Alevis' Struggles for Rights: A Human Rights Law Perspective

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Summary
This entry examines Alevis' struggles for rights in Turkey within the framework of freedom of religion and conscience, the right to education, and the prohibition of discrimination. It argues that the pressures Alevis describe as historically rooted continue today through legal and institutional issues such as compulsory Religious Culture and Ethics courses, the non-recognition of cemevis as places of worship, the institutional structure of the Presidency of Religious Affairs, and the religion field on identity documents. These claims are assessed in relation to Article 24 of the Constitution of the Republic of Turkey, the provisions of the European Convention on Human Rights concerning freedom of thought, conscience and religion and the prohibition of discrimination, and the United Nations International Covenant on Civil and Political Rights. The entry focuses particularly on the problems created by the content and exemption arrangements of compulsory religion courses with regard to Alevi families' right to education in accordance with their religious and philosophical convictions. It discusses the European Court of Human Rights' judgments of 2007 and 2014, which found that existing practices failed to meet the requirements of objectivity and pluralism and violated the right to education. Through the case of Sinan Işık v. Turkey, it also examines the right not to be compelled to disclose one's religious affiliation and the implications of recording religion on identity documents for freedom of religion and conscience. The legal status of cemevis, the distribution of public resources, and criticisms that the Presidency of Religious Affairs serves only Sunni Islam are considered in relation to equality and non-discrimination. The entry concludes that Alevis have turned to international human rights mechanisms when domestic remedies have proved insufficient, while continuing to demand the full implementation of the structural reforms required by judicial decisions.

Keywords: Alevi, Hukuk, İnsan Hakları, Türkiye

Introduction

A town in Central Anatolia. A green Alevi town in the steppe, like an oasis among yellow fields. The reason for my visit

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was, of course, evident. It was a fieldwork site that would form part of my ongoing research on Human Rights Law and Alevism. As the people of this town, after their initial hesitation, slowly began to recount their experiences, the words of an elderly villager deeply affected both me and those around him. This elderly townsman said, “we are like orphans…” and when he raised the question of why, although all of us belong to the religion of Islam, they are nevertheless subjected to discrimination, there was nothing more left to say. Alevis have taken their place in history as a community that frequently seeks to live with recognition and equal treatment in Turkey. In the context of human rights, they have also ignited important debates by highlighting broader issues concerning religious freedom and the understanding of identity, thereby underlining the need for inclusiveness and systemic change in the country’s approach to human rights. What, then, are the experiences that have been lived, and what issues have Alevis, particularly since the year 2000, advanced in terms of human rights?

The development of human rights and freedoms at the international level, and the obligation of the Republic of Turkey to focus on human rights and freedoms within the framework of its European Union (EU) candidacy process, have deepened the issue of Alevi rights and violations of those rights. In the most recent process, Alevi citizens have adopted the method of seeking their rights through the judiciary, thereby demonstrating that in contemporary humanity this should be the proper way of pursuing rights. How, then, should the claims of Alevis be evaluated today in terms of international human rights law?

The frequently repeated statement, *“Since the Ottoman Empire we have been wronged, we have been killed,”* is a widespread discourse among Alevis. The descendants of those once called *“Kızılbaş”*, against whom orders of arrest and imprisonment were issued and who were even killed, are today the Alevis who continue their existence within the territory of the Republic of Turkey. These people, unable to come to terms with what their ancestors endured, have over

the passing decades faced new issues. For many years, debates on what Alevism is have occupied the agenda, and whenever the subject of Alevism is raised, it has almost always been discussed around the same questions. Foremost among these questions are: *Where does Alevism stand within Islam? Why do Alevis not perform the ritual prayer (namaz)? Are cemevis places of worship?*

Leaving aside the debates about what Alevism is, if there is one reality that continues today, it is the view that Alevi citizens have been subjected to certain forms of pressure since the Ottoman Empire and that they are now experiencing violations of human rights. The first topic elaborated below is the legal framework forming the basis of the claims of Alevis, examined in terms of both domestic law and international human rights law. In the subsequent section, the issues of Alevis within the context of human rights law are analyzed, the processes of Alevi struggles for rights are detailed, and finally, the text is concluded.

