

LANGUAGE AND EDUCATION RIGHTS - WORKING

SESSION 1

Current Situation

Turkey still rigidly adheres to the concept of a single-language state, and has thus done little to encourage the use of languages other than Turkish in government, hospitals, places of employment or schools. Indeed, Turkish remains the exclusive language of the government and all state-sponsored institutions and services, including prisons, hospitals, schools and other educational or community programmes. The government's policy on language goes beyond a preference; Kurdish politicians historically have been and presently continue to be arrested for using the Kurdish language in government or even in any of their private organisational correspondence. State-sponsored schools teach no language aside from Turkish and punish students who speak other languages in the classroom. Particularly in its insistence on teaching only in Turkish, the goal of the government seems to be not only to restrict usage of other languages to the home, but to eradicate other languages completely. Education then has been used to mould Turkish national citizens; information about the country's national minorities is not built into the typical curriculum at state-sponsored schools. Women also remain chronically under-educated

throughout the country, and this lack of formal education prevents many women from breaking away from dependence on their families.

OSCE Commitments

We recall to the Turkish state the following commitments that it has made and ask it to renew its undertaking to respect them.

- Participating States will “ensure in practice that persons belonging to national minorities or regional cultures on their territories can disseminate, have access to, and exchange information in their mother tongue”. (Vienna Document 1989, “Co-operation in Humanitarian and Other Fields”, par. 45)
- Therefore, “notwithstanding the need to learn the official language or languages of the State concerned, [national minorities will] have adequate opportunities for instruction of their mother tongue or...as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation”. As part of this commitment, history and culture classes in these States will “also take account of the history and culture of national minorities”. (Copenhagen Document 1990, par. 34)
- By enabling national minorities to continue to speak their mother tongues and learn about their own cultural histories, participating States “ensure that persons belonging to national minorities or regional cultures on their

territories can maintain and develop their own culture in all its aspects, including language, literature and religion; and that they can preserve their cultural and historical monuments and objects". (Vienna Document 1989, "Co-operation in Humanitarian and Other Fields", par. 59)

- Recognising then that "persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will", participating States guarantee that minority groups will have the following rights.
 - o To "use freely their mother tongue in private as well as public";
 - o To "establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation";
 - o To "profess and practice their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue". (Copenhagen Document 1990, par. 32.1- 32.3)
- Participating States also promise not only to "protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory", but also to "create conditions for the promotion of that identity".

Accordingly, they will “take the necessary measures to that effect after due consultations, including contacts with organizations or associations of such minorities, in accordance with the decision-making procedures of each State”. (Copenhagen Document 1990, par. 33)

- We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right to freely express, preserve and develop that identity without any discrimination and in full equality before the law. (Paris Document 1990, “A New Era of Democracy, Peace and Unity”)
- Determined to foster the rich contribution of national minorities to the life of our societies, we undertake further to improve their situation. We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created. (Paris Document 1990, “A New Era of Democracy, Peace and Unity”)
- Persons belonging to a national minority...have the right...to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious beliefs. (Copenhagen Document 1990, par. 32.4)

Assessment 2006-2007

2006-2007 sees a continuation of policies of intolerance of languages other than Turkish in any official or public setting. While this restriction creates problems in a variety of contexts, it has been disruptive to the lives of Turkey's national minorities primarily in relation to state services like healthcare and education, political organisation and the media.

a) The Media

The European Commission's Turkey 2006 Progress Report indicates that some progress has been made on broadcasting rights through the May 2006 decision to lift restrictions on music and cinematographic works in Kurdish. Kurdish television and radio channels were thereafter no longer bound by time limits on movies and concerts, but current events and news programmes continue to be subject to such limitations. In addition, all programmes broadcast in Kurdish except for songs must be translated into or subtitled in Turkish, making live broadcasts practically impossible.

