March 2021

CC: Ministry of Justice, Turkish Government

Enforcement of the Judgments of the Zengin Group of Cases v. Turkey

1. Background

1. [The Norwegian Helsinki Committee's Freedom of Belief Initiative](#) is a human rights project that monitors and reports on legislative, judicial and administrative developments related to freedom of religion or belief in Turkey.¹

2. This submission aims to provide information on the status of the general measures that the Turkish Government needs to take in the context of the enforcement of the European Court of Human Rights (ECtHR) judgments on the Zengin group of cases.² The Zengin group of cases are under the enhanced supervision of the Committee of Ministers (CM).

3. We would like to draw the CM's attention to our detailed [Submission](#) of 28 October 2019 on the cases above.³ The findings and recommendations in this 2019 Submission remain valid. As stated in the latest [Communication](#) of 4 January 2021 from the Turkish authorities no action has been taken to date to address [CM Decision](#) of 5 December 2019.⁴ Here is a table of contents of this Submission for easier navigation:

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¹ For more information on the Norwegian Helsinki Committee see www.nhc.no and for more information on the Freedom of Belief Initiative see www.inancozgurlugurgirisimi.org.

² ECtHR, *Hasan and Eylem Zengin v. Turkey*, Application no. 1448/04, 9 October 2007 and ECtHR, *Mansur Yalçın and Others v. Turkey*, Application no. 21163/11, 16 September 2014.; ECtHR (Second Chamber), *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v Turkey*, Application no 32093/10, 20 June 2017; ECtHR (Grand Chamber), *İzzettin Doğan and Others v. Turkey*, Application No. 62649/10, 26 April 2016.

³ Meeting: 1362nd meeting (December 2019) (DH) Communication from a NGO (Freedom of Belief Initiative and Norwegian Helsinki Committee) (28/10/2019) in the cases of ZENGİN, CUMHURİYETÇİ EĞİTİM VE KÜLTÜR MERKEZİ VAKFI and İZZETTİN DOĞAN AND OTHERS v. Turkey (Zengin group) (Applications No. 1448/04, 32093/10, 62649/10) DH-DD(2019)1294, 7 November 2019.

⁴ DH-DD(2020)493 3 June 2020 and [CM/Del/Dec\(2019\)1362/H46-32](#), 5 December 2019.

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2. Case Descriptions and Findings of the ECtHR

2.1. Zengin Group of Cases

4. The Zengin Group of cases comprises of two ECtHR judgments: *Hasan and Eylem Zengin v. Turkey* and *Mansur Yalçın and Others v. Turkey*. Both cases concerned applicants, who stated that they are of the Alevi faith, claiming that the compulsory Religious Culture and Knowledge of Ethics (RCKE, hereafter) courses that are taught in middle and highschool are in violation of their rights under the second part of Article 2 of Protocol I of the European Convention of Human Rights (ECHR).

The ECtHR has found that:

1. Turkey has violated the right to education that is protected under Article 2 of Protocol I of the ECHR in the cases of *Hasan and Eylem Zengin v. Turkey*, and *Mansur Yalçın and Others v. Turkey*;
2. There is an inadequacy in the Turkish education system in terms of meeting the requirements of objectivity and pluralism and providing an appropriate method for ensuring respect for parents' convictions.

The ECtHR has asked the authorities:

3. To bring the Turkish educational system and domestic legislation into conformity with The Convention (*Hasan and Eylem Zengin v. Turkey*, para. 84);
4. Make the necessary means available without delay, effective exemption mechanism and without pupils' parents being obliged to disclose their religious or philosophical convictions to make use of them (*Mansur Yalçın and Others v. Turkey* para. 76 and 77 and 84).

3. Committee of Ministers Decision

5. The CM's latest deliberation on the Alevi cases took place in December 2019.⁵ The CM Decision noted 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. However, it emphasized that these measures do not appear to remedy all the concerns 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.

6. Furthermore, the CM strongly encouraged the authorities to build upon Alevi Workshops 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.

