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Forgotten or Assimilated? Minorities in the Education System of Turkey

by Nurcan Kaya





Children line up for morning assembly at a Kurdish village school in Kars province.

George Georgiou / Panos Pictures.

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Contents

Dedication	2
Abbreviations	3
Executive summary	4
Map	5
Introduction	6
Main education rights issues in Turkey	11
Language and education	14
Teaching religion in schools	20
Discrimination in school books and education	24
Ways forward	28
Recommendations	29
Notes	32

This report is dedicated to Hrant Dink

' ... But later ...

*We grew afraid of each other, and could no longer share our jokes.
So much of the richness of our lives was sacrificed for Unity, so much joy.*

Can we recapture those days?

Where do we have to start, in order to get them back again?

Suppose we were to put aside the fear-laden word "politics" and begin instead with education?

What if we put lessons in our textbooks which will always remind us of our diversity?

Maybe we should start with the alphabet.

And add, alongside "Ali, throw the ball to Veli," "Ali, throw the ball to Hagop ..."

Hrant Dink, 'Farklılaşsak da fıkralaşsak', 4 June 2004, AGOS

Abbreviations

AKP	Justice and Development Party (Turkey)	ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights	ICESCR	International Covenant on Economic, Social and Cultural Rights
CHP	Republican People's Party (Turkey)	LPP	Law on Political Parties (Turkey)
CoE	Council of Europe	NGO	non-governmental organization
CRC	Convention on the Rights of the Child	OSCE	Organization for Security and Cooperation in Europe
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms	PKK	Kurdistan Workers' Party
ECtHR	European Court of Human Rights	UDHR	Universal Declaration of Human Rights
ECRI	European Commission against Racism and Intolerance	UN	United Nations
EU	European Union	UNDM	United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
FCNM	Framework Convention for the Protection of National Minorities	UNDP	United Nations Development Programme
GÖÇ-DER	Association for Immigrants, Social Assistance and Culture (Turkey)	UNESCO	United Nations Educational, Scientific and Cultural Organization
HRC	Human Rights Committee	UNICEF	United Nations Children's Fund
ICCPR	International Covenant on Civil and Political Rights		

Executive summary

Since the Turkish Republic was established in 1923, minorities have been perceived as a threat to the ‘indivisible integrity of the state with its territory and nation’ enshrined in the Turkish Constitution. This idea has had a grave impact on generations of minorities in accessing their fundamental rights in Turkey, including their education rights.

Today, many members of minority communities feel that the Turkish education system works to assimilate them. Turkish identity and nationalism are promoted as fundamental values while distinct minority cultures, history and religions are ignored. Because Turkey recognizes only Armenians, Jews and Rums as minorities, no other minorities have the right to open their own schools. No minority language can be used at public schools as the language of instruction; and none of these languages can be taught at public or private schools as a selective language course. Minority students face discrimination within the education system: for example, only Christians and Jews are permitted to opt out of the mandatory class on religious culture and ethics. Even they must disclose their belief. This is prohibited by international treaties and Article 24 of the Turkish Constitution. Furthermore, despite guidelines issued by the National Ministry of Education in Turkey which emphasize a critical and pluralistic outlook in the mandatory religion class, only a small percentage of textbooks and classroom instruction deals with religions other than Islam. Minority pupils in this class have reportedly been asked to observe Muslim rituals that are not listed in the curriculum, such as performing ablutions, prayer and attending mosque.

These conditions exacerbate the discrimination, harassment and humiliation that children from minority communities face. They often hide their ethnic and religious identities. Many minorities fear that ultimately their distinct identities will disappear.

Though the European Union (EU) accession process has had some positive impact on the education rights of minorities in Turkey, much remains to be done. The EU should put more emphasis on minorities in Turkey in its accession progress reports, especially in light of the fact that Turkey’s most disadvantaged communities, such as displaced Kurds and Roma, remain extremely marginalized, including in education. Demolitions of Roma areas for ‘urbanization’ projects have left many Roma displaced

and hundreds of children unable to go to school. A survey of Kurdish families displaced by conflict in the 1990s showed that in areas such as Diyarbakır and Istanbul, more than half of the displaced children did not attend any schools, mainly due to poverty and the need to work. These factors also affect the thousands of children forced to undertake seasonal agricultural work in Turkey, a large proportion of who come from predominantly Kurdish areas. Due to spending months away from home, these girls and boys, some of whom are as young as 11 years old, have severe difficulty continuing with their education. Poverty prevents many Roma children in Istanbul, for example, from accessing school beyond third grade.

Although Turkey has ratified international treaties including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the International Covenant on Civil and Political Rights (ICCPR), it has put reservations on provisions that are relevant to minority rights and minorities’ right to education. And although it has taken some steps towards improving the education of children, including a campaign specifically targeting girls, none of these measures (some taken in cooperation with international agencies) have specifically targeted disadvantaged groups such as Roma, displaced children and those undertaking seasonal work. There has also been an historic lack of consultation with minorities as to what measures should be taken to promote and protect their access to education rights.

But recognition of minorities’ existence and guaranteeing their rights – including, but not limited to, education rights – will not only ensure preservation of minorities’ distinct identities, it will also contribute to conflict resolution and understanding at all levels of Turkish society. It may also facilitate Turkey’s accession process to the EU. By recognizing that these minorities exist and have a unique and positive contribution to make to Turkish society, and by fulfilling its obligations under international law, the Turkish government could play a groundbreaking role. This report calls for an end to the discrimination that has gone on for almost a century and which continues to marginalize minority children today.

Introduction

Education is vital for the preservation of minority language, culture and religion; and for the passing on of identity from one generation to the next. Most international treaties guarantee the right to education to everyone, while special mechanisms on the protection of minorities outline the scope of this right for ethnic, linguistic and religious minorities. Education in mother tongue, learning mother tongue, non-discrimination in the education system, access to education and teaching religion are some of the subjects that are dealt with in these mechanisms and are recognized as fundamental for minorities.

Since the 1923 establishment of the Turkish Republic as a nation-state, minorities have been perceived as a threat to the 'indivisible integrity of the state with its territory and nation'.¹ A Turkification policy has been applied systematically and several rights of minorities have not yet been granted, despite Turkey's obligations under international law.

Turkish identity and nationalism are promoted as fundamental values in the education system while minority cultures are ignored. The Turkish Constitution defines 'Turkish' as the language of the state, and prohibits teaching of any language other than Turkish as 'mother tongue'.² Turkey recognizes only Armenians, Rums and Jews as minorities and, accordingly, no other minorities have the right to open their own schools. Turkey's most disadvantaged communities, including displaced Kurds and Roma, remain marginalized in education. While Turkey still welcomes diversity by allowing dozens of private or public schools and universities to teach in languages such as English, French, German and Italian, paradoxically Kurds, the largest ethnic minority in Turkey, and many other minorities, are not entitled to open and manage schools teaching in their own languages. As this report shows, no public school uses a minority language as the language of instruction and no minority language is taught even as a foreign language at public schools. Mandatory classes on religious culture and ethics cover what can be identified as basically Sunni Halefi Islam, and are not objective or pluralist. Only Christians and Jews are allowed to exempt themselves from these classes. School books include various discriminatory statements against some minorities and the national curriculum is not minority friendly.

Turkey continuously puts reservations on the provisions of the international treaties that are relevant to minority rights and minorities' right to education. Advo-

cacy on minorities' education rights can still result in administrative or legal charges being brought.³

Many minority members feel the education system in Turkey is based on the 'Turkification' and 'Sunnification' of Anatolia. They think their distinct culture, history, traditions and values are ignored and that the education system is intended to assimilate them. Many fear that the prevailing conditions could ultimately lead to the disappearance of their distinct identities if the state does not support the actions they take to preserve them, and introduce special measures.

Despite Turkey's resistance to improving minority rights for almost a century, the European Union (EU) accession process has led to reforms. The Copenhagen Criteria, accepted by the European Council in 1993, laid down what candidate states must address before becoming members of the EU. Guaranteeing minority rights according to the standards in the EU⁴ is among the requirements. As a result of its candidature, Turkey adopted several reform packages, including some related to education rights of minorities, in the accession process which started in 1999. It is now possible to hold private courses where minority languages can be taught; the textbooks for the mandatory religious classes have been slightly revised and some discriminatory statements have been removed.

However, much more remains to be done. The reform process has decelerated in the last two years. In July 2007, the Justice and Development Party (AKP) came to power for the second time, following a strong opposition campaign. The Republican People's Party (CHP), the main opposition party, continues to criticize the government for reforms it adopted with regard to the EU accession process, rather than supporting the democratization process.

The local elections that will take place in March 2009 have also monopolized the political agenda. The government has not given any hope to minorities that reforms will continue. Lack of communication and a generally negative approach towards minorities remain obstacles to lasting solutions.

Fully guaranteeing minority rights would be beneficial for Turkey both at both national and international level. Recognition of minorities' existence and guaranteeing their rights – including, but not limited to education rights – will not only ensure preservation of minorities' distinct identities and contribute to peace and understanding at all levels of Turkish society; it will also facilitate Turkey's EU accession process.⁵

This report offers some recommendations on how observance of minority rights in education in Turkey could be realized for the benefit of both the state and minorities themselves. It examines the education rights of minorities in Turkey in comparison to international standards and best practices in Europe. It summarizes some of the main issues in the country and focuses on access to education, learning and education in the mother tongue, discrimination and lack of tolerance in school books and education, and the mandatory class on religious culture and ethics. It provides information on both law and implementation, and reflects the opinion of representatives and members of the minority groups from Turkey on each issue, summarizes relevant international standards and best practices, and accordingly Turkey's obligations, and finally provides specific recommendations to the government of Turkey and the EU. This report offers an overall view while emphasizing the issues in the education system in Turkey from a rights-based approach, with the hope of fostering communication between the Turkish government and minority groups, and contributing to the development of solutions towards greater social inclusion and deeper respect for diversity.

International standards on education rights of minorities

The education rights of minorities are guaranteed by various international documents adopted by the United Nations (UN), Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE), of which Turkey is a member, and by various EU policy papers and programmes.

United Nations

Article 1 of the United Nations Charter prohibits discrimination while the Universal Declaration of Human Rights (UDHR) guarantees the right to education to everyone. Turkey is a party to the Charter and therefore is bound by its provisions. The UDHR is accepted as part of customary international law and so is binding upon all states including Turkey.

Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁶ the Convention on the Rights of the Child (CRC)⁷ and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)⁸ all guarantee the right to education. Article 27 of the International Covenant on Civil and Political Rights (ICCPR) protects minorities' rights, including education rights.⁹ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹⁰ prohibits discrimination in education on the

basis of sex.¹¹ All these treaties have been ratified by Turkey, which is therefore bound by their provisions and standards; however, Turkey has put reservations on all provisions related to minority rights or the right to education when signing these treaties, thus limiting their scope.¹²

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM)¹³ sets basic principles for the protection of minority rights, but is not a binding instrument.

The UNESCO Convention Against Discrimination in Education prohibits discrimination in the field of education,¹⁴ however Turkey is not party to this Convention.

The above-mentioned treaties prohibit discrimination on the grounds of race, colour, ethnic origin, language and religion, and protect freedom of thought, conscience and religion.

Country and thematic reports and recommendations issued by the UN Special Rapporteur on the Right to Education and General Comments of the UN Treaty Bodies,¹⁵ which examine Turkey on a regular basis, are also accepted as guides setting standards on the right to education.

Council of Europe

Turkey has been a member of the Council of Europe since 1949, and was one of the first signatories to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).¹⁶ The ECHR is binding upon Turkey, as are the judgments of the European Court of Human Rights (ECtHR).¹⁷ The ECHR does not directly protect minority rights; however Article 14 prohibits discrimination on the ground of *inter alia* membership of a national minority, and Article 10 protects the freedom of thought, conscience and religion. The 1st Protocol to the ECHR,¹⁸ to which Turkey is bound as well, protects the right to education and requests respect for the rights of parents. Protocol 12 to the ECHR prohibits discrimination in the exercise of any rights guaranteed in the state party,¹⁹ but Turkey has not yet ratified it.²⁰

The Framework Convention for the Protection of National Minorities (FCNM) of the CoE is the only existing binding instrument dedicated to the protection of minorities.²¹ It protects education rights of minorities *inter alia* in terms of equal access to education, learning minority cultures in schools, learning mother tongue and education in mother tongue.²² It is ratified by 39 CoE member states, and signed by four. Turkey is among the four CoE member states that has not yet signed it. Twenty-three out of 27 EU member states have ratified the FCNM. The European Charter on Regional and Minority Languages guarantees teaching and study of regional or

minority languages.²³ Twenty-three CoE member states have ratified the Charter, while 10 have signed. Turkey has not signed the Charter either.

OSCE

The Organization for Security and Cooperation in Europe gives recommendations on minority protection, as a conflict prevention measure, through the position of the High Commissioner on National Minorities established in 1992. The Hague Recommendations Regarding the Education Rights of National Minorities²⁴ detail the scope of the education rights of minorities. Turkey is a member of the OSCE and is therefore politically bound by its standards.

EU

The European Union Charter of Fundamental Rights guarantees the right to education while requesting respect for parents' convictions.²⁵ The Charter has been incorporated in the Lisbon Treaty, which also requires member states to respect cultural and linguistic diversity, but has yet to come into force.²⁶ Article 6 of the Consolidated Version of the Treaty Establishing the European Community requires all member states to respect human rights.²⁷ Article 13 of the Treaty prohibits discrimination and, based on this provision, the Council of the European Union has adopted the Racial Equality Directive, which prohibits discrimination *inter alia* in access to education.²⁸ The Copenhagen Criteria accepted by the European Council require all candidate states for membership to guarantee minority rights protection.²⁹

Turkey has to reach the above standards to become a member of the EU; however, it is currently in breach of them. As the evidence in this report shows, Turkey is also far from meeting the international standards in the treaties it has ratified. This report suggests ways they can be met, and shows why this is so vital.

Turkey's policy towards education rights of minorities

Turkey is historically home to many ethnic, religious and linguistic minorities, including Armenians, Assyrians, Greeks, Keldanis, Kurds and Yezidis. Due to migration throughout history, Anatolia has become home to even more groups, such as Jews,³⁰ Roma and some European communities, including French and Italians. The Ottomans, who categorized society as Muslims and non-Muslims, were relatively tolerant of non-Muslim minorities' cultural rights, including education rights; they were guaranteed the right to open and manage their own schools. In 1863, 174 out of 454 schools based in Istanbul belonged to non-Muslims and 16,248 out of

33,005 students were enrolled at non-Muslim schools.³¹ In 1894 there were 6,437 minority schools over the whole Empire,³² which enjoyed an extensive autonomy. There were also 326 schools managed by foreigners.³³

However, since the dissolution of the Empire as a result of the First World War, and the creation of the Turkish Republic as a nation-state in 1923, the term 'minority' has taken on a very negative connotation. Minorities are seen as 'foreigners' and any advocacy for their protection, particularly by European states, is seen as interference in internal affairs.³⁴ Measures taken in the early years of the Republic for a modern, secular and strengthened 'nation-state' included changes in the education system. The 1924 law on the unification of education tied all schools to the Ministry of National Education.