The Legal Framework Forming the Basis of the Claims of Alevis: Domestic Law and International Human Rights Law

Whether in relation to freedom of religion and conscience or to other issues of human rights in general, when Alevism comes to the agenda the first legal regulations that come to mind are international legal documents. Legally speaking, the importance of international legal regulations is undoubtedly undeniable; however, in domestic law there also exist fundamental provisions regarding these matters. Within the scope of the fundamental freedoms guaranteed by the Constitution, there are numerous rights and liberties related to the issues of Alevis.

Following the coup carried out in 1980, the 1982 Constitution introduced provisions concerning freedom of religion and conscience. Article 24 of the Constitution initially declares that the freedom of religious belief and conviction of every individual is under protection, thereby

making a general introduction ensuring that everyone may benefit from this freedom. In short, it states that this freedom is the right of all individuals without discrimination. Concerning the ways of exercising the freedom of religious belief and conviction, Article 24 grants everyone the right to worship, which is one of the religious obligations, within the framework of Article 14 of the Constitution. The content of Article 14 relates to the prohibition of the abuse of rights.[1] Provided that it does not contradict Article 14, the Constitution allows worship, religious ceremonies, and rituals.

Within the framework of this constitutional provision, everyone may worship in the manner they wish. The regulation concerning worship is not limited to this point alone. Certain provisions have also been introduced to ensure that individuals are not compelled in matters related to their religion and worship. The article in question imposes some restrictions on individuals. Within the scope of these restrictions, the legal regulation states that *"no one shall be compelled to worship, to participate in religious ceremonies and rites, to reveal religious beliefs and convictions; no one shall be blamed or accused because of their religious beliefs and convictions,"* thereby seeking to guarantee that individuals are not subjected to coercion concerning their religion. Of course, the extent and nature of what constitutes coercion is open to debate. For instance, whether coercion includes assimilation or exposure to certain pressures as a member of the system is a matter that can be disputed. Nevertheless, this provision undoubtedly introduces broad protection.

The subject of religious education, addressed in the continuation of Article 24, is also one of the practices made compulsory by the state. The obligation introduced by the state regarding religious education is a matter adopted by the 1982 Constitution and absent from previous constitutional regulations. Introduced into Turkish law with the 1982 Constitution, this provision stipulates that religious culture and ethics education must be provided by the state

and must be carried out under the “supervision and control” of the state.[2] Within the framework of this legal regulation, courses on religious culture and ethics are taught compulsorily from primary school through to the completion of secondary education. The new course introduced with 1982 is placed among compulsory subjects such as Turkish and mathematics, with the sole difference that, unlike Turkish and mathematics, the obligation for such subjects to be included in education is not specified at the constitutional level. It is thus evident that courses on religious culture and ethics are afforded a higher level of legal protection by constitutional regulation. The 1982 Constitution leaves religious education beyond these compulsory courses to the discretion of parents or legal guardians. However, it would be incorrect to conclude that, apart from the provisions of the Treaty of Lausanne, children of minorities may be exempted from these compulsory courses.

Article 24 of the Constitution regulates freedom of religion and conscience as follows:

“Everyone has the freedom of conscience, religious belief and conviction.

Provided that it does not conflict with Article 14, acts of worship, religious rites and ceremonies shall be freely performed.

No one shall be compelled to worship, or to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions; no one shall be blamed or accused because of his or her religious beliefs and convictions.

Education and instruction in religion and ethics shall be conducted under state supervision and control. Instruction in religious culture and ethics shall be compulsory in primary and secondary schools. Instruction in religious education and instruction other than this shall depend on the individual’s own desire, and in the case of minors, on the request of their legal guardian.

