

DISCRIMINATION

**BASED ON COLOUR, ETHNIC ORIGIN,
LANGUAGE, RELIGION AND BELIEF**

IN TURKEY'S EDUCATION SYSTEM

NURCAN KAYA

Mobilising Civil Society for Monitoring Equality in the Formal Education System in Turkey
Project (**Monitoring Equality in Education Project**)

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ABBREVIATIONS

Abbreviations

CEP: Catch-Up Education Programme

CERD: International Convention on the Elimination of All Forms of Racial Discrimination

CESCR: Committee on Economic, Social and Cultural Rights

CRC: Convention on the Rights of the Child

ECHR: European Convention on Human Rights

ECRI: European Commission against Racism and Intolerance

ECRML: European Charter for Regional or Minority Languages

ECtHR: European Court of Human Rights

Eğitim-Sen: Education and Science Workers' Union

ERI: Education Reform Initiative

EU: European Union

FCNM: Council of Europe Framework Convention for the Protection of National Minorities

GRC: Guidance and Research Centres

HRC: Human Rights Committee

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

IEP: Individual Education Programme

KAFFED: Federation of Caucasian Associations

MEZODER: Mesopotamia Culture and Solidarity Association

MoNE: Ministry of National Education

MRG: Minority Rights Group International

NGO: Non-Governmental Organisation

OI: Ombudsman Institution

OSCE: Organization for Security and Co-operation in Europe

PACE: Parliamentary Assembly of the Council of Europe

RCaM: Religious Culture and Morals

ROMFO: Roma Rights Forum

SAMER: Political and Social Research Centre

TEOG: Transition from Basic Education to Secondary Education

TurkStat: Turkish Statistical Institute

UDHR: Universal Declaration of Human Rights

UN: United Nations

UNDM: United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

UNICEF: United Nations Children's Fund

Acknowledgements	4
Abbreviations	5
Foreword	8
Introduction	10
I. International Standards – Turkey’s Obligations	13
A. The Right to Education	13
B. Prohibition of Discrimination	18
II. The Aim of Education, Curriculum and Textbooks	20
A. The Aim of Turkish ‘National’ Education	20
B. Curriculum	21
C. Textbooks	22
III. Forms of Discrimination/Discriminatory Practices in Turkey’s Education System	24
A. Language-Based Discrimination:	24
i. The Right to Learn One’s Mother Tongue/Elective Language Courses	24
ii. The Right to Mother Tongue Education – Mother Tongue- Based Multilingual Education	31
B. Discrimination Based on Religion/Belief:	44
iii. Compulsory Religious Culture and Morals Course	44
iv. Elective Christianity/Judaism Courses	54
v. Elective Courses: The Holy Qur’an, The Life of the Prophet Muhammad, Fundamental Religious Knowledge	55
vi. Provision of Places of Worship in Schools	57
vii. <i>İmam Hatip</i> Religious Schools	58
viii. Discrimination and Harassment for Reasons of Religion/Belief	60
C. Discrimination Based on Colour or Ethnic Origin	61
ix. School Registration, Registration Fees and Donations	61
x. Segregation	62
xi. Registration in Special Education Institutions	63
xii. School Dropout Rates	64
xiii. Harassment and Other Discriminatory Treatment	65
xiv. Educational Disadvantage Caused by Poverty and Socio-Economic Conditions	66
xv. Urban Renewal and Access to Education	70
IV. Evaluation and Recommendations	71
Bibliography	78
Index	82



FOREWORD

This report was prepared on the basis of fieldwork carried out within the scope of the project Mobilizing Civil Society for Monitoring Equality in the Formal Education System in Turkey (Monitoring Equality in Education) and data collected by the member organizations of the project's monitoring network. The aim was to bring to light the forms of discrimination based on colour, ethnic origin, language, religion and belief in Turkey's formal education system during the 2014-15 academic year. Launched on 1 March 2014 and running until 31 October 2015, the Monitoring Equality in Education project was led by Minority Rights Group International (MRG) in partnership with the History Foundation with financial support from the European Union (EU).

Through this project, which aims to secure on the basis of equality the educational rights guaranteed by international standards for the different communities living in Turkey and to fight the discrimination within the education system faced by these groups, a monitoring network composed of 17

non-governmental organizations was established. The project also sought to strengthen the mechanisms with which network members can monitor discrimination against students within the education system and increase their capacity for advocacy in this field on the local and international level. Established in June 2014, the Monitoring Discrimination in Education Network consists of the Federation of Caucasian Associations (KAFFED), the Armenian Culture and Solidarity Association, the Federation of Syriac Associations, the Mesopotamia Culture and Solidarity Association (MEZODER), the Laz Institute, the Kurdish Institute of Istanbul, the Mersin Anti-Discrimination Platform, the Association of Protestant Churches, the Zero Discrimination Association, the Izmir Roma Culture Welfare and Solidarity Association, the Roma Rights Forum (ROMFO), the Edirne Roma Education Volunteers' Association, the Association for Human Rights and Solidarity for the Oppressed (MAZLUMDER), the Migration Foundation, the Mardin branch of the Education and Science Workers' Union (Eğitim-Sen), MRG, and the History Foundation. Various academic institutions and NGOs working in the field of the right to education also participated in the network's activities as observers. The Monitoring Guide on Discrimination in Education [*Eğitimde Ayrımcılığı İzleme Rehberi*], which was prepared by

Ulaş Karan and expanded with contributions from network members, was published and distributed to the network's member organizations as well as to other NGOs working in the field of human rights advocacy. Network members were encouraged to monitor discrimination in the education system using this guide. Within the scope of the project a total of four network workshops were held in Istanbul, Izmir and Diyarbakır. Project coordinators held interviews in Istanbul, Diyarbakır, Mardin, Ankara and Edirne with various school administrators, representatives of NGOs and trade associations, and the parents of students who experienced discrimination in the education system based on their ethnic origins or beliefs.