4. Government response and implementation

7. The Turkish authorities sent a [Response](#) to the Rule 9.2 submissions of the NHC Freedom of Belief Initiative and Alevi Philosophy Centre the CM in January 2021 outlining the process of consultation and preparation of the RCE lessons that schools began to use as of 2018-2019 school year. The Response states that:

*Turkey acts in line with the TOLEDO Guiding Principles in the RCE lesson and deals with all beliefs and world views objectively and in line with the pluralism principle. Accordingly, the RCE lessons are provided within the framework of the following principles: "If the compulsory RCE lesson is objective in public schools, then it is in compliance with freedom of religion and belief. Wider coverage may be given to the religion prevailing in a place where education of religion and belief is provided. If Religious Culture and Ethics education is provided in an objective way, the issue as to whether it is compulsory or elective does not constitute a problem. Curriculum should be fact-based, impartial and in line with academic and occupational standards."*⁶

8. Previously, the Turkish authorities have provided the Committee of Ministers with Action Plans on 5 December 2015,⁷ 21 December 2015,⁸ and 23 October 2019 and finally in June 2020.

⁵ CM/Del/Dec(2019)1362/H46-32, 5 December 2019.

⁶ *Ibid.*

⁷ Action Plan communicated by the Turkish Government on the case of Mansur Yalçın and Others v. Turkey, Document No. DH-DD(2016)43 ,15 January 2016, accessible at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805acc71 .

⁸ Action Plan communicated by the Turkish Government on the case of Mansur Yalçın and Others v. Turkey, Document No. DH-DD(2016)43 ,15 January 2016, accessible at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805acc71 .

5. Comments on Government Response and Recommendations

9. We welcome the adoption of the Human Rights Action on 2 March 2021. The Human Rights Action Plan refer to the “continuation of the preparation of education materials in line with neutrality, pluralism and inclusiveness” under Combatting Hate Discrimination and Hate Speech.⁹ However, the Action Plan does not refer to the RCKE courses, the enforcement of Zengin group of cases or exemption from the compulsory RCKE. Therefore, the extent to which the intended work on education materials is relevant for the implementation of the judgments on the Zengin Group of cases is unclear. As a result, the time-specific and urgent follow-up recommendations that we propose below are all the more important and relevant.

10. Therefore our detailed [Submission](#) of 28 October 2019 on the Alevi cases,¹⁰ the findings and recommendations remain valid.

5.1. A human rights based assessment of the current RDKE books

11. We would like to draw the CM’s attention to the findings of a recent human rights based review of the RCKE lesson textbooks used throughout 4-12th Grades.¹¹ As shown below, the review demonstrates the incompatibility of the teaching materials of the RCKE lessons with the general measures indicated by the ECtHR as well as the Toledo Guidelines on Teaching About Religions or Belief in Public Schools,¹² (Toledo Guidelines) – to which the authorities also allude in their January 2021 response to the Rule 9.2 submissions as indicated above. Toledo Guidelines offer criteria that should be considered in teaching about religions and beliefs. Some of the key criteria include:

- Teaching about religions and beliefs must be provided in ways that are fair, accurate and based on sound scholarship.
- Preparation of curricula, textbooks and educational materials for teaching about religions and beliefs should take into account religious and non-religious views in a way that is inclusive, fair, and respectful. Care should be taken to avoid inaccurate or prejudicial material, particularly when this reinforces negative stereotypes.
- Efforts should be made to establish advisory bodies at different levels that take an inclusive approach to involving different stakeholders in the preparation of the curricula.
- Where a compulsory programme involving teaching about religions and beliefs is not sufficiently objective, efforts should be made to revise it to make it more balanced and impartial, but where this is not possible, or cannot be accomplished

⁹ Ministry of Justice, [Human Rights Action Plan](#), 2 March 2021.

¹⁰ Meeting: 1362nd meeting (December 2019) (DH) Communication from a NGO (Freedom of Belief Initiative and Norwegian Helsinki Committee) (28/10/2019) in the cases of ZENGIN, CUMHURİYETÇİ EĞİTİM VE KÜLTÜR MERKEZİ VAKFI and İZZETTİN DOĞAN AND OTHERS v. Turkey (Zengin group) (Applications No. 1448/04, 32093/10, 62649/10) DH-DD(2019)1294, 7 November 2019.