No one shall exploit or abuse religion, religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental social, economic, political, or legal order of the State on religious tenets."[3]

The article in question, apart from the obligations it introduces, has entered into Turkish law as a reflection of international human rights regulations. Freedom of religion and conscience is among the first-generation human rights, namely personal and political rights. Freedom of religion and conscience has been protected at the international level through the International Covenant on Civil and Political Rights. This Covenant is an international legal instrument ratified, accepted, and put into effect by the Republic of Turkey. Similar to the constitutional guarantee of freedom of religion and conscience, Article 18 of this Covenant refers to everyone's freedom of religion and conscience, the freedom to worship, to perform religious ceremonies, and to learn. In its second paragraph, it stipulates that *"no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice"*[4], thereby safeguarding individuals' freedom of religion and conscience.

Although the dimension of learning is indicated in this Covenant, the European Convention on Human Rights (ECHR), to which Turkey is also a party, has addressed the issue of religious education in its Protocol No. 1, Article 2. This article links the right to education with religious and philosophical conviction. While affirming that everyone has the right to education, it further stipulates that the state must respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions. The provision states: *"In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions"*[5], thereby combining children's right to

education with the religious and philosophical convictions of parents.

Of course, the ECHR does not only bring a regulation concerning the right to education; it also guarantees freedom of religion and conscience in the main Convention. Article 9 of the Convention, similar to the International Covenant on Civil and Political Rights, introduces a set of provisions concerning freedom of thought, religion, and conscience. Recognizing that everyone has the freedom of thought, religion, and conscience, the article also protects freedoms in relation to worship, teaching, practice, and observance. The second paragraph of Article 9, however, is somewhat broader than other provisions, as it sets out the grounds upon which the freedom to manifest religion or belief may be restricted. It stipulates: *"Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others"*[6], thereby laying out the limits of this freedom.

Both the ECHR and the United Nations (UN) human rights treaties regulate freedom of religion and conscience in a broad manner.[7] Article 9 of the ECHR, under the heading of freedom of thought, religion, and conscience, also secures this protection.[8]

Although these matters are legally evaluated within the framework of freedom of religion and conscience, another foundation in human rights law relevant to the rights and demands of Alevis is the principle of non-discrimination. This principle emerges as one of the fundamental principles of human rights law. Another issue that Alevis insistently emphasize is that they are subjected to discrimination. The claim that they are discriminated against, whether by the Presidency of Religious Affairs (Diyanet İşleri Başkanlığı, DİB) or through other state practices, is raised by almost all Alevis. What, then, are the legal regulations in place

concerning discrimination?

The UN and the ECHR have also introduced regulations that impose certain obligations on states regarding the principle of non-discrimination.[9] In the same vein, the ECHR, in Article 14 concerning the prohibition of discrimination, stipulates that *"the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status"*[10]. Both regulations clearly establish that individuals must not be subjected to any discrimination in the exercise of their rights and freedoms. In this respect, they also legally define the scope of the obligation on states not to discriminate.

Today, individuals' religious beliefs and philosophies, as well as their protection from discrimination, are safeguarded by both domestic and international law. The legal regulations of the Republic of Turkey provide constitutional protection for individuals' freedom of religion and conscience and the rights and freedoms connected to it. Nevertheless, although the rights and freedoms in question appear to have been adopted in legal texts, certain violations may be observed in practice.

The Human Rights Issues of Alevis

For many years, Alevis have made demands of the state which, for reasons that cannot be fully explained here-whether political or religious-have not been met, or cannot be met. Whatever the reason, the demands of Alevi citizens have not for decades reached a conclusive resolution. At times subjected to humiliation through the press, at times ignored by the state, or remembered only through certain initiatives before elections, Alevis continue to face a number of problems and issues. The main subjects considered as the problems of Alevis are, broadly speaking: places of worship, compulsory religious education, and exposure to

discrimination in general.

Compulsory courses on religious culture and ethics are at the forefront of the issues for which Alevis expect a legal solution and in which they believe they are subjected to injustice. Alevis have brought two cases to the European Court of Human Rights (ECtHR), and under present circumstances they argue that these courses violate their fundamental rights and freedoms. The content and compulsory character of these courses constitute the essence of the matter. The fact that, with the exception of groups recognized as national minorities, the children of all citizens are required to attend these courses under the existing curriculum is what principally disturbs Alevis. They hold the view that the courses, introduced with the 1982 Constitution, have caused many unlawful consequences, including assimilation.