One of the most noted instances of Turkish authorities restricting the use of Kurdish within its borders has been the case of Roj TV, where the government attempted to extend its influence beyond the physical borders of the country to insist on the closure of a Kurdish language TV station broadcast from Denmark. The station broadcasts programmes in the Kurmanci, Sorani, Hewremani and

Zazaki dialects of the Kurdish language and therefore plays an important role in the preservation of the Kurdish language. When the Danish government would not revoke the station's broadcasting license despite Turkish authorities' claims that Roj TV was the voice of the PKK, the government found a way to cut off access to the station by interfering with its satellite signals. As of October 2006 the signal has been completely blocked in several cities throughout east and south-eastern Turkey, while other cities in western Turkey experience disrupted signals. In addition, 56 mayors of the pro-Kurdish DTP Party are currently on trial for a letter they wrote to the Danish Prime Minister in December of 2005 exhorting him to keep the station live. They were arrested in September of 2006 and their trials remain ongoing, sending a signal that the government is not willing to stop its fight to end Roj TV, despite the May 2007 proclamation by Danish courts that the station's broadcasts are legal. The Turkish government also began blocking Kurdish websites in January of 2007, demonstrating that the government's persistent censorship efforts will evolve with technology.

b) Political Parties and Civic Programmes

In its attempt to create a truly single-language country, the Turkish government has sought to expand its ban on the use of the languages other than Turkish into the private sphere by regulating political and civic life. Politicians have been arrested for speaking Kurdish in Parliament, political and civic organisations have been shut or denied permission to register for indicating that

Kurdish would be used, and as recently as 16 February 2007 members of the Rights and Freedoms Party (HAK-PAR) were arrested for sending invitations in Kurdish through the mail. Eight of the 13 executive party members were given six-month sentences that have been converted into fines, but the remaining five were convicted and face one year in jail. The European Commission's 2006 Progress Report on Turkey also noted that a separate case against the party continues for a speech made in Kurdish.

The most famous case of restricted linguistic rights of 2006-2007 was sacking of Abdullah Demirbaş, a mayor of Diyarbakir, for providing services in languages other than Turkish throughout Sur municipality. The municipality first came under scrutiny by the Ministry of the Interior in October 2006 when it started providing services in Turkish, Kurdish, Syriac and English. The municipality decided to include services in these languages after seeing the results of a 2006 linguistic survey which found that of those residing in Sur, 24 per cent spoke Turkish, 72 per cent Kurdish, 1 per cent Arabic, 3 per cent Syriac and 3 per cent Armenian. In April 2007, the Ministry of the Interior again investigated the municipality for having hung wall posters around the district in Turkish and two dialects of Kurdish in recognition of Human Rights Week. Though Demirbaş made certain that his initiative clearly stated that Turkish remained the official language of Sur municipality, the Ministry insisted that multilingual service provision was not within municipal jurisdiction, and thus lodged the complaint against Demirbaş that led to his removal from office on 14

June 2007. The chief prosecutor of Diyarbakir has also called for Demirbaş and metropolitan mayor Osman Baydemir to be sentenced to a prison term of three and a half years each. Upon this suggestion, in July the Council of State approved the decision by the Interior Ministry to launch a case against Baydemir. The aggressiveness with which Turkish officials attacked both these mayors, particularly when compared to the inoffensiveness of their programme, reveals that the Turkish government's absolute intolerant stance on linguistic rights persists despite the criticism it has received from the EU.

c) Education and other Government Services

Despite the European Commission against Racism and Intolerance's (ECRI) repeated insistence that the Turkish government revise Article 42, which bans the teaching of languages aside from Turkish in the public school system, the law remains the same and no efforts have been made to amend it.²⁴ Therefore private schools are the only educational institutions that can offer instruction in Kurdish as a second language. The difficulty private schools have had, however, in attracting funding and teachers has made the management of these schools so difficult that since the last of them closed in August 2004 there have been no schools in Turkey that teach Kurdish at all. Because Kurdish is no longer taught in a formal education and the government discourages its use in a public context as much as possible, some Kurdish children are losing fluency in