¹¹ Yildirim, M. “[Türkiye’de Zorunlu Din Eğitimi: Din Kültürü Ahlak Bilgisi Dersi ve Kitapları Hakkında İnsan Hakları Temelli bir Değerlendirme](#)”, Association for Monitoring Equal Rights ESHİD, 2021.

¹² OSCE/ODIHR, [Toledo Guiding Principles on Teaching about Religions or Beliefs in Public Schools](#), 2007.

immediately, recognizing opt-out rights may be a satisfactory solution for parents and pupils, provided that the opt-out arrangements are structured in a sensitive and non-discriminatory way.

Impartial / Non-doctrinal

12. Teaching about religions should be carried out in an impartial, objective and non-doctrinal manner.¹³ In the RCKE textbooks, information on the existence and nature of God, the Holy Qur'an, information about the Prophet Mohammad, the formation of the world, the purpose of human beings and life, death, afterlife, angels and demons is presented from within the theological discipline and with reference to the doctrines of the religion of Islam in the form of positive propositions.

Examples:

We learn about angels from the Quran and from the words of Muhammad. Angels protect and care for people, pray for them and seek the well-being of people. Some angels record people's actions. People who believe in the existence of angels stay away from bad behavior and have peace of mind knowing that the angels pray for them. (Grade 4 p.33)

Allah sent divine books to guide people to the right path and teach them what they do not know. The last divine book sent by Allah to Muhammad is the Quran. The Quran is the word of Almighty Allah from beginning to end. (4th Grade, p.42)

Islam, on the other hand, is the last religion sent by Allah to the last of the prophets Muhammed through revelation and sent to all humanity. (Grade 9, p.26)

What are the first things that come to mind when you talk about the hereafter? Every person dies after living the life set for her / him. Because his mission in this world is over. Nobody can escape death. Even the planets and the whole universe turn upside down and disappear in due course. Every person who has died until the Day of Judgment, when the life of this world will come to an end, is kept in a world called *barzakh* between the world and the hereafter. Resurrection takes place after the doomsday. All people are resurrected by the order of Allah and gather at the place of Judgment, they are taken into account by Allah. All he has done while in this world is weighed in the scales of divine justice called trial balance. People now have only one road (*Sirat Bridge*) left. Those who pass the order will enter Paradise with the permission of Allah, and those who cannot enter Hell. (Grade 7 p.23)

13. Similarly, topics such as heaven and hell, the formation of the universe, the existence of God, the existence of prophets, fortune, destiny, angels, demons the issues are conveyed from within religion by referring an unquestionable Authority, Allah or the Quran:

Everything that exists in the universe was created by Allah's creation. This creation is planned and measured. (Grade 8, p.15)

When a person dies, his soul is kept in the realm called the *barzakh* between the world and the hereafter until the doomsday comes and resurrection occurs. The Prophet says that

¹³ *Ibid.*

death will be the first stop of the person hereafter life's by stating that "The grave is the first of the stops in the hereafter. If someone escapes from that stop, the next stops are easier to pass. If not, it will be more difficult to pass the next ones."

Every person who dies is questioned by the angels of Munker and Nekir in his grave. (Grade 7, p.24)

Inclusive

14. RCKE includes information on different religions and Islamic interpretations in separate chapters.

15. Alevism,¹⁴ is discussed in its broadest form in the 5th Chapter titled "Interpretations in Islamic Thought" in the 7th Grade textbook and in the 3rd Chapter titled Sufi Interpretations in the 12th Grade Textbook.

Sufi interpretations are riches that facilitate the understanding of the religion of Islam, reach a wide audience and ensure that different ideas are respected. (Grade 12, p.75)

16. The brevity of the sections devoted to Alevism in all of the RCEK text books has been a matter of criticism.¹⁵ In addition, it is not stated that the *cemevis*, which are considered places of worship of the Alevi community by this community, are places of worship, and that the Alevi prayer *semah* is a form of worship. According to Yaman¹⁶, previous criticisms of the book are still valid:

