

# **T U R K E Y**

## **SECTION A**

### **Capital**

Ankara 2,782,200 (1996 est.)

### **Area**

780,580 sq km (300,948 sq mi)

### **Form of government**

Republic

### **GDP—per capita**

Purchasing power parity—\$6,200 (1999 est.)

### **Population**

65,599,206 (July 1999 est.)

### **Ethnic composition**

Turkish	80-88%
Kurdish	10-20%
Arabs	1.5%
Other	0.3%

### **Official language**

Turkish

### **Minority language**

Kurdish, Arabic, Caucasian, Greek, Hebrew

### **Legislation dealing with the use of languages**

The Constitution of Turkey, adopted November 7, 1982

*Foreign Language Education and Teaching Law* (No.2923)

*The Law concerning the Founding and Broadcast of TV and Radio*  
(No.3984, April 13, 1994)

*Political Parties Law* (No.2820, April 26, 1982)

*Press Law* (No.5680, July 15, 1950)

*The law concerning fundamental provisions on elections and voter registries* No. 298, adopted on April 26, 1961

*Provincial Administration Law No. 5442*, adopted on June 10, 1949

Note: In accordance with the 1923 Treaty of Lausanne, in Turkey there are “Turkish nationals belonging to non-Moslem minorities”. These are Greek Orthodox, Armenians and Jews and they are known as “religious minorities” in Turkey. Articles 37-45 of the 1923 Treaty determine the rights of those non-Moslem. Article 45 states that:

“The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.”

### **Background notes**

Mustafa Kemal founded the modern Republic of Turkey in 1923 from a portion of the Ottoman Empire, following the empire's collapse as a result of World War I (1914-1918). Turkey became a secular state in 1928, and a multiparty political system was established in 1950. Apart from a brief period of government by a military junta in 1960 and 1961, Turkey remained under civilian rule until 1980, when, in a period of political instability, inflation, and acts of terrorism, the military again took control. Civilian rule was restored to Turkey at the end of 1983.

In 1945 Turkey joined the UN and in 1949 it became a member of NATO. Turkey occupied the northern portion of Cyprus in 1974 to prevent a Greek takeover of the island; relations between the two countries remain strained. Periodic military offensives against Kurdish terrorists have dislocated part of the population in southeast Turkey and have drawn international condemnation.

Independence achieved on October 29, 1923 as the successor state to the Ottoman Empire.

## **SECTION B**

### **Where does one observe language to be a problem in the country?**

The Constitution does not recognize the Kurds as a national, racial, or ethnic minority, although they are in fact the country's largest ethnic and linguistic minority. There are no legal barriers to ethnic Kurds' participation in political and economic affairs, and many Members of Parliament and senior officials and professionals are Kurds. However, Kurds who publicly or politically assert their Kurdish identity or publicly espouse the use of Kurdish in the public domain, including a Parliamentarian who listed "Kurdish" as one of his foreign languages, risk public censure, harassment, or prosecution.

Kurds who are long-term residents in industrialized cities in western Turkey were in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds currently migrating westward (including those displaced by the conflict in the southeast) bring with them their culture and village identity, but often little education and few skills.

The Ministry of Education tightly controls the curriculum in schools with the exception of foreign-language schools, which are not part of the Turkish system. The small numbers of Greek-language students have little opportunity to continue their education in Turkey, and consequently many go to Greece, often never to return.

### **To what extent are minority groups in this country disadvantaged by their language?**

Until as recently as 1991 it was illegal to speak Kurdish in Turkey even in private. Although the language ban has been lifted, various legal restrictions on the expression of minority identity remain in Turkey. Use of Kurdish is now allowed in informal settings, but it remains outlawed in schools and cannot be used in political settings or in broadcasts other than music.

The issue is extremely sensitive, and the Turkish government for years has claimed that expressions of Kurdish identity were veiled attempts to break up the State. Conversely, Turkey's officially recognized Greek, Armenian and Jewish minorities are allowed schools in their own languages.

The legal framework still lags far behind developments in society. Recognizing this, successive governments since 1990 have sought to liberalize laws that are used to punish free expression. However, they

have neglected to address the underlying rationale for creating such legislation in the first place.

In 1991, the government repealed a law passed in 1983 that prohibited the use of Kurdish (Law No. 2932) and also broke down the taboo on debating the Kurdish issue in public. That effort, combined with the introduction of private television, spawned a raucous and largely unlimited debate on the Kurdish question that lasted through 1993.

In place of these laws, however, the government passed the Anti-Terror Law. Articles 7 and 8 of that law were often used to punish free expression dealing with the Kurdish question. Although Turkey softened the Anti-Terror Law in 1995 and eased some restrictive articles of the constitution the same year, further attempts at liberalization regarding the Kurdish question fell victim to the escalating violence. Laws still exist that prevent broadcasting in Kurdish, teaching Kurdish in private or state schools, and using Kurdish in political campaigns.

### **The use of language in everyday life, education, broadcasting and other**

According to the 1923 Treaty of Lausanne the official minority status has been granted to only three religious minorities: GREEK ORTHODOX, ARMENIANS, and JEWS. Referring to the Article 40 of that Treaty those religious minorities can establish any schools freely at their own expense. Within the context of Article 41 they also have the right to teach their own languages in their schools, which belong to their respective communities or foundations.

Article 41 of the 1923 Treaty of Lausanne states:

“As regards public institution, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

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 budget for educational, religious, or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.”

In accordance with Article 39 of the 1923 Treaty, religious minorities may use any language in private interaction, in commerce, religion, in the press, or in the publications of any kind or at public meetings.

## KURD

Private spoken and printed communications in Kurdish have been legal since 1991. However, the use of minority languages, including Kurdish, in television and radio broadcasts, by political parties, and in schools is restricted by a plethora of laws and even articles of the Constitution. These restrictions are invoked arbitrarily. Television and radio stations in the southeast occasionally play Kurdish music, although authorities have imposed restrictions on some songs. The State of Emergency regional Governor frequently bans Kurdish recordings that may be played legally elsewhere in the country. Kurdish is widely spoken on the streets, especially in the largely Kurdish southeast, and Kurdish music recordings reportedly were widely available there despite some being banned. Materials dealing with Kurdish history, culture, and ethnic identity are available but continue to be subject to confiscation and prosecution under the “indivisible unity of the state” provisions of the Anti-Terror Law. Actual confiscations were rare during the year 1999.

## EDUCATION

Under Article 42.9 of the Constitution, Turkish is the official – though not the exclusive – language of instruction. The National Security Council decides by decree which foreign languages may be taught in Turkey. At present, the following foreign languages can be taught in public and private learning institutions: English, French, German, Russian, Italian, Spanish, Arabic, Japanese and Chinese. Kurdish is not listed.

Consequently, state officials have blocked efforts to provide Kurdish-language instruction. While education in Kurdish takes place in informal settings and through tutors, such actions are, strictly speaking, illegal. Efforts to teach Turkish in rural areas where ethnic Kurds predominate have had mixed results. One-third of those living in the southeastern region did not speak Turkish, a figure that rose to 50% among women.

In practical terms, the inability to communicate often causes problems when dealing with state authorities, especially in attempts to access services like health care. The inability to speak Turkish among rural Kurds has led to a legacy of underdevelopment and poverty, as well as traditional family structure, and, more recently, the conflict in the region.

The Foreign Language Education and Teaching Law are confusing: "The mother tongue of Turkish citizens cannot be taught in any language other than Turkish (2923-14.10.1983 Article 2/a)." The element of strangeness is that according to the meaning of the sentence, it is possible for a Turkish citizen to have a mother tongue other than Turkish, but that mother tongue can be taught only in Turkish.