These courses are regarded by Alevis as indicators of assimilation, as it is asserted that their content teaches only Sunni Islam. Alevis have for a long time kept on the agenda their claim that the textbooks confirm their position when examined. The courses are essentially structured upon Sunni doctrine, and although after the changes made in 2007 Alevism was included in the textbooks with a few pages, the adequacy of such a measure to resolve the issue remains debatable. While the ECtHR, as an international authority, has ruled that there is indeed a violation of rights, state authorities argue that this ruling is not valid and maintain that with the changes introduced, compulsory religious courses have been brought to the desired level of objectivity.

Where Do Alevis Worship?

Should the places of worship of Alevis, who are regarded by the Presidency of Religious Affairs (Diyanet İşleri Başkanlığı, DİB) as an interpretation or a part of Islam, be mosques? Although such questions may be the subject of Sufi, theological, or sociological research, from a legal perspective the recognition of places of worship by the state

is of importance for Alevis. Whether in relation to expenses such as electricity or water, or in terms of providing legal and physical protection under the penal code, the concept of a place of worship constitutes a highly significant issue. Alevis regard their places of worship as *cemevis*. Increasingly, Alevis have demanded that their places of worship be recognized, so that they may benefit from the opportunities provided by the state to mosques.

At present, issues relating to the functioning of mosques are within the scope of the duties of the DİB, and this matter is legally regulated. While the basic expenses of mosques, such as electricity and water, are provided free of charge, cemevis, not being officially recognized, are operated by Alevi citizens through their own means. Alevi citizens, claiming that the necessary support is not provided either legally or financially, maintain that the situation amounts to discrimination and that, as taxpayers, their places of worship are deprived of the advantages afforded to mosques. At this point, it is argued that the DİB, with a budget larger than that of many ministries, serves only Sunni Islam and disregards both Alevism and other denominations. The allegation that the Presidency of Religious Affairs violates the principle of non-discrimination constitutes another issue raised by Alevis.

Whether in relation to compulsory religious courses, matters concerning places of worship, or the ways in which the duties and powers of the DİB are said to lead to discrimination, the legal issues of Alevis can be considered in many contexts. What, then, do Alevis do when they believe that their rights are being violated? Which legal paths do they follow? The answers to these questions are evaluated under the following heading.

Alevis and Human Rights Struggles

With the Treaty of Lausanne, the Republic of Turkey adopted a national minority policy and has not legally recognized any minority group other than those mentioned in the treaty.

Although Alevism may be adopted as a way of life or as a culture, the inescapable reality is that Alevism contains within it a belief system. Rather than entering into definitional debates on Alevism, it is worth recalling that in its rulings the European Court of Human Rights (ECtHR) has expressed its legal view on Alevism. Although the ECtHR is perceived as a legal forum, its assessment of Alevism, particularly in terms of securing rights for Alevis, contributes to mitigating the debates over the concept of Alevism. The ECtHR connects one of the points that must not be overlooked regarding Alevism to the historical background and social identity of the Turks. The Court has emphasized that Alevism is not a concept separate from the notion of religious belief contained in Article 2 of Protocol No. 1 of the European Convention on Human Rights (ECHR).[11] Leaving aside conceptual debates on Alevism, at the level of legal assessment it is now a view accepted by the highest court, the ECtHR, that Alevism constitutes a religious belief.

While Alevism has historically been debated, from a legal perspective it must now be formally recognized as a religious belief, and the legal regulations and practices to be implemented should be evaluated within this framework. In this regard, although the legal struggles of Alevis have not achieved significant success at the domestic level, they have advanced considerably within the framework of international human rights. Domestic courts, in response to Alevi claims regarding compulsory religious culture and ethics courses, whether in terms of exemption or content, have not ruled in favor of Alevis. However, the ECtHR, in two different rulings-one in 2007 and the other in 2014-clearly and unequivocally concluded that the right to education, as one of the fundamental rights and freedoms of Alevis, had been violated. In its 2007 decision in *Hasan and Eylem Zengin v. Turkey*, the Court found that Turkey, by not granting exemption and by maintaining a curriculum lacking objectivity, had violated Article 2 of Protocol No. 1. Although it is true that some curricular changes were made after

2007, these limited changes did not address the existing demands and claims of rights violations raised by Alevis. Thus, in 2014, the ECtHR ruled once again that the changes were insufficient from the perspective of human rights law and that the state, still refusing to grant exemption, was violating the rights of Alevis in the same manner as in the *Hasan and Eylem Zengin v. Turkey* case.

