

Examining the Condition of Alevis in Turkey in Light of the Freedom of Religion and Conscience and Religious Minority Rights in International Law

Ismail Kurun¹

Institute of Social Sciences, Ankara University, Ankara, Turkey

Received 23 December 2018

Revised 24 January 2019

Accepted 12 March 2019

Abstract: *Freedom of religion and conscience is regarded among one of the human rights in international documents signed or declared after the World War II. In this paper I investigate from a legal perspective whether the freedom of religion and conscience and religious minority rights that Alevis enjoy in Turkey are in line with the standards in relevant international documents. Therefore I firstly examine the relevant articles in international documents on the freedom of religion and conscience and religious minorities rights such as the Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights (1966), the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981), Framework Convention for the Protection of National Minorities (1998), and a prominent ruling of the European Court of Human Rights. Then, in light of these documents, I critically assess the condition of Alevis in Turkey from a legal perspective. I eventually concluded that Turkish laws and legislation, as well as official practices in Turkey, fail in three major areas to meet the standards of freedom of religion and religious minority rights in international documents.*

Keywords: *Alevis; Turkey; freedom of religion and conscience; religious minority rights; international law.*

Introduction

The political, sociological, religious, and cultural aspects of Alevis in Turkey have become subject of numerous studies.² Though less than this, the problems of Alevis in terms of the freedom of religion and conscience have been researched extensively as well.³ However, the condition of Alevis in Turkey from the perspective of the freedom of religion and conscience and religious minority rights in international law has received scant attention. A rare study from this perspective is Hurd's paper (2014) which mostly employs the legal documents emerged under the umbrella of the European Union but omits other international documents. In this paper, I examine the freedom of religion and conscience and religious minority rights that Alevis enjoy in Turkey in light of international law and investigate whether their said rights and the level of their freedom mentioned are in line with the standards indicated in relevant international documents. Therefore I first examine the relevant articles of the international documents on religious minority rights and freedom of religion and conscience and then assess the condition of Alevis in Turkey in light of these articles.

Freedom of Religion & Conscience and the Question of Religious Minorities Rights Outlines of the Historical Development of the Concept of the Freedom of Religion & Conscience and of Religious Minorities Rights

Freedom of religion and conscience has been a controversial topic throughout history. Since times immemorial, religious intolerance has become a major cause of violence. Different religious interpretations throughout history led to different attitudes regarding religious toleration and freedom of religion and conscience. During the Age of Enlightenment, Voltaire once remarked (1924: 24) that "Of

¹ Email: ismailkurun1@gmail.com

² For some of them, see Yıldırım, 2018; Erol, 2010; Karaosmanoğlu, 2013; Köse, 2012; Shankland, 2003; Marcus, 1996; White & Jongerden, 2003; Olsson, Ozdalga & Raudvere, 2005; Erman & Göker, 2000; Poyraz, 2005; Şirin, 2013; Çaha, 2004; Çarkoğlu, 2005; Andrews & Temel, 2013; Ulusoy, 2011.

³ Dressler, 2015; Mutluer, 2016; Öktem, 2008; Borovalı & Boyraz, 2014; Tambar, 2010; Grigoriadis, 2006.

all religions, the Christian is without doubt the one which should inspire tolerance most, although up to now the Christians have been the most intolerant of all men.” However, in today’s world it is Muslims who are widely regarded as religiously most intolerant. Ironically the first systematic articulations of the idea of religious toleration in Europe appeared during the wars of religion in the early modern period (Lindberg, 2010: 308). It was John Locke, the philosopher widely regarded as the father of liberalism, who systematically articulated religious toleration as a religious and political doctrine after the Protestant Reformation. In his short treatise titled *A Letter Concerning Toleration* (1689), Locke defined (2003: 5) religious toleration as “the chief characteristic mark of the true church.”