The State, the Constitution, and the Laws have the right to decree that the official language be taught as the primary and mandatory language in all schools.

#### BROADCASTING

The use of Kurdish in broadcasting is still prohibited. The abolition of Law No. 2932 of October 1983 ("The Law Concerning Publications and Broadcasts in Languages Other Than Turkish") removed legal obstacles to publishing in Kurdish and other languages, but not impediments to broadcasting. The constitutional basis for Law No. 2932, however, still exists. The 1994 Law, which regulates radio and television broadcasting, mandates the exclusive use of Turkish except in certain circumstances.

Despite an absolute prohibition against broadcasting in Kurdish, Kurdish-language music and music videos—as long as they are not overtly political—seem to be tolerated. The army, in fact, runs a radio station called "Voice of the Tigris" (Dicle Radyosu) that broadcasts in two major Kurdish dialects as well as in Turkish and Turkmen. An observer of the Kurds in Turkey commented that, "Kurdish music is played, as long as it is not political."

Many state officials realize the need to legalize Kurdish-language broadcasting given that many ethnic Kurds, especially those living in southeastern Turkey, speak Turkish poorly or not at all. Without such a medium, the state is unable to reach a substantial section of ethnic Kurds.

#### **Did the country ratify any international treaty dealing with the protection of minorities?**

It is useful to mention the Convention on the Rights of the Child, which Turkey has ratified with reservations. It stipulates that: "States agree that the education of the child shall be directed to the development of respect for the child's parents, his or her own cultural identity, language and values..."

## **What else can be found about languages and minorities?**

The PKK (Worker's Party of Kurdistan) is also guilty of severe human rights abuses, intimidating and murdering those who stand in its way. The PKK assassinated individuals suspected of "cooperating with the State", such as teachers, civil servants, and former PKK members. Between 1992-95, the PKK is believed to have committed at least 768 politically motivated assassinations.

### **Conclusion**

Turkey does not recognize the Kurdish people. In 1983 the law prohibited the use of Kurdish and suppressed their culture. Only in 1991 did the State permit the use of Kurdish again, although to do so frequently leads to discrimination and possible persecution. As anti-Turkish propaganda is still liable to heavy punishment, the usage of Kurdish in (legal) publications is still rare.

For Kurds, who have not been recognized before, there is no possibility of a return to a status quo as compared to the Albanians of Kosovo. The Turkish Republic has no history of autonomy and recognition of national minorities, thus the government offers no such prospective to the Kurdish population.

The presence of many other ethnic minorities leads the government to see the Kurdish quest for recognition as the first step in the Turkish variant of the "Domino theory." This is not seen as a valid argument as most of the other minorities do not have a strongly developed ethnic identity and their recognition would not necessarily lead to disintegration.

## **SECTION C**

### **Legislation dealing with the use of languages**

#### ***Updated (October 2001)***

In October, the Turkish Parliament adopted 37 changes to the constitution to strengthen the freedom rights of the individuals and thus to meet the expectation from the European Union to fulfill the accession criteria. As far as Kurdish language is concerned, the law which prohibited "spreading of thoughts in a legally forbidden language" was abolished and Kurdish can now be introduced in television and radio. But Ms Pervine Jamil, President of the Kurdish Information and Liason Office in Brussels, argues that this abolishment is not enough. "With the constitutional change they erased the article saying that Turkish is the

official language, and people can now use another language in everyday situations as long as they are not promoting separatism. But they did not replace the old rule with another law, stating openly that Kurdish language can be freely spoken and written in broadcasting.” According to her there is still a long way to go and it will take a very long time because Turkish mentality is not prepared for the democracy even if it concerns 15 million Kurds living in Turkey.

***Updated (October 2002)***

The Official Gazette of the Republic of Turkey has recently made public a regulation according to which the use of languages other than Turkish will be allowed in education. This is another reform undertaken by Turkey as a result of the requirements put forward by the EU concerning the future membership of this state. The process of opening to language plurality will be limited to the private courses only.

It should be noted, however, that at the beginning of this year a number of students were imprisoned after having manifested their support to the education in the Kurdish language, though they were acquitted after the approval of these new regulations.

Source: Mercator News, <http://www.troc.es/ciemen/mercator/index-gb.htm>, September 2002

***Updated (May 2003)***

#### TURKEY PLANS TO LIBERALIZE ITS LANGUAGE POLICY TOWARDS NON-OFFICIAL LANGUAGES

The Turkish Government will soon submit to the Grand National Assembly a fourth harmonization package, which further liberalizes language policy towards non-official languages.

The improvements of linguistic rights include the following:

- The ban on the Act on Elections, which forbids the use of non-official languages in the political propaganda, will be abolished
- The ban on the Act on Political Parties, which prohibits the use of non-official languages in the activities of political parties, will be abolished as well
- The Act of the Supreme Board on Radio and Television will be modified in order to allow broadcasting in non-official languages by both state and private stations

- The restrictions on giving non-Turkish names to children in the Act on Population will be removed

Source: Mercator News, April 2003,  
<http://www.ciemen.org/mercator/index-gb.htm>

***Updated (June 2003)***

**TURKEY IMPROVES MINORITY LANGUAGE RIGHTS WITH A VIEW TO EU-ACCESSION**

On June 19, the Turkish Parliament adopted the 6<sup>th</sup> harmonization package, including articles, which allow private radio and television stations to broadcast in non-official languages, as well as to register the personal names in non-official languages. This package also reduces ban on media organizations during elections and eases censorship on audiovisual products, such as songs and movies.

This step is aimed to comply with the political criteria for EU-membership, which requires respect for and protection of national minorities.

The Turkish Government will vote about another set of reforms before the Parliament's summer recess to finish legislative changes by the end of this year and to concentrate on their implementation throughout 2004.

Though EU leaders (who met in a summit in Thessaloniki, Greece, on June 19-21), praised Turkey for its reform efforts so far, they called on the Government to do more. Likewise, the European Parliament adopted a resolution at the beginning of June, where it welcomes Turkey's progress towards the membership. However, it urges Turkey to respect minority languages and religions and, in particular, to build a more relaxed and constructive relationship with its citizens of Kurdish origin. It also calls for effective access for all people, irrespective of their origin, to radio and television broadcasting and education in Kurdish and other non-Turkish languages.

Source: Mercator News, June 2003,  
<http://www.ciemen.org/mercator/index-gb.htm>

## **Updated (July 2003)**

### THE TREATY OF LAUSANNE

*The Treaty of Lausanne* (signed with Turkey on July 24, 1923) recognized only non-Muslim groups as minorities in Turkey and allowed them to manage their own churches, schools and hospitals. The rest of the population was assorted as Turkish, what referred to “an upper identity, an umbrella concept” or “a legal status” according to the Turkish authorities.

In the 1927 general Census, fourteen linguistic and seven religious groups were registered. In 1965, more detailed categorization was made when besides Turkish, thirteen languages spoken by Muslim groups; three languages spoken by non-Muslim minorities; seven Slavic languages; three Latino languages and three Anglo-Saxon languages were registered.

The Turkish policy on recognizing non-Muslim groups as minorities has not changed significantly. Although the new government, elected in November 2002, on the one hand diverged notably foreign policy from the traditional lines, on the other hand, it did not accept non-Muslim groups to be minorities in Turkey. Thus, in the recent language reforms, the term “minority languages” is not used.