Turkey has limited minority rights protection to that provided by the Lausanne Peace Treaty (Lausanne Treaty), which was signed in 1923 between the new Turkish state and the Allied Forces of the First World War.³⁵

Section III of the Lausanne Treaty on the protection of minorities guarantees non-Muslim minorities of Turkey: equality before law;³⁶ the right to establish, control and manage their own institutions, including schools, with the right to use their own language therein;³⁷ and obliges Turkey to provide instruction in primary schools in minority languages in towns and districts where a considerable proportion of non-Muslim nationals are resident.³⁸ The protection provided by the Treaty does not meet today's standards. Turkey has even *de facto* restricted the scope of these provisions to Armenians, Greeks and Jews only (also called Lausanne minorities), excluding all other religious minorities from this protection, although the Lausanne Treaty does not refer to any specific non-Muslim group. As a result, Turkey is in violation not only of current international standards, but also of the Lausanne Treaty provisions as well.

Article 3 of the Turkish Constitution, adopted in 1982 after the 1980 military coup, protects the 'indivisible integrity of the state with its territory and nation' and defines 'Turkish' as the 'language of the state'. Article 42 states that no language other than Turkish shall be taught as mother tongue to Turkish citizens at any institutions of teaching or education. In practice, no minorities other than the three above-mentioned groups can open schools teaching in their languages; no minority language can be used at public schools as the language of instruction; and none of these languages can be taught at public or private schools as a selective language course. Advocacy for protection of minority rights, including their education rights, may result in administrative or legal charges being made against individuals and organizations.³⁹ In line with the above-mentioned constitutional provisions, the Law on Political Parties (LPP)⁴⁰ prohibits 'claiming the exist-

tence of minorities'⁴¹ and 'aiming and carrying out activities to disturb the integrity of the nation by means of creating minorities through protection, development and dissemination of languages and cultures other than Turkish ones'.⁴² Several political parties have been closed down by the Constitutional Court of Turkey for violating these provisions of the Constitution and the LPP. In its judgment on the closure of the Emek Party, which promoted development of the Kurdish language, the Constitutional Court stated: 'it is not possible to use the local languages used by some ethnic groups in Turkey as a means of contemporary education'.⁴³ In a number of other judgments on the closure of political parties, the Court stated that referring to some ethnic groups in Turkey as a 'nation' or a 'minority', and claiming cultural and political rights for them, was in breach of Article 3 of the Constitution, and Articles 78/a (endorsing Article 3 of the Constitution) and 81.a and 81.b of the LPP. The ECtHR found a violation of Article 11 of the ECHR, which guarantees freedom of association, in many cases brought by these political parties.⁴⁴

As a result of ultra-nationalistic policies applied by Turkey since the establishment of the Republic, the current population of non-Muslim minorities has decreased over the years,⁴⁵ and the number of their schools in Turkey has drastically declined. According to figures provided by the Centre for Research on Istanbul, in 1930–31, there were 117 minority schools in the country, and 34 in 1995–6.⁴⁶

It should be noted that Turkey has welcomed, and still welcomes diversity by allowing dozens of private or public schools and universities teach in languages such as English, French, German and Italian.⁴⁷ The increase in the number of foreign schools⁴⁸ over time reflects this approach. In 1930–31 there were 228 foreign schools in the country. The number had increased to 287 in 1995–6.⁴⁹ While all these schools use foreign languages for instruction, paradoxically Kurds – the largest ethnic minority in Turkey – and many other minorities, are not entitled to be educated in their languages.

The state policy shows itself clearly in the ratification of international human rights treaties. As mentioned above, Turkey has put reservations on any provisions regarding minority protection or education rights of minorities, and limited their application to Lausanne and the constitutional principles. The Convention on the Rights of Child, the 1st Protocol to the ECtHR, the ICCPR and ICESCR are all examples of this policy. As a result, any minority other than Armenians, Jews and Rums cannot exercise the rights that Turkey has put a reservation on, and cannot use these international mech-

anisms to advocate for the implementation of these provisions by the Turkish state. However, many human rights activists and organizations, and even some states, have criticized this policy and claimed that Turkey is in breach of international law, namely the Vienna Convention on the Law of Treaties adopted by the UN,⁵⁰ which states that any reservation has to be compatible with the object and purpose of the treaty in question.

The education rights of minorities is an area in which public officials are most reluctant to intervene, even today. In 2008, Prime Minister Erdoğan was recommended by the President of the Diyarbakır Bar Association to recognize Kurds' right to education in their mother tongue. His only response was: 'There are not only Kurdish originated citizens but also Laz and Circassians. What will happen when others [from minority groups] demand the same?'⁵¹

The ECtHR gave a landmark judgment in October 2007 on the compulsory religious culture and ethics class, which was challenged by a member of the Alevi minority, and stated that the curriculum violated the right to education.⁵² Following this, the Council of State, the highest administrative judicial body of Turkey, gave similar judgments. However, the Minister of Education stated that the curriculum examined by the ECtHR had been reformed and therefore the judgment was no longer applicable and, due to the provision in the Constitution, the class would have to remain compulsory.⁵³

The government's attempt to draft a civil constitution in 2007 has been welcomed by minorities, human rights activists, non-government organizations (NGOs) and the EU, however the relevant groups were not consulted and the proposed changes did not clearly guarantee minority rights. Since the July 2007 elections, the government has carried out no further work on the proposed civil constitution.

The education system is extremely centralized. Directorates of National Education, working under the Ministry of National Education, are based in each province. The curriculum is unified and developed centrally, regardless of the demography and the cultural, social and economic situation in each province. Text-books are approved in Ankara and schools and directorates have no input. Though the new curriculum is based on constructivism, a method that allows teachers to adapt it to the context of students' needs, this approach is not being utilized to the extent that it could because of lack of teacher training, among other issues.⁵⁴ There is no efficient consultation between the Ministry of National Education, minority members and minority teachers.

Main minority groups in Turkey⁵⁵

Religious minorities

*Alevi*s are known to be the largest religious minority in Turkey. Their population is estimated to be between 10 and 33 per cent of the total population.⁵⁶ Their religious practices and philosophy are considerably different from the Sunni Muslim belief. Ethnically they are mainly Azerbaijani Turkish, Arab, Turkish and Kurdish (there are also some Roma Alevi)s.⁵⁷

Armenians are among the native people of Anatolia. The majority of Armenians in Turkey today belong to the Orthodox Church, while there are also some Catholic and Protestant Armenians. Their number was around 2 million during the Ottoman Empire. Today, slightly more than 60,000 remain. Armenians run private schools providing primary and secondary education in their mother tongue.

Assyrians, also known as Syrian Orthodox Christians or Syriacs, are a Christian minority originating from Mardin and Hakkari provinces. Their population is estimated to be around 15,000. The majority of them live in Istanbul and around 2,000–3,000 of them live in the southeast.

*Caferi*s are a religious minority belonging to the Shi'a denomination of Islam. They are mostly ethnically Azerbaijani Turks. Their population is estimated to be around 3 million.

Jews The majority of Jewish community in Turkey are descendants of Sephardic Jews expelled from Spain in 1492. Their language is Ladino, a variant of fifteenth-century Spanish. There is also an ethnic Ashkenazi minority, speaking Yiddish. There are around 23,000 Jews, in Turkey, 600 of whom are Ashkenazi. The vast majority live in Istanbul, with around 2,500 living in İzmir.

New Christians This group, made up of Presbyterians and Protestants, includes citizens and expatriates. The estimated number of Protestants in Turkey is 4,000–6,000, most of whom live in Istanbul, Ankara and İzmir.

Rum Orthodox Christians The Rum Orthodox community comprises ethnic Rums as well as Arabic- and Turkish-speaking Antakya Rum Orthodox Christians (Antiochians) who are not ethnically Rum. Their population is estimated to be around 16,000.

Yezidis are ethnically Kurdish and are historically concentrated in eastern, southern and southeastern Turkey. Their population is estimated to be around 410.

Ethnic minorities

Caucasians consist of various groups of peoples of Caucasian origin, each of which has its own language. Ninety per cent of Caucasians in Turkey are Circassian, while the majority of the remaining 10 per cent are Abkhaz. All Caucasians are Muslim. According to the Federation of Caucasian Associations, there are 6 million Caucasians in Turkey.⁵⁸

Kurds are the largest ethnic and linguistic minority in Turkey. The estimated numbers claimed by various sources range from 10 to 23 per cent of the population. Kurds speak Kurdish, which is divided into Kurmanci, Zaza and other dialects. The majority are Sunni Muslims, while a significant number are Alevi)s. Historically concentrated in the eastern and southeastern region of the country, where they constitute the overwhelming majority, large numbers have migrated to urban areas in western Turkey.

Laz are a people of Caucasian origin sharing similar roots with the Migreli)s who live between Abkhazia and Georgia today. They speak Lazuri, a South Caucasian language related to Georgian and Abkhazian. Their number today is estimated to be between 750,000 and 1.5 million.

Roma live all across the country and their population is estimated to be around 2 million. The vast majority of Roma are Muslim (nearly half Sunni and half Alevi), while there are a small number of Rum Orthodox.

Main education rights issues in Turkey

The right to receive an education

International standards

The right to receive education is one of the fundamental rights guaranteed to minorities under international law. The UDHR,⁵⁹ ICESCR,⁶⁰ the CRC⁶¹ and the EU Charter⁶² guarantee all children the right to education on the basis of equal opportunity and require states to provide primary education that is compulsory and available free to all. The CRC specifically requires states to take measures to encourage regular attendance at schools and to reduce drop-out rates.⁶³ Moreover, Article 12/3 of the FCNM requires state parties to promote equal opportunities for access to education at all levels for persons belonging to national minorities. Article 2 of the Protocol No. 1 to the ECHR states that no person shall be denied the right to education.

Katarina Tomaševski, former UN Special Rapporteur on the Right to Education, detailed the scope of the right to receive primary education with the 4As scheme, covering the principles of availability, accessibility, acceptability and adaptability,⁶⁴ which was endorsed by the Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment No. 13.⁶⁵

In its General Comments, the CESCR applies the same criteria to secondary education.⁶⁶ It obliges states to take concrete steps towards achieving free secondary and higher education. It states, moreover, that sharp disparities in spending policies that result in differing qualities of education for persons residing in different geographic locations may constitute discrimination under the ICESCR.⁶⁷

The right to receive education imposes on states three levels of obligations: to respect, protect and fulfil.⁶⁸ As a result, states should avoid any action that may hinder or prevent the enjoyment of the right to education, such as closing a private school; states should take measures that prevent third parties from interfering with the enjoyment of this right, such as ensuring that parents do not prevent girls from going to school; and states should take positive measures to ensure that everyone enjoys this right, for instance by taking positive measures to ensure that education is culturally appropriate for minorities and indigenous peoples.⁶⁹

States are obliged to take concrete and targeted steps towards the full realization of the right to receive educa-

tion when an individual or group is unable to realize the right by their own means.⁷⁰ Additionally, they are obliged to take measures aimed at reducing any gap in education existing between men and women, by reducing female student drop-out rates and organizing programmes for girls and women who have left school prematurely.⁷¹

Law and implementation in Turkey

Article 42 of the Constitution guarantees the right to learning and education to everyone, and primary education is compulsory and free of charge in state schools. It requires the state to provide scholarships and other means of assistance to enable students who lack financial means to continue their education, and take necessary measures to rehabilitate those in need of special education.

Article 7 of the Fundamental Law on National Education⁷² guarantees the right to education to every Turkish citizen. Article 4 of the same law guarantees the right to access to educational institutions, regardless of people's language, race, sex and religion, and states that no privilege shall be given to any person, family, class or category of people in education. Article 8 states that everyone, both women and men, is guaranteed equal opportunities and means in education, and those that are lacking financial means can receive scholarships, free hostels and other assistance. Special measures are taken for children who need special education and protection.

Basic compulsory education in Turkey was for five years (primary school) and this was raised to eight years of primary education in 1997.⁷³ Free textbooks are provided for students in need in basic education.⁷⁴ Regulations state that students should be transported daily to larger towns when there is need.⁷⁵

Despite the law, statistics show that access to education is not fully guaranteed in practice. Women and men do not have the same literacy rate,⁷⁶ which is also the case for women from different regions of Turkey. According to data released by the United Nations Development Programme (UNDP), the literacy rate is 87.4 per cent in all Turkey, and 95.3 per cent among men and 79.6 per cent among women in all Turkey.⁷⁷ The Ministry of National Education and the UNICEF campaign 'Haydi Kızlar Okula – Let's Go to School Girls' set a target of 100 per cent of girls aged 6 to 14 going to school, to ensure gender equality in access to primary education.⁷⁸ According to UNICEF, between 2003 and 2006, 231,879 girls and 114,734 boys were enrolled at schools

within this campaign.⁷⁹ It should be emphasized that none of these programmes specifically target minority children.