The idea of freedom of religion and conscience and the notion that religious minorities should enjoy religious toleration become gradually entrenched throughout and in the aftermath of the Enlightenment era. Regarding these concerns, a number of treaties, such as the Treaty of Vienna (1607), the Peace of Westphalia (1648), the Treaty of Rijswijk (1697), and the Treaty of Paris (1763), were signed in the 17th and 18th centuries. Later on in the 19th century, a growing number of European states took political steps, ostensibly to protect the freedom of religion of the religious minorities living in the Ottoman Empire. These steps gradually gained normativity as international law practices on issues regarding religious minority rights and freedom of religion and conscience and became one of the foundations of later notions pertaining to these rights and freedoms. In the aftermath of the World War I (WWI) the freedom of religion and conscience and religious minority rights were given some legal articulation under the umbrella of the League of Nations. A series of Minority Treaties were signed. However, defining a minority or community in legal terms turned out to be a major problem. The Permanent Court of International Justice (PCIJ) in the *Greco-Bulgarian Communities Case* addressed the problem of defining a community:

“[A community] is a group of persons living in a given country or locality having a race, religion, language and tradition of their own and united by this identity of race, religion, language and tradition in a sentiment of solidarity, with a view to preserving their traditions, maintaining their form of worship, ensuring the instruction and upbringing of their children in accordance with the spirit and tradition of their race and rendering mutual assistance to each other” (Gilbert, 1997: 102).

Further the following article was placed, by the efforts of then’s American President Woodrow Wilson (1856-1924), in the Covenant of the League of Nations:

“Recognizing religious persecution and intolerance as fertile sources of war, the powers signatory hereto agree, and the League of Nations shall exact from all new States and States seeking admission to it the promise, that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion or belief whose practices are not inconsistent with public order or public morals” (Miller, 1958: 105).

Despite these steps taken by the League of Nations on this question, religious minorities in miscellaneous countries still remained vulnerable on a global scale. After the Holocaust the question of freedom of religion rose dramatically on the political agenda of Western countries, to the extent that following the war Franklin Roosevelt (1882-1945) mentioned it among the four fundamental freedoms (Rehman, 2000: 143-145).

While the freedom of religion rose on the world’s political agenda following World War II, religious minority rights lagged behind. Though the conditions of religious minorities improved on a global scale in parallel to the rise of the notion of universal human rights, there was no agreement on an international level on the legal question of how to define a religious minority. It was assumed that the doctrine of universal rights would be a panacea for all the related problems (Ghanea, 2008: 307).

In 1976 was signed the International Covenant on Civil and Political Rights (ICCPR) whose Article 27 holds that

“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language” (Ghanea, 2008: 309).

United Nations (UN) Human Rights Committee first ignored this article but then began using it in its decisions (Ghanea, 2008: 309). This was triggered by a work by Capotorti who was a UN Sub-Commission expert. His achievement was that he managed to define the concept of minority, which could up until then not have been defined in a way that would receive a widespread appeal. According to him, a minority is “a group, numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language” (Capotorti, 1977). Then an agreement emerged within the UN after 1977 to prepare a document on the topic and in 1992 the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities appeared. Further the annual meeting of the UN Sub-Commission Working Group on Minorities from 1995 to 2006 was sponsored by the UN (Ghanea, 2008: 309). However, when a religious minority was discriminated against due to its religion, this continued to be handled in the UN under the freedom of religion and conscience rather than religious minority rights (Ghanea, 2008: 310).

Despite all these developments there is still ambiguity in international law regarding the protection of religious minority rights. Major problems are the fear of States that religious minorities might politically determine their future and the ambiguity about the minimum and maximum number of the members of a religious community for it to be regarded as a religious minority. Further most religious minorities are at the same time national minorities as well. Therefore religious minority rights today are usually considered worldwide under the freedom of religion and conscience (Gilbert, 1997: 103-104) because the freedom of religion and conscience is defined more clearly in various international documents and there is a wider agreement on it than there is on religious minority rights. From a historical perspective it is possible to say at this point of history that remarkable improvements were made in international law on the freedom of religion and conscience and religious minority rights. Practices such as genocide, assimilation, forced mass population transfers, which were implemented to minorities before the WWI to eliminate differences, were today replaced by cantonization, federalization, arbitration, consociationalism, and power-sharing which aimed at managing differences rather than eliminating them (Gilbert, 1997: 105-108).