Non-official languages are classified as “the different languages and dialects used traditionally by Turkish citizens in their daily lives.” However, according to the international documents, enjoyment of cultural rights does not depend on the recognition of minority status.

In this respect, the situation of non-Muslim groups, whose rights have been recognized under the Treaty of Lausanne, should be distinguished from the linguistic situation of Muslim groups.

#### Article 39

*No restrictions shall be imposed on the free use of any language by any Turkish national in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings. Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the courts.*

#### Article 41 states

*As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem*

*nationals are resident, adequate facilities for ensuring that in primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in these schools.*

## CONSTITUTIONS

The political model of the nation is described in all three of Turkey's Constitutions.

Article 88 of the 1924 Constitution stated:

*In Turkey, from the citizenship point of view, everyone is a Turk without regard to race or religion.*

Article 54 of the 1961 Constitution stated:

*Every individual who is bound to the Turkish state by ties of citizenship is a Turk.*

Article 66 of the present Constitution, adopted in 1982, states:

*Everyone bound to the Turkish State through the bond of citizenship is a Turk.*

## OTHER LEGISLATION

The languages of the Muslim groups have not enjoyed special protection under the law.

In 1925, the Ministry of Education issued a proclamation on "Currents Trying to Undermine Turkish Unity" that banned the use of the terms describing minority communities and the areas they inhabit (Cerkez, Kurdistan and Lazistan).

A failure to speak Turkish began to be seen as an impediment to a nation building. In 1928, the Student Society of Istanbul University started a campaign called "Citizens speak Turkish." In 1934, the law requiring surnames to be in Turkish came into force.

In 1935, ***the Law on Compulsory Settlement*** was passed giving Turkish-speaking immigrants more freedom to choose their place of settlement. In 1949, the *Provincial Administration Law* gave the Ministry of Interior the right to change village names that were not in Turkish.

However, Turkish democracy suffered further crises afterwards. The Constitution was replaced in 1982, following military intervention in

1980. The new Constitution, which is still in force, has often been criticized for its broad restrictions on fundamental rights and freedoms.

At the end of 1983, the military left power. The measures introduced during this period included **Law No. 2932**, which prohibited the use of languages other than Turkish as the mother tongue and activities to publicize other languages.

Although one of these laws, ***the Law on Publications and Broadcasts in Languages Other than Turkish*** (Law No. 2932 of 1983) was repealed and publishing in non-official languages became legally unrestricted in 1991, the constitutional basis for such prohibitions remained. ***The Political Parties Law, the Law on the Founding and Broadcasts of Television and Radio, the Foreign Language Education and Teaching Law, the Law on Fundamental Provisions of Elections and Voter Registries*** and ***the Provincial Administration Law***, all included articles restricting the use of non-official languages. For example Article 81 of *the Political Parties Law* prohibited political parties with:

*The goal of destroying national unity or engaged in activities to this end, by means of protecting, developing, or disseminating languages or cultures other than the Turkish language and culture through creating minorities in the Republic of Turkey.*

The Law amending several Articles of the Constitution (**Law No. 4709**, dated October 3, 2001) was published in the Official Gazette on October 17, 2001. It covers 35 Articles, two of which aim to remove restrictions on the use of different languages and dialects. According to Article 9 of this law the sentence, “*No language prohibited by law shall be used in the expression and dissemination of thought*” is deleted from Article 26 of the Constitution. Likewise, according to Article 10, the second paragraph of Article 28 of the Constitution stating, “*Publications shall not be made in any language prohibited by law*” is deleted.

Article 42 of the Constitution, which reads, “*No language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institutions of training and education.*” remained intact.

The second step taken in the area of linguistic rights was passing of **Law No. 4771** by the Turkish Grand National Assembly on August 3, 2002. This Law amending various laws was published in the Official Gazette on August 9, 2002. It contained two articles enabling broadcasting in non-official languages and allowing private courses to teach non-official languages.

Article 8 enables broadcasting in non-official languages by adding the following provision to **Law No. 3984 (the Law on Establishment and Broadcasting of Radio Stations and Television Channels)**, dated April 13, 1994:

*Furthermore, there may be broadcasts in the different languages and dialects used traditionally by Turkish citizens in their daily lives. Such broadcasts shall not contradict the fundamental principles of the Turkish Republic enshrined in the Constitution and the indivisible integrity of the state with its territory and nation. The principles and procedures for these broadcasts and the supervision of these broadcasts shall be determined through a regulation to be issued by the Supreme Board.<sup>1</sup>*

Article 11 caused another significant change in the area of linguistic rights when it amended **the Foreign Language Education and Teaching Law (No. 2923)**, dated October 14, 1983, by changing its name and purpose to include learning of different languages and dialects used by Turkish citizens. The following paragraph was also added to Article 2:

*Private courses subject to the provisions of the Law on Private Educational Institutions No. 625 dated June 8, 1965 can be opened to enable the learning of the different languages and dialects used traditionally by Turkish citizens in their daily lives. Such courses cannot be against the fundamental principles of the Turkish Republic enshrined in the Constitution and the indivisible integrity of the state with its territory and nation. The procedures and principles related to the opening and regulation of these courses shall be undertaken through a regulation to be issued by the Ministry of National Education.*

With the amendment to **Law No. 2923**, the legal obstacle preventing learning of the different languages and dialects used traditionally by Turkish citizens in their daily lives was removed. Nevertheless, the first sentence of Article 2, which stipulates, “*The mother tongues of Turkish citizens can not be taught in any language other than Turkish*” remained intact.

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<sup>1</sup> The Secretariat General for European Union Affairs provided the following justification for the Article:

“Amending Article 4 of Law No. 3984 with paragraph (A) has been aimed to enhance cultural life within the scope of individual rights and freedoms, in line with the objectives of the Accession Partnership document and the NPAA of Turkey. This arrangement has secured conformity with the amendments made to Articles 26 and 28 of the Constitution with Law No. 4709. This amendment is also in line with the international conventions of the Council of Europe where Turkey is a founding member and the Copenhagen political criteria.”

After lifting the prohibitions and preparing the legal basis for use of the mother tongue in broadcasting and education, two regulations were issued to set forth the rules for implementing these changes.

***The By-law on the Learning of Languages and Dialects Used Traditionally by Turkish Citizens in their Daily Lives*** was drafted by the Ministry of Education and published in the Official Gazette on September 20, 2002. The draft was based on **Law No. 625**, which regulates opening, and functioning of private education courses. The regulation consisted of 5 Sections and 16 Articles.

The by-law stipulates that courses teaching non-official languages could be established once they had fulfilled the required conditions and had received the permits issued by the Ministry. According to Article 7, “*The personnel appointed to these courses has to have Turkish citizenship and fulfill the qualifications required by Law No. 625.*”

Article 8 allows Turkish citizens with at least primary-level education to register on the courses. Persons under 18 years of age can be registered with the permission of parents or legal guardians.

According to Article 10, the course syllabus has to be approved by the Ministry and the list of trainees is to be submitted to the Director of National Education. The article also stipulates that the course syllabus should only cover the learning of non-official languages.