There is no disaggregated ethnic data collection in Turkey therefore it is not possible to give definite numbers about the literacy rate among minorities, however figures from southeast and central-eastern Turkey, which are mostly populated by Kurds, are worth examination. According to the national census conducted in 2000, the literacy rate is 73.3 per cent in the southeast and 76.1 per cent in the central-eastern region, which is much lower than the national figures. The literacy rate among women in these regions – 60.3 per cent in southeast Turkey and 63.6 per cent in the central-eastern region – is also lower compared to the national one. There is moreover a gender gap in these regions, since in the southeast 72.9 per cent, and in central-east Turkey 73.57 per cent of all illiterates are women.⁸⁰ Regional and gender gaps are obvious in graduation rates too. At a national level, 13.3 per cent of people over 6 years old are high school graduates, compared with 8.4 per cent in the southeast and 11.3 per cent in central-eastern Turkey. At a national level, 39 per cent of the high school graduates are girls, compared with 27.6 per cent in the southeast and 28.2 per cent in central-eastern Anatolia.⁸¹

Experts working on the education rights of minorities and minority members agree that poverty significantly affects access to education.⁸² As of 2005, poverty among children under the age of 15 was 28 per cent for Turkey.⁸³ According to International Labour Organization (ILO) figures from 2006, in Turkey 945,000 children aged 6 to 14 are not studying at any school. Of these, 194,000 said they could not afford school expenses, while 22,000 of them had to work and therefore could not study.⁸⁴

Among these children, thousands are seasonal workers. They come from all over Turkey, but particularly southeast and eastern Turkey, which are mostly populated by Kurds. Every year, the children travel mostly to southern or northern Turkey with or without their parents for seasonal agricultural work. According to a survey carried out by Eğitim-Sen, the Trade Union of Workers of Education and Science, in 115 primary schools in six provinces,⁸⁵ 26 per cent of seasonal working families have children of primary school age.⁸⁶ The same survey shows that out of 243,339 students enrolled at these schools, 23,683 were seasonal workers and had left the school before the end of the academic year or started later than the other pupils.⁸⁷ Due to spending months away from home, these children have difficulties with continuing education. This has also been highlighted in a report on seasonal workers published by an NGO called the Human Rights Association in 2008.⁸⁸

One 11-year-old, third grade child who is a seasonal worker has been studying for five years and has repeated

two classes already. In her interview with the Eğitim-Sen, she explained her difficulties and feelings:

*'I don't want to go to the cotton [farm] but we don't have money and we need to work. When I first come to school I don't have friends, they don't want to play with me. I have difficulty with understanding classes. I need to study very hard. But it is difficult to understand subjects that I have not studied. I don't have friends that might help. They tell me that I am lazy, I came to school late, and I will stay down in the class. This makes me feel very sad. If I didn't go [to the farm], I would be hard working, I would not fail. We leave when we just start to learn. And then I don't understand.'*⁸⁹

One 13-year-old, studying at fifth grade level has repeated three classes. He said:

*'In fact I don't want to go. After spending four months away, I cannot keep in step with my friends. My friends do not want to play with me. Therefore I do not want to go to school. Being a worker affects my marks badly. I spend at least four months away and I fail in some classes. Yet I have repeated three years. If my father had a job, I would not have to go and would not repeat classes.'*⁹⁰

The Ministry of National Education has developed a project with the International Labour Organization in Adana for these children, which increased their enrolment at schools.⁹¹

Displaced children, mostly from the Kurdish community, also do not have adequate access to education due to poverty. In the early 1990s, during the armed conflict between the Kurdistan Workers' Party (PKK) and the state security forces, around 1 million people were displaced from their villages.⁹² They migrated to big cities in southeast Turkey and cities like Ankara, Istanbul and İzmir, while some fled to Iraq and European states.⁹³ A survey carried out by GÖÇ-DER (Association for Immigrants, Social Assistance and Culture) in Diyarbakır, Batman, Istanbul, Van, İzmir and Mersin showed that half of displaced people lived below the poverty level.⁹⁴ The survey also showed that 33.9 per cent of displaced children in Diyarbakır, 77.8 per cent in Batman, 40.7 per cent in Istanbul, 56.2 in Van, 34.2 per cent in İzmir and 50.3 in Mersin did not study at any school. The reasons for not studying were listed by 75 per cent as financial constraints, 6.7 per cent as working, 5.4 per cent as not having an accessible school, 3.6 per cent as being female, 1.2 per cent as religion and 3.2 per cent as language-cultural conflicts. A more recent study shows that the

education level of displaced children, particularly girls, is much lower than that of the others. While the primary schooling rate among girls at national level is 87 per cent, it is only 70.3 per cent among displaced girls. Likewise, the secondary schooling rate is 46.9 per cent among girls at national level, while it is only 9.3 per cent among displaced girls.⁹⁵ Another survey carried out among displaced people living in Istanbul shows that 14 per cent of children aged 13–18 had never attended any school; 12.9 per cent of them had dropped out of primary school.⁹⁶ Still today, a significant proportion of children working on the streets are from displaced families.⁹⁷ A survey carried out on poverty and street children in 2007 showed that 64.9 per cent of children working on the streets of Diyarbakır were migrants.⁹⁸

The case of Roma children

Roma children are also disadvantaged in their access to education in Turkey. Aydın Elbasan, a Roma dance teacher and head of the Istanbul Association for Development of Roma Culture, states that the main reasons for this are accessibility (since there are not enough schools in Roma neighbourhoods) and financial reasons, but also lack of role models for Roma children and lack of trust of their parents in the benefits of education. Roma attitudes to female education can result in girls not being sent to schools in favour of boys. Erdiñ Çekiç, President of the Edirne Association for Research and Development of Roma Culture, Assistance and Solidarity, states that 95 per cent of Roma kids in Edirne go to school but many boys drop out in order to work and contribute to the family budget. He adds that each year 15–20 early marriages are held in the Roma community from Edirne, which means the end of education for both sides.⁹⁹

In Istanbul the situation is similar. A Roma activist states that all Roma from Sulukule, a historical Roma neighbourhood, send their children to schools but stop after the third grade as many cannot afford the expense and need their children to work and contribute to the family's income.¹⁰⁰ Aydın Elbasan met a 7-year-old girl who was good at school but did not attend classes on Fridays as she had to beg in front of mosques during the 'Friday prayers'.¹⁰¹ Another Roma activist states that the general approach towards Roma and the prejudices they encounter at school also affect their studying.¹⁰² A school teacher states that the special care and involvement with parents necessary for many Roma kids is often neglected by teachers and school managers, contributing to drop-

outs.¹⁰³ Luckily, some school principals and teachers pay special attention to Roma kids, as in Edirne where one principal visits families to convince them to send their children to school.¹⁰⁴

A recent urbanization project carried out by the municipality in the Roma populated Küçükbakkalköy and Kâğıthane Yahya Kemal areas of Istanbul caused the demolition of houses and displacement of many Roma families. Three hundred Roma children were not enrolled at new schools after this as they were not registered with the local authorities, namely mukhtars.¹⁰⁵ The Roma area of Sulukule is in the process of being demolished as well, and a Roma activist from the area stated that his three children did not go to school any more since they were scared that their houses could be destroyed while they were studying. 'My daughter used to bring a distinction every year, she was very successful, I am very sad that she does not continue her studying now.'¹⁰⁶

Conclusion

Awareness of lack of access to education has increased among disadvantaged groups such as Roma, seasonal workers and displaced children. However, none of the measures taken by the government in cooperation with international agencies for increasing the schooling of children, particularly girls, have specifically targeted them. Moreover, members of these groups have never been consulted in developing any policy. Much more needs to be done. The literacy and schooling rate is still low among Roma and Kurds, and gender and regional disparities are obvious. A comprehensive national policy or programme should be implemented to end discrimination against these groups and prioritize their needs. The Ministry of National Education should develop a nationwide policy with the participation of experts, international agencies and NGOs working on the subject, and minority community members. An adequate budget should be allocated at central level. More initiative and funding should be given to directorates, schools and teachers in regions where the most disadvantaged are concentrated, to develop special projects and programmes that will increase access to education. A nationwide programme providing scholarships to the children of these disadvantaged groups should be developed. The education system should be more participatory both at national and local level. Finally, improving relations with parents will improve schooling of these children, particularly girls.

Language and education

International standards

While international law respects states that teach the official language or provide instruction in this language,¹⁰⁷ it requires states to refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will, and to protect these persons from any action aimed at such assimilation.¹⁰⁸ It additionally obliges states to promote the conditions necessary for national minorities to preserve their language.¹⁰⁹ Minorities' right to learn their mother tongue, to receive education in it, and to set up and manage their own educational institutions is therefore an essential element of the minority protection system required by international law.

Instruction in mother tongue plays a significant role in the quality of the education and the integration of minority children. A report submitted at the World Education Forum organized in 2000 states that:

*'Over the last four decades, evidence has accumulated suggesting that teaching learners in a language they do not understand is not very effective and causes a high incidence of repeating and dropout. One can safely assume that it affects access to education: parents are known to keep children out of school whom they consider unable to learn well.'*¹¹⁰

According to educational development expert Carole Benson, instruction in a language learners do not understand is akin to 'holding learners under water without teaching them to swim'.¹¹¹

Article 13 of the FCNM requires states to recognize minorities' right to set up and manage their own private educational and training establishments, and says that states are not obliged to finance the exercise of this right. Article 13/4 of the ICESCR protects 'the liberty of individuals and bodies to establish and direct educational institutions'. More specifically, the Convention Against Discrimination in Education requires states to 'recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language'.¹¹² The Hague Recommendations endorse the same principle. States are required not to 'hinder enjoyment of this right by imposing unduly burdensome legal

and administrative requirements regulating the establishment and management of these institutions'.¹¹³

Article 14 of the FCNM requires states to recognize that every person belonging to a national minority has the right to learn his or her minority language. Article 14 also requires states to provide adequate opportunities to minorities for being taught their language or for receiving instruction in their language, in areas inhabited by minorities traditionally or in substantial numbers, if there is sufficient demand, as far as possible and within the framework of their education systems. States should facilitate the establishment of centres for minority-language education curriculum development and assessment.¹¹⁴

In the Hague Recommendations, the OSCE recommends that in primary education, the curriculum should be taught in the minority language and additionally the minority language should be taught as a subject on a regular basis. The official language of the state should also be taught as a subject on a regular basis by 'bilingual teachers who have a good understanding of the children's cultural and linguistic background'.¹¹⁵ In secondary school, states are recommended to provide teaching of a substantial part of the curriculum in the minority language. The minority language and the official language of the state should continue to be taught as subjects on a regular basis. It is recommended that the number of subjects taught in the state language should be increased gradually, based on research which shows that a gradual increase is better for the child.¹¹⁴ States are therefore recommended to provide adequate facilities for training of teachers and should facilitate access to such training, as maintenance of such an education system will *inter alia* depend on availability of teachers trained in all disciplines in the mother tongue.¹¹⁷

States are required to guarantee the right to education in their mother tongue to non-citizen minorities as well as citizen ones, under certain conditions. The report adopted by the European Commission for Democracy Through Law (the Venice Commission) in 2006 argues that:

*'groups of non-citizen residents who lived there at the time of independence or restored independence should in principle have the possibility to learn their language and, at least to some extent, obtain education in their language, especially in primary school.'*¹¹⁸

The Hague Recommendations also require states to create conditions enabling participation of representatives of

national minorities in the development and implementation of policies and programmes related to minority languages and education, both at a regional and a national level. Particular measures should be taken to involve parents.¹¹⁹ More broadly, Article 15 of the FCNM requires states to create conditions for the effective participation of persons belonging to national minorities in cultural, social and economic life. Article 7.4 of the European Charter for Regional or Minority Languages requires states to set up consulting bodies that will reflect the opinion of each minority group.

Law and implementation in Turkey

Article 3 of the Turkish Constitution states that the language of the state is Turkish. Article 42 of the Turkish Constitution states that:

'No language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institutions of training or education. Foreign languages to be taught in institutions of training and education and the rules to be followed by schools conducting training and education in a foreign language shall be determined by law. The provisions of international treaties are reserved.'

While it prohibits teaching and learning of minority languages, the Constitution promotes research and publications on Turkish.¹²⁰ Article 42 of the Constitution has two major consequences: a ban on instruction in languages other than Turkish as mother tongue and a ban on teaching a language other than Turkish as mother tongue.

Article 10 of the Fundamental Law on National Education lists the teaching and advancement of Turkish language as one of the targets.¹²¹

Instruction in mother tongue

Public schools. Article 41 of the Lausanne Treaty requires the Turkish state to grant instruction in mother tongue in public schools, in towns and districts where a considerable proportion of non-Muslim minorities are resident.¹²² However, this provision is not applied in any public school in Turkey. A Lausanne minority member states that they do not need this provision to be applied as the number of their schools is high enough in relation to the decreasing population.¹²³

No public schools use any other minorities' languages as the language of instruction. This is particularly criticized by some Kurds, who state that education in the mother tongue is a primary duty of the state,¹²⁴ and even if they were guaranteed the right to open private schools

teaching in Kurdish, they would not have enough resources to open any under the current circumstances. Many Kurds also state that they learned Turkish at primary school, and had difficulty understanding the classes and communicating with teachers. Mazhar Aktaş, the Director of the Association for the Research and Development of Kurdish Language, said:

*'When I was [...] in primary school, we had an argument with some classmates [...] and a complaint was taken to the teacher. I did not understand Turkish well yet. Through interpretation by a classmate s/he asked if I had sworn. As in Kurdish the same word, 'to swear – küfür' is used only for blasphemy against the God, I misunderstood the question and insisted that I hadn't sworn. Subsequently I was beaten for lying.'*¹²⁵

A Laz teacher said that when she was in primary school, although all students were Laz, they were forbidden to speak in Laz and teachers would 'humiliate' them if they did.¹²⁶

Even when teachers speak a minority language, communication with children in that language may cause discrimination against them. One explained:

*'As a teacher I met many students that did not understand Turkish and were isolated from the others. Although it was forbidden, I spoke in Kurdish with them. I was exiled once from Sivas when there was 1.5 metres of snow on the ground. I believe such exiles were related to my behaviour.'*¹²⁷

The high price of advocacy

In 2004, Eğitim Sen, the Trade Union of Education and Science Labourers, faced closure for referring to individuals' right to education in their mother tongue, and the development of their culture, as one of its targets in its statute, after an application made by the Turkish General Staff.¹²⁸ The Labour Court rejected the application in September 2004 on the basis that this statement did not constitute a threat to the territorial and national integrity of the state, and its unity, and did not infringe the ECHR.

However the High Court of Appeal overturned this decision in November 2004, on the basis that there had been a violation of Articles 3 and 42 of the Turkish Constitution, and Article 20 of the Law no. 4688 on Trade Unions of Public Officials, which states that unions cannot violate fundamental principles of the Republic and democracy, protected by the Constitution. The Court required closure of the Union under Article 37 of Law no. 4688.

The Labour Court gave the same judgment but the General Board of the High Court of Appeal overturned the

decision again on 25 May 2005.¹²⁹ The decision became final and the Union finally removed this reference to avoid closure.¹³⁰ The Union applied to the ECtHR against this judgment under Articles 10 and 11 of the ECHR, which protect freedom of expression and association. The ECtHR has not yet released its judgment.