This final report was written on the basis of reports prepared by the network's member organizations, information shared during project workshops, notes from individual interviews, reports by national and international NGOs, court rulings, and cases and news items reported in the media. The names of interviewees and some of the sources have not been divulged in the report due to concerns for their security. In line with the scope of the project, the report only examines discrimination against students and only covers discrimination based on colour, ethnic origin, language, religion

and belief. While the report also looks at general issues of inequality in the education system related to the scope of the project, it mainly provides details about the developments that occurred between March 2014, when the project was launched, and July 2015, when it was prepared for publication. Although the report undoubtedly does not cover all cases of discrimination experienced throughout Turkey or all the forms of discrimination and related issues in the education system, it does seek to examine and provide an overview of the official legislation and various practices regarding the fundamental issues related to discrimination in Turkey's education system, as well as discuss the problems experienced in the fight against discrimination in that regard.

This report also contains concrete recommendations for the resolution of these problems, and as such it is hoped that it will contribute to efforts to ensure that the right to education in Turkey is secured according to students' best interests and in line with international standards.

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INTRODUCTION

Ever since the founding of the Republic of Turkey, the education system has been one of the main vehicles for reinforcing the ideology of the nation-state. With the introduction of the Law on the Unification of Education [*Tevhid-i Tedrisat Kanunu*],¹ which brought an end to the relatively pluralistic education system of the Ottoman Empire and sought to create a uniform society under the guise of the 'unification' of education, the education system was fully centralised without taking into account the size of the country and its population or its demographic diversity. All policies related to education have been drawn up centrally in Ankara in a non-participatory way and without consultation with the communities of various identities that exist in the country.

The aim of education as laid out in the constitution and legislation on education has always contained ideological references, with an allegiance to Atatürk and Turkish nationalism and the espousal of patriotism taking precedence over students' pedagogical development and their best interests. This education system, which throughout the Republican period sought to encourage young people to embrace this ideology, has since 2010 become a vehicle for raising a 'pious' and nationalistic youth. It has been observed that ideological approaches continue to determine decisions about regulations related to the education system rather than priority being placed on students' best interests.

As with many other aspects of the public sphere, only Sunni Muslim Turks have been taken into account when determining policies related to the education system; other identities are either

ignored or, when they are included in the field of education, treated as a marginalized 'other'. Unfortunately, within this education system, which is shaped by the ideological aims described above, the different groups that live in Anatolia are prevented from learning their mother tongues and from receiving education in their mother tongues; in addition, a compulsory Religious Culture and Morals (RCaM) course is imposed even on children from non-Sunni Muslim groups, and the curriculum and textbooks either ignore the different identities of people living in the country or depict communities such as Armenians and Greeks as enemies of the country. Minority schools, the existence of which was secured by the Treaty of Lausanne, have suffered a great deal of unfair and discriminatory treatment throughout the history of the Republic. Problems related to access to education for disadvantaged groups have been ignored for many years, and disparities in this regard in different regions of the country have not been resolved.

While some positive steps have been taken in recent years towards resolving these problems in the field of education, fundamental and lasting reforms to remove all inequalities in the education system based on colour, ethnic origin, language, religion and belief have not yet been implemented. Many issues are still awaiting a solution, such as the right to learn one's mother tongue and to receive education in one's mother tongue, respect for freedom of religion and conscience, securing access to education and equal opportunities, and the protection of students who are subject to harassment and other discriminatory treatment. For the most part, groups other than Muslim Turks still do not feature in the curriculum and textbooks, and when they do they are referred to in a negative way. The existing legislation offers no effective legal or administrative procedures for fighting discrimination in the education system, and the mechanisms that do exist are not applied effectively.

In 2012, a host of new issues arose alongside the introduction of the education system known as

1 Law No. 430, ratification date: 3 March 1924.

'4+4+4', which divided basic education into three stages: four years of primary, four years of secondary and four years high of school education. Religion and religious references started to feature more strongly in the education system than ever before. A range of new problems were created by the fact that elective courses related to religion have been added to the curriculum and are taught as compulsory courses in many schools, and questions related to the compulsory Religious Culture and Morals course have been added to the Transition from Primary to Secondary Education (TEOG) placement exam. Living Languages and Dialects elective courses have been added to the curriculum, but major problems have been encountered in the procuring of materials and teachers needed to run these courses.

There is no effective application of the principle of participation in the development of policies related to the education system, nor is this principle fully applied in terms of who participates in meetings of the National Education Council, a body that makes advisory decisions on issues related to education and constitutes the most important mechanism through which the Ministry of National Education (MoNE) consults Non-Governmental Organizations (NGOs) and experts.² Furthermore, democratic participation is not fully applied in the decision-making processes of the Council, since

the government can choose from and implement certain decisions made during National Education Council meetings according to its own priorities.

The aim of this report is to present a general overview of discrimination based on colour, ethnic origin, language, religion and belief experienced by students in the formal education system, particularly during the 2014-15 academic year, to show the general issues that exist regarding inequality and forms of discrimination that exist within the education system. Also, the report discusses the steps that need to be taken to end this discrimination. The report consists of an introduction, three main sections and a conclusion, which includes an overall evaluation and recommendations.

In order to identify the forms of discrimination based on colour, ethnic origin, language, religion and belief experienced by students in Turkey's formal education system, and to highlight the state's responsibility in this regard, it is critical to be aware and informed of international standards and agreements in terms of the right to education and ways to prevent discrimination, and Turkey's legal obligations in this area must also be taken into account. As such, the first section of the report focuses on an evaluation of international standards and legislation in the fields of the right to education and the prevention of discrimination. This first section, entitled 'International Standards – Turkey's Obligations', looks at the ways in which the right to education, a fundamental human right, appears in international legislation, and it examines international standards under the sub-headings 'The right to access to education', 'Rights related to one's mother tongue and education', 'Rights related to religion, belief and education', and 'Pluralism in the curriculum and textbooks'. This section also offers definitions of terms used to describe forms of discrimination, such as direct discrimination, indirect discrimination, discrimination by association, harassment, discrimination by perception, and victimization.