***The Regulation on the Language of Radio and Television Broadcasts*** was prepared by the Supreme Board of Radio and Television and published in the Official Gazette on December 18, 2002. The regulation consists of 4 Sections and 11 Articles. Article 4 declares, “*The main language of broadcasts is Turkish.*”

Article 5 allows broadcasts in non-official languages, “*Broadcasts can also be made in the different languages and dialects traditionally used by Turkish citizens in their daily lives.*” It specifically stipulates, “*No broadcasts can be made towards the teaching of these languages and dialects.*” Furthermore, “*The duration of radio broadcasts in these languages and dialects shall not exceed 45 minutes per day and a total 4 hours per week. TV broadcasts shall not exceed 30 minutes per day and a total of 2 hours per week. TV broadcasts shall be accompanied by Turkish subtitles, which will fully correspond to the broadcast in terms of timing and the content. As regards radio broadcasts, a Turkish translation will be broadcast after the program.*”

According to this article, the broadcasts will be made by the Turkish Radio and Television Corporation (TRT). This article also defines the duration and content of the broadcasts.

Article 8 defines the restrictions on the broadcasts in non-official languages as follows, “*Radio and Television broadcasts in the different languages and dialects traditionally used by Turkish citizens in their daily lives cannot violate the supremacy of the law; the basic principles of the Constitution; basic rights and liberties; national security; general morality; the fundamental characteristics of the Republic as set out in the Constitution; the indivisible integrity of the state with its country and people; Law No. 3984 and the principles and procedures set out in the regulations based on this law; the requirements foreseen by the Supreme Board and its conditions of permission and guarantees and should be made within the framework of a public service approach.*”

The last step in the area of linguistic rights thus far was made with the adaptation of the 4<sup>th</sup> harmonization package by Parliament on January 2, 2003 (see also Update May 2003). With the amendments made to ***the Law on Associations***, the prohibition on the use of languages and scripts other than Turkish in declarations of associations was abolished, in line with the constitutional amendment in Article 26. Using foreign languages in non-official communications and communication with institutions abroad was also permitted by the law.

Source: Recent Changes in Turkey’s Language Legislation by Dr. Özlem Eraydin Virtanen, Adnan Menderes University, Nazilli, Turkey, 2003, <http://www.ciemen.org/mercator/index-gb.htm>

### **Background notes**

#### **Updated (July 2003)**

#### HISTORICAL BACKGROUND OF THE TURKISH LANGUAGE POLICY

Since the Middle Ages, leaders concentrate their efforts on improving the inferior status of the Turkish language in society. One of the Turkish historians, E. Z. Karal, writes, “In the history of Turkey, the language problem indicates efforts made to transform Turkish into an independent, national and modern language.”

As early as in the 10<sup>th</sup> Century, when the Turks adopted Islam, the Turkish language was heavily influenced by Persian and Arabic. Although, in line with Turkish expansion to the West, the Turkish language had spread from sedentary groups to semi-sedentary groups and then to settled groups, this did not prevent the dominance of Arabic and Persian in science, education, literature and even administration. It is recorded that during the Seljuk<sup>1</sup> period the language of the palace was

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<sup>1</sup> A Turkish dynasty ruling in central and western Asia from the 11<sup>th</sup> to the 13<sup>th</sup> Century

Persian and that some Turkish sultans did not hesitate to adopt Persian names.

Ironically, the poets of that time who wrote in Turkish pointed out that Turkish, in comparison with Arabic and Persian, is a limited, crude and inexpressive language and their shortcomings must therefore be overlooked. When in 1277, Karamanoglu Mehmet Bey, the leader of a principality that emerged after the dissolution of the Seljuks, prohibited the use of languages other than Turkish it was not to confirm the superiority of Turkish, but rather to prevent the domination of other languages. The Ottoman dynasty did not follow the Seljuk model and used Turkish in the Ottoman palace. However, the territorial expansion of the Ottoman Empire also failed to contribute to the status of Turkish. In fact, the expansion degraded the status of Turkish in two ways: by reducing the proportion of Turkish speakers in the overall population of the Empire, and by elevating the status of Persian and Arabic because of the increased importance of Islam.

The elite of the Empire spoke a synthetic language called Ottoman Turkish (*Osmanlica*). Loaded with Arabic and Persian words and influenced by their grammatical rules, Osmanlica was almost unintelligible to common people. The Turkish language was again undervalued and the word “Turk” carried negative implications such as “vulgar, inconsiderate, and illiterate.” The minorities were free to use their languages. Moreover, the Ottoman Sultans sometimes addressed the minorities in their respective languages and used foreign languages in their diplomatic correspondence with European states.

Karal identifies the period between 1453 and 1517 as being marked by the growing influence of Arabic and Persian, and 1517-1718 as the period when the superiority of these languages over Turkish was completed. In the 18<sup>th</sup> Century, language awareness among the Turks emerged. However, specific measures to improve the status of the language were not introduced until after 1839. With debates on the form of the state also discussions about the status of Turkish were open but this issue was resolved only when the Republic of Turkey was created.

Turkish became the official language of the Ottoman State with Article 18 of the 1876 Constitution. This article stated, “A *prerequisite for Ottoman subjects' employment in State service is knowledge of Turkish, which is the official language of the State.*” As yet, there was no agreement as to which language variety (the palace or the folk language) should become the standard language. During the first assembly of Parliament, another problem concerning language became evident. The differences between the various dialects of Turkish were so great that the secretaries were unable to type the speeches of the members of parliament.

The second Constitution made Turkish compulsory in all primary schools. In regions where they constituted the majority, minority groups were allowed to learn their languages at school, in addition to Turkish. The Turkish language was also compulsory at secondary level, where the regional languages became optional. Private schools were permitted under the condition that they would be controlled by the state. Another law was passed making the use of Turkish in court compulsory.

These language policy measures proved to be counterproductive. The minorities, who had enjoyed greater linguistic rights until then, reacted against the new rulings because they saw them as a policy of Turkification. Instead of uniting the nation, these policies raised language movements that went hand in hand with national revolts, particularly in the provinces with a large Arabic-speaking population. The proposal to teach regional languages to judges was inapplicable because of the number of languages spoken in the country.

## EDUCATION

Despite the growing European interest in Turkish, it was not taught at any level of general education in the Ottoman Empire. Turkish was used at just one school (*Enderun*); however, Turks were not permitted to attend this school, training students for administrative posts. Although minorities were allowed to print books in their languages since 1494, Turkish was not used in printing until the 18<sup>th</sup> Century. The translation of Qur'an (Koran) into Turkish was prohibited by ulema (Doctors of Islamic law) until the 20<sup>th</sup> Century.

Until 1910, Turkish was not introduced into medreses (educational institution) due to the strong resistance of ulema. Several schools based on the European model, such as the Navy School (1773) and the Military School (1793) began to use the Turkish language partially.

It was the adoption of compulsory education, creation of the Translation Bureau and publication of the Official Gazette that brought significant changes to the status of Turkish in education and science. Yet, when high schools and universities were set up almost a century later, the difficulties involved in using Turkish at these levels of education once again became clear and the previous measures were acknowledged as being insufficient.

## DEMOGRAPHIC DATA ON LANGUAGES IN TURKEY

There is no up-to-date demographic data on the language groups in Turkey. The official censuses from 1965 up to 1985 included questions about mother tongue and the second language, but their results were not

displayed publicly. After 1985, the questions about mother tongue were omitted.

The data collected from the official censuses up to 1965 are regarded to be not entirely reliable because they vary substantially.

For the purpose of the censuses, a mother tongue was defined as the language spoken at home. The main aim of the question about the second language was to learn about the knowledge of Turkish among other linguistic groups. The number of registered linguistic groups has changed over time: 14 in the 1927 Census, 31 in 1935 and 1945, 28 in 1950, and 25 in 1955, 1960 and 1965.