Many students who attended a campaign requesting mother tongue education in October 2008 were detained, 30 of them were arrested and 15 of them are still detained.¹³¹ Six students who joined a petition campaign for education in their mother tongue (Kurdish) in 2001, were charged with 'aiding an illegal organization' and sentenced to 6 years 3 months imprisonment. The judgment was upheld by the High Court of Appeal in December 2008.¹³²

Private schools. Article 40 of the Lausanne Treaty guarantees all non-Muslim minorities the right to establish, manage and control at their own expense any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely. *De facto*, only Armenians, Jews and Rums have been granted the right to set up and manage their schools.¹³³ As of May 2008, 3,072 students are enrolled in 19 Armenian bilingual (Armenian-Turkish) schools in Istanbul. Garo Paylan, Board Member of an Armenian School, states that:

*'The capacity of these schools is around 6,000 but [...] due to financial problems and other issues, they cannot follow developments in the field and compete with other private schools, therefore some Armenian families prefer private schools for their kids. Every year we lose around 150–200 students; if it continues this way, we will close down 6–7 schools in the next years.'*¹³⁴

There are 12 Rum schools in which 212 students are enrolled. There are also two Rum nurseries.¹³⁵ There is also one nursery school, one primary and one secondary Jewish school in Istanbul, using Turkish and English as the language of instruction and teaching Hebrew as a language.

Despite the Lausanne protections and the state's commitment to the equal treatment of all citizens under Article 39 of Lausanne and Article 10 of the Turkish Constitution, Lausanne schools face various bureaucratic and legal inequalities.

These include problems renewing curricula and school books; each application to the directorate in Istanbul and the ministry in Ankara for approving new books must provide a Turkish translation approved by a notary. Garo Paylan, Board Member of an Armenian school, said that some books submitted by an Armenian school in late 2006 have not yet been approved. He added that Armeni-

an schools in Turkey cannot use books from Armenia since the alphabet and the dialect are different, or from the United States due to major differences in the treatment of information and maps.¹³⁶

Due to financial constraints, Armenian schools cannot pay teachers well, and many of their students cannot or do not want to enter relevant departments at universities (due to the university entrance exams). The issues faced by these schools, and their lack of resources and materials, means that not many young people want to work in them. They cannot get teachers from Armenia either because of differences in dialect and accent. As a result, they do not have an adequate number of Armenian-speaking class-teachers. Additionally, they teach many classes in Turkish as some of their branch teachers are not good at Armenian, although they have the right to teach any classes other than Turkish, history and geography in Armenian. Some families also prefer their children to be taught in Turkish as the university entrance exams are conducted in Turkish.¹³⁷

Rum schools are managed according to the reciprocity agreements between the Turkish and the Greek states. According to this agreement both states can exchange teachers to work at Turkish and Rum schools in each country. A teacher sent from Greece (called quota teachers – *kontenjan öğretmenleri*) can teach in only one of the Rum schools, when practically it is possible to teach at up to five. Schools already have financial constraints and it is expensive for them to pay a teacher to teach only a few hours in a school.¹³⁸

Rum schools consequently report difficulties with contracting teachers. Like other schools, they can hire teachers working elsewhere for an intense studying period, when they lack specialized teachers on some subjects. However, unlike other schools, they do need permission for this. Mihail Vasiliadis, the owner of the *Aboyevmatini*, a Greek-language daily newspaper, said that an application was lodged by the Zoğrafyon High School in January 2008 to take on such a teacher. Permission came in May 2008.¹³⁹

Changes to textbooks are also subject to the reciprocity agreements. But Turkey's application of the principle of reciprocity in implementation of Lausanne provisions violates the Lausanne Treaty and international law.¹⁴⁰

Before 2007, the deputy principals of these schools had to be nominated to teach Turkish culture or Turkish language classes by the principals, and approved by the Ministry of National Education. If no such teacher was available for this post, then someone educated in the language of that school, who was a Turkish citizen of Turkish origin, could be nominated. If the principal did not nominate anyone, the Ministry of National Education could appoint someone holding the listed qualifications.¹⁴¹

Amendments to the law in 2007 mean that deputy principals do not need to be of Turkish origin any

longer.¹⁴² However, the ministry has not yet adopted a new regulation and, in practice, the situation remains the same, despite attempts from minority representatives to modify it. Garo Paylan said: 'We prepared a regulation and sent it to the ministry to show what sort of regulation we needed, but it was not taken into consideration.' He added:

*'Having a deputy principal of Turkish origin shows how much the state does not trust non-Muslim citizens. These people are sent to double check everything we do. The ministry used to send very nationalist persons for this post and they would interfere with many things in management. However, since the Justice and Development Party has been in power, we have had chance to get more moderate people for these posts.'*¹⁴³

Mr Frangopulos, a retired principal, says that, 'in time the deputy principals had the same power as me, they [...] behaved as if they were there to cause trouble. I felt sad because I thought I could not do my job well in those conditions.'¹⁴⁴

Only children of Turkish citizenship can enrol at these schools, although this is not a condition for non-minority private schools.¹⁴⁵ This restriction particularly affects Armenians as today an estimated 15,000 Armenian citizens live in Turkey, of whom 1,000 are children. These children cannot study in Armenian schools due to the citizenship issue.¹⁴⁶ Likewise, children of Greek citizens working in Turkey cannot study at Rum schools. This restriction violates the education rights of non-Turkish students of minority origin, as enrolment at minority schools cannot be restricted to citizens. Enrolment of non-Turkish citizen children of Armenian or Greek origin would contribute to the preservation of these schools, as year by year the number of students decreases and some schools face closure.

Children of one non-Muslim community cannot enrol at the schools of another non-Muslim community,¹⁴⁷ even though until 1979 some Assyrian children could *de facto* study at Armenian schools. 'We do not want our schools to be full of non-Armenian children, because we want to protect our identity and we need to be a majority for this, however we would like to have a limited number of students from other communities.'¹⁴⁸ Rum schools likewise cannot enrol anyone whose ID card does not state that they are Rum Orthodox. 'In this way, the state decides who is a Rum or not by looking at people's IDs, rather than letting them tell their ethnic identity.'¹⁴⁹ This practice violates minorities' right to self-identification, which cannot be limited to what is written on an ID card.

Although Lausanne guarantees non-Muslim minorities the right to state support for education,¹⁵⁰ since the

1970s, according to Garo Paylan, the Turkish state has not contributed to any expenses of these schools. Minority schools pay bills and taxes in full. He says if the state provided financial support, it would help them keep these schools open, and improve the quality of education and working conditions at these schools.¹⁵¹ 'The only income of these schools is the grants that they get from minority charities. Nowadays many of these schools have financial problems and are facing closure,' he said.¹⁵²

Non-Lausanne minorities cannot open and manage schools teaching in their languages. Assyrians for instance, who were excluded from Lausanne's protection, have not been guaranteed this right, just like all the other non-Lausanne minorities. Some Assyrians think, even though today not many Assyrians live in Turkey, it is still necessary for them to have their own schools, and such an opportunity would make them feel 'equal'.¹⁵³ The prohibition on opening private schools particularly affects Kurds, who are still largely concentrated in eastern and southeastern Anatolia. NGOs have repeatedly asked the government to guarantee Kurdish education in their mother tongue. But this request has consistently been met with a negative response.

For Roma the major problem is not education in their mother tongue, but access to education.¹⁵⁴ Some Assyrians, Caucasians and Laz state that as they are not concentrated in certain provinces any longer, they do not have adequate facilities to open private schools teaching in their languages.¹⁵⁵ However, the right to education in the mother tongue plays a significant role in the preservation of all minority languages and cultures. Restricting this right to Lausanne minorities clearly constitutes discrimination, as does the treatment of Lausanne minority schools. Many minority members feel socially alienated because of these practices. They think they are not treated equally, although they carry out their duties as 'citizens', including paying taxes. Lifting the restrictions on the Lausanne schools, guaranteeing the right to open and manage their own schools to all minorities, and opening state-funded schools would contribute to the preservation of minority languages and end the unequal treatment of minorities that has lasted for almost a century. This would strengthen diversity, respect and equal citizenship, and would bring Turkey closer to the standards applied in the EU.

Learning mother tongue. Teaching any language as 'mother tongue' is clearly prohibited by Article 42 of the Turkish Constitution. In line with this provision and Article 3 that defines Turkish as the language of the state, minority languages cannot be taught as mother tongue in any public or private institution. The EU accession process, however, led to changes in this area too. In 2002, within

one of the EU reform packages, the Law on Teaching and Education of Foreign Languages¹⁵⁶ was amended to enable 'learning of different languages and dialects traditionally used by Turkish citizens in their daily lives'.¹⁵⁷ The law did not explicitly protect the language rights of minorities, however.¹⁵⁸ It stated that these courses should not be against the fundamental constitutional principles of the Republic, and the indivisibility of the state with its territory and nation. It also required the opening of new language-teaching schools or courses for teaching these languages. This was a very costly, time-consuming requirement that was not attainable for many minority groups. The change in the law did not detail the scope of this new 'right to learn different languages and dialects', it rather left this role to regulations that would be adopted by the Ministry of National Education.¹⁵⁹

The regulation in question made it almost impossible for minority groups to open language courses.¹⁶⁰ The teachers needed to be qualified according to the Fundamental Law on National Education, which meant that they should be graduates of a linguistic department, while there were no Kurdish or other minority-language faculties in Turkey.¹⁶¹ The regulation brought in restrictions regarding the students too: they needed to be Turkish citizens who were at least graduates of secondary schools and with a minimum age of 18. Younger ones would need to get the written consent of their parents to enrol. Those studying at the sixth, seventh and eighth year of secondary school could enrol with the consent of their parents to study at the weekends or during summer holidays.¹⁶² These restrictions prevented the teaching of languages to children at a young age, and enrolment of any person who was literate but had not studied at any school.

A year later, the Law on Teaching and Education of Foreign Languages and Learning of Languages and Dialects of Turkish Citizens was amended to enable the existing foreign-language centres to open courses on 'traditionally spoken languages'.¹⁶³ However, the law specifically prohibited any languages other than Turkish being taught as 'mother tongue' to Turkish citizens. According to this new regulation, only students from primary or secondary schools, those that have graduated from these schools, or those that have abandoned these schools and adults can enrol at these courses.¹⁶⁴ This therefore excludes children up to the age of 14 who are not enrolled at any school.

After these changes in the applicable law, the first Kurdish-language course (Kurmanji dialect) was opened in Batman on 1 April 2004 and later in Diyarbakır, Şanlıurfa, Adana, Istanbul, Van and Mardin, although even the managers of these courses were saying that people should not pay to learn their mother tongue.¹⁶⁵ Applica-

tions to open courses were subject to undue bureaucratic restrictions that were not applied to foreign-language courses; for instance, it took almost a year to open a course in Batman. Moreover, the authorities had given the course a different name to that written in the application.¹⁶⁶ A total of 2,027 persons enrolled at these courses and 1,056 of them received certificates. In the end, all the courses were closed down in 2005 by unanimous decision of the owners because they did not attract sufficient numbers; the managers stated that most of Kurds spoke Kurdish informally and did not want to pay to learn their mother tongue – their real need was education in their mother tongue.¹⁶⁷

Mazhar Aktaş, the Director of the Association for the Research and Development of Kurdish Language summarized his opinion about these courses:

'After prohibitions for over 80 years, [the] state should have done more than this. If Kurds pay their tax and fulfil all requirements as citizens, they have the right to expect this service [to learn mother tongue] from the state. Some families did not send their children to courses as, in principle, they were against the idea of paying to learn mother tongue. If there are over 15 million Kurds in the country, how could eight courses meet their needs?'

Mr Aktaş also thinks that money was not the only issue since advancement in Kurdish did not promise anything. He holds that if Kurdish-language skills were required for employment in certain regions and professions, then these courses would become more attractive. According to him, public services in this region should be provided in Kurdish as well, and if this was done then Kurdish-speaking employees would be needed, and the state should open bilingual public schools in places where Kurds are concentrated. In other places, Kurdish language should be taught as a selective course. Linguistic departments should be opened at the universities.¹⁶⁸

Many Assyrian and Laz activists stated that they did not have facilities to open such courses, and that even if they had, they would have difficulties with fulfilling technical requirements and finding approvable teachers. They would therefore prefer their language to be taught to their children in public schools. Mehmedali Barış Beşli, the President of the Laz Culture Association, thinks that the Laz language should be taught as a selective course in both primary and secondary schools,¹⁶⁹ since 70 per cent of Laz live in big cities and their children do not learn Laz, although it is important to most of them.

Learning their mother tongue at public schools is also vital for Caucasians. A nationwide survey released in 2005 shows that only 64 per cent of Caucasians living in

Turkey can understand and speak their language.¹⁷⁰ Cumhuriyet Bal, General Coordinator of the Federation of Caucasian Associations, says 'a nation without a language is a dead nation'.¹⁷¹ While expecting their language to be taught in public schools, the Federation lodged an application in early 2007 to open a private language course. After going through various bureaucratic issues, they submitted documents in May 2007. Their file was returned on the basis that some documents were missing. The process is still under way today.¹⁷² Mr Bal says they were expected to fulfil conditions that the commercial private language courses, which teach foreign languages and are operated to make profit, are asked to fulfil. He says: 'It is wrong to treat both courses equally. We are trying to protect a language here. This equal treatment is disadvantaging us.'¹⁷³ Private language courses teach many languages that have commercial value, therefore have no difficulty in finding trainees who can pay a proper fee, thus those who run these courses can afford to pay their expenses and fulfil all the bureaucratic conditions. However minority-language courses are not run for profit. They teach languages that do not have a commercial value inside the country. Many minority members do not want to pay to learn their languages, as they think it is the state's duty to provide such courses.

In an interview, a Roma activist stated that none of Roma in Sulukule could speak Romani language but most of them would like to learn, to preserve their culture and communicate better with Roma from other countries. He concluded that they would like to run a language course as an association but would need state support for a certain period, and recommended their language should be taught as a selective course at public schools.¹⁷⁴ Erdinç Çekiç, the President of the Edirne Association for Research and Development of Roma Culture, Assistance and Solidarity, states that in Edirne, 70 per cent of Roma over 40 years old can speak Romani language, but almost none of those under 40. He thinks that implementing a state training for Romani-language teachers, and opening Romani-language departments at universities would be important and give a positive message to the society.¹⁷⁵

There are no linguistic departments in universities for qualifying in Kurdish, Assyrian, Laz, Circassian, Romani

... etc. and for teaching these languages in public or private schools. Therefore many minorities request such linguistic departments be opened at universities to train teachers.¹⁷⁶ Very recently, a positive statement came from the President of the Council of Higher Education, Yusuf Ziya Özcan, about this. He stated they were planning to open Kurdish language and literature departments in two public universities in 2010.¹⁷⁷ Curricula and school books in minority languages would also need to be prepared.