The second section of the report, entitled 'The Aim of Education, Curriculum and Textbooks',

2 For the Education Reform Initiative evaluation of the 19th National Education Council (held in December 2014) and the issue of participation see '19. Milli Eğitim Şûrasına ilişkin Değerlendirme,' http://erg.sabanciuniv.edu/sites/erg.sabanciuniv.edu/files/19.Milli.Egitim.Surasina.IIiskin.Degerlendirme_BN_28012015.pdf. The question of who participates in National Education Council meetings is of great importance in terms of the decisions that are made. In the 2010 National Education Council, the percentage of Council members appointed by the Ministry of National Education rose from 60 to 75 per cent. See Aytuğ Şaşmaz, '4+4+4: Bir Toplama Değil, Çarp(it)ma İşlemi,' <http://tr.boell.org/tr/2014/06/16/444-bir-toplama-degil-carpitma-islemi>

calls into question the 'ideological' aim of education as set out in legal texts such as the Constitution and the Basic Law of National Education, and it looks at the ways in which groups that are not included within the definition of 'Turkish' and 'national' are portrayed in the curriculum and textbooks.

The third section of the report, 'Forms of Discrimination/Discriminatory Practices in Turkey's Education System', looks at discrimination experienced by students in the formal education system on the basis of language, religion and beliefs, as well as colour and ethnic origin, in relation to existing legislation and practices. This section includes observations and analyses based on reports prepared by members of the Monitoring Discrimination in Education Network, information shared during the network's workshops, individual interviews, newspaper articles, and reports published by NGOs.

The final section of the report, entitled 'Evaluations and Recommendations', provides a general evaluation of the kinds of discrimination based on ethnic origin, colour, language, religion and beliefs experienced by primary, middle and high school students in Turkey's formal education system, as perpetrated by school administrations, teachers and other students, and offers concrete recommendations for steps to prevent discrimination in education and bring about equality.



I. INTERNATIONAL STANDARDS – TURKEY'S OBLIGATIONS

A. THE RIGHT TO EDUCATION

The right to education is one of the fundamental rights guaranteed by international agreements and also by the Constitution of the Republic of Turkey. Article 26 of the Universal Declaration of Human Rights (UDHR), article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR),¹ article 28 of the Convention on the Rights of the Child (CRC),² and article 2 of the First Additional Protocol³ to the European Convention on Human Rights (ECHR)⁴ guarantee the right to education for all. Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)⁵ stipulates the need to guarantee the right

of all to equality before the law in securing the right to education, along with other rights. Turkey is party to all these agreements and is thus obliged to implement the standards stipulated therein. The UNESCO Convention against Discrimination in Education (UNESCO Convention)⁶ also prohibits discrimination in the field of education, but Turkey has yet to ratify this convention.

One characteristic that sets the right to education apart from other fundamental human rights is that as well as being a human right in and of itself, it is also a vital tool for the attainment of other human rights and for ensuring social justice. The Committee on Economic, Social and Cultural Rights (CESCR) defines education as 'the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.'⁷

The right to education is a right that is to be guaranteed for all, but some international agreements and documents also include specific regulations on the right to education for minority groups. Article 27 of the International Covenant on Civil and Political Rights (ICCPR)⁸ protects minority rights,

1 Adopted on 16 December 1966, entered into force on 3 January 1976. Turkey ratified this Convention 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 the Article 13 of the Covenant on Economic, Social and Cultural Rights in accordance to the provisions under Article 3, 14 and 42 of the Constitution of the Republic of Turkey.'

2 Adopted on 20 November 1989, entered into force on 2 September 1990. See articles 28 and 29. Turkey ratified this Convention 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.'

3 Adopted on 20 March 1952, entered into force on 18 May 1954.

4 Adopted on 4 November 1950, entered into force on 3 September 1953. Turkey ratified this Convention on 18 May 1954.

5 Adopted on 21 December 1965, entered into force

on 4 January 1969. See article 5 (e) (v). Ratified by Turkey on 16 October 2002. Turkey does not recognise the authority of the Committee on the Elimination of Racial Discrimination to examine individual complaints.

6 Adopted by the UNESCO General Conference on 14 December 1960.

7 CESCR General Comment No. 13.

8 Adopted on 16 December 1966, entered into force on 23 March 1976. Turkey ratified this Covenant on 23 September 2003. During ratification, the

including the right to education. The Council of Europe Framework Convention for the Protection of National Minorities (FCNM)⁹ guarantees minorities' right to education, including equal access to education, the teaching of minority cultures in schools, the teaching of minority languages and instruction in minority languages.¹⁰ Turkey has not yet ratified the FCNM, but the convention has been ratified by 39 member states of the Council of Europe and signed by four. The articles of the convention are considered to be the general EU standard regarding the protection of minority rights, and Turkey is therefore expected to ratify the convention as a condition of EU membership.¹¹ The European Charter for Regional or Minority Languages (ECRML)¹² also contains detailed regulations on the right of minorities to learn their mother tongues and to receive an education in their mother tongue. Turkey has not yet signed the Charter, but has been advised to do so by the EU.

The Hague Recommendations Regarding the Education Rights of National Minorities (Hague Recommendations)¹³ developed by the High Commissioner on National Minorities, a position established by the Organization for Security and Co-operation in Europe (OSCE) of which Turkey is a member, also contains detailed guidelines regarding minorities' language and education rights.

While the right to education encompasses a very broad area, this report focuses on the issues outlined below:

Republic of Turkey stipulated the following reservation regarding article 27 of the Covenant: '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 Appendixes.'

9 Adopted on 1 February 1995, entered into force on 1 February 1998.

10 Articles 12-14.

11 European Commission 2011 Progress Report for Turkey, p. 38.

12 Adopted on 5 November 1992, entered into force on 1 March 1998.

13 Adopted on 1 October 1996.

i. The right to access to education

The right to access to education is considered the most important pillar of the right to education. The First Additional Protocol to the ECHR states that no one should be deprived of the right to education. The UDHR, ICESCR and CRC all guarantee the right to education on the basis of equality, and set out the condition of free and compulsory education at the primary school level. The CRC stipulates that states should take measures to ensure children's attendance in schools and to reduce dropout rates. The FCNM also sets out the need to promote equal opportunities for members of national minorities regarding access to education at all levels.