**NUMBER OF SPEAKERS OF NON-OFFICIAL LANGUAGES IN TURKEY  
(1927-1965)** Source: F. Dundar, Minorities in Turkish Censuses

		1927	1935	1945	1950	1955	1960	1965
Abaza	Mother tongue	-	10,099	8,602	17,200	13,655	4,689	4,563
	2nd language	-	2,108	1,265	-	1,489	8,018	7,836
	<b>per 1000*</b>	<b>-</b>	<b>0,75</b>	<b>0,53</b>	<b>0,82</b>	<b>0,63</b>	<b>0,46</b>	<b>0,4</b>
Albanian	Mother tongue	21,774	14,496	14,165	16,079	10,893	12,000	12,832
	2nd language	-	26,161	17,701	-	25,898	37,144	40,688
	<b>per 1000*</b>	<b>1,69</b>	<b>2,52</b>	<b>1,69</b>	<b>0,77</b>	<b>1,52</b>	<b>1,78</b>	<b>1,7</b>
Arabic	Mother tongue	134,273	153,687	247,294	269,038	300,583	347,690	365,340
	2nd language	-	34,028	60,061	-	95,612	134,962	169,724
	<b>per 1000*</b>	<b>9,85</b>	<b>11,62</b>	<b>16,35</b>	<b>12,84</b>	<b>15,34</b>	<b>17,39</b>	<b>16,99</b>
Armenian	Mother tongue	67,745	57,599	47,728	52,776	56,235	52,756	33,094
	2nd language	-	9,782	12,354	9,322	6,084	19,444	22,260
	<b>per 1000*</b>	<b>4,97</b>	<b>4,17</b>	<b>3,18</b>	<b>2,96</b>	<b>2,59</b>	<b>2,6</b>	<b>1,76</b>
Bosnian	Mother tongue	-	24,615	10,9	24,013	11,844	14,570	17,627
	2nd language	-	13,526	9,599	-	12,669	37,526	39,589
	<b>per 1000*</b>	<b>-</b>	<b>2,36</b>	<b>1,09</b>	<b>1,14</b>	<b>1,01</b>	<b>1,87</b>	<b>1,82</b>
Circassian	Mother tongue	95,901	91,972	66,691	75,837	77,611	63,137	58,339
	2nd language	-	14,703	9,779	-	22,861	65,061	48,621
	<b>per 1000*</b>	<b>7,04</b>	<b>6,6</b>	<b>4,07</b>	<b>3,62</b>	<b>4,17</b>	<b>4,62</b>	<b>3,4</b>
Georgian	Mother tongue	-	57,325	40,076	72,604	51,983	32,944	34,330
	2nd language	-	16,255	9,337	-	24,720	54,941	44,934
	<b>per 1000*</b>	<b>-</b>	<b>4,56</b>	<b>2,63</b>	<b>3,47</b>	<b>3,19</b>	<b>3,16</b>	<b>2,52</b>
Greek	Mother tongue	119,822	108,725	88,680	89,472	79,691	65,139	48,096
	2nd language	-	67,547	64,736	55,280	58,990	82,830	78,941
	<b>per 1000*</b>	<b>8,8</b>	<b>10,9</b>	<b>8,16</b>	<b>6,91</b>	<b>6,91</b>	<b>5,32</b>	<b>4,05</b>
Hebrew	Mother tongue	68,900	42,607	51,019	35,786	33,010	19,399	9,981
	2nd language	-	3,578	2,800	3,770	4,107	4,375	3,510
	<b>per 1000*</b>	<b>5,06</b>	<b>2,86</b>	<b>2,86</b>	<b>1,89</b>	<b>1,54</b>	<b>0,86</b>	<b>0,43</b>
Kurdish**	Mother tongue	1,184,446	1,480,246	1,476,562	1,854,569	1,679,265	1,847,674	2,370,233
	2nd language	-	114,456	117,130	215,352	263,020	469,458	447,080

	<b>per 1000*</b>	<b>86,9</b>	<b>98,69</b>	<b>84,82</b>	<b>98,82</b>	<b>80,71</b>	<b>83,49</b>	<b>89,75</b>
<b>Laz</b>	Mother tongue	-	63,523	39,323	70,423	30,566	21,703	26,007
	2nd language	-	5,061	4,956	-	19,144	38,275	55,158
	<b>per 1000*</b>	-	<b>4,23</b>	<b>2,36</b>	<b>3,36</b>	<b>2,07</b>	<b>2,16</b>	<b>2,59</b>
<b>Pomak</b>	Mother tongue	-	32,661	10,287	36,612	16,163	24,098	23,138
	2nd language	-	8,38	5,594	-	22,816	28,602	34,234
	<b>per 1000*</b>	-	<b>2,48</b>	<b>0,85</b>	<b>1,74</b>	<b>1,62</b>	<b>1,9</b>	<b>1,83</b>
<b>Romani</b>	Mother tongue	-	7,855	4,463	-	-	-	-
	2nd language	-	-	193	-	-	-	-
	<b>per 1000*</b>	-	<b>0,58</b>	<b>0,28</b>	-	-	-	-
<b>Tatar</b>	Mother tongue	11,465	15,615	10,047	-	-	-	-
	2nd language	-	4,106	2,255	-	-	-	-
	<b>per 1000*</b>	<b>0,84</b>	<b>1,22</b>	<b>0,65</b>	-	-	-	-

\*Proportion of non-official language groups in overall population

\*\*Kurdish was divided into three groups in the 1950 Census and into four in the 1960 Census

#### *MOTHER-TONGUE SPEAKERS OF NON-OFFICIAL LANGUAGES\* IN TURKEY*

\*Languages with more than 1,000 speakers

- Abaza 10,000 (1995)
- Abkhaz 4,000 (1980) out of 35,000 (1993)
- Adyghe (Circassian) 71,000 out of 130,000
- Albanian 15,000 (1980) out of 65,000 (1993)
- Armenian 40,000 out of 70,000 (1980)
- Balkan Gagauz 327,000
- Bulgarian 270,000 (1993)
- Chechen 8,000
- Domari 20,000 (1982) out of 61,000
- Georgian 40,000 out of 91,000 (1980)
- Greek 4,000 (1993)
- Kabardian 202,000 (1993)

- Kirghiz 1,137 (1982)
- Kirmanjki 140,000 (1972)
- Kurmanji 3,950,000 (1980) out of 6,500,000 (1993)
- Ladino 8,000 out of 15,000 (1976)
- Laz 30,000 out of 92,000 (1980)
- Lezgi 1,200
- Mesopotamian Spoken Arabic 100,000
- North Levantine Spoken Arabic 500,000
- North Mesopotamian Spoken Arabic 400,000
- Romani 25,000 to 40,000
- Serbo-Croatian 20,000 (1980) out of 61,000 (1980)
- South Azerbaijani 530,000
- Turoya 3,000 (1994) out of 50,000 to 70,000
- Uzbek 1,981 (1982)
- Western Farsi 500,000

Source: Ethnologue: Languages of the World, 14<sup>th</sup> Edition, SIL, 2002

Source: Recent Changes in Turkey's Language Legislation by Dr. Özlem Eraydin Virtanen, Adnan Menderes University, Nazilli, Turkey, 2003, <http://www.ciemen.org/mercator/index-gb.htm>

### **The use of language in everyday life, education, broadcasting and other**

#### ***Updated (May 2002)***

Even though Kurds are one of the biggest nations in the world, they do not have their own country where they could practice their language and culture freely. In 1998 there were around 30 millions Kurds living in Kurdish regions in Iran, Iraq, Turkey, Syria and in the former Soviet Union. A growing number of Kurds have recently migrated to European countries and the USA. Currently, there are no reliable statistics for the actual number of Kurdish speakers.