Conclusion

Although learning mother tongue, and education in mother tongue, are among the most fundamental rights for minorities, both the related law and its implementation in Turkey are far from meeting international standards and the needs of minorities. Restrictions imposed on the private schools of Lausanne minorities and private language courses are discriminatory. Expecting minority-language courses to fulfil the same conditions as commercial language courses makes it almost impossible for minorities to run them. Limiting the exercise of Lausanne rights to Turkish citizens is a violation of international law. Limitation of mother tongue education to Lausanne minorities is the biggest obstacle to opening private or public schools teaching in minority languages. There is a need for a broad definition of 'minority' according to international standards, and for a change in state policy towards minorities and their right to education. The interviews referred to above show that each minority community has different needs and demands. Therefore, before developing any concrete policy or model, the Ministry of National Education needs to improve communication with all minority groups and consult them. Above all, minorities need to be seen as equal citizens and treated equally. As a good start, departments on minority languages could be opened at universities and these languages could be taught as selective courses at schools. The next step would be to open public schools in minority languages when there is sufficient demand. All minorities should be guaranteed the right to open and manage their own schools and courses without being subject to discriminatory and undue limitations.

Teaching religion in schools

International standards

Freedom of thought, conscience and religion are protected by international treaties;¹⁷⁸ and freedom to manifest one's religion or beliefs may be subject only to limitations as prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.¹⁷⁹

The UDHR guarantees parents the right to choose the kind of education that shall be given to their children.¹⁸⁰ Moreover, the CRC requires education systems to respect the child's parents, his or her own cultural identity, language and values.¹⁸¹ Similarly, Article 2 of the Protocol No. 1 to the ECHR, the EU Charter,¹⁸² the Convention Against Discrimination in Education,¹⁸³ the ICESCR¹⁸⁴ and ICCPR¹⁸⁵ require states to respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.

In its judgment in *Hasan and Eylem Zengin v. Turkey* (see box p. 21) the ECtHR concluded that the compulsory religion classes in the Turkish education system were in violation of Article 2 of Protocol No. 1.¹⁸⁶ The Court added that parents were primarily responsible for the 'education and teaching' of their children and may require the state to respect their religious and philosophical convictions.¹⁸⁷

Decisions of international monitoring bodies, such as the Human Rights Committee's General Comment on Article 18 of the ICCPR,¹⁸⁸ or General Comment No. 13 adopted by the CESCR, endorse the judgment. The European Commission against Racism and Intolerance (ECRI) also recommends that religious instruction in schools should respect cultural pluralism.¹⁸⁹

As a matter of equal treatment, states are not obliged to provide religious education or support religious schools, however, if they do so, they need to provide this service to people from all faiths, according to the Human Rights Committee (HRC), which concluded that the Covenant did not oblige states to fund schools established on a religious basis, but to provide funding without discrimination if they decided to do so.¹⁹⁰

The HRC also concluded that the absence of full exemption from a mandatory religious class which did not respect parents' convictions was in breach of Article 18.4 of the Covenant.¹⁹¹ There was no breach of the Covenant when the parents had the right to exempt their children from such classes and arrange for them to receive comparable instruction outside of school.¹⁹²

When an objective programme cannot be developed for these mandatory classes, states are recommended by the OSCE to recognize opt-out rights on the basis that the arrangements are structured in a sensitive and non-discriminatory way.¹⁹³

The HRC also concluded that public school students should not be obliged to declare their religion when opting out of mandatory religion classes.¹⁹⁴

The Parliamentary Assembly of the CoE specifically recommends that states promote education about religions in order to encourage tolerance.¹⁹⁵

Specific training for religion teachers is also recommended by a range of bodies, including the Parliamentary Assembly of the CoE¹⁹⁶ and the OSCE, to ensure that teachers are adequately educated and have the knowledge, attitude and skills to teach about religions and beliefs in a fair and balanced way.¹⁹⁷ The training of teachers should be framed and developed according to democratic and human rights principles, and include insight into cultural and religious diversity in society.¹⁹⁸

With regard to the development of these classes, states are recommended to consult all partners involved, including representatives of the religious faiths¹⁹⁹ and minority religions.²⁰⁰ More specifically, states are advised to establish advisory bodies at different levels which will take an inclusive approach and ensure involvement of different stakeholders in the preparation and implementation of curricula and in the training of teachers.²⁰¹ The whole procedure should be open and fair and give all interested parties appropriate opportunities to offer comments and advice.²⁰²

In terms of development of curricula, textbooks and educational materials, the OSCE recommends that all religious and non-religious views be taken into consideration in an inclusive, fair and respectful way. Inaccurate or prejudicial material, particularly that which reinforces negative stereotypes, must be avoided.²⁰³ Special attention should be given to key historical and contemporary developments pertaining to religion and belief, and reflect global and local issues.²⁰⁴

Law and implementation in Turkey

The Turkish Constitution, adopted in 1982, following the 1980 military coup, introduced a mandatory *religious culture and ethics class* for primary and secondary schools.²⁰⁵

The Constitution enables alternative religious education and instruction, subject to the individual's own desire and, for minors, on the request of their legal representatives.²⁰⁶ Article 12 of the Fundamental Law on National Education is in line with this.²⁰⁷

The guidelines approved by the Board of Education of the Ministry of National Education in 2000 require these classes to include information on: 'The historical development of Judaism, Christianity, Hinduism and Buddhism, their main features and the content of their doctrine, and to be able to assess, using objective criteria, the position of Islam in relation to Judaism and Christianity'; the guidelines also state that these classes should respect secularism; should not infringe freedom of religion, conscience, thought and expression; and should emphasize that differences in religious understanding and practice are of value.²⁰⁸

Despite these guidelines and the general name of the class, in practice the textbooks and instruction are mostly related to the Sunni sect of Islam. The curriculum was reviewed in 2005 and since then has included more information on different religions.²⁰⁹ However, the textbooks still only refer to a few other religions, including Christianity, Judaism, Hinduism and Buddhism, with a limited mention of Alevism. Only 10 per cent of the whole curriculum is about religions other than Islam.²¹⁰ Students must memorize parts of the Koran, such as the sura called '*fatiha*'²¹¹ in the fourth grade textbook. Textbooks refer to Muslims as 'we', and to Islam as 'our religion'.²¹² The sixth grade textbook refers to *namaz*²¹³ as 'purifying. The person that prays, declares her/his regret for the sins she/he committed.'²¹⁴ Alevism is referred to mostly in 'reading texts', the function of which is secondary in the training system.²¹⁵

The common problems related to this class are listed by the representatives of two Alevi NGOs:²¹⁶

- Textbooks do not give objective and adequate information about other religions and beliefs, but mainly about Sunni-Halefi Islam.
- The class is given by teachers who have usually studied at Imam Hatip Schools (Vocational Religious High Schools) and graduated from Faculties of Theology, and as a result are not expected to treat all religions and beliefs equally.
- In practice, some teachers ask students to practise Islamic rituals that are not listed in the curricula, such as going to a mosque with children, asking them to do the ritual ablution and praying.²¹⁷
- This class is not pluralistic and it is compulsory.

Pupils who belong to the Christian or Jewish religions are not obliged to follow these classes, according to a decision adopted by the Supreme Council for Education, if they

affirm their adherence to these religions.²¹⁸ It should be noted that the exemption mechanism obliges people to disclose their beliefs, although this is prohibited by international treaties, as well as Article 24 of the Turkish Constitution. Moreover, exemption is difficult for the non-Lausanne minorities and some of them face *de facto* difficulties. People from other beliefs, such as Alevis, Buddhists, as well as atheists and agnostics, do not have the chance to exempt their children from these classes. Yusuf Akbulut, the Assyrian priest of the Mother Mary Church, tells how he applied to the primary school at which his son was studying, for him to be excluded from this course. Upon this application, his petition should have been processed and his son should be exempted from this class. However, he was invited to the school and orally advised not to exempt his son 'for the sake of his son'. Mr Akbulut did not want to challenge the situation, since he did not want his child to have difficulty at school being the only Christian student there. His son continued to take the class, although the content of the course contradicts the family's beliefs.²¹⁹

In its 2005 report on Turkey, ECRI stated that as this class was in the form of instruction in the principles of the Muslim faith rather than a course covering several religious cultures, it should either become optional for everyone or be revised to genuinely cover all religious cultures.²²⁰

Alevis have been greatly affected by these classes, as Alevi children cannot be exempted from these classes because Alevism is seen as part of Islam by the authorities, whereas it is a very specific belief encompassing very different religious practices which are not referred to in the textbooks. A young Alevi stated that in primary school he was once asked by the teacher to pray in the class, refused to do so, and faced pressure and violence for this.²²¹ Alevi parents started to apply to the courts, one by one, for exemption of their children from these courses. Mr Hasan Zengin was among the first.

*Hasan and Eylem Zengin v. Turkey*²²²

Hasan Zengin and his family adhere to Alevism, which differs from Sunni-Islam in many ways, including in terms of fasting, praying and pilgrimage. When one day his daughter came home from school and said, 'Anyone who does not fast or pray will go to hell. Why don't we practise these?',²²³ Mr Zengin decided to apply to the authorities for exemption of his daughter from the mandatory religious culture and ethics class. He made an application to the Provincial Directorate of National Education at the Istanbul Governor's Office. He argued that, under international human rights treaties, he had the right to choose the type of education for his children and that this course was opposed to secularism. The Directorate rejected his

application on the basis of Article 24 of the Constitution and Article 12 of the Fundamental Law on National Education. Upon this, Mr Zengin applied to the courts and had exhausted all domestic remedies by 2003.

Mr Zengin applied to the ECtHR. In its judgment, released on 9 October 2007, the Court found a violation of Article 2 of the 1st Protocol to the ECHR on the basis that the compulsory religious culture and ethics classes did not meet the criteria of objectivity and pluralism, and did not respect the religious and philosophical convictions of Mr Zengin (for instance as 'the seventh grade textbook emphasized knowledge of the Koran, the link between religion and high moral standards');²²⁴ and that the exemption procedure did not provide sufficient protection to those parents who could legitimately consider that the subject taught was likely to give rise in their children to a conflict of allegiance between the school and their own values.

Mr Zengin said that the ECtHR judgment made him feel happy. He believes that one day this class will become a selective course and Alevis will not be forced to express their belief to be exempted from this class.²²⁵

The Turkish government did not object to the judgment and it became final on 9 January 2008. Upon release of the judgment, the 8th Chamber of the Council of State, the highest administrative judicial body of Turkey, gave similar judgments unanimously, in which it endorsed the reasoning of the ECtHR and stated that, despite its name, the mandatory class was in the form of 'teaching a religion' and such class should be taught only at the request of parents and thus should not be mandatory for everyone.²²⁶

The judgments were seen as victory by many; and hopes were high for the removal of the classes from the curriculum. However, the Minister of Education stated that the curriculum examined by the ECtHR had been reformed since the time of the application, therefore the judgment was not applicable to today's class. He also stated that the class would remain compulsory as long as Article 24 of the Constitution remained the same.²²⁷ However, he added that a solution could be reforming this class so as to give more information about other religions and less about Islam, and provide 'teaching a religion' selectively, and for this they would need a consensus in society and a change of the Constitution.²²⁸ The government needed to implement the judgment by 9 April 2008, however no change has been seen yet. No Alevi association has been consulted regarding the review of this class. Cahit Korkmaz, the Project Manager of the Hacı Bektaş Veli Anatolia Culture Foundation, states that although the Foundation and the Alevi Bektaşî Federation together represent about 95 per cent of Alevis that are

engaged with an NGO, none of them has ever been contacted by any public official to discuss this.²²⁹

While the case was pending before the Court, several Alevi NGOs organized a petition campaign to remove this class from the curriculum. They gathered 1 million signatures between April 2004 and September 2005 and submitted it to the Prime Minister.²³⁰ The ninth grade textbook was later reviewed to cover mystics Yunus Emre and Hacı Bektaş Veli,²³¹ but only as philosophers who contributed to the evolution of Islam. Alevism is referred to only in the name of a source in a footnote.²³² The twelfth grade textbook refers to Alevism on about 15 pages, however Alevism is explained in a way that does not reflect the belief of many Alevis.²³³ The classes are still taught by teachers who have graduated from Theology Faculties, and who are not believed to be objective by Alevis.²³⁴

Advocacy for minority rights, including the removal of the mandatory religious class, led to threats to the life of Kazım Genç, the lawyer representing Hasan Zengin. It appears that Genç was on the assassination list of the former deputy president of the Office for Special Operations, who was detained in January 2009 on the basis that he was a member of the illegal Ergenekon organization, which has allegedly planned a coup and various other illegal activities in the country.²³⁵

Alevis have different opinions on the religious classes. While some request their complete removal and argue that state should not be involved in any activity related to religion under the principle of secularism,²³⁶ others would prefer the class to contain information about all beliefs equally, should it remain mandatory or become optional.²³⁷ Led by the Cem Foundation, one of the Alevi NGOs in Turkey, some Alevi families applied to the Ministry of National Education in 2005 for the revision of this class in such a way as to include information on Alevism. The response was that their request was accepted. These families didn't think that their request was being acted upon, however, therefore they applied to court in December 2005. The case is still pending.²³⁸ Serap Topçu, a lawyer of the Cem Foundation, in an interview stated that 'If this class becomes selective in the way it is [i.e. selective, but using the same content and textbooks], we will still bring a case against it.'²³⁹

Since no satisfactory changes occurred following the release of the ECtHR judgment, in August 2008 the lawyer pursuing the case applied to the Council of Europe's Committee of Ministers to monitor the implementation of the judgment by Turkey. That same month, some Alevi NGOs, including the Alevi Bektaşî Federation and the Hacı Bektaş Veli Anatolia Culture Foundation, started a campaign for the implementation of the ECtHR judgment and the removal of the religious culture and ethics class from the curriculum.²⁴⁰

The minimum standard these groups agree on is either removing the class completely from the curriculum, or keeping it compulsory or optional but reviewing it to ensure that it covers all beliefs equally and gives objective information. The subject can be taught within history or philosophy classes too. In any case these classes or subjects should be taught by teachers who are not graduates of Theology Faculties, and who have skills in pedagogy and the history of religions. The content of the class should be developed with the involvement of Alevi and experts, otherwise the information to be included on Alevi would be developed from a Sunni point of view.²⁴¹

Not only Alevi, but also many other sections of society, including some ethnic minorities, are against these classes. Some Caucasians complain that the content of the textbooks is not consistent with their culture and lifestyle, and their children have difficulty understanding this.²⁴²

The European Commission has referred to these classes several times in its progress reports on Turkey, and this has contributed to the discussions in media; however, some Alevi think that not enough attention has been paid to this issue.²⁴³

The Ministry of National Education has been reviewing the curriculum and textbooks, and some positive developments were reported; however, many NGOs representing Alevi and other minorities have stated that they have not been consulted, even after the release of the ECtHR judgment, and so any changes would not

bring a lasting solution that meets the common needs of all parties.