The right to access to education covers four principles, as adopted through CESCR General Comment No. 13: availability, accessibility, acceptability, and adaptability to the child's needs.¹⁴

- The principle of *availability* means that there should be a sufficient number of functioning educational institutions and programmes. This principle covers issues such as the need for a sufficient number of school buildings, the presence of sanitation facilities and safe drinking water in school buildings, the existence of qualified teachers who are paid acceptable salaries, and the effective supply of the required educational materials.

- The principle of *accessibility* means that educational institutions and programmes should be physically and economically accessible to all, particularly the most vulnerable groups, in law and in fact, without discrimination.

- The principle of *acceptability* means that education, including curricula and teaching methods, should be of a form and substance that is acceptable to students and teachers (e.g. culturally appropriate).

- The principle of *adaptability* means that the education system should have a flexible structure

14 These principles were given as the four characteristics that should exist at primary schools as outlined in the preliminary report submitted to the Commission on Human Rights by former UN Special Rapporteur on the Right to Education, Katarina Tomaševski (E/CN.4/1999/49, para. 50).

that enables it to adapt to the needs of changing societies and communities, and meet the needs of students from different social and cultural groups.

ii. Rights related to mother tongue and education

The right to learn one's mother tongue and to receive an education in one's mother tongue are rights guaranteed by international agreements. Although some segments of society see the right to education in one's mother tongue as a political demand, as well as a fundamental human right guaranteeing for a child equality of opportunities in education, this right also includes factors that can ensure the protection of languages other than the official language, inter-generational language transfer, a stronger sense of equality in society, and a perception of differences as a positive quality.

Education in the mother tongue and equality in education

Above all, the right to receive an education in one's mother tongue is crucial in order for a child whose mother tongue is a language other than the official language to enjoy the right to education on an equal footing with other children, because it is impossible for a child who has no knowledge or insufficient knowledge of the official language to benefit from education on the same level as a child who fully masters that language. Carol Benson, an expert in educational development, compares providing students with an education in a language they do not understand to 'holding learners under water without teaching them how to swim.'¹⁵ Education in a mother tongue plays an important role in raising the quality of education, ensuring school attendance and integrating children from minority communities into society. According to a report presented to the World Education Forum, providing learners with an education in a language they do not understand makes education less effective and

leads to higher rates of repeated years of schooling and drop-outs, and therefore has a negative impact on access to education.¹⁶

The priority in discussions on mother tongue education should be to observe the child's best interests. In projects on the subject of bilingualism and education in Turkey and a 2010 policy paper, the Education Reform Initiative (ERI) has pointed out that a child's right to education needs to be prioritized.¹⁷

Learning a mother tongue through mother tongue education

Learning a mother tongue within the education system, and more importantly receiving education in a mother tongue, can be seen as one of the most important vehicles for protecting the languages of communities whose mother tongue is a language other than the official language of the state. It is for this reason that many communities in Turkey today, particularly those whose mother tongue is facing extinction or have a dwindling number of speakers, have expressed demands for their mother tongue to be taught to children within the formal education system.

Basic rights related to mother tongues and education according to international law

Article 13 of the FCNM, article 5 of the UNESCO Convention, and article 8 of the ECRML contain various stipulations regarding the rights of minorities to learn their mother tongue, to receive education in their mother tongue, and to establish their own educational institutions. In guaranteeing the language and cultural rights of minorities, article 27 of the ICCPR also secures minority rights related to the mother tongue and education. The Hague Recommendations contain the most detailed guidelines on this issue. In light of these documents, commu-

15 Benson, C., 'The Importance of Mother Tongue-based Schooling for Educational Quality,' commissioned study for EFA Global Monitoring Report 2005, p.1.

16 'Building Social Integration through Bilingual and Mother Tongue Education,' World Education Forum, Dakar, Senegal 26-28 April 2000.

17 *Türkiye'de ÇiftDillilik ve Eğitim, Sürdürülebilir Çözümler için Atılması Gereken Adımlar*, ERI, November 2010.

nities should have the following rights as regards mother tongue and education.

The right to learn one's mother tongue in state schools

This right provides those who wish to do so with the opportunity to learn their own language within the formal education system through elective courses.¹⁸

The right to receive education in a mother tongue at state schools

This right makes it possible for children whose mother tongue is a language other than the official language to receive an education in their mother tongue.¹⁹

Mother tongue education can be implemented in various ways, and international agreements do not provide specific definitions or limitations in this regard. Models applied in various countries include education in the minority language and the official language simultaneously (i.e. multilingual education) together with the teaching of at least one foreign language, and education in the minority language combined with the teaching of the official language.

It is important to note that the implementation of this right does not represent an obstacle to the teaching of the state's official language. Indeed, together with the right to receive an education in the mother tongue, international agreements protect the right of the state to teach the official language.

The right to establish and run educational institutions providing education in the mother tongue

This right allows communities to establish and manage their own schools in which they can teach their mother tongue and/or provide education in their mother tongue and the official language. The Hague Recommendations stipulate that legal and administrative requirements regarding the estab-

lishment and management of such educational institutions should not be applied in a way that will create injustice or hinder or prevent the enjoyment of this right.²⁰

Participation and decentralization

According to the Hague Recommendations, the participation of institutions representing members of national minorities should be ensured when developing regulations related to the educational rights of minorities.²¹

The recommendations point out the need for regional and local authorities to be given the necessary competences regarding minority education, and for minorities to be included in the development of policies on a regional and/or local level.²²

According to the recommendations, states should take measures to promote the involvement of parents in the education system at a local level and to provide parents with choices on local educational issues, including minority language education.²³

iii. Rights related to religion, belief and education

The right to freedom of religion, belief and conscience is among the fundamental rights guaranteed by many international agreements. This right includes the freedom for everyone to adhere to the religion or belief of their choice, the freedom to change religion or belief, the freedom to worship and carry out the requirements of their belief in public or private, and the freedom to choose whether or not to declare their belief.²⁴ This right also provides that no one shall be subject to pressure that impairs their freedom to have or adopt the religion or belief of their choice.²⁵ Restrictions can only be placed on this right if prescribed by law, if there is

18 ECRML, article 8/2; FCNM, article 14; UNESCO Convention, article 5/1 (c).

19 FCNM, article 14; ECRML, article 8/1.

20 Hague Recommendations, recommendation no. 8 and 9.

21 *Ibid.*, recommendation no. 5.