- Content is not supra-denominational, but sectarian. Among the classes 4-12, Sunnism is covered in different sections under the name of sectarianism but for example, Alevi worship is not included in the worship sections in those books. After the prayer *cem* and fasting, there are no Muharram and Khidr fasts after fasting are not included.
- After explaining Sunni practices in hundreds of pages, you can find in separate sections in 4-6. grades books and 8-11 grades books and there are at the end of classes. First, it is presented with an understanding such as "learn the correct practice of belief in Islam, then you can do *cem*, you can do Khidr fast".
- The subject of *semah* was mixed with the Sunni understanding. The Semah is accompanied by the words of Pir Sultan and Alevi lovers, "It is called one of the beautiful names of Allah and one of the most important practices. *Cemevi* cannot be called a place of worship, and Semah cannot be said to be a part of worship.
- The sects, which are considered as prohibited due to Law No. 677, are discussed in a separate section (Sufi Interpretations in Islamic Thought). Since Alevism is taught under this Section it is seen as a prohibited sect. Considering it as a Sufi interpretation is not enough to put it in the same category with Naqshilik and Qadiriyya. Naqshis and Kadiris basically do not have a Djemevi and a difference of religious understanding like Alevis.

17. Although information about Christianity and Judaism is included at different grade levels, the basic principles and practices of these religions are broadly included in the 11th grade textbook. However, according to Christian and Jewish theologians in Turkey the textbook contains inaccuracies or incompatibilities with the basic teachings of Christianity

¹⁴Başdemir, H. Y. (2011). Din dersleri ve Aleviliğin aktarılması (Religious Courses and Instruction of Alevism), *Liberal Thinking*, 16(63), 59- 72.

¹⁵ Yaman, A., In "Alevism Education in Public Schools of Turkey", *Religious Diversity at School*, Springer 2021.

¹⁶ This evaluation regarding the Alevism-related parts of RCMK textbooks was made by Prof Dr Ali Yaman. February 11, 2021.

and Judaism.¹⁷ In particular, the assumption of the Islamic view that their scriptures which constitute the main sources of Christianity and Judaism, "have been tampered with" has an important place in the book.

Torah: Hz. It is a divine book sent to Moses. It is the holy book of the Jews. After Moses, Torah was distorted by the Jews and could not preserve its original. Jews call the Torah "Tora". There are verses about the Torah in the Quran. In one of them, the following is stated: "We have sent down the Torah even though there is true guidance and light in it. The prophets devoted to Allah have reigned over Jews with it..."(1) The Torah is also called Ahd-ı Atik (Old Testament). The events of Moses and his tribe play an important role. In addition, this book contains religious and moral orders and prohibitions. According to the determination of Islamic interpreters and researchers, the Torah could not keep the state in which he was sent down to Moses. (2)

(3) The Psalm has been distorted like the Torah and could not preserve the form it descended from Allah. Example: The lies and slanders that Christians invent about Jesus are answered as follows in the Quran. "... Christians said," Jesus Christ is the Son of God. "This is their (lie) words spoken by their mouths. Their words are similar to what people who have previously denied. God damn them. " (MEB Publications, Grade 7, p.36)

Bible: It was revealed to Jesus. The Bible is also called Ahd-ı Cedid (New Testament). The Bible was written years after Jesus. Therefore, the Bible has not survived until today as it came from Almighty Allah. It has undergone many changes in the historical process. ... However, those who wrote the Bible have never seen Jesus. According to our religion, it is obligatory to believe in the way the Torah, Psalms and the Bible were revealed from Allah. (Grade 6, p.22)

In Judaism, Allah, who was named Jehovah, was made the special god of the Jews and Judaism lost its universal character and evolved into a national religion. Christianity has also moved away from the monotheistic belief by placing the trinity (trilogy) consisting of Father, Son and Holy Spirit at the center of religion. (Grade 4, p.99)

18. The 5th unit of the 11th grade textbook contains the following information about the scriptures of Judaism:

The scriptures of Judaism are of two groups, written and oral. Written texts; It consists of three parts: Torah (Torah), Nebiim (prophets) and Ketuvim (books). Of these, the Torah was given to Moses and is called Tanakh. The Torah contains the events that took place until the death of Moses and the laws God sent to Moses. However, today's Torah is not the same as the divine book given to Moses (pbuh). Because the Torah could not preserve its original because it was distorted in later periods. (Grade 11, p.133)