The mass migration from Kurdistan has started in earnest in 1970's and still continues. In 1998 the number of Kurds in exile was estimated to be 3 millions which was about 10% of the entire Kurdish population. It seems the Kurds are going to become the Jewish nation of the 21<sup>st</sup> century. Unlike some others, Kurds do not live in large communities, but are rather scattered around the country (and world). This makes it difficult to maintain their native culture, language and identity.

## MEDIA

The first wave of migration abroad, as a result of forced or self-exile, started at the turn of the century. Some members of the educated, royal family of Badirxans moved to Europe in the late 1880's. In exile, they started to publish in the Kurdish language. The first Kurdish newspaper, called "Kurdistan" was published in 1898, in Cairo.

Although currently printing materials in Kurdish is legal, the police continue to interfere with the distribution of some newspapers. In April 2000, the pro-Kurdish daily "Ozgur Bakis" ceased publication, blaming government pressure (closure orders, fines, investigations of 124 out of 370 editions). In its place "Yeni Gundem" newspaper began to be published in May but it was banned in the emergency region a week later.

Also in April, the state of emergency governor banned four magazines ("Ozgur Halk, Yasamda Genclik, Ozgur Kadının Sesi and Rewsen"). In May the governor banned distribution of several newspapers and journals, including Kurdish-language weekly "Azadiya Welate" (which had been banned previously). However, these publications can be accessed in the emergency region on the Internet.

In 2000, Kurdish-language cassettes and publications were available commercially, although the periodic banning of particular cassettes or singers continued, especially in the emergency region. Kurdish-language broadcasting of news, commentaries and discussions was illegal in the country. One radio station broadcasted in Kurdish but was widely believed to be government-sponsored. Kurdish music was played on radio and television programs with certain restrictions, especially in the emergency zone and adjacent provinces. The Government's broadcast monitoring agency closed some stations for playing banned Kurdish music with the objectionable political content.

Banned pro-PKK Medya-TV broadcasted in Kurdish from Europe and could be received via a satellite dish. Another station based in northern Iraq called Kurdistan TV and not banned could be received via a satellite.

The Mesopotamian Cultural Center (MKM), an NGO that seeks to promote Kurdish language and culture, continued to operate as well as the Kurdish culture and research foundation (Kurt-Kav). In February Kurt-Kav was acquitted of charges alleging promotion of separatism for its sponsorship of scholarships for 30 Kurdish-speaking students.

## CHILDREN

This situation will have a real impact on a new generation of Kurdish children who neither can go to visit their homeland nor can experience its native culture and language. The children are cut off from their parents' culture and language and thus the communication becomes more and more difficult and a gap between them is wider.

Familiarizing Kurdish children with their culture and teaching them Kurdish face many difficulties in foreign countries. Kurds are scattered all over the world so a different approach has to be taken in order to get these children together to share their experiences. Creation of Kurdish educational tapes and videotapes is one of the possibilities. Those Kurds who live in Europe can watch TV programs in Kurdish by MED-TV. The international Kurdish channel is a very good initiative.

The progress of computer and information technology has made it possible to pass over the boundaries and frontiers and to reach resources and people in very far places in a very short time. The Internet has opened a new horizon for people to work together while being in different countries and remote areas.

Source: A Proposal for teaching Kurdish children their native language skills, Rebwar Fatah, Burhan Elturhan, Siamak Rezaei Durroei, June 1998,  
<http://www.cogsci.ed.ac.uk/~siamakr/Kurdish/KURDICA/1998/DEC/proposal-child.html>

Country Reports on Human Rights Practices 2000, released by the Bureau of Democracy, Human Rights and Labor, February 23, 2001, Turkey, <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/844.htm>

## ***Updated (July 2003)***

## IMPROVEMENTS IN ENJOYMENT OF CULTURAL RIGHTS OF THE ETHNIC MINORITIES

Since the new legislation has come into force some improvements in the enjoyment of cultural rights have been reported. As there is no official body specialized in language policy, this information on improvement is gathered from newspapers and reports of international organizations.

One example is a concert supported by the Ministry of Culture on Turkey's Victory Day where a famous Turkish singer performed in several languages. The EU 2002 Regular Report informed about several positive signs in the Southeast, such as a photographic exhibition, the European Film Festival, the Culture and Nature Festival with no ban on bands singing in Kurdish and the abolition of bans on journals and newspapers.

However, in spite of legislative developments, several incidents (singing in Kurdish and refusal of the Registry of Birth Administrations to register children with Kurdish names) concerning restriction have also been reported. Opening private courses for non-official languages is said to be costly (new buildings, equipment and personnel).

Another important incident concerning linguistic rights took place in December 2001 and January 2002, when students began to campaign for optional courses in Kurdish in the university curriculum. The Higher Education Board recommended university rectors to impose disciplinary sanctions on the petitioners, claiming that the right to petition was exploited in this case. According to "*Radikal*" (Turkish daily newspaper), till February 2003, 104 students had been expelled from school, 1,215 students had been suspended from higher education and 44 had lost scholarships as a result.

Source: Recent Changes in Turkey's Language Legislation by Dr. Özlem Eraydin Virtanen, Adnan Menderes University, Nazilli, Turkey, 2003, <http://www.ciemen.org/mercator/index-gb.htm>

## APPENDIX A

### MAP OF TURKEY



## **APPENDIX B**

### **TURKEY - CONSTITUTION**

(Adopted on November 9, 1982)

(Amended in 1995)

#### **Article 3**

The Turkish State, with its territory and nation, is an indivisible entity. Its language is Turkish.

#### **Article 10**

All individuals are equal without any discrimination before the law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

#### **Article 14**

None of the rights and freedoms embodied in the Constitution shall be exercised with the aim of violating the indivisible integrity of the State with its territory and nation, of endangering the existence of the Turkish State and Republic, of destroying fundamental rights and freedoms, of placing the government of the State under the control of an individual or a group of people, or establishing the hegemony of one social class over others, or creating discrimination on the basis of language, race, religion or sect, or of establishing by any other means a system of government based on these concepts and ideas.

#### **Article 26**

No language prohibited by law shall be used in the expression and dissemination of thought. Any written or printed documents, phonograph records, magnetic or video tapes, and other means of expression used in contravention of this provision shall be seized by a duly issued decision of a judge or, in cases where delay is deemed prejudicial, by the competent authority designated by law. The authority issuing the seizure order shall notify the competent judge of its decision within twenty-four hours. The judge shall decide on the matter within three days.

## **Article 28**

The press is free, and shall not be censored. The establishment of a printing house shall not be subject to prior permission or the deposit of a financial guarantee.

Publication shall not be made in any language prohibited by law.

## **Article 42**

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.

Note: The full text of the Constitution of Turkey can be found at an Internet site maintained by the Turkish Ministry of Foreign Affairs.

## **EXCERPTS FROM RELEVANT LAWS AND DECREES**

(All translations are unofficial.)

### **TURKISH PENAL CODE NO. 765, ADOPTED ON MARCH 1, 1926**

#### **Article 159**

(Amended in 1961/235)

Those who publicly insult or ridicule the moral personality of Turkishness, the Republic, the Parliament, the Government, State Ministers, the military or security forces of the state, or the Judiciary will be punished with a penalty of no less than one year and no more than six years of maximum security imprisonment....

If insulting Turkishness is carried out in a foreign country by a Turk the punishment given will be increased from one-third to one-half.