22 *Ibid.*, recommendation no. 6.

23 *Ibid.*, recommendation no. 7.

24 ICCPR, article 18; ECHR, article 9.

25 ICCPR, article 18/2.

a legitimate aim, and if it is necessary in a democratic society.

The obligation to respect the freedom of religion, belief and conscience of students and their parents in the field of education is stipulated by many international agreements. Above all, these regulations state that parents should be guaranteed the right to choose the form of education their children will receive.²⁶ More importantly, states are responsible for ensuring that education is in conformity with parents' religious and philosophical convictions.²⁷ According to the CRC, the education system must respect the cultural identity, language and values of the child and their parents.²⁸ The general comments adopted by the UN Human Rights Committee (HRC) and the CESCR also support these principles.²⁹ The European Commission against Racism and Intolerance (ECRI) also states that religious education in schools should respect cultural pluralism.³⁰

According to the HRC, states are not obliged to provide religious education in schools, however, when they do provide education on one religion they must give the same right to members of all faiths, according to the principle of equality.³¹ The Parliamentary Assembly of the Council of Europe (PACE) recommends that states provide education on religions with the aim of promoting tolerance among different communities.³²

According to the HRC, failure to provide full exemption from a compulsory religious lesson that

is not acceptable to the religious and philosophical convictions of parents is a violation of the right to freedom of religion and conscience.³³ The OSCE points out the necessity of establishing a non-discriminatory exemption mechanism from compulsory religious courses that do not have an objective syllabus.³⁴ Forcing students who choose not to participate in compulsory religion lessons to declare their religion is, according to the HRC, a rights violation.³⁵ The European Court of Human Rights (ECtHR) has also made various judgments on the issue of religion lessons. In the case of *Hasan and Eylem Zengin v. Turkey*, the court ruled that the Religious Culture and Morals lesson, which is compulsory in Turkey's education system, was a violation of the right to education.³⁶ In its judgment, the Court underlined that parents have the right to request that the state respect their religious and philosophical convictions.³⁷

The most comprehensive guidelines on teaching religions in schools are laid out in the Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools, a document published by the OSCE. According to the Toledo Guiding Principles, advisory bodies should be established to ensure the participation of various stakeholders in the preparation of the curriculum and in the training of teachers for religious education,³⁸ and all interested parties should be given sufficient opportunities

26 UDHR, article 26/3.

27 First Additional Protocol to the ECHR, article 2; ICCPR, article 18/3; ICESCR, article 13/3; UNESCO Convention, article 5/1(b).

28 CRC, article 29/1(c).

29 HRC General Comment No. 22; CESCR General Comment No. 13.

30 ECRI *General Policy Recommendation No. 5 on Combating Intolerance and Discrimination against Muslims*, CRI, 21, 27 April 2000).

31 *Waldman v. Canada*, Communication No: 694/1996, 5 November 1999, UN Doc. CCPR/C/67/D/694/1996, paragraph 10.6.

32 Recommendation 1396 (1999) on Religion and Democracy, 27 January 1999. For the criteria for this lesson see also Recommendation 1720 (2005) adopted by the Parliamentary Assembly on 4 October 2005, paragraph 14.1-14.4.

33 *Leirvag v. Norway*, Communication No. 1155/2003, 23 November 2004, UN Doc. CCPR/C/82/D/1155/2003, paragraphs 14.6 and 15.

34 Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools, prepared by the ODIHR Advisory Council of Experts on Freedom of Religion or Belief, OSCE, 2007, guiding principle 5.

35 Concluding observations of the Human Rights Committee: Greece, 25 April 2005, UN Doc. CCPR/CO/83/GRC, paragraph 14/b.

36 *Hasan and Eylem Zengin v Turkey*, ECHR, Application No.: 1448/04, Judgment Date: 9 October 2007, para. 48.

37 Further information on judgments made by the ECtHR on the compulsory religious culture and morals lessons can be found in the section of this report entitled Compulsory Religious Culture and Morals Course.

38 Guiding principle 4.

to present their comments and advice.³⁹ The HRC also points out the need for states to consult all interested parties when developing religion lessons.⁴⁰ Furthermore, the Toledo Guiding Principles draw attention to the qualifications of teachers providing instruction on religions and state that the training of teachers should be carried out according to the principles of democracy and human rights and should take an approach that observes the cultural and religious diversity of society.⁴¹ The Guiding Principles also underline the need for teachers providing instruction on religion to receive training that enables them to develop the necessary attitude and skills to offer education on religions and beliefs in a way that is fair and balanced.⁴²

iv. Pluralism in the curriculum and textbooks

Just as the aim of a country's education system and the content of curricula and textbooks can promote differences and contribute to the development of respect for different identities, it can also play a role in intensifying prejudices and hostilities in society. Some international agreements stipulate that education systems should aim to strengthen respect for human rights and fundamental freedoms, and be used to develop understanding and tolerance between different ethnic, linguistic and religious groups.⁴³ The CESCR states that curricula should be developed in line with these objectives.⁴⁴ The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) declares that states should take measures within the education system to encourage minorities to learn about their history,

language, traditions and culture.⁴⁵ The Hague Recommendations call on states to prepare the general compulsory curriculum in a way that includes the teaching of the history, culture and traditions of national minorities⁴⁶ and to ensure that curriculum content is developed with the active participation of bodies representing the minorities in question.⁴⁷ The Advisory Committee on the FCNM points out the need to eliminate stereotypes and prejudices in history textbooks, and to encourage critical thinking in regards to the subject of history.⁴⁸

B. PROHIBITION OF DISCRIMINATION

The prohibition of discrimination is one of the most important principles laid out in international law. For this reason, all international human rights agreements stipulate that states cannot discriminate on various grounds in the enjoyment of rights. Many international agreements of which Turkey is a party include such stipulations,⁴⁹ and some of these specifically prohibit discrimination in the enjoyment of the right to education alongside that of other rights.