Conclusion

Although the EU accession process and the voices of Alevi and some other citizens have fostered some changes in the curriculum, it is still in breach of international human rights law. The curriculum, the textbooks, and the quality and behaviour of teachers of these classes, violate the right to education as well as the right to freedom of conscience, religion and belief. Many minority members perceive these classes as ignoring diversity and imposing Sunni-Islam beliefs and lifestyle on all the population. The exclusion mechanism is not guaranteed to all society, and the procedure for exclusion is in breach of international standards as declaration of belief is required for such exemption. The biggest problem preventing the development of a lasting solution seems to be lack of communication between the ministry and the other parties. Religious education is a controversial subject in Turkey and there are various opinions on the solution, even among religious minorities. Therefore, first of all, the ministry needs to develop a participatory approach, consult with all parties and find common interests for a solution. Any changes that are proposed need to respect the principles of secularity, objectivity, pluralism and respect for the beliefs and preferences of parents.²⁴⁴

Discrimination in school books and education

International standards

International law provisions hold that the principle of non-discrimination in education cannot be violated by any state under any circumstances. It is protected by all international human rights treaties as well as customary international law.²⁴⁵ To respect this principle, the states are obliged to treat all individuals equally and take special measures to eliminate discrimination when necessary.

One of the most advanced instruments on prohibition of discrimination is the Racial Equality Directive (the Directive) adopted by the Council of the European Union, which prohibits discrimination *inter alia* in education.²⁴⁶ The Directive describes direct discrimination as:

‘where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin’

and indirect discrimination as:

*‘where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.’*²⁴⁷

The above definitions show that absolute equal treatment may also constitute discrimination when it causes disadvantage for a certain group. The Directive brings new standards in terms of evidence, as it shifts burden of proof to the defendant once a *prima facie* case is established by the complainant.²⁴⁸ NGOs that have a legitimate interest in ensuring the implementation of the provisions are entitled to engage either on behalf or in support of the complainant, in any judicial and/or administrative procedure.²⁴⁹

Adoption of special measures to ensure effective equality is a requirement of many international human rights instruments²⁵⁰ and was reasserted by the CESCR as not being a violation of the right to non-discrimination with regard to education, ‘provided they are not continued after the objectives for which they were taken have been achieved.’²⁵¹ The ICESCR imposes the positive obligation on states to closely monitor education to identify and take measures to redress any *de facto* discrimination.²⁵²

Although the Directive permits states to exclude non-nationals from exercise of some of the rights, the CESCR affirms that the principle of non-discrimination is applied to non-nationals irrespective of their legal status.²⁵³ Similarly, the UN Convention Against Discrimination in Education prohibits discrimination in educational life;²⁵⁴ and provides that foreign nationals resident within the territories have the same access to education as that given to the states’ own nationals.²⁵⁵

International treaties require states to encourage tolerance and intercultural dialogue, and take effective measures to promote mutual respect, understanding and cooperation among all persons living on their territory.²⁵⁶ Some treaties specifically require the education systems to be directed to the strengthening of respect for human rights and fundamental freedoms, and oblige states to use the education system to promote understanding, tolerance and friendship among all nations, racial or religious groups,²⁵⁷ and to ensure that curricula, for all levels of the educational system, are directed to these objectives.²⁵⁸ More specifically, the UNDM,²⁵⁹ the Hague Recommendations²⁶⁰ and the FCNM²⁶¹ require states to take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority; provide adequate opportunities for teacher training and access to textbooks; and facilitate contacts among students and teachers of different communities. Education should be used to campaign against racism; and racism and its practice in history should be taught at schools. This can contribute to the elimination of racism, ethnic discrimination and xenophobia.²⁶² Similarly, the UNDM requires states to take measures in the field of education in order to encourage knowledge of the history, traditions, language and culture of the minorities within their territory.²⁶³ The curriculum subject related to minorities should be developed with the active involvement of representatives of minorities.²⁶³ In addition to all these, states are recommended to encourage members of the majority to learn the languages of the national minorities living within the state as this will contribute to the strengthening of tolerance and multiculturalism within the state.²⁶⁵ The Advisory Committee to the FCNM also requires states to eliminate stereotypes and prejudices in history textbooks and to encourage critical thinking through history.²⁶⁶

Moreover, the school environment must respect understanding and tolerance among all peoples, ethnic,

national and religious groups and persons of indigenous origin. Bullying or other violent and exclusionary practices must be prevented.²⁶⁷ Article 8 of the CRC also requires states to respect the right of the child to preserve his or her identity.

The FCNM requires parties to take appropriate measures to protect persons from threats, discrimination, hostility or violence based on their ethnic, cultural, linguistic or religious identity.²⁶⁸ The ICERD prohibits violence or bodily harm, whether inflicted by government officials or by any individual group or institution based on people's race, colour, or national or ethnic origin.²⁶⁹

Law and implementation in Turkey

Discrimination in schools

Articles 10 and 42 of the Turkish Constitution, as well as Article 24, provide protections for the education rights of minorities. Article 4 of the Fundamental Law on National Education states that educational institutions are accessible for everyone regardless of their language, race, sex and religion.²⁷⁰

But none of the above deals with discriminatory treatment inside schools. There is no specific Turkish law that defines and prohibits discrimination in education and provides remedies, although this is one of the most effective tools to combat discrimination and is part of the EU acquis. However, teachers and administrators working at public schools are obliged, as civil servants, to treat everyone equally while carrying out their duties.²⁷¹ Those who discriminate will face a disciplinary charge of 'suspending progress in career-degree' (i.e. that will affect their future progress in their career).²⁷² The Turkish Penal Code prohibits discrimination but the scope of the article is limited and does not cover education.²⁷³

There are no independent equality bodies where victims of discrimination can apply to get help and seek remedies. There are human rights boards in each province; however, many human rights activists think these are mostly composed of public officials and are not impartial or efficient.

Some Roma children face discrimination at public schools. For example, some are reported to be blamed for any problems that arise²⁷⁴ and are humiliated by teachers, for instance by being asked to sit in the seats at the back of the classroom. Some are even beaten by teachers (while being yelled at: 'You Roma') when they commit a mistake. A Roma activist states that in such cases they made complaints several times to the principal but this did not lead anywhere as teachers were protected.²⁷⁵ A case was reported in Edirne province, where a teacher, having humiliated a

Roma child and made him sit at the back of the class, was suspended after some Roma made a complaint.²⁷⁶

Generally speaking, minority students may face harassment at schools by teachers or other students. An Alevi student was beaten by the teacher of the religious culture and ethics class in the Şişli High School because of his beliefs.²⁷⁷ Another Alevi pupil, studying at Esenyurt Ali Kul Çok Programlı High School, was beaten twice by his teacher after he declared that he was Alevi, upon being questioned by the teacher.²⁷⁸ A report released by the Parliamentary Human Rights Commission in December 2007 regarding those issues declared that asking the children's religion was itself discrimination and violation of freedom of religion, conscience and belief.²⁷⁹

In Erzincan Tercan High School, a mufti replacing the absent teacher for the religious culture and ethics class told a pupil that some Alevis did not pray and were *gâvur*,²⁸⁰ Satanist and faithless. The parents of the pupil applied to the principal to take action but were only told that the pupil must have misunderstood the teacher.²⁸¹

Some Alevi students have alleged that Alevi children were forced to fast in Ramadan, by other students or teachers, although this is not a religious practice in Alevism.²⁸²

One Christian-Assyrian child was slapped by a schoolmate because he was Christian. This caused a tear in his eardrum.²⁸³ In 2007 he was later beaten by a group of students who threw rubbish at him and yelled at him that he was *gâvur*. The child was finally enrolled at another school upon the request of his parents.

Schoolmates of an Armenian student studying at a public school tied his hands and painted his nails with nail polish (as if he was a girl) just because he was Armenian.²⁸⁴

The General Coordinator of the Federation of Caucasian Associations stated that Circassian students holding names in their mother tongue may face harassment at schools, such as being told they 'aren't Circassian Turks', and being blamed as separatists.²⁸⁵

Due to the fear of discrimination, some minority students and teachers tend to hide their distinct identity from others. The sense of perceived discrimination is very strong. Zeynel Aşkın Oğuz, a Kurdish-Alevi geography teacher, stated that:

*'many teachers tend to hide their Alevi or Kurdish origins. Whenever I say something that discloses my identity, I see that the atmosphere suddenly changes. A minority teacher who discloses his/her identity would never get a managerial position. To get such a position, s/he would have to prove that s/he is very nationalist. A Sunni-Turk would always be preferred.'*²⁸⁶

Another Alevi-Kurdish teacher states that Alevi, Kurdish and Roma teachers tend to hide their identity.

*I learnt that a colleague of mine was Alevi years later. We always feel like we need to prove that we are not against the system. Teachers' small mistakes are usually solved in unofficial ways, but when we commit them, they can lead to a disciplinary measure against us. We never make a complaint because worse things can happen.'*²⁸⁷

Promotion of nationalism

Several provisions in Turkish law list respect for Atatürk's nationalism; embracing the national, moral, humanitarian, spiritual and cultural values of the Turkish nation; and loving and elevating the country and the nation as among the targets of education.²⁸⁸ Likewise, Atatürk's reforms and principles are also listed among what is to be respected.²⁸⁹ Additionally, several provisions promote the use and development of the Turkish language at schools.²⁹⁰ The provision requiring teaching of democracy states that no ideology or political opinion conflicting with Atatürk's nationalism can be expressed at schools.²⁹¹ Many school teachers say that textbooks promote Kemalism and Turkish nationalism.²⁹²

School teachers are asked to consider these principles in all their classes. A geography teacher stated: 'I was visited by an auditor-inspector in my class. He said that everything was fine but I was not promoting Atatürk's reforms and principles. I don't know how I could do it in a geography class.'²⁹³

In all public and private primary schools, including Lausanne minorities' schools, students read an oath every morning, which is worded as follows:

'I am a Turk, I am right, I am hardworking, my principle is to protect young people, to respect the elders, to love my country and my nation more than my soul. My ideal is to advance and go further. Dear Grand Atatürk, I take the oath to walk without stopping towards the target you have shown us, on the path that you have opened for us. My presence is a present to the presence of Turks. Happy is the person who says "I am Turk".'

Hrant Dink, an Armenian journalist, the chief-editor of Armenian-Turkish *AGOS* weekly, who was assassinated in front of his office in Istanbul on 19 January 2007 due to his Armenian ethnic origin and political views, had criticized the reading of this oath by non-Turks in the following way: 'I like the "I am right, I am hard working" parts of the oath and I read them cheerfully but I try to perceive the "I am Turk" part as "I am from Turkey".' For these comments, Dink was charged under Article 159 of the former Penal Code for 'insulting Turkishness and the Republic'. Dink

was finally acquitted.²⁹⁴ After a regional consultation meeting organized by the Şanlıurfa branch of Eğitim-Bir-Sen, a trade union of teachers, with the participation of other branches in eastern and southeastern Turkey in December 2007, a declaration was issued in which a revision of the oath to take into account ethnic diversity and universal values was recommended. A case was brought against the 42 teachers who signed this declaration on the basis of 'inciting public to disobey the law'.²⁹⁵ The case is still pending. No minority community member has ever taken an administrative or legal action against this oath. Garo Paylan said: 'Who can be so brave to do anything like that? Any person doing that would undertake many risks.'²⁹⁶ A Rum interviewee added: 'How would they feel if Turks in western Thrace were forced to read an oath saying "Happy is a person who says s/he is a Greek"?'²⁹⁷

Reading of this oath by children at schools is criticized by many other ethnic minorities as well as the non-Muslim minorities. An Alevi-Kurdish school teacher described his childhood experience as follows:

*'Every time when I was reading the oath I felt scared. It was read in a very militarist way, we were standing in line and one of us would screamingly read it. I was a Kurd at home and I was becoming a Turk at school, I was confused.'*²⁹⁸

A Laz activist wishes that things would change and that his son will not be obliged to read the oath. He thinks this oath does not do any good for any children.²⁹⁹ A Laz teacher thinks that the oath causes harm in the souls of non-Turkish children and she thinks this is against the rights of child.³⁰⁰ A Circassian activist thinks that the oath is distancing children from their roots.³⁰¹

While the education system promotes nationalism and Turkish culture, no law or practice promotes the cultures of minorities. As summarized in the section on mandatory religious culture and ethics classes, the religions of various minorities in Turkey are not adequately covered or given equal weight to Sunni-Islam in the curriculum. Yusuf Akbulut, an Assyrian priest from Diyarbakır, thinks that if all religions were taught at schools objectively and equally, this would contribute to dissemination of tolerance.³⁰² No other class refers to minorities or multiculturalism; and no special events are systematically organized to introduce minorities' cultures to school children. Many minority members think that the curriculum should promote minorities' cultures and this would contribute to peace, understanding and minimizing prejudices. A Roma activist thinks that some classes should give specific information about the cultures of different communities in Turkey. This would contribute to the elimination of prejudices against minorities from an earlier stage.³⁰³

Despite the weakness of the curriculum, some school teachers do take initiatives to organize events on the cultures of ethnic groups, such as Roma and Laz, and get the support of the school management for this.³⁰⁴

Textbooks and curriculum

While school books do not include information about minorities, their histories and culture, some include discriminatory, xenophobic statements against some minorities; some other school books praise Kemalism, Turks, and Turkish language and culture.³⁰⁵ A secondary school textbook referred to Roma as: 'just like ours, beggars you can't get rid of',³⁰⁶ a linguistics textbook described a sound in Greek language as similar to the sound of snake,³⁰⁷ and there were statements that Turkish nationality and Islamic religion were better than the others.³⁰⁸ Recent research shows that the textbook for the 'History of Revolution and Kemalism' class taught at the eighth grade of primary schools refers to Turkish as 'the most beautiful, the richest and the easiest language in the world'.³⁰⁹ According to the same book the 'Republic' was chosen as the method of management of the state as it was the most appropriate for the character of the 'Turkish nation'.³¹⁰ The book also states that 'deviation from the Kemalist system of thought endangers democracy and the sovereignty of the nation. Therefore, in order to maintain its sovereignty, the Turkish nation should never abjure democracy'.³¹¹ In terms of promotion of diversity, the same book states that 'people were dressing according to their religion, nation, profession, being urban dwellers or villagers. This has affected human relations negatively and caused disorder'.³¹² The book refers to Armenians as those who cooperated with Russians and stabbed the Turkish army in the back,³¹³ and Rums as those who formed armed gangs under the protection of Allies, and maltreated and killed many Turks.³¹⁴ Another textbook for the same class refers to Kurds only once, when mentioning the Kurdish Teali Association as an enemy to the national presence.³¹⁵ Mehmedali Barış Beşli, the President of the Laz Culture Association, says: 'School books made me feel "the other" since they all talked about Turks, but I am not a Turk'.³¹⁶