19. In addition, the following information about Judaism is given:

¹⁷ For information on Judaism, the following sources can be used in the development of RCMK books: Alalu, S., Arditi, K. et al., *Yahudilikte Kavram ve Değerler- Dinsel Bayramlar – Dinsel Kavramlar - Dinsel Gereçler (Concepts and Values in Judaism – High Holidays – Religious Tools)*, 5th Edition, Gözlem Yayınevi, 2018 and/or Gürkan, S., *Yahudilik (Judaism)*, İSAM, 2017. Basic principles included in *Temel İlkeleriyle Hristiyanlık (Christianity with Basic Principles)* written by the Joint Commission of Churches in Turkey may serve as a source for information about Christianity included in RCMK textbooks. Joint Commission of Churches in Turkey, *Temel İlkeleriyle Hristiyanlık*, Kitabı Mukaddes Şirketi, 2015.

One of the main features of Judaism is the idea of a chosen nation. Accordingly, Jews are different and superior to other people. God chose the Jews among other nations to represent His will on earth and made them superior.

20. Regarding Christianity, the following information is provided:

Jesus explained the divine truths revealed to him during his prophethood. He said that he was the messenger of God, calling people to believe in the existence and oneness of God. He preached and taught them the principles of Christianity. However, after his death he was placed in a very different position in Christianity. Although Jesus invited people to believe in God and live by her/his commands, he was elevated to the position of god in the period after his death.

Over time, Christianity has become a religion centered on Jesus and it has evolved from its original point to different points within the framework of various interpretations about it. Paul, who was a Christian saint and considered the architect of today's Christianity, ... he laid the foundations of today's Christianity with the views and teachings he put forward and his comments. The acceptance of Jesus as Lord, the original sin, Jesus' sacrifice and similar issues were put forward by Paul. So much so that it would not be wrong to say that today's Christianity is his work.

21. Theism, deism, atheism, and agnosticism are discussed in the 4th unit of the RCMK 11th Grade textbook under the heading "Issues Regarding Faith". It is dealt with Islamic explanations / defenses regarding these, and its teachings are not presented objectively. Example:

Islam firmly rejects the deist approach. According to our religion, it is Allah who created the universe and everything in the universe. His dominance over the universe continues all the time. Everything in the universe exists and continues to exist thanks to the infinite might, knowledge and creativity of Allah. (Grade 11, p.102)

22. Furthermore, after explaining the features of atheism, the following explanations are given:

Atheism is an understanding contrary to human nature. Because in human nature, belief in Allah is innate. For this reason, even those who claim to be atheists take refuge in Allah when they are in a difficult situation and when they are desperate. (11th Grade, p. 111)

23. One of the aims of the RCMK program is that students adopt "national values". And these values are not available to take into account religious and other diversity in Turkey. Rather, mainstream Islamic places of worship, cultural heritage, and traditions of commemorating or celebrating important stages of life ignore the "different ones."

What do you think distinguishes a nation from other nations? Value refers to the whole of the material and spiritual elements of a nation in social, cultural, economic and scientific fields ... For example, historical mosques have material value as an architectural work and spiritual value as a religious building. (MEB Publications Grade 9 p.87)

Islam, which strengthens social ties, contributes to the formation and adoption of common values ... Practices such as naming, circumcision, *mawlid*, funeral, engagement and marriage ceremonies as well as holidays, condolences and patient visits are an element of our culture, and their source is largely from religion. (MEB Publications Grade 9 p.88)

24. "Value refers to the whole of the material and spiritual elements of a nation in social, cultural, economic and scientific fields." Despite his statement, the fact that only some Islamic values are included in the books raises a question mark. When it comes to the word "nation" used in Turkey, does not include all the people living in this country, with different ethnic origin, religion or belief? Either it should be clearly stated that by "nation" only a certain part of the people is meant, or "national values" should be reviewed in a way to include diverse sources. In its current form, the way "national values" are presented is far from being inclusive and representative of the diversity in Turkey.