Documents which stipulate the broadest protection on the subject of the prohibition of discrimination can be found in EU legislation. Directives adopted by the Council of the EU contain detailed regulations on issues such as forms of discrimination, the scope of prohibition and the burden of proof. Of these directives, the Racial Equality Directive prohibits discrimination in the field of education as well as in other areas.⁵⁰

Discrimination can be perpetrated in various ways:

39 Guiding principle 8.

40 Concluding Observations of the Human Rights Committee: Greece, 25 April 2005, UN Doc. CCPR/CO/83/GRC, paragraph 14/b.

41 Guiding principle 9.

42 Guiding principle 6. See also: Recommendation 1720 (2005) adopted by the Parliamentary Assembly on 4 October 2005, paragraph 14.5.

43 Article 29(d) of the CRC; article 26/2 of the UDHR; article 13/1 of the ICESCR; article 5/1(a) of the UNESCO Convention.

44 CESCR General Comment No. 13, paragraph 49.

45 Declared through United Nations General Assembly resolution no. 47/135 of 20 December 1993. Article 4/4.

46 Hague Recommendations, Recommendation No. 19.

47 Hague Recommendations, recommendation no. 20.

48 Commentary on Education under the FCNM, adopted 2 March 2006.

49 Examples include ICCPR article 26, ECHR article 14, CRC article 2, and ICESCR article 2.

50 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

Direct discrimination occurs when a person is treated less favourably than another person in a similar situation due to their colour, ethnic origin, religion/belief/denomination, language or other grounds. An example of this would be if a student were excluded from school activities, placed in the back row of the classroom or given a lower grade on exams merely on the grounds of their ethnic origin or beliefs.

Indirect discrimination occurs '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.'⁵¹ An example of this would be if a test given to all students resulted in a situation in which students whose mother tongue is different from the language of the test and who have no or insufficient knowledge of the official language receive lower grades.

Harassment, including psychological and sexual harassment, refers to any form of intimidating, degrading, humiliating or embarrassing behaviour that takes place with the aim or result of violating the dignity of another person. An example of this would be if an Alevi or Christian student had to contend with negative words or texts related to their beliefs, or was the target of insults as a direct result of their beliefs.

Discrimination by association occurs when, despite not having a protected characteristic, a person is discriminated against for their links with a person or organization that has that characteristic. An example of this would be if a non-Alevi student were discriminated against for being friends with an Alevi student.

Discrimination by perception occurs when, despite not having a protected characteristic, an individual or legal entity is discriminated against due to a perception that they have that characteristic. An example of this would be if a non-Laz student faced harassment because they were assumed to be of Laz origin due to the fact that they came from the Black Sea region.

Victimization refers to any kind of negative attitude or behaviour targeting an individual who has made a complaint about discriminatory attitudes or behaviour, or towards persons participating in the complaint process and those representing them, due to their demands and complaints. An example of this would be if a student who made a complaint about discrimination at school was expelled from school or was given a lower grade on an exam than they deserved as a result of this complaint.

Segregation occurs when an individual is, as a result of action or lack of action, kept separate from others on the basis of one or more of the enumerated grounds. An example of this would be if certain students were taught in a separate class simply because of their ethnic origin.

Here it is important to point out that for an act to be considered discrimination, it is not necessary for there to be intent to discriminate; it is enough for one of the situations outlined above to occur. The person or institution ordering a discriminatory act is as responsible for the resulting situation as the person or institution who carries out the act.

It is the general responsibility of states, individuals and institutions to not carry out discriminatory acts. However, in order to ensure the principle of equality, states sometimes have to take special measures through positive discrimination, and some international agreements stipulate that states should take special measures to ensure equality.⁵² According to the CESCR, such measures taken in the field of education do not constitute discrimination provided they are discontinued after their objectives have been achieved.⁵³

According to EU directives, when a situation arises in which a person or institution who has filed a complaint is subject to victimization, the burden of proof is reversed. ECtHR decisions have also stipulated that, under certain circumstances, the burden of proof shifts to the defendant.⁵⁴

51 Council Directive 2000/43/EC of 29 June 2000, Article 2.

52 For example, FCNM, article 4; CERD, article 2/2; CRC, article 4; and ECHR article 14.

53 CESCR General Comment No. 13, paragraph 32.

54 *D.H. and Others v. Czech Republic*, Application No: 57325/00, Grand Chamber Judgment, 13 November 2007.



II. THE AIM OF EDUCATION, CURRICULA AND TEXTBOOKS

A. THE AIM OF TURKISH 'NATIONAL' EDUCATION

The education system in Turkey has always been seen as a vehicle for instilling a specific ideology and encouraging individuals to adopt certain attitudes and behaviours. While the education system has been shaped by different ideological approaches at different times, one of the main aims of education has always been to create young 'Turkish nationalists'. The ideological aims of education feature clearly in the Constitution and laws. Article 42 of the Constitution, on the right to education, states the following:

'Education shall be conducted along the lines of the principles and reforms of Atatürk, based on contemporary scientific and educational principles, under the supervision and control of the State. Educational institutions contravening these principles shall not be established.'

The Basic Law of National Education refers to the education system as 'Turkish national education', thus excluding people in the country who hold to identities other than 'Turkish'. The aim of the 'Turkish national education system' is described in article 2 of the law as follows:

'The general goals of Turkish National Education are: (Amended: 16/6/1983 - 2842/Art. 1) To raise all individuals as citizens who are committed to the principles and reforms of Atatürk and to the nationalism of Atatürk as expressed in the Constitution, who adopt, protect and promote the national, moral, human, spiritual and cultural values of the Turkish Nation, who love and always seek to exalt their family, country and nation, who know their duties and responsibilities towards the Republic of Turkey which is a democratic, secular and social state governed by the rule of law, founded on human rights

and on the tenets laid down in the preamble to the Constitution, and who have internalized these in their behaviours...