### **POLITICAL PARTIES LAW NO. 2820, ADOPTED ON APRIL 26, 1982**

#### **Article 81**

(Preventing the Creation of Minorities)

Political parties:

- a) Cannot put forward that minorities exist in the Turkish Republic based on national, religious, confessional, racial, or language differences....
- b) Cannot by means of protecting, developing, or disseminating language or cultures other than the Turkish language and culture through creating minorities in the Republic of Turkey have the goal of destroying national unity or be engaged in activities to this end;
- c) Cannot use a language other than Turkish in writing and printing party statute or program, at congresses, at meetings in open air or indoor gatherings; at meetings, and in propaganda, cannot use or distribute placards, pictures, phonograph records, voice and visual tapes, brochures and statements written in a language other than Turkish; cannot remain indifferent to these actions and acts committed by others; however, it is possible to translate party statutes and programs into foreign languages other than those forbidden by law.

**THE LAW CONCERNING THE FOUNDING AND BROADCASTS OF TELEVISION AND RADIO NO. 3984, ADOPTED ON APRIL 13, 1994**

**Article 4**

(Broadcasting Principles)

Radio and Television broadcast are to be carried out in the understanding of public service according to the principles below:

Broadcasts cannot be contradictory to the following:

- a) The existence and independence of the Turkish Republic, the indivisible unity of the state with its territory and nation;
- b) The national and spiritual values of society....
- d) The general morality, civil peace, and structure of the Turkish family;

Must be conducted in accordance with:

- h) The general goals and basic principles of Turkish national education and the development of national culture;
- i) Fairness and objectivity in broadcasting and the fundamental principle of respect for the law....
- l) To present news in a speedy and correct way;

m) The principle that broadcasts will not be made that have a negative effect on the physical, intellectual, mental, and moral development of children and youth....

t) Radio and television broadcasts will be made in Turkish; however, for the purpose of teaching or of imparting news those foreign languages that have made a contribution to the development of universal cultural and scientific works can be used.

## **FOREIGN LANGUAGE EDUCATION AND TEACHING LAW No. 2923**

### **Article 2**

a) The mother tongue of Turkish citizens cannot be taught in any language other than Turkish....

c) Taking into consideration the view of the National Security Council, the Council of Ministers by its decision will determine in Turkey what foreign languages can be taught.

## **DECISION NO. 92/2788, OFFICIAL GAZETTE, MARCH 20, 1992**

2—...It had been decided by the Council of Ministers on March 4, 1992 that in official and private courses education and teaching are to be made in the following languages: English, French, German as well as Russian, Italian, Spanish, Arabic, Japanese, and Chinese.

## **THE LAW CONCERNING FUNDAMENTAL PROVISIONS ON ELECTIONS AND VOTER REGISTRIES NO. 298, ADOPTED ON APRIL 26, 1961**

### **Article 58**

It is forbidden to use any other language or script than Turkish in propaganda disseminated in radio or television as well as in other election propaganda.

## **PRESS LAW NO. 5680, ADOPTED ON JULY 15, 1950**

### **Article 16**

(Criminal responsibility for crimes committed by means of the press)  
(Amended in 1983/2950)

4. If publication is made in any language prohibited by law, the relevant articles, which envision converting into monetary fines and of not giving a penalty of placing under security detention shall not be applied.

**PROVINCIAL ADMINISTRATION LAW NO. 5442, ADOPTED ON JUNE  
10, 1949**

**Article 2/d/2**

(Amended in 1959/7267)

Village names that are not Turkish and give rise to confusion are to be changed in the shortest possible time by the Interior Ministry after receiving the opinion of the Provincial Permanent Committee.

**THE LAW CONCERNING CRIMES COMMITTED AGAINST ATATÜRK  
NO. 5816, ADOPTED ON JULY 25, 1951**

**Article 1**

Anyone who publicly insults or curses the memory of Atatürk shall be imprisoned with a heavy sentence of between one and three years.

A heavy sentence of between one and five years shall be given to anyone who destroys, breaks, ruins, or defaces a statue, bust, or monuments representing Atatürk or the grave of Atatürk.

Anyone who encourages others to commit the crimes outlined in the paragraphs above will be punished as if committing the crime.

If the crimes outlined in the second paragraph of the first article are committed using force...the penalty will be doubled.

# **BYLAW ON THE LEARNING OF LANGUAGES AND DIALECTS USED TRADITIONALLY BY TURKISH CITIZENS IN THEIR DAILY LIVES**

[Ministry of National Education, September 20, 2002]

## **SECTION I**

### **GENERAL PROVISIONS**

#### **Article 1 (Purpose)**

The purpose of this bylaw is to establish rules to govern the opening, functioning and the bylaw of private courses, held in accordance with the Act No. 625 on Private Educational Institutions, dated 8/6/1965, for the learning of languages and dialects used traditionally by Turkish citizens in their daily lives.

#### **Article 2 (Scope)**

This bylaw covers work and transactions to be undertaken in relation to private courses to be held, in accordance with Act No. 625 on Private Educational Institutions, dated 8/6/1965, for the learning of languages and dialects used traditionally by Turkish citizens in their daily lives.

#### **Article 3 (Justification)**

This bylaw has been prepared on the basis of the Fundamental Law of National Education, No. 1739, dated 14/6/1973, Act No. 625 on Private Educational Institutions, dated 8/6/1965, Act No. 2923 on the Education and Teaching of Foreign Languages and the Learning of Different Languages and Dialects by Turkish Citizens, dated 14/10/1983.

#### **Article 4 (Definitions)**

The terms used in this bylaw are as follows:

- a) The Ministry (the Ministry of National Education)
- b) Course (a private course held for the learning of languages and dialects used traditionally by Turkish citizens in their daily lives)
- c) Trainee (a trainee registered in the course)
- d) Program (an instruction program the name, level and duration of which has been indicated and approved by the Ministry)

- e) Term (a total duration of instructions indicated in the instruction program)

### **Article 5 (The Purpose of the Course)**

The purpose of the course is to undertake, in accordance with the general purposes and basic principles of Turkish National Education, activities for the learning of languages and dialects used traditionally by Turkish citizens in their daily lives.

## SECTION II

### ESTABLISHING INSTITUTIONS AND BEGINNING TEACHING

#### **Article 6**

When the conditions referred to in the Bylaw on Private Educational Institutions Affiliated with the Ministry of Education for the permits for "establishment of institutions" and "beginning of teaching" have been fulfilled, the Ministry shall issue these permits.

#### **Article 7 (Appointments)**

The Director, assistant director, teacher, master trainer and other personnel shall be appointed to the course for which a permit has been issued.

The personnel to be allowed to work must fulfill the qualifications and conditions indicated in the Act No. 625 on Private Educational Institutions and the Bylaw on Private Educational Institutions Affiliated with the Ministry of Education, he/she must be a citizen of the Republic of Turkey and must fulfill the qualifications and conditions identified by the Council for Education and Training.

The personnel to be appointed are to be allowed to work in accordance with the provisions of Article 23 of the Act No. 625 on Private Education Institutions and the relevant articles of the Bylaw on Private Educational Institutions Affiliated with the Ministry of Education.

The personnel, other than the administrators, teacher and master trainers, should:

- a) Be a citizen of the Republic of Turkey,
- b) Be a graduate of primary education at least (primary school for those graduating before the implementation of the Act No. 4306, dated 16/8/1997),

c) Have no convictions other than for crimes of negligence, no convictions for infamy and for crimes committed against the States and should not have been deprived of public rights,

d) Have medical reports confirming that there are no physical or mental illnesses that will prevent the continuous performance of the duties.