Freedom of Religion & Conscience in International Law and Religious Minorities

As examined above most of the international documents that included articles on the protection of minority rights appeared after the WWI, and the enforcement of them was left to the League of Nations. These documents became invalid after the WWII and instead new documents emerged. Today there are seven basic points that need to be examined regarding religious minority rights and freedom of religion and conscience in international law. These are (i) Article 18 of the Universal Declaration of Human Rights (UDHR, 1948), (ii) Article 18 and 27 of the International Covenant on Civil and Political Rights (ICCPR, 1966), (iii) Article 16 of the Concluding Document of the Vienna Meeting (1986), (iv) the establishment of High Commissioner on National Minorities instituted at the 1992 Helsinki Summit of the Conference on Security and Co-operation in Europe (CSCE), (v) the ruling of the European Court of Human Rights (ECHR) in the 1994 case of *Otto Preminger Institut v. Austria*, (vi) Article 5 of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, and (vii) Article 5 and 8 of the Framework Convention for the Protection of National Minorities (FCPNM, 1995). In this section I examine the contribution of each one of these seven points to the protection of freedom of religion and conscience and religious minority rights.

Legal regulations to protect the freedom of religion and conscience and religious minority rights followed the path of Article 18 of the UDHR, which holds that

“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 teaching, practice, worship and observance” (The Universal Declaration of Human Rights, 1948). The open recognition of the freedom of conscience and religion of individuals in this article logically means that the UDHR recognizes the freedom of religion and conscience of the members of religious minorities as well. Nevertheless in international documents including the UDHR there is no definition of “religion.” A definition of religion that received considerable appeal in the international law literature was made by Special Rapporteur Benito: “an explanation of the meaning of life and how to live accordingly” (Gilbert, 1997: 99).

After Article 18 of the UDHR, Article 18 and 27 of the ICCPR need to be noted. Article 18 of it holds that

“(1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. (2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. (3) Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. (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” (United Nations Treaty Collection, 1976).

Article 27 of the ICCPR holds that

“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language” (United Nations Treaty Collection, 1976).

Another step on the topic is taken quite in detail by Article 16 of the Concluding Document of the Vienna Meeting which holds that

“In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, inter alia, (16.1) take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers; (16.2) foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers; (16.3) grant upon their request to communities of believers, practising or prepared to practise their faith within the constitutional framework of their States, recognition of the status provided for them in their respective countries; (16.4) respect the right of these religious communities to establish and maintain freely accessible places of worship or assembly, organize themselves according to their own hierarchical and institutional structure, select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State, solicit and receive voluntary financial and other contributions; (16.5) engage in consultations with religious faiths, institutions and organizations in order to achieve a better understanding of the requirements of religious freedom; (16.6) respect the right of everyone to give and receive religious education in the language of his choice, whether individually or in association with others; (16.7) in this context respect, inter alia, the liberty of parents to ensure the religious and moral education of their children in conformity with their own

convictions; (16.8) allow the training of religious personnel in appropriate institutions; (16.9) respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief, (16.10) allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials; (16.11) favourably consider the interest of religious communities to participate in public dialogue, including through the mass media” (Concluding Document of the Vienna Meeting, 1989).

After the Vienna Meeting an important summit, the Helsinki Summit, was held by the CSCE (now OSCE, Organization for Security and Co-operation in Europe) in 1992 in Helsinki where the post of High Commissioner on National Minorities was introduced. His task is to “be an instrument of conflict prevention ... in regard to tensions involving national minority issues [which] have the potential to develop into a conflict within the OSCE area, affecting peace, stability or relations between participating States ...” (Gilbert, 1997: 121). In a similar vein, to protect the freedom of religion and conscience of religious minorities, the ECHR has issued decisions, a prominent of which is *Otto Preminger Institut v. Austria*, where the Court declared that a State had to “ensure the peaceful enjoyment of the rights guaranteed under Article 9,” adding that individuals must “avoid as far as possible expressions which are gratuitously offensive to others” The Court also stated that a religious minority must be free to proselytize (Gilbert, 1997: 124).

For an international document devoted entirely to the protection of the freedom of religion and conscience one needs to turn to the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief passed in 1981. In the introduction of this declaration it is stated that freedom of religion is one of the fundamental human rights and that the assurance of it contributes to global peace. Article 1 of the declaration notes that everyone has the right to enjoy, change and practice his religion while Article 2 urges to eliminate the discrimination based on religion and belief. Further, Article 3 writes that such discrimination harms human dignity and must be condemned as a violation of human rights. Article 4 indicates that the prevention of such discrimination is the task of the States. While Article 5 is about the limits of the right of parents to bring up their children in conformity with their faith, Article 6 states that the freedom of religion and conscience includes the observance by individuals of days of rest and celebration of holidays and ceremonies (United Nations General Assembly, 1981). Due to the new regulations in its Article 6 and to the fact that it is devoted entirely to the protection of the freedom of religion and conscience, this declaration marks an advance on the issue in question.