A textbook on handwriting included a humiliating expression about Roma. Upon a complaint, the book was confiscated.³¹⁷

Serap Topçu, a lawyer for the Cem Foundation, says that among the 100 basic books recommended by the Ministry of National Education, some include discriminatory statements against Alevis.³¹⁸ The leader of a Circassian rebellion, described as a betrayal in history textbooks, is referred to by ethnic origin as 'Çerkes Etem',

i.e. Circassian Etem. Cumhuriyet Bal from the Federation of Caucasian Associations says that teaching history in this way incriminates all Circassians.³¹⁹ In June 2002, the Ministry of National Education decided that the curriculum should cover the 'Armenian, Greek-Pontus and Assyrian' issues and the 'Armenian Question'.³²⁰ In April 2003, the Minister of National Education issued a circular requiring all primary and secondary schools, including Armenian minority schools, to organize conferences on the 'baselessness of the Armenian allegations' and essay contests on the 'Armenian rebellion and activities during the First World War'.³²¹ Diyarbakır Bar Association brought a case before the Court of Cassation for the abolition of this circular. The Court rejected this application on the basis that the Bar did not have any interest for bringing the case. Garo Paylan says that Armenian schools informed the Ministry of National Education that they would not apply this circular in their schools. He says that this circular and its implementation in public schools reflect the approach of the ministry to minorities in Turkey, and increase hostility towards Armenians.³²²

Conclusion

Turkey is very far from meeting international standards, and from protecting its minorities from discrimination, harassment and humiliation. Discrimination is pervasive, and if it is not wholly systematic, some textbooks are still discriminatory. Children and teachers from minority backgrounds fear discrimination and hide their ethnic or religious identities. There are no effective mechanisms provided for the victims of discrimination to seek remedies.

The education system clearly reflects state policy towards minorities. It does not promote diversity but one identity, one language. While Turkish language and culture are promoted by law, minority languages are banned or ignored. Although the education system could be used as an effective tool to promote tolerance, multiculturalism and peace, it is deepening fears and hatred in its current state. There is a clear need to bring the legal standards in line with international ones. For this purpose, a comprehensive anti-discrimination law is needed to provide effective remedies. Both legal and administrative remedies should be available to prevent discriminatory behaviour and to bring charges against those who practise discrimination. The curriculum should be totally redeveloped to remove nationalist expressions and to include information on minorities, with the aim of promoting tolerance and peace. This should be done in consultation with minorities, benefiting from international law and experiences in other countries.

Ways forward

Various reforms have been adopted by the Turkish government in the EU accession process since 1999, including some in the field of education. However, much more needs to be done to meet international standards, the Copenhagen Criteria, and the needs of ethnic, linguistic and religious minorities living in Turkey.

In 2007 ‘secularists’ and the army objected to the election of Abdullah Gül (a member of the AKP party and Minister of Foreign Affairs at that time), as the new President, on the basis that his appointment would endanger the secularity of the state. This caused early national elections, which took place in July 2007 and in which the AKP gained enough seats to form the government alone.

One of the items in the AKP’s election manifesto was a new civil constitution. Education in minority languages and reform of the mandatory religious classes were on the agenda of the media and NGOs. However, many minority members believe that, since taking power, the government has not shown any clear intention of reforming the education system. Hasan Zengin (see box, p. 21), for example, states that the comments of the Minister of Education on the ECtHR judgement was a clear sign of this. One Roma activist believes that state policy still does not focus on solving problems but instead worsens them, arguing that: ‘Demolitions taking place in Roma quarters show how much the government wants to solve problems.’³²³

It can clearly be seen that, before adoption of any other reforms, there is a pressing need for the state to change its attitude and policy towards minorities, and to develop dialogue with minority representatives. As long as the state approaches minorities negatively, sees them as a threat, uses them in its foreign policy, and uses the education system to promote Turkish identity and nationalism and the assimilation of minorities, no legal reform can bring about a lasting solution, and implementation of the laws will remain an issue. Garo Paylan says: ‘We are seen as enemies, potential risks for the state. This makes us feel “small”. We had hope before the assassination of Hrant Dink, but now nationalism is stronger than ever.’³²⁴ Many minorities in Turkey want to protect their distinct identity and act by setting up their associations, applying to hold language courses, reacting to discriminatory treatment in education; it is the obligation of the state to respect this and take measures to preserve these identities. It is time to

realize this obligation, to see minorities as essential parts of the state, with equal rights to others living in the state, and take the steps necessary to fulfil this obligation. Removing discriminatory provisions from the Constitution and law, taking other legal and administrative measures to end discrimination and arbitrary bureaucratic restrictions, taking positive measures to protect and promote minority cultures – such as funding language courses and schools teaching in minority languages – reviewing the curriculum to remove discriminatory and nationalist expressions and to promote multiculturalism, tolerance and peace, will be among the measures to be taken.

While many minorities agree that the EU accession process has fostered the democratization process and welcome reference to some of the issues in the regular reports on Turkey, many of them expect the EU to put more emphasis on minority protection and reform of the education system in its negotiations with Turkey. A Laz activist thinks that lifting the ban on the use of languages and restrictions in the Law on Associations were great developments. Thanks to those reforms they can now open their associations.³²⁵ However, they expect the EU to be more specific, clear, direct and brave in its criticisms and recommendations to the Turkish government. Some expect the EU to be clear about Turkey’s accession, to motivate the government and to restore the hope that Turkey may become a member of the EU.³²⁶ Many minority members state that they hope to have better communication with EU officials.

Minorities in Turkey are stronger than ever before, despite many challenges, and it seems that they will continue their struggle for the protection of their rights and the preservation of their identities. They claim equality and ask the state to fulfil its obligations more than ever before. The Turkish government could play a historical role by bringing an end to the discrimination and the ignorance which has lasted almost a century. It is time to remember the forgotten ones, understand their needs, support their demands and fulfil Turkey’s obligations under international law. The critical point is perhaps accepting the fact that every single minority member has equal rights as the rest of the population, and should enjoy this equality in practice.

Recommendations

To the government of Turkey

- Turkey should ratify the FCNM, the European Charter for Regional or Minority Languages, the UNESCO Convention on Discrimination in Education and Protocol 12 to the ECHR, and remove all reservations on the treaty provisions protecting minority rights and the education rights of minorities.
- A central body composed of government officials, representatives of minorities, experts and NGOs should be set up to develop a national policy for the protection of minorities' rights, including education rights.
- In each province of Turkey where minorities live, a consultation body should be set up which represents the relevant minorities in that actual province and which, in cooperation with the officials of the ministry, works for protection of minorities' rights, including educational rights.
- Adequate, relevant and statistically correct information on the numbers of various minority groups and the spread of them must be provided.
- Cooperation with international governmental agencies, such as the OSCE High Commissioner on National Minorities, and international NGOs, to develop a new policy on minorities must be improved.
- The government should stop seeking reciprocity in guaranteeing minority rights.

The right to receive education

- Article 10 of the Turkish Constitution should be amended to clearly allow taking of special measures.
- A comprehensive policy that specifically targets disadvantaged groups and prioritizes their needs should be developed in consultation with minorities, and implemented. Special measures should be taken for Roma, displaced and seasonal workers' children, particularly for girls, to improve their access to education so that they can continue their studies.
- An adequate budget should be allocated at central level.
- More initiative and funding should be given to directorates, schools and teachers in regions where the most disadvantaged are concentrated, to develop special projects and programmes that will increase access to education.
- A nationwide programme providing scholarships to the children of these disadvantaged groups must be developed.

- Special attention should be paid to regional disparities and to affirmative measures, including allocating more financial sources for education in the disadvantaged regions.
- Special attention should be paid to traditions and values that prevent girls from accessing education. Awareness-raising should be carried out through the media and other means. Improving relations with parents will improve schooling of these children, particularly girls.

Language and education

- Article 3 of the Turkish Constitution should be amended so as to refer to the 'official language of the state' instead of the 'language of the state'.
- Article 42 of the Turkish Constitution should be amended so as to guarantee all minorities the right to learn and receive education in their mother tongue.
- Article 134 of the Turkish Constitution and Article 10 of the Fundamental Law on National Education should be amended so as to promote minority languages as equal to the Turkish language.
- Articles prohibiting protection of minority cultures and languages should be removed from all codes.
- The Turkish state should stop seeking for reciprocity in the management of Rum schools.
- A consultation body at national level should be set up, where minorities, experts and NGOs working on mother tongue and education could participate in policy-making.
- Directorates and schools should have freedom to develop bilingual programmes and classes, depending on the needs and demands of their students.
- Minority languages should be taught at all schools as selective subjects when there is demand, and should be available to both minority and majority pupils.
- In areas inhabited by minorities traditionally or in substantial numbers, and when there is sufficient demand, public schools should provide the curriculum in both Turkish and minority languages.
- Assistance should be sought from other states (those using the languages of minorities in Turkey as the language of instruction, or those that provide language classes in minority languages) and institutions that work on languages of minorities in Turkey.
- Teaching models for bilingual education should be developed and supported. The state should support

institutions that develop the curriculum in minority languages.

- All minorities should be granted the right to set up and manage their own educational institutions, both in the Constitution and the Fundamental Law on National Education. The state should provide financial support to those that ask for it.
- Private minority schools should be enabled to enrol students who are not Turkish citizens or who do not belong to that minority group.
- The Turkish headmaster position should be eliminated in minorities' private schools.
- Approval of textbooks used by minority schools should be facilitated through a simple and speedy process.
- Undue legal and bureaucratic limitations on private minority schools and language courses should be lifted. The state should provide financial support to those that ask for it.
- The state should open courses to teach minority languages when there is demand. Local authorities particularly should take responsibility for this.
- Linguistic departments on all minority languages should be established at universities. The state should support the training of minority-language teachers.
- Research centres and associations working on minority languages should exercise their right to association freely, without facing administrative and legal charges, and receive financial support from the state.
- A curriculum and textbooks in minority languages should be prepared in consultation with minorities and their research centres.

Teaching religion at schools

- Article 24 of the Turkish Constitution should be amended to remove the mandatory religious culture and ethics class, and a participatory solution developed.
- If it is agreed that an alternative class should be developed, minorities should be consulted, and such a class should meet the criteria laid down by the ECtHR and other international bodies. It should be objective and pluralist, and target the promotion of peace, understanding and diversity.
- Textbooks developed for an alternative class should meet the same criteria.
- The content of the class should be developed with the involvement of Alevi and independent experts.
- Teachers should receive training on all religions and beliefs, philosophy and pedagogy. Graduates from the current theology departments who have not gone through such training should be re-trained. The curriculum of the philosophy or theology departments

should be amended to enable training of teachers specialized in teaching religious culture.

- Administrative and legal actions should be taken and supported against any teachers who force pupils to carry out religious practices which are not covered in the curriculum.

Discrimination in school books and education

- A comprehensive equality law, which will define and prohibit discrimination *inter alia* in education, and provide remedies, should be adopted, according to the standards drawn up in the Racial Equality Directive.
- An equality body should be set up to assist victims of discrimination, carry out research on discrimination and assist the government to develop policies to eliminate discrimination.
- Regulations and circulars should be issued by the government and the Ministry of National Education on defining and banning discrimination and harassment; remedies should be available for the victims of such acts in all areas, including in the field of education.
- Harassment of minority students at schools by teachers or other students should not be tolerated. Both administrative and legal charges must be brought against perpetrators. Such charges must be clearly defined by law.
- Discriminatory statements and expressions stereotyping minorities should be removed from textbooks.
- Textbooks and the curriculum should be reviewed to include information on different ethnic and religious communities in Turkey, and promote multiculturalism and tolerance.
- Education should be used to campaign against racism; and racism and its practice in history should be taught at schools.
- In all teachers' colleges, the curriculum should cover diversity, multiculturalism, tolerance, discrimination, harassment.
- The oath read at primary schools should be eliminated.
- The Preamble of the Constitution and Articles 2 and 11 of the Fundamental Law on National Education, the curriculum and textbooks should be revised and nationalist views removed.
- The reading of the national anthem at schools, except at official ceremonies, should be ended. Those who prefer not to read it should not be forced to do so.
- Turkey should ratify Protocol 12 to the ECHR.

To the EU

- The EU should develop closer relations with the members of minorities.

- The EU should inform minority NGOs and those working on minority issues about the accession process and the Copenhagen Criteria, and how these could be used to advocate for minority rights in Turkey.
- The EU should be more direct, clear and precise about Turkey's obligations regarding minority protection as one of the accession criteria.
- The EU should provide more funding to projects related to minority protection in Turkey.
- The EU should be more clear and motivating about Turkey's membership. Statements that de-motivate public officials and Turkish society about Turkey's membership should be avoided.
- Information on EU standards should be provided to assist the government and public officials. Study visits should be organized and manuals on practices in the EU should be published and disseminated in Turkish.
- The EU should carry out activities that would raise awareness and give objective information about the EU and the minority rights standards in the EU area, by using the media and other means.