Although the ECtHR's later ruling reinforced its 2007 decision, the government criticized and rejected it. Regarding compulsory religious courses, the only conclusion that can now definitively be stated is that, according to the rulings of the ECtHR, the current compulsory religious culture and ethics courses continue in violation of the fundamental rights and freedoms of Alevis.

The issue that Alevi citizens consider a violation of their rights is not limited to compulsory courses on religious culture and ethics. Another matter of litigation concerns the *religion field* on official identity cards. This case relates to the section on the identity cards of citizens of the Republic of Turkey which contains information about individuals' religion. In the case of *Sinan Işık v. Turkey*, Sinan Işık, an Alevi citizen residing in İzmir, filed a lawsuit in 2004 requesting that the term *Islam* on his identity card be replaced with *Alevi*. It should be recalled here that since 2006 the religion field on identity cards may be left blank upon the request of the holder. In 2004, however, the İzmir Regional Administrative Court rejected Sinan Işık's request, relying on the opinion of the Presidency of Religious Affairs (Diyanet İşleri Başkanlığı, DİB). The DİB, in its written statement, noted the following:

"Scientific studies based on historical experience and on the explicit knowledge contained in the main sources of religion demonstrate that Alevism and Bektashism, which accept Islam as a religion, the Prophet Muhammad as the last prophet, and the Qur'an as the holy book, cannot be described as a separate religion. Indeed, studies on Alevism and Bektashism based on field research show that the vast

majority of members of these communities declare that they see themselves as Islam, and even as 'the essence of Islam.' In this context, Alevism and Bektashism are a richness within Islam, and perceiving them as a separate religion or describing them as outside Islam appears to be contrary both to scientific data and historical experience, and also to the Alevi and Bektashi tradition itself."[12]

This statement essentially represents an assessment that has been frequently employed by state authorities and courts in many cases. Such an assessment places pressure on Alevis in their struggle for rights, and competent authorities often reject many demands on this basis. In the case of Sinan Işık, the competent court also relied on this assessment in rejecting his request. Sinan Işık argued that he had been compelled to disclose his faith and that this situation violated both Article 9 of the ECHR, which regulates freedom of religion and conscience and includes the phrase *"… the freedom to manifest one's religion or belief*", and Article 24 of the Constitution of the Republic of Turkey, which provides that *"No one shall be compelled to worship, to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions; no one shall be blamed or accused because of his or her religious beliefs and convictions*." The Court of Cassation rejected the request without providing any additional reasoning.

The ECtHR, however, ruled that in this case the Government of the Republic of Turkey had violated Article 9 of the ECHR and did not reach a conclusion regarding the violation of any other article. In its decision, the Court emphasized that, from the perspective of human rights, the most appropriate method would be the removal of the religion field from identity cards.

Conclusion

Human rights law, shaped as a result of the negative experiences of the world after the Second World War, has since completed its emergence and continued to develop up

to the present day. Freedom of religion and conscience was elevated to a universal legal level with the Universal Declaration of Human Rights, the first universal human rights declaration. Freedom of religion and conscience is a broad freedom that includes worship, the fulfillment of the requirements of one's religion or belief, expression, and education. Closely connected to the right to education, this freedom requires that the religious and belief rights of families be respected in proportion to the education provided to their children; in clearer terms, the state *"shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions"*[13]. While freedom of religion and conscience encompasses rights related to education, its connection with the principle of non-discrimination is undoubtedly a reality. It is one of the fundamental human rights that no one should be subjected to discrimination on the basis of religion or belief. Evaluating the issue of freedom of religion and conscience together with the right to education and the principle of non-discrimination is therefore an absolute legal necessity.