The last international document to be noted on this issue is the FCPNM signed in 1995 by many member States of the Council of Europe. Article 5 and 8 of this treaty tackles the freedom of religion and conscience of minorities, the former stating that “The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage,” and the latter that “The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations” (Framework Convention for the Protection of National Minorities and Explanatory Report 1995).

From these international treaties, agreements, declarations and court ruling, it would be appropriate to make several inferences regarding the freedom of religion and conscience and religious minority rights. First, there are still problems in international law concerning the definition of a religious minority and the articulation of religious minority rights. Therefore international documents mention the freedom of religion and conscience as a universal human right rather than mentioning religious minority rights, underscoring that this freedom must be enjoyed by all individuals in society including the member of ethnic, religious, linguistic, and national minorities. Second, while the restriction of religious minority rights when the nation is in danger is recognized in international law, universal freedom of religion and conscience is not compromised. The latter is deemed a fundamental human right that cannot be restricted

even in extraordinary circumstances. That implies that the security concerns of States play a significant role in religious minority rights. Third, the freedom of religion and conscience is a right with a broad content, encompassing many rights and freedoms such as the free enjoying by an individual of her religion, the observance of its practices, the upbringing of her children in conformity with her religion, the teaching of her religion to her children and proselytizing of it to other individuals, the use of media to spread her religion, celebrating the holidays of her religion, founding religious institutions and organizations, building temples to worship inside, organizing hierarchically in the way that her religion commands, the freedom to express or not to express her religion to others etc. Fourth, individuals cannot be compelled with regard to their convictions of religion and belief. Fifth, that the existence of equality before law among members of a society does not mean that the members of a religious minority in that society become equal in terms of the enjoying of their rights with the members of the major religious group. The former can become equal to the latter only when the former is positively discriminated (Ghanea, 2006: 304-307).

Problems of Alevis in Turkey

It is a widely held opinion that Alevis in Turkey have had in the past and still have various rights-related problems, which is why the Turkish government in 2008 announced a democratization program, the so-called “Alevi opening.”¹ In this chapter I examine whether Alevis in Turkey can enjoy their freedom of religion and conscience and religious minority rights, in the way that it is in line with the standards indicated in the previously examined international documents. I divide the topic of the issues of Alevis under three headings: (i) the issue of official recognition by the Turkish legal system of Alevism as a religion and the legal status of *cemevis* (Alevi places of worship), (ii) the issue of the religious education of Alevis, (iii) the issue of public holidays.

The Issue of Official Recognition by the Turkish Legal System of Alevism as a Religion and the Legal Status of *Cemevis*

Approximately 10% of all countries around the globe have an official state religion today. Besides, in many of the countries, including Turkey, there is one religion or denomination either socially or politically or in both ways dominant (Masci, 2017). In international law there is no ruling or advisory opinion stating that States should not have one or multiple official state religion(s). According to Gilbert (1997: 112), the fact that a State has an official state religion does not necessarily mean that the religious minorities in that State are discriminated against; if such a State respects and implements the freedom of religion and conscience and religious minority rights in international law, there will not be violations of these rights and freedoms.

Though not having an official state religion, Turkey has a socially and politically dominant religion and denomination, the former being Islam and the latter being the Sunni branch of Islam. The leading example of this dominance is the Directorate of Religious Affairs (*Diyanet İşleri Başkanlığı*) which is, with its approximately 150 thousands personnel, one of the largest public institutions in Turkey (“Diyanet İşleri Başkanlığının,” 2018) and is run by the taxes collected from Turkish citizens of all religious convictions, though it gives “religious service (*din hizmeti*)” only to Sunni Muslims and does not address to the Alevis. The mosques in Turkey have the official status of place of worship and are run by the Directorate. This status of the mosques provide them with various economic advantages; not only the electric bills of mosques (along with churches and synagogues that also have the official status of place of worship) are paid by the Directorate, but also the water bills of mosques (but not churches and synagogues despite their having the said official status) are paid by municipalities (Bozdağ, 2012). In Turkey Christianity and Judaism are officially recognized as minority religions but not Alevism. Since *cemevis* do not have the official status of place of worship, their electric and water bills are not paid by any public institutions (Tambar, 2010: 656). *Cemevis* in Turkey are run under the legal title of associations (*dernek*). Further, whereas the personnel of the Directorate receives their monthly salaries from the state budget, the Alevi religious leaders (*dedes*) receive no payment from the state. Therefore, the fact that the *cemevis* are not legally granted in Turkey the status of place of worship and their being