²⁴ See, for example, European Commission against Racism and Intolerance (ECRI), 'Third Report on Turkey', Strasbourg, 15 February 2005, p. 19.

their mother tongue. This development runs against the Turkish government's commitment as an OSCE participating State to not only to "protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory", but also to "create conditions for the promotion of that identity".²⁵

Still, children who are educated solely in Turkish have an advantage over the great number of Turkish children who receive no formal education at all. The start of the 2006-2007 school year saw a chronic shortage of teachers, run-down facilities and a dearth of teaching materials. Turkish teachers' union *Egitim-Sen* also complained that most of the available textbooks are racist and sexually discriminating, and a survey it conducted on educational investment reveals that Turkey spends less on education than Jordan or Chile.²⁶ The most under-funded region in Turkey is the majority Kurdish south-east, where the average length of education is the shortest in the country. The union also noted that the total average period of education for the Turkish population is five years, which means most people do not even finish elementary school.

While the government's intolerance for the use of other languages is most notorious vis-à-vis its educational offerings and stance on repression of pro-minority political parties, it should not be forgotten that this policy impacts linguistic minorities in nearly every aspect of their lives. KHRP European Parliamentary Report on the increase of Kurdish women committing suicide

²⁵ Copenhagen Document 1990, par. 33.

²⁶ 'New Turkish School Term States With Defects', BIA News Centre, 19 September 2006.

noted that the official language of all hospitals in Turkey is Turkish, rendering treatment difficult for Kurdish women who do not speak Turkish.²⁷ Indeed, because medicine is rarely studied in Kurdish, there are not even words in Kurdish to describe certain medical problems. The use of Kurdish is also forbidden in state jails, such that Kurds visiting relatives in jail cannot speak to them in their native tongue. Women and children who do not speak Turkish cannot communicate with their imprisoned relatives at all. In this regard the government's prohibition of the use of other languages violates Copenhagen Document 1990 par. 32.1, which states that OSCE participating States must allow all national minorities to "use freely their mother tongue in private as well as public".

Recommendations to the Government of Turkey

The Turkish government must begin to take seriously its promises as an OSCE participating State and those embodied by its own Constitution to deprive no one of the right of learning and education by investing in and promoting complete formal education throughout the country. Accordingly KHRP urges the state of Turkey to:

- amend part 9 of Article 42 which provides that "no language other than Turkish shall be taught as a mother tongue to Turkish citizens at

²⁷ 'European Parliamentary Project: The Increase of Kurdish Women Committing Suicide', KHRP 2007, p. 22.

any institutions of training or education” so that any language may be taught as a mother tongue in schools;

- provide better support for education overall and throughout the country equally, including compensation for instructors, culturally-sensitive instructional materials and adequate facilities;
- make serious efforts to increase the number of women who attend schools such that equal numbers of men and women benefit from formal education;
- ensure that an adequate number of healthcare workers working in predominantly Kurdish regions speak Kurdish or are otherwise able to engage in healthcare-related discourse with Kurds who speak only Kurdish;

allow Kurdish, Greek, Armenian and every other language to be spoken freely in public and private, as the government has promised to do as part of honouring its commitments as an OSCE participating State.

Recommendations to the OSCE

KHRP urges the OSCE to take the following steps to pressure the Turkish government to live up to the OSCE commitments to language, culture and education rights embodied in the Copenhagen, Vienna and Paris Documents:

- send an observational mission to schools throughout the country to report on educational standards with special attention to cultural and linguistic education and attendance;
- encourage the Turkish government to spend more on education and to authorize an educational board/committee to oversee a set list of mandated improvements, which include:
 - increasing the average attendance from 5 to at least 8 years such that most people attain a full elementary school education;
 - ensure that classrooms are composed of equal numbers of girls and boys, and that minority children are given the same opportunities to receive schooling;
 - make all educational materials culturally sensitive;
- encourage the Turkish government to amend Article 42 such that languages other than Kurdish can be taught as a mother tongue in classrooms.