Notes

- 1 See Articles 3, 5 and 14 of the Turkish Constitution. The full text of the Turkish Constitution in English can be viewed at <http://www.byegm.gov.tr/mevzuat/anayasa/anayasa-ing.htm>
 - 2 Articles 3 and 42 of the Constitution.
 - 3 In 2004, Eğitim Sen, the Trade Union of Education and Science Labourers, faced closure for referring to 'education in mother tongue' as one of its targets in its statute. More information on this is provided in the section on 'Language and education' in this report.
 - 4 See conclusions 7/A/iii at URL: http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/en/ec/72921.pdf
 - 5 Turkey joined the Council of Europe in 1949 and was one of the first signatories to the European Convention on Human Rights. It made an application to join the European Economic Community (EEC) in 1959. The military coup of 1980 caused a temporary suspension in Turkey-EEC relations. Turkey applied for full membership in 1987 and was officially recognized as a candidate in 1999. Accession negotiations officially started in October 2005.
 - 6 Adopted 16 December 1966, came into force 3 January 1976. Turkey ratified the Covenant on 23 December 2003 with the following reservation:

'The Republic of Turkey reserves the right to interpret and apply the provisions of paragraph (3) and (4) of Article 13 of the Covenant on Economic, Social and Cultural Rights in accordance to the provisions under Articles 3, 14 and 42 of the Constitution of the Republic of Turkey.'
 - 7 Adopted 20 November 1989, came into force 2 September 1990. See Articles 28 and 29. Turkey ratified the Treaty on 4 May 1995 with the following reservation:

'The Republic of Turkey reserves the right to interpret and apply the provisions of Articles 17, 29 and 30 of the United Nations Convention on the Rights of the Child according to the letter and the spirit of the Constitution of the Republic of Turkey and those of the Treaty of Lausanne of 24 July 1923.'
 - 8 Adopted 21 December 1965, came into force 4 January 1969. See Article 5/e/v. Ratified by Turkey on 16 October 2002. Turkey has not recognized the authority of the Committee on the Elimination of Racial Discrimination to examine individual complaints.
 - 9 Adopted 16 December 1966, came into force 23 March 1976. Turkey ratified the Covenant on 23 September 2003.
 - 10 Adopted 18 December 1979, came into force 3 September 1981. Turkey ratified the Treaty on 20 December 1985, and the Optional Protocol that guarantees individuals the right to bring complaints to the Committee on the Elimination of Discrimination Against Women, on 29 October 2002.
 - 11 Article 10.
 - 12 Turkey has the following reservation to the ICCPR:

The Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the International Covenant on Civil and Political Rights in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendices.'
 - 13 Adopted 18 December 1992.
 - 14 Adopted by the General Conference of UNESCO on 14 December 1960.
 - 15 The Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Rights of the Child, the Human Rights Committee (HRC), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination against Women.
 - 16 Adopted 4 November 1950, came into force 3 September 1953. Turkey ratified the Convention on 18 May 1954.
 - 17 The Protocol was ratified by Turkey on 18 May 1954 with the following reservation:

'Having seen and examined the Convention and the Protocol (First), we have approved the same with the reservation set out in respect of Article 2 of the Protocol by reason of the provisions of Law No. 6366 voted by the National Grand Assembly of Turkey dated 10 March 1954. Article 3 of the said Law No. 6366 reads: Article 2 of the Protocol shall not affect the provisions of Law No. 430 of 3 March 1924 relating to the unification of education. Period covered: 18/5/1954 - '
 - 18 Adopted 20 March 1952, came into force 18 May 1954. Article 2 protects the right to education.
 - 19 Adopted 4 November 2000, came into force 1 April 2005.
 - 20 Turkey signed the Protocol on 18 April 2001.
 - 21 Adopted 1 February 1995, came into force 1 February 1998.
 - 22 Articles 12-14.
 - 23 Adopted 5 November 1992, came into force 1 March 1998. Article 8.
 - 24 Adopted 1 October 1996.
 - 25 Article 14. The full text of the Charter can be viewed at URL: http://www.europarl.europa.eu/charter/pdf/text_en.pdf
 - 26 See Article 2/3 of the Lisbon Treaty.
 - 27 *Official Journal of the European Communities*, 24 December 2002.
 - 28 Council Directive 2000/43/EC, of 29 June 2000.
 - 29 The Copenhagen Criteria were accepted by the European Council in 1993. See conclusions 7/A/iii:

'Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.'
- See URL: http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/en/ec/72921.pdf
- 30 Most of the Jews expelled by France in 1394, and those expelled by Germany and Bavaria in 1470 came to Anatolia. The population of Jews in Anatolia increased with the arrival of Jews escaping from the persecution in Portugal and Spain in the fifteenth century. See Ercan, Y., *Osmanlı Yönetiminde Gayrimüslimler, Kuruluştan Tanzimat'a Kadar Sosyal, Ekonomik ve Hukuki Durumları*, Ankara, Turhan Kitabevi, 2001, pp. 65 and 70.

- 31 Alkan, M.Ö., *Education Statistics in Modernization from the Tanzimat to the Republic*, Historical Statistics Series, State Institute of Statistics, vol. 6, p. 18. Of these 77 belonged to Greeks, 48 to Armenians, 8 to Catholics, 44 to Jews, 5 to Protestants and 3 to Karayis.
- 32 *Ibid.*, p. 104. Of these 4,229 belonged to Greeks, 594 to Armenians, 55 to Armenian Catholics, 269 to Jews, 689 to Bulgarians, 85 to Serbs, 63 to Ulahs, 50 to Catholics, 4 to Bulgarian Catholics, 198 to Armenian Protestants, 60 to Greek Catholics, 55 to Assyrians, 44 to Keldanis, 5 to Assyrian Catholics, 3 to Keldani Catholics, 28 to Marunis, 1 to Samiris and 5 to Yakubis.
- 33 *Ibid.*, p. 111. These schools belonged to the following nations: French (98), American (127), English (54), Italian (13), German (20), Russian (5), Austrian (8), Iranian (1).
- 34 For more information on negative perception of minorities see Oran, B., *Türkiye’de Azınlıklar: Kavramlar, Lozan, İç Mevzuat, İçtihat, Uygulama*, TESEV, June 2004, pp. 111–18, URL: http://www.tesev.org.tr/etkinlik/baskin_oran.pdf, accessed 8 June 2008. See also MRG, *A Quest For Equality: Minorities in Turkey*, London, MRG, 2007, pp. 6, 7, 10.
- 35 The Treaty was signed on 24 July 1923 between Turkey and the British Empire, France, Italy, Japan, Greece, Romania and the Serb-Croat-Slovene state.
- 36 Lausanne Treaty, Article 39.
- 37 *Ibid.*, Article 40.
- 38 *Ibid.*, Article 41.
- 39 The case brought against Eğitim-Sen is an example of this.
- 40 Law no. 2820, adopted 22 April 1983, came into force 24 April 1983.
- 41 *Ibid.*, Article 81.a.
- 42 *Ibid.*, Article 81.b.
- 43 File no. 1996/1, Decision no.1997/1, Judgment of 14 Subat 1997.
- 44 See among others *Emek Partisi and Şenol v. Turkey*, Application no. 39434/98, judgment of 31 May 2005; *United Communist Party of Turkey v. Turkey*, Application no. 133/1996/752/951, judgment of 30 January 1998; *Freedom and Democracy Party (ÖZDEP) v. Turkey*, Application no. 23885/94, judgment of 8 December 1999.
- 45 The number of Armenians, for instance, has declined from 300,000 in 1923 to 60,000 in 2007, whereas the total population has increased by 5.8 times.
- 46 *Cumhuriyet Dönemi İstanbul İstatistikleri, Eğitim İstanbul I (İlk, Orta, Lise, 1928–1996) İstanbul Külliyyatı*, İstanbul, 1998, p. 14.
- 47 Galatasaray University uses French as the language of instruction in all departments. Marmara University uses French as the language of instruction in the department of public administration. Yeditepe University uses French as the language of instruction in the department of political science and international relations. Hacettepe, Marmara and Yeditepe universities use German as the language of instruction in some departments. Boğaziçi University, İstanbul Bilgi University and many other private universities use English as the language of instruction. Some examples of private secondary schools that teach in languages other than Turkish are, Private Notre Dame de Sion French High School, Private Saint Benoît, French High School, İstanbul Private Saint Joseph High School that teach in French; the Private Italian High School that teaches in Italian; and the Private German High School and St George Austria High School and Commercial School that teach in German.
- 48 ‘Foreign schools’ is the term used for non-minority private schools teaching in languages other than Turkish.
- 49 *Cumhuriyet Dönemi İstanbul İstatistikleri, op. cit.*, p. 15.
- 50 Adopted 23 May 1969, came into force 27 January 1980. URL: http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf, accessed 31 August 2008. Article 19. An example of criticism by other states regarding Turkey’s reservation policy is Ireland’s objection to Turkey’s

reservation on the CRC: ‘With regard to the reservations made by ... and by Turkey upon signature’:

‘The Government of Ireland consider that such reservations, which seek to limit the responsibilities of the reserving State under the Convention, by invoking general principles of national law, may create doubts as to the commitment of those States to the object and purpose of the Convention.’

- 51 İflazoğlu, N., ‘Devlet Diyarbakır’da’, *Radikal*, 6 January 2008, URL: www.radikal.com.tr, accessed 4 May 2008.
- 52 *Hasan and Eylem Zengin v. Turkey*, ECtHR, Application no. 1448/04, judgment of 9 October 2007.
- 53 ‘Hüseyin Çelik: “Seçmeli din dersi olabilir”’, CNN TURK, 9 March 2008, URL: www.cnnturk.com, accessed 4 May 2008.
- 54 Interview with an expert working on the education system in Turkey, 9 September 2008.
- 55 Information given in this section is taken from MRG, *A Quest for Equality: Minorities in Turkey*, London, MRG, December 2007, pp. 11–14, URL: www.minorityrights.org, accessed 28 April 2008, unless specified otherwise.
- 56 The Hacı Bektaş Veli Anatolia Culture Foundation estimates the Alevi population in Turkey at 30 million.
- 57 Representatives of various Alevi NGOs have been interviewed during writing of this report. All have stated that they do not wish to be called a ‘minority’ for various reasons, including negative perceptions of ‘minorities’ in Turkey.
- 58 Interview with Cumhur Bal, General Coordinator of the Federation of Caucasian Associations.
- 59 Article 26/1.
- 60 Article 13.
- 61 Article 28.
- 62 Article 14.
- 63 Article 28.
- 64 Tomaševski, K., *Preliminary Report of the Special Rapporteur on the Right to Education*, submitted in accordance with Commission on Human Rights resolution 1998/33, E/CN.4/1999/49, adopted 13 January 1999. The criterion of ‘availability’ requires functioning educational institutions and programmes available in sufficient quantity. The principle of ‘accessibility’ requires educational institutions and programmes to be physically and economically accessible to everyone, in law and in practice, especially to the most vulnerable groups, without discrimination. The principle of ‘acceptability’ is related to the form and substance of education, which needs to be acceptable (culturally appropriate for instance) to students and parents. The principle of ‘adaptability’ requires the education system to be adaptable to the needs of changing societies and communities, and to respond to the needs of students from diverse social and cultural settings.
- 65 E/C.12/1999/10, adopted 8 December 1999.
- 66 *Ibid.*, paragraphs 12 and 14.
- 67 *Ibid.*, paragraph 35.
- 68 *Ibid.*, paragraph 47.
- 69 *Ibid.*, paragraph 50.
- 70 *Ibid.*, paragraph 47.
- 71 CEDAW, Article 4, 10/e and 10/f.
- 72 Law no. 1739, adopted 14 June 1973, came into force 24 June 1973.
- 73 Law no. 4306, adopted 16 August 1997.
- 74 UNICEF, *A Gender Review in Education, Turkey 2003 (10)*, URL: <http://www.unicef.org/turkey/gr/ge21ja.html>, accessed 22 May 2008.
- 75 Regulation Bussing in Basic Education, adopted by the Ministry of National Education on 15 April 2000.
- 76 According to data released by the United National Development Programme (UNDP), the literacy rate is 87.4 per cent for all Turkey; 95.3 per cent among men and 79.6 per cent among women in all Turkey.

- 77 UNDP Human Development Report 2007/2008, URL: http://www.undp.org.tr/publicationsDocuments/NHDR_En.pdf, accessed 10 September 2008.
- 78 For more information about the campaign see the official website of the campaign, URL: www.haydikizlarokula.org
- 79 UNICEF, 'Programlar 2006–2010: Kaliteli Eğitim', URL: http://www.unicef.org/turkey/pr_2010/_ge77.html#ge77a, accessed 24 May 2008.
- 80 Percentages given in the report are based on the figures given in the 2000 national census, issued by the Turkish Statistical Institute, see URL: <http://www.tuik.gov.tr/Bolgesellistik/degiskenlerUzerindenSorgula.do?durum=acKapa&menuNo=168&altMenuGoster=1&secilenDegiskenListesi>, accessed 10 September 2008.
- 81 *Ibid.*
- 82 Workshop organized by MRG on 'The Right to Education in Multicultural Societies: Turkey's Experience', Istanbul, 26–7 January 2008.
- 83 UNICEF in Turkey: Country Profile, URL: http://www.unicef.org/turkey/ut/ut2_2010.html#nt8, accessed 2 September 2008.
- 84 ILO and Turkish Statistical Institute, *Working Child 2006*, Ankara, Turkish Statistical Institute, October 2007, Table 3.12.
- 85 Şanlıurfa, Adıyaman, Adana, Batman, Diyarbakır and Gaziantep.
- 86 Eğitim-Sen, *Mevsimlik Tarım İşçiliği Nedeni İle Eğitimine Ara Veren İlköğretim Öğrencileri Araştırması*, 14 December 2007, URL: <http://www.egitimsen.org.tr/down/mevsimliktarimisci.doc>, accessed 23 May 2008.
- 87 *Ibid.*, p. 5.
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- 141 Law no. 625, adopted 8 June 1965, Article 24.
- 142 Law no. 5580, *op. cit.*
- 143 Interview with Garo Paylan, *op. cit.*
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- 146 Interview with Garo Paylan, *op. cit.*
- 147 Law no. 5580, *op. cit.*, Article 5/c/1.
- 148 Statement by Garo Paylan at the workshop organized by MRG on 'The Right to Education in Multicultural Societies: Turkey's Experience', on 26–7 January 2008, Istanbul.
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- 150 Article 41, paragraphs 2–3 reads as follows:
- 'In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes. The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.'*
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- 181 CRC, Article 29.
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- 242 Interview with Cumhur Bal, *op. cit.*
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working to secure the rights of minorities and indigenous peoples

minority
rights
group
international

Forgotten or Assimilated? Minorities in the Education System of Turkey

Since the Turkish Republic was established in 1923, minorities have been perceived as a threat to the 'indivisible integrity of the state with its territory and nation' enshrined in the Turkish Constitution. This has had a grave impact on generations of minorities in accessing their fundamental rights in Turkey, including their education rights.

Many members of minority communities feel that the Turkish education system works to assimilate them. Turkish identity and nationalism are promoted as fundamental values while distinct minority cultures, history and religions are ignored. Because of the discrimination, harassment and humiliation that children from minority communities face,

they often hide their ethnic and religious identities.

While Turkey has ratified many relevant international treaties, it has put reservations on provisions that are relevant to minorities' rights, and their right to education. The European Union accession process has had some positive impact the education rights of minorities in Turkey, but much remains to be done.

Many teachers and workers in minority NGOs have been interviewed for this report, which looks in detail at the issues of language, religion and discrimination in education. It concludes with a series of detailed recommendations for the Turkish government and the EU.