In terms of international human rights law, the Republic of Turkey has been under considerable pressure, especially in the last decade. The seriousness of the situation increased even further after the formal commencement of the EU candidacy process in 2000. In this process, the fulfillment of the Copenhagen political criterion-namely, *"the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities"*[14]-is of particular importance. The Constitution of 1982, by observing freedom of religion, the right to education, and the prohibition of discrimination, introduced many legal regulations. These domestic legal arrangements also encompass issues that have long been raised by Alevis as part of their demands and allegations of rights violations.

Today, Alevis continue to claim that they are subjected to many human rights violations and pursue legal remedies in their struggle for rights. Believing that they cannot secure

their rights through domestic legal remedies, Alevis have also turned to international law. In this context, particularly since 2000, the ECtHR has found certain practices of the Republic of Turkey concerning Alevis to be contrary to international human rights law. The main issues in which Alevis have sought remedies are essentially claims of discrimination, the non-recognition of cemevis as places of worship, allegations of assimilation through compulsory religious education, and the violation of their right to education. Under present circumstances, Alevis continue to expect and demand that their rights and freedoms be secured for them within the framework of human rights law, despite the rulings of the courts.

Endnotes

[1] Article 14 of the 1982 Constitution of the Republic of Turkey: None of the rights and freedoms contained in the Constitution may be exercised in the form of activities aimed at violating the indivisible integrity of the State with its territory and nation or abolishing the democratic and secular Republic based on human rights. No provision of the Constitution may be interpreted in a manner that would enable the State or individuals to engage in activities aimed at destroying the fundamental rights and freedoms recognised by the Constitution or restricting them more extensively than stipulated in the Constitution. The sanctions to be imposed on those who engage in activities contrary to these provisions shall be regulated by law.

[2] Constitution of the Republic of Turkey, 1982, Article 24.

[3] Constitution of the Republic of Turkey, 1982, Article 24.

[4] Constitution of the Republic of Turkey, 1982, Article 24.

[5] European Convention on Human Rights, Additional Protocol No. 11, 1 November 1998, Article 2.

[6] European Convention on Human Rights, 1950, Article 9.

[7] Article 18 of the United Nations International Covenant on Civil and Political Rights, 1966: Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include the freedom to have or adopt a religion or belief of one's choice, and the freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice, and teaching. The Covenant on Civil and Political Rights regulates the prohibition of discrimination as follows: No one shall be subject to coercion that would impair their freedom to have or adopt a religion or belief of their choice. Freedom to manifest one's religion or beliefs may be subject only to limitations prescribed by law and necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others. States Parties to the Covenant are obliged to respect the liberty of parents and, where applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

[8] Article 9 of the European Convention on Human Rights: Everyone has the right to freedom of thought, conscience, and religion. This right includes the freedom to change one's religion or belief and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief through worship, teaching, practice, and observance. Freedom to manifest one's religion or belief may be subject only to limitations prescribed by law and necessary in a democratic society in the interests of public safety, for the protection of public order, health, or morals, or for the protection of the rights and freedoms of others.

[9] Article 2 of the United Nations International Covenant on Civil and Political Rights, 1966, regulates the prohibition of discrimination as follows: Each State Party to the Covenant undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other

opinion, national or social origin, property, birth, or other status. Where not already provided for by existing legislation or other measures, each State Party undertakes, in accordance with its constitutional processes and the provisions of the Covenant, to take the necessary legislative or other measures to give effect to the rights recognised in the Covenant. Each State Party undertakes:

(a) to ensure that any person whose rights or freedoms recognised in the Covenant are violated shall have an effective remedy, notwithstanding that the violation was committed by persons acting in an official capacity;

(b) to ensure that any person claiming such a remedy shall have their rights determined by competent judicial, administrative, or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) to ensure that the competent authorities enforce the remedies granted.

[10] European Convention on Human Rights, 1950, Article 14.

[11] European Court of Human Rights, 2007, Hasan Zengin and Eylem Zengin v. Turkey, para. 67.

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[13] European Convention on Human Rights, Additional Protocol No. 11, 1 November 1998, Article 2.

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