...

In this way, to increase the welfare and happiness of Turkish citizens and Turkish society, on the one hand, and to support and accelerate economic, social and cultural development within national unity and cohesion, on the other, and finally to make the Turkish Nation a constructive, creative and distinguished partner of contemporary civilization.'

While listing the basic principles of Turkish national education, the Basic Law of National Education states that the service of national education is designed according to the wishes and abilities of Turkish citizens and according to the needs of Turkish society.¹

Rather than making reference to peace and the country's diversity and differences, the Constitution and Basic Law of National Education repeatedly emphasize Turkishness and describe loyalty to the nationalism of Atatürk as a fundamental aim. As a result, the content of the curricula, class syllabuses and textbooks are designed in accordance with this aim as it has been laid out by law. In recent years, there has been a noticeable increase in religious references in the curriculum, textbooks and educational activities, and its ideology has been reconstructed, imposing a synthesis of 'Turkish Islam' on students. According to the 2014-15 report issued by the education union Eğitim-Sen, the move to the 4+4+4 education system

1 Basic Law of National Education, article 5.

was carried out to create a 'pious' and 'obedient' generation, and significant steps were taken towards turning all schools into *imam hatip* schools (vocational schools for training imams).² According to the same report, there was a decrease in the number of class hours for the subjects of philosophy, science, art and physical education, while an increase was seen in the number of lessons with religious content.³

B. CURRICULUM

Shaped according to the legislation and the ideology that decision-makers are trying to impose in schools, the curriculum is designed in a way that assumes that the only identity in the country is Turkish and Muslim, thus excluding all non-Turkish and non-Muslim identities and encouraging animosity rather than respect towards different identities. The curriculum, which is developed in a non-participatory way, plays a significant role in magnifying social conflicts in Turkey, and in conveying Turkish nationalism and a non-objective understanding of history to new generations.

The content of all lessons has been designed to achieve the ideological aim of education. As well as the subject of history, which is one of the most effective vehicles for imposing non-objective historical knowledge and nationalism on students, it has been observed that even subjects such as music and mathematics are used to achieve education's ideological aim.

When interviewed, some teachers explained that even in subjects other than history, such as music lessons, they were required to instil national values:

'The content of the music lesson, including the songs that are taught, has been chosen to instil national values. There are children's folk songs as well as national

*marches; but in general the lesson is dominated by a nationalist ideology. The İstiklal Marşı [Turkey's national anthem] itself is a form of discrimination.'*⁴

Teachers also described how, during their pedagogical training, they were taught that they should instil national values through music lessons:

*'That's exactly what they told us at Dokuz Eylül University. While doing our pedagogical training the teacher there said, 'You can't instil national values through math lessons. The most [effective] thing is music, so use it well.' And really, when you open the music textbook it is complete discrimination. You'll find it all in there.'*⁵

The curriculum still contains no information about the existence, history and culture of communities other than Turks, including those that have lived in Anatolia for thousands of years.

In line with the changes made to the curriculum, an increase in the use of religious, essentialist and dogmatic references in subject syllabuses have been observed.⁶

- As explained above, the compulsory RCaM course is designed from one very specific perspective, and students who do not belong to the Muslim or more precisely the Sunni Muslim faith find themselves obliged to take this subject. As questions about the RCaM lesson are included on the TEOG high school entrance exam, even students who have the right to exemption from this lesson tend to take these classes.

- Students are made to study elective courses such as The Holy Qur'an, The Life of the Prophet Muhammad and Fundamental Religious Knowledge even if they have not chosen these electives.

- Activities and commemorations held at schools are increasingly used as a vehicle to bring up more religious students. For example, students

2 Eğitim-Sen report 2014-15, *op. cit.*

3 *Ibid.*

4 Teacher focus group, Mardin, 10 February 2015.

5 *Ibid.*

6 Eğitim-Sen report 2014-15, *op. cit.*

and teachers at all levels of education are obliged to participate in activities focusing on the 'Holy Birth Week' (celebrating the birth of the Prophet Muhammad).⁷

According to the report by Eğitim-Sen, competitions about religious topics are held at many schools on the orders of regional and provincial governorships of national education.⁸ Almost no activities, however, are held that concern the culture of non-Turkish and non-Muslim communities - though it has been observed that, on rare occasions, activities that include different cultures are held by some schools on their own initiative.

C. TEXTBOOKS

Like the curriculum, the content of textbooks is shaped according to the ideological aim of education. In the Human Rights Issues in Textbooks III project, carried out by the History Foundation and the Istanbul Bilgi University Sociology and Education Studies Unit, a total of 245 textbooks were examined according to 38 qualitative criteria of anal-

ysis. The report findings revealed the following:

- Elective courses such as Kurdish, Abaza and Laz were introduced to schools but textbooks were still written from a monolingual, monocultural perspective that overlooks these groups. Even in the textbooks for these subjects, no mention is made of the Kurdish, Laz or Abaza communities.

- Textbooks in no way reflect the social diversity that exists in Turkey. Abaza, Armenians, Greeks, Jews, Kurds and Laz, as well as groups of different sexual orientations and women who wear headscarves, are not featured in the textbooks, and texts are written with a non-inclusive understanding of Turkishness.

- The use of 'we/us' in textbooks refers only to Muslim Turks whose origins lie in Central Asia.

- Textbooks contain statements that create prejudice and stereotypes against certain groups. For example, atheists are accused of harming society:

'There are many forms of belief that are not based on revelations. Atheism, polytheism and Satanism can be given as examples of these. These can give rise to the appearance and spread in society of false, baseless practices and beliefs that from time to time can even cause harm to society.' (RCaM 9, Fem: 19)

7 *Ibid.*

8 *Ibid.*

A Group Unseen by the Education System: Afro-Turks

One of the groups that are not featured in textbooks is Afro-Turks. Throughout the history of the Republic no mention of this group has been made in textbooks, and being treated as though they do not exist is a great affront to Afro-Turks, as one community member describes:

'Well you know, I think it's very sad, for example when I see this it takes me back to my childhood and you know, in primary school [textbooks] there are photos of spring, summer, autumn, winter, pictures of children, pictures of families, all kinds of pictures... But there is never a black child there, not one! I'm almost fifty and I've never seen one. I asked the others and they've never seen one either. Are there any now? No! In fact we don't exist in this country! I mean it's not just about being mentioned, we don't even exist! We're invisible in a way. When I was a child there wasn't even a black baby in any of the educational materials...! Now babies have become a bit more colourful; there are black babies, Chinese babies, etc. But then there wasn't a single black baby.'