A person who adopts religious principles; places values such as justice, helping relatives, treating guests, honesty and helpfulness in his life. In this respect, religion adds meaning and value to a person's world of thought and life. Religion; it directs people to goodness by counseling moral values such as honesty, responsibility and justice. Therefore, the effect of religion is evident in the values of good people. (Grade 9, p.87)

Many factors are effective in the emergence of the customs and traditions formed in the historical process. Religion is one of the most important of these factors. Therefore, many practices in our culture have been influenced by religion. Practices such as naming, circumcision, *mawlid*, funeral, engagement and marriage ceremonies as well as holidays, condolences and patient visits are an element of our culture, and their source is largely from religion. In addition, our society; include in life the values such as respect for parents, greetings, visiting relatives and protecting their homeland as a requirement of both tradition and religion. The verse "... When you enter the houses, greet each other as a blessed and pleasant wish of peace from Allah ..." shows that our tradition of greeting has a religious basis...

Another good practice in our culture is the ceremony of naming the newborn child. Among the most commonly used names in our country are the names of the Prophet and his descendants. In addition, the names of the Companions are frequently used. It is possible to see the effects of religion on culture in many events that a person has experienced throughout his life, from the call to prayer recited in his ear at birth, to the salah read at his funeral. (Grade 9, p.88)

The child's right to freedom of religion or belief

25. Every child has the right to freedom of thought, religion and conscience and can use this right to the extent of its evolving capacity. The child uses his/her right, not through their parents or anyone else. The examples given below demonstrate that children have to give "right" answers to doctrinal matters that are not presented objectively and that children are led to certain behaviors as "right" behavior. Considering that the RCKE course performance of children will be evaluated through exams, homework or in-class participation and that the grade they will receive will have a significant effect on their education life, it is evident that the child must perform by doctrinally approving of the information provided within the course. This exposes the child to conditions in which he or she may have to act against his/her thoughts, conscience or religion.

8. It is the name given to all blessings created by Allah for living creatures. What we eat, what we drink, what we wear, knowledge, wisdom, the air we breathe, in short, material and all spiritual needs are evaluated within this scope.

Which of the following is the concept defined?

A) Sustenance B) Will C) Life D) Accident (8th Grade, p.41)

6. "O Believers! Alcohol, gambling, idols and fortune-telling are undoubtedly devilish, avoid them so that you can enjoy happiness. " (Maide Sura, verse 90.)

Which of the following cannot be deduced from this verse?

A) Islam prohibits alcohol and gambling.

B) It is stated in the verse that fortune telling, and arrows of chance should be avoided.

C) The religion of Islam wanted people to stay away from things that harm their mental health.

D) It is okay to drink enough to not get drunk. (Grade 8 p.88)

Islam shapes our life with its orders and recommendations. It wants our words and actions to be in accordance with these orders and recommendations. It reminds us that even our simple tasks in our daily life are carried out with the permission and name of Allah. Therefore, when we start a job, we will mention the name of Allah (c.c.) by using *basmala*. (4th Grade p.13)

7. When we see a friend who is studying, we say and we pray.

5. () Prayer shows our devotion to Allah. (Grade 4 p.29)

26. The child is expected to write a prayer:

Write a prayer based on the prayers of the Prophet (Grade 5, p.27).

Read the *Rabbena* prayer and write a prayer in your own words. (Grade 5, p.55)

B. Answer the multiple-choice questions below.

1. Hümeýra: We should pray with the beautiful names of Allah.

Erdem: We should ask for clean and beautiful things.

Dilek: We just have to pray for ourselves.

İbrahim: We must pray in secret and wholeheartedly.

The teacher asked the class "How should we pray?" Which of the students gave the wrong answer to this question?

A) Hümeýra B) Erdem C) Dilek D) İbrahim (5th Grade, p. 34)

27. The child who does not adopt the idea of creation in her/his own world of belief or is raised in a household where his/her parents reject creation, will experience contradiction in the expected answer to the following question.

5. Which of the following statements is false?

A) Beings in the universe came into being by chance.

B) Allah is the creator of everything.

C) Allah knows everything we do.

D) Allah has power over all things. (Grade 5, p.35)

28. The child is expected to approve statements that amount to accepting religious doctrines:

Ç. Write "T" before the true ones among the information given below and "F" for the wrong ones.