¹ For some studies on this, see Soner & Toktaş, 2011; Boravali & Boyraz, 2015; Özkul, 2015; Bardakçi, 2015.

made deprived of the economic advantages for that reason constitutes discrimination against them as a religious minority in international law. This situation is a violation of the clauses (1) and (3) of Article 16 of the Concluding Document of the Vienna Meeting and of Article 2-4 of the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

In fact the legal status of *cemevis* in Turkey is a *de facto* problem rather than *de jure*. Article 24 of the Constitution of Turkey states that “Everyone has the freedom of conscience, religious belief and conviction. Acts of worship, religious rites and ceremonies shall be conducted freely, as long as they do not violate the provisions of Article 14 ...” (Constitution of the Republic of Turkey, 2019: 17).¹ The freedom indicated in the Article encompasses the freedom to establish a place of worship as well, as noted in the 2014 Norwegian Helsinki Committee Policy Paper. In Turkey the status of place of worship is granted by local administrative chiefs in line with the Land Development Planning and Control Law (*İmar Kanunu*, no: 3194). Nevertheless, the legal applications by Alevis to the local administrative chiefs to be granted this status have been steadily refused, and thus a freedom that is acknowledged in law is denied in practice (Norwegian Helsinki Committee Policy Paper 2014).

Various policy reports have been published as advisory opinions to solve this discrimination. In one of them published by the Association for Liberal Thinking (ALT), it is argued that the problems of Alevis in Turkey can be solved if Turkey adjusts her laws to all the articles of the treaties and agreements to which she is a party and to the rulings of the ECHR in relevant cases. According to the report, the best solution would be to abolish the Directorate of Religious Affairs and allow all religious groups to establish and maintain their places of worship depending on their own budgets. However, the report continues his advise, if this is not to be done at present, the second best solution would be to grant administrative autonomy to the Directorate and official status to all places of worship including *cemevis*, to collect tax based on religion and faith from citizens and canalize each tax to the budget of the place of worship of respective citizen (Özipek et al., 2014: 5-20). Besides, in the final report published at the end of the Alevi Workshop organized by the Turkish Ministry of State in 2010, it is advised that the Law of the Closure of Dervish Monasteries and Tombs (1925) be revised or abrogated (T.C. Devlet Bakanlığı, 2010: 111, 164, 169, 191), that the religious places of Alevis such as the Dervish Lodge of Saint Hacı Bektaş which is also Alevis’ holy place be transferred to the management of the Alevis, and that visiting these places be made gratis (T.C. Devlet Bakanlığı, 2010: 110). However, Article 174 of the Constitution of Turkey states that “No provision of the Constitution shall be construed or interpreted as rendering unconstitutional the Reform Laws indicated below, which aim to raise Turkish society above the level of contemporary civilization and to safeguard the secular character of the Republic, and whose provisions were in force on the date of the adoption of the Constitution by referendum” and among these Reform Laws listed is the Law of the Closure of Dervish Monasteries and Tombs (Constitution of the Republic of Turkey, 2019: 71-72). Similar advisory opinions exist in the reports on the problems of Alevis published by Institute of Strategic Thinking (SDE) (Stratejik Düşünce Enstitüsü, 2009), Wise Men Center for Strategic Studies (Günay et al., 2010), and Norwegian Helsinki Committee (2014).

The Issue of Religious Education

Article 24 of the Constitution of Turkey, the first two paragraphs of which were quoted in the previous section, continues to state that

“Religious and moral education and instruction shall be conducted under state supervision and control. Instruction in religious culture and morals shall be one of the compulsory lessons in the curricula of primary and secondary schools. Other religious education and instruction shall be

¹ Article 14 states that “None of the rights and freedoms embodied in the Constitution shall be exercised in the form of activities aiming to violate the indivisible integrity of the State with its territory and nation, and to endanger the existence of the democratic and secular order of the Republic based on human rights ... (Constitution of the Republic of Turkey, 2019: 13).

subject to the individual's own desire, and in the case of minors, to the request of their legal representatives" (Constitution of the Republic of Turkey, 2019: 17). Accordingly, the course of Religious Culture and Morals (*Din Kültürü ve Ahlak Bilgisi*) in primary and secondary schools' curriculum is obligatory. In this course only the Māturīdī and Ḥanafī interpretations or denominations of Islam are taught; little place or sometimes no place is allocated to the teaching of Alevism (Özipek et al., 2014: 13-14).