### **Article 8 (Rules for registration)**

Turkish citizens with at least primary education may register in the courses. For persons under 18 years of age a written consent of parents or a legal guardian is required for the registration.

Students in the 6th, 7th and 8th year may register in weekend and summer courses with the written consent of his/her parents or a legal guardian.

Trainees may not be transferred from one course to another.

### **Article 9 (Documents required for registration)**

These documents are required for registration of trainees:

- a) Copy of a birth certificate
- b) Certificate of education or its duplicate (these documents may be approved by the director of course if the original is presented)
- c) Four wallet-size photographs

### **Article 10 (Teaching programs, terms, daily work hours)**

The teaching program of the course is to be approved by the Ministry.

The course is to consist only of the teaching programs for learning of languages and dialects used traditionally by Turkish citizens in their daily lives.

The list of trainees is to be submitted at the beginning of each term to the director of national education with which the course is affiliated.

Activities may be undertaken between 8:00 and 22:00. The duration of each lesson is 45 minutes.

The teaching of persons less than 18 years old is to be undertaken within working hours.

Lessons shall not be held during national holidays.

## SECTION III

### VARIOUS PROVISIONS

#### **Article 11 (Monitoring)**

Monitoring of the courses is to be undertaken by the Ministry of Education. Experts along with inspectors may also be appointed if necessary.

#### **Article 12 (Dress code)**

The provisions of the Bylaw on the Dress Code for Personnel and Students at Schools affiliated with the Ministry of National Education and Other Ministries, which entered into force with Council of Ministers Decision No. 8/3349, dated 22/7/1981, are to be applicable for the founder, representative of the founder, the administrator, teachers and other personnel; the provisions applied at other official public education institutions are to be applicable for trainees registered in the course.

#### **Article 13 (Co-education)**

Co-education is undertaken in accordance with Article 15 of the Act No. 1739 on the Fundamental Law of National Education, dated 14/6/1973, and Article 5 of the Bylaw on Private Educational Institutions affiliated with the Ministry of Education.

#### **Article 14 (Other Matters)**

The provisions of legislation on private educational institutions are to be applied to the matters not covered by this Bylaw.

## SECTION IV

### ENTRY INTO FORCE AND IMPLEMENTATION

#### **Article 15 (Entry into force)**

This Bylaw shall enter into force at the date of its publication.

#### **Article 16 (Implementation)**

The provisions of this Bylaw are to be implemented by the Minister of National Education.

[Non-official translation]

Source: Mercator Bulletin No. 53,  
<http://www.ciemens.org/mercator/bulletins/53-04.htm>

# **REGULATION ON THE LANGUAGE OF RADIO AND TELEVISION BROADCASTS**

[Radio and Television Supreme Board December 18, 2002]

## **SECTION ONE**

### **OBJECTIVE, JUSTIFICATION AND DEFINITIONS**

#### **Article 1**

The objective of this Regulation is to regulate the procedures and principles relating to broadcasting made in the different languages and dialects traditionally used by Turkish citizens in their daily lives in addition to radio, television and data broadcasting in Turkish.

#### **Article 2**

This Regulation has been prepared based on Article 4 of Law No. 3984 on the Establishment and Broadcasts of Radio and Television amended by Law No. 4771.

#### **Article 3**

As for the terms used in this Regulation;

- a) The Supreme Board denotes the Radio and Television Supreme Board
- b) "TRT" denotes the Turkish Radio and Television Corporation
- c) Law denotes Law No. 3984 on the Establishment and Broadcasts of Radio and Television
- d) Data broadcasts denotes broadcasts made, either together with or in relation to radio and television broadcasts or independently of radio and television programs, via electromagnetic waves, data networks and other means with the intention to inform the public directly

## SECTION TWO

### LANGUAGE OF BROADCASTS

#### **Article 4**

The main language of broadcasting is Turkish. It must be ensured that Turkish is used as the language of communication without distorting its characteristics and rules and that Turkish is promoted as a modern language of culture, education and science.

#### **Article 5**

Broadcasts can also be made in the different languages and dialects traditionally used by Turkish citizens in their daily lives.

Broadcasts in the different languages and dialects traditionally used by Turkish citizens in their daily lives shall be made by the Turkish Radio and Television Corporation.

In these languages and dialects, broadcasts of news, music and culture can be made for adults. No broadcasts can be made towards the teaching of these languages and dialects.

Within the framework of the financial contributions of the Radio and Television Supreme Board and the means available to the TRT, broadcasts will be made, also taking on board the views and requests of the administrative authorities, in these languages and dialects through a protocol to be concluded between the Supreme Board and the TRT and surveys will be undertaken to establish the listener-viewer profile of these broadcasts.

The provisions of this Regulation and the aforementioned protocol apply to broadcasts to be made by the TRT in these languages and dialects.

The duration of radio broadcasts in these languages and dialects shall not exceed 45 minutes per day and a total of 4 hours per week. TV broadcasts shall not exceed 30 minutes per day and a total of 2 hours per week. TV broadcasts shall be accompanied by Turkish subtitles which fully correspond to the broadcast in terms of timing and the content. As regards radio broadcasts, a Turkish translation will be broadcast after the program.

#### **Article 6**

The Turkish Radio and Television Corporation shall apply to the Supreme Board with the executive board decision indicating the

broadcasting area with respect to the viewer-listener profiles of television and radio programs, the languages and dialects to be used and the types of broadcasts of news, music and culture in these languages and dialects, on which day(s) these broadcasts will be made, their position in the daily broadcasts and monthly and annual broadcasting plans along with documents certifying that the members (the director in charge, the staff of the news department and news presenters) of the supervisory board, established specifically for these broadcasts, satisfy the criteria specified in Law No. 3984 and related regulations.

## SECTION THREE

### ASSESSMENT, PERMISSION AND REQUIREMENTS

#### **Article 7**

The Supreme Board decides in which language(s) and/or dialect(s) broadcasts shall be made and the broadcasting area based on the viewer-listener profile.

The Supreme Board decides on the conditions of permission by obtaining, ex officio, information and documents from the competent authorities, not restricting itself to the information and documents in the application of the TRT, which will be in charge of the broadcasts in the different languages and dialects traditionally used by Turkish citizens in their daily lives.

#### **Article 8**

Radio and Television broadcasts in the different languages and dialects traditionally used by Turkish citizens in their daily lives cannot violate the supremacy of the law, the basic principles of the Constitution, basic rights and liberties, national security, general morality, the fundamental characteristics of the Republic as set out in the Constitution, the indivisible integrity of the state with its country and people, Law No. 3984 and the principles and procedures set out in the Regulations published based on this law, the requirements foreseen by the Supreme Board and its conditions of permission and guarantees and should be made within the framework of a public service approach.

During these broadcasts, the studio arrangements used for other broadcasts cannot be changed. The presenters and announcers are required to be in modern clothing.

## **Article 9**

Broadcasts violating the provisions of this Regulation shall be subject to the provisions of Article 33 of Law No. 3984.

Recourse to judicial means is possible concerning the decisions of the Supreme Board.

## SECTION FOUR

### ENTRY INTO FORCE AND IMPLEMENTATION

## **Article 10**

This Regulation enters into force on the date of its publication.

## **Article 11**

The provisions of this Regulation are implemented by the Radio and Television Supreme Board.

[Non-official translation]

**Source: Mercator Bulletin No. 53,**  
**<http://www.ciemen.org/mercator/butlletins/53-06.htm>**

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