..... The names of 35 prophets are mentioned in the Quran.

..... The verses of the Quran were sent down to the Prophet in the form of a book.

..... The Quran was both written and memorized in the time of our Prophet

..... The Quran is the last divine book sent by Allah.

..... The Quran is a universal book sent to all humanity.

..... All the divine books have survived until today as they were downloaded.

..... Nübüvvet and Risalet are two concepts that mean prophethood. (Grade 6, p.31)

29. Although not in all new RCKE textbooks, expressions such as "our religion", "our prophet", "our holy book, the Quran," which are signs of a language that teaches religion from within, continue to be used in many books:

Zakat is the fact that a Muslim who is considered rich by our religion gives a certain amount of his property to the needy every year with the intention of worshiping. (4th Grade, p.39)

Ablution is the washing and wiping of certain organs in our body as required by our religion. (4th Grade, p.105)

Example: "Let us know that prayer is a very important act of worship required in our religion. Let's give importance to fulfill our duty of servitude by praying. Your prayers we perform. It means to appear before Allah, to talk to our Lord, to communicate with him without intermediaries. (MEB Publications, Grade 6 p.35)

Explain the importance of prayer in our religion with verses and hadiths. Why do we pray? Explain. (Grade 6, p.62)

The right of parents to raise their children in line with their own religious or philosophical views

30. The doctrinal information set out above may or may not be compatible with the religious or philosophical views of some parents. The formation process of the universe and human being and the purpose of human existence are the subjects about which many religions, beliefs or thought systems offer an explanation. Therefore, the doctrinal teachings, examples of which are given above, are incompatible with the obligation of states to respect the right of parents to raise their children in line with their religious and philosophical convictions.

31. As demonstrated above, the content of RCKE textbooks continues to have elements that do not comply with a neutral, objective and inclusive with which teaching about religions in public schools should comply. Beyond the "space allocated to Islam or sects within Islam, different traditions and other religions or beliefs" have in the teaching content, how they are presented is the most important factor that determines the quality of the course.

32. Religious education constitutes an interference in both the freedom of thought, religion and conscience of the child and the right of parents to raise their children in line with their own religious or philosophical views. Throughout grades 4-12, the child is exposed to this religious education for a significant part of his / her teaching life and has to fulfill his / her homework and / or exam responsibilities for course evaluation. The performance requirement increases the impact and prevalence of this interference.

33. As shown above the current teaching materials of the compulsory RCKE course constitute religious education/instruction and not objective teaching about religions. Therefore, under international human rights law the course cannot be compulsory. If it is compulsory a non-discriminatory exemption procedure must be adopted. Turkish authorities have not put in place a non-discriminatory exemption mechanism that is extended to all who wish to be exempt from the RCKE course without having to declare their religion or belief.

34. As a result of the non-implementation of the ECtHR judgments on the Zengin group of cases potentially thousands of students and their parents' rights at the intersection of freedom of religion or belief (Article 9) in the context of education (Article 2 Protocol I) continue to be violated.

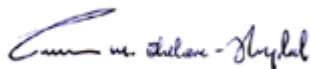
5.2. Recommendations

35. Considering the information provided above, about Zengin Group of cases, we recommend that:

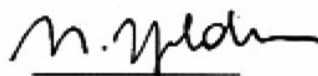
- The Government to be asked the following:
 - a) to bring the Turkish educational system and domestic legislation into conformity with The Convention – **in particular, by remedying the shortcomings of the teaching materials and exemption mechanism.**
 - b) to take steps to implement non-discriminatory exemption.
- The Government to be asked to provide **a new Action Plan by June 2021**, setting out plans to bring about these changes by September 2021 in time for the 2021-2022 school year.
- The Committee of Ministers **schedule a CM-DH meeting on the Zengin group of cases for its June 2021 meeting.**

36. Therefore, we call on the Committee of Ministers to prepare a speedy timetable for the measures to be put in place and that the Committee of Ministers review the implementation of the timetable in the near future, given the extensive delays already involved in these cases.

Sincerely yours,



Gunnar M. Ekelove-Slydal
Deputy Secretary General



Dr. Mine Yildirim
Head of Freedom of Belief Initiative