First, the fact that an official course on religion is obligatorily taught in state schools is a violation of Article 1 and 2 of the Concluding Document of the Vienna Meeting. An obligatory course on religion, be it a specific interpretation of a particular religion or not, in state schools means coercion of citizens regarding freedom of religion and conscience. This issue became a public debate in Turkey especially in the last two decades, and several official regulations and rulings, the details of which are beyond the scope of this paper, emerged. Currently there is a regulation that makes possible the exemption from the obligatory course on religion of the children on whose identity cards Christianity or Judaism as the cardholder's religion is written (Koca, 2015).¹

However, this regulation has two problems in terms of human rights and freedoms. First, it is a violation of the freedom of religion and conscience to force people to express their religion. It is not obligatory for a Turkish citizen to express his/her religion to be written on his/her identity card; this is optional. But if he/she wants to be exempted from the obligatory course on religion, it is necessary that he/she express his religion to be written on his/her identity card. Expressing is not enough; he/she has to write either Christianity or Judaism to be exempt from it. Not expressing one's religion and thus leaving the religion box blank does not make one exempt from the obligatory course on religion (Koca, 2015). In one case in February 2015 the administration of a state school, depending on an official document sent to them by the Turkish Ministry of National Education, decided that a child of a Muslim mother and a Christian father had to attend the obligatory course on religion since the parents left the religion box blank for their child to decide on his/her own when he/she is grown up. The parents were left to choose either to express the religion of their child as Christianity or Judaism or their child has to take the course (Koca, 2015). In another case it became clear that Turkish courts do not officially see Alevism as a religion. A Turkish citizen applied to a Turkish court to change "Islam" with "Alevism" as his religion expressed on his identity card. The court decided that Alevism is not a religion and so could not be written as a religion on an identity card. The case was carried to the ECHR who decided in favor of the applying citizen, arguing that his rights were violated, but no step was taken by the Turkish officials to implement the ECHR decision ("Kimliğin din hanesine," 2013). The decision of the Turkish court is also in line with the practice of Turkish municipalities of not granting the legal status of place of worship to *cemevis*, despite granting it to churches and synagogues.

Hence this official practice violates the human rights principles that individuals may not be forced regarding their religious beliefs and that parents may bring up and give education to their children in line with their religious beliefs. It follows that it is a violation of the clauses (1) and (7) of Article 16 of the Concluding Document of the Vienna Meeting, Article 2, 4, and 5 of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, and Article 5 of the FCPNM.

The Issue of Public Holidays

Two of the nine public holidays in Turkey are religious holidays, the Ramadan holiday and the Sacrifice Feast, both of which are the basic holidays of Sunni Muslims. The religious holidays of Alevis, Christians, Jews or other religious groups are not public holidays in Turkey.

¹ On the old Turkish identity cards there was a box in which the cardholder's religion was written. In the new Turkish identity card introduced in early 2016, the religion box does not exist; instead the cardholder's religion may be optionally written by the cardholder in the chip of the card (Kızılkoyun, 2016).

There are various speculations but no reliable ethnic statistics about the population of Turkey. The number of Alevi in Turkey is estimated to be between 4.5 million and 20 million (“Türkiye’nin din haritası,” 2009; “Türkiye’de ne kadar Alevi,” 2007; “Ülke Genelinde 12 Milyon,” 2014) over a total population of slightly more than 80 million as of the beginning of 2018 (“Adrese Dayalı Nüfus,” 2018). It is strongly estimated that the numbers of the Christians and Jews in Turkey, the second and third largest religious minorities after Alevi, together make up less than 1% of the total population (“Dünyadaki Yahudi nüfusu,” 2018; “Türkiye’nin din haritası,” 2009). Therefore Alevi are by far the largest religious minority in Turkey. However, none of the Alevi religious holidays, are public holidays in Turkey, and Alevi public officials are not officially made on leave on any of these days either.¹

As an infringement of the equality of citizens in terms of religion, this situation violates the clause (1) of Article 16 of the Concluding Document of the Vienna Meeting. It does not necessarily prevent Alevi from observing their days of rest or performing their rituals, but it definitely makes the observance and performance of at least some of them significantly more difficult, and therefore it is not entirely in line with the standard indicated in Article 6 of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Hence in the Alevi Workshop in 2010, it is advised that the 10th of the Muharram month of the Hijri calendar be made an official holiday for Alevi (T.C. Devlet Bakanlığı, 2010: 100).

Conclusion

In this paper I examined the situation of Alevi in Turkey in terms of the freedom of religion and conscience and religious minority rights in light of the relevant articles of international documents. My findings indicate that the official practices in Turkey fail to meet in three areas the standards in international law on the freedom of religion and conscience and religious minority rights. These failures concentrate on the discrimination in “religious service” provided by the Directorate of Religious Affairs, the problematic official status of Alevi places of worship (*cemevis*), official non-recognition of Alevism as a religion, coercion of Alevi regarding religious education and expression of their religion, and discrimination in religious public holidays.

Most of these rights-related problems of Alevi in Turkey are entrenched and complicated issues. The policy advise of this paper is that these problems can be solved by adjusting the relevant laws and legislation in Turkey to the standards indicated in international law on the freedom of religion and conscience and religious minority rights. The social, cultural, and political obstacles in front of solving these problems with legal means can be a research topic for further studies.

References

1. Adrese Dayalı Nüfus Kayıt Sistemi Sonuçları, 2017. (2018, February 1). TÜİK (Turkish Statistical Institute). Retrieved from <http://www.tuik.gov.tr/HbGetirHTML.do?id=27587>.
2. Alevitischer Kalender. (2019). Alevitischer Kalender. Retrieved from <http://www.alevitischer-kalender.de>.
3. Andrews, P. A. & Temel, H. (2013). Hubyar: Alevi Texts. *British Journal of Middle Eastern Studies*, 40(4), 410-427.
4. Borovalı, M. & Boyraz, C. (2014). Turkish Secularism and Islam: A Difficult Dialogue with the Alevi. *Philosophy & Social Criticism*, 40(4-5), 479-488.
5. Çaha, Ö. (2004). The Role of the Media in the Revival of Alevi Identity in Turkey. *Social Identities*, 10(3), 325-338.
6. Çarkoğlu, A. (2005). Political Preferences of the Turkish Electorate: Reflections of an Alevi–Sunni Cleavage. *Turkish Studies*, 6(2), 273–92.

¹ For a list of the Alevi religious holidays, see Alevitischer Kalender, 2019.

7. Concluding Document of the Vienna Meeting (1989). OSCE. Retrieved from <https://www.osce.org/mc/40881?download=true>.
8. Constitution of the Republic of Turkey (2018, February 8). TBMM (The Grand National Assembly of Turkey). Retrieved from https://global.tbmm.gov.tr/docs/constitution_en.pdf.
9. Diyanet İşleri Başkanlığının Personel Sayısı Belli Oldu. (2018, January 31). Kamu Personeli. Retrieved from <https://www.kamupersoneli.net/kamu-personelleri/diyanet-isleri-baskanliginin-personel-sayisi-belli-oldu-h41670.html>.
10. Dressler, M. (2015). Turkish Politics of Doxa: Otherizing the Alevis as Heterodox. *Philosophy & Social Criticism*, 41(4-5), 445-451.
11. Dünyadaki Yahudi nüfusu 14.7 million. (2018, September 12). Şalom. Retrieved from http://www.salom.com.tr/haber-107968-dunyadaki_yahudi_nufusu_147_milyon.html.
12. Erman, T. & Göker, E. (2000). Alevi Politics in Contemporary Turkey. *Middle Eastern Studies*, 36(4), 99-118.
13. Erol, A. (2010). Re-imagining Identity: The Transformation of the Alevi Semah. *Middle Eastern Studies*, 46(3), 375-387.
14. Grigoriadis, I. N. (2006). Political Participation of Turkey's Kurds and Alevis: A Challenge for Turkey's Democratic Consolidation. *Southeast European and Black Sea Studies*, 6(4), 445-461.
15. Hurd, E. S. (2014). Alevis under Law: The Politics of Religious Freedom in Turkey. *Journal of Law and Religion*, 29(3), 416-435.
16. Karaosmanoğlu, K. (2013). Beyond Essentialism: Negotiating Alevi Identity in Urban Turkey. *Identities*, 20(5), 580-97.
17. Kimliğin din hanesine 'Alevi' yazdırma. (2013, January 20). Haber 7. Retrieved from <http://www.haber7.com/guncel/haber/979530-kimligin-din-hanesine-alevi-yazdirma-karari>.
18. Kızılkoyun, F. (2016, February 16). Din hanesi kartta yok. *Hürriyet*. Retrieved from <http://www.hurriyet.com.tr/gundem/din-hanesi-kartta-yok-40055190>.
19. Koca, G. (2015, February 10). Din Dersi Muafiyetine Belge Şartı. *Hürriyet*. Retrieved from <http://www.hurriyet.com.tr/din-dersi-muafiyetine-belge-sarti-28164296>.
20. Köse, T. (2012). Ideological or Religious? Contending Visions on the Future of Alevi Identity. *Identities*, 19(5), 576-96.
21. Locke, J. (2003). *Two Treatises of Government and a Letter Concerning Toleration*. Ed. Ian Shapiro. New York: Yale University Press.
22. Marcus, A. (1996). 'Should I Shoot You?' An Eyewitness Account of an Alevi Uprising in Gazi. *Middle East Report*, 199, 24-26.
23. Masci, D. (2017, October 3). Key facts about government-favored religion around the world. Pew Research Center. Retrieved from <http://www.pewresearch.org/fact-tank/2017/10/03/key-facts-about-government-favored-religion-around-the-world>.
24. Miller, D. H. (1928). *The Drafting of the Covenant, Vol. II*. New York: G.P. Putnam's and Sons.
25. Mutluer, N. (2016). The Looming Shadow of Violence and Loss: Alevi Responses to Persecution and Discrimination. *Journal of Balkan and Near Eastern Studies*, 18(2), 145-156.
26. Öktem, K. (2008). Being Muslim at the Margins: Alevis and the AKP. *Middle East Report*, 246, 5-7.
27. Olsson, T., Ozdalga, E. & Raudvere, C. (2005). *Alevi Identity: Cultural, Religious and Social Perspectives*. London, UK: Routledge.

28. Poyraz, B. (2005). The Turkish State and Alevis: Changing Parameters of an Uneasy Relationship. *Middle Eastern Studies*, 41(4), 503–16.
29. Shankland, D. (2003). *The Alevis in Turkey: The Emergence of a Secular Islamic Tradition*. London, UK: Routledge.
30. Şirin, Ç. V. (2013). Analyzing the Determinants of Group Identity among Alevis in Turkey: A National Survey Study. *Turkish Studies*, 14(1), 74–91.
31. Tambar, K. (2010). The Aesthetics of Public Visibility: Alevi Semah and the Paradoxes of Pluralism in Turkey. *Comparative Studies in Society and History*, 52(3), 652-679.
32. Türkiye'de ne kadar Alevi var? (2007, March 21). Habertürk. Retrieved from <https://www.haberturk.com/yasam/haber/18033-turkiyede-ne-kadar-alevi-var#>.
33. Türkiye'nin din haritası çizildi. (2009, October 28). Milliyet. Retrieved from <http://www.milliyet.com.tr/turkiye-nin--font-color-red--din-haritasi--font-/dunya/haberdetay/28.10.2009/1155644/default.htm>.
34. Ülke Geneline 12 Milyon 521 Bin 792 Alevi Yaşıyor. (2014, March 1). Haberler. Retrieved from <https://www.haberler.com/chp-li-ozbolat-ulke-geneline-12-milyon-521-bin-5732812-haberi/>.
35. Ulusoy, K. (2011). The European Impact on State–Religion Relations in Turkey: Political Islam, Alevis and Non-Muslim Minorities. *Australian Journal of Political Science*, 46(3), 407–23.
36. Voltaire (1924). *The Philosophical Dictionary*. Translated by H. I. Woolf. New York: Knopf.
37. White, P. J. & Jongerden, J. (Eds.) (2003). *Turkey's Alevi Enigma: A Comprehensive Overview*. Leiden: Brill.
38. Yıldırım, R. (2018). *Aleviliğin Doğuşu: Kızılbaş Sufiliğinin Toplumsal ve Siyasal Temelleri 1300-1501*. İstanbul: İletişim.