'So you're asking if these materials are discriminatory: We don't even exist to be discriminated against, so yes, they really are discriminatory. Whatever way you look at it there are over a million black people in this country, and if you include people of mixed race that number is even higher. So you know, these people exist too, and someone should include photos, pictures of them, etc. so that they can feel normal within the 'norm'. But this just doesn't happen!'

* Interview with an Afro-Turkish activist, Istanbul, 25 June 2015.

- Textbook topics are related to Kemalism, driving the authors to produce problematic texts. For example, in one Science and Technology textbook the topic of 'harmony among living beings' suddenly jumps to the words of Atatürk, while in a math textbook Atatürk is described as a scientist on the grounds of a book he wrote on the subject of mathematics:

"This harmony and unity among living beings is also valid for societies. The incompatibility of systems and elements that make up societies disturb the peace of society. What makes a society resist and triumph over the obstacles it faces is the spirit of national solidarity and unity among the individuals of which it is formed. This bond of unity is the strongest bond that protects the existence of a nation and holds the individuals of a nation together, as expressed by the Great Leader Atatürk when he said, "We see the foundation of our national existence in our national unity and national consciousness."(Science and Technology 6, MoNE: 22)

'Dear students. Below are the names of some scientists. Research the works of these scientists and their impact on human life. Prepare a report based on your research. Mustafa Kemal Atatürk, Blaise Pascal, Leonardo Fibonacci, Pythagoras.' (Mathematics 8, Teacher's Manual, MoNE: 69).

- Non-Turkish communities are featured in the textbooks with negative references. The only mention of Kurds in textbooks still comes under the heading 'Harmful Societies' [*Zararlı Cemiyetler*]. Discriminatory statements against Syrians were removed from textbooks following an application by Syriac institutions to the MoNE, but Armenians are still portrayed in textbooks as a group which once harmed and betrayed Turkishness and national existence.



III. FORMS OF DISCRIMINATION/ DISCRIMINATORY PRACTICES IN TURKEY'S EDUCATION SYSTEM

A. LANGUAGE-BASED DISCRIMINATION

i. The right to learn one's mother tongue/ elective language courses

From the founding of the Republic of Turkey until 2012, other than the minorities recognized by the Treaty of Lausanne, groups living in Turkey with a mother tongue other than Turkish were not able to learn their own language within the formal education system. The Constitution that came into force in 1982 prohibited any language other than Turkish from being taught as a mother tongue.

*'No language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institution of education. Foreign languages to be taught in institutions of education and the rules to be followed by schools conducting education in a foreign language shall be determined by law. The provisions of international treaties are reserved.'*¹

For decades, this article presented an obstacle to minority languages being taught in the formal education system, and even though this article has not been amended and 'mother tongue-based multilingual education' has not been introduced into legislation or the curriculum, the teaching of some minority languages has begun in practice, albeit gradually. In 2012 the education system underwent a reform, known by the public as the 4+4+4 system, and along with this the number of elective courses offered in schools increased; Living Languages and Dialects is one of the electives offered as of grade 5 within the new system. Implemented without describing any language (other than Turkish) spoken in the country as a 'mother

tongue', this reform was welcomed by representatives of some social groups who are trying to keep alive a mother tongue other than Turkish, while others saw it as a tactic carried out by the government of the time to make them give up their demands for education in their mother tongue.² Other groups interpreted the addition of these courses as a positive development, but as insufficient in terms of protecting their mother tongues and in terms of the state's responsibility in this regard:

*'While we see the Living Languages and Dialects electives that were introduced in Turkey in 2012 as a positive step in terms of changing the denial and assimilation policies towards mother tongues, we believe that this problem will not be solved with elective courses. We do not believe that the language of any one ethnicity in Turkey is more valuable or more important than that of other ethnicities. We believe that all languages are equal, valuable and important. It is the duty of the state not to simply permit these languages but to protect and maintain them. We demand that all the identities and languages in Turkey receive constitutional protection.'*³

In the 2012-13 academic year, elective courses in the Kurmanji and Zaza dialects of Kurdish,⁴ and in

1 Constitution of 1982, article 42.

2 'Seçmeli Kürtçe Asimilasyondur', *Taraf*, 13 June 2012, <http://www.taraf.com.tr/haber-secmeli-kurtce-asimilasyondur-94911/>

3 KAFFED monitoring report, 2015.

4 In this report, Kurmanji and Zaza are referred to as dialects of Kurdish upon the decision of member organizations of the Monitoring Discrimination in Education Network. While respecting views that Kurmanji and Zaza are separate languages, members of the network decided to use more commonly accepted definitions in this report. This does not signify that the project members hold any particular position regarding the status of Kurmanji and Zaza as languages or dialects.

the Circassian languages of Adyghe and Abaza, began to be taught. Laz was added to these courses in the 2013-14 academic year, and Georgian in 2014-15.

It can be said that during these two years there has not been a significant level of interest in the 'mother tongue education' that was presented, as something of a sudden development, to the different language groups in Turkey. It is thought that the introduction of the Living Languages and Dialects electives to the curriculum at the same time as elective courses such as The Life of Muhammad, The Qur'an, Fundamental Religious Knowledge, and Math in Practice had an impact on the number of students choosing these courses (see Table 1). Furthermore, it is believed that interest in these electives was negatively impacted by the fact that the content of these lessons was designed without consulting representatives of the language groups in question, the necessary information campaigns were not carried out to publicize the lessons, and some school administrators and local bureaucrats have demonstrated negative attitudes towards these electives.⁵ Despite these negative aspects, however, interest in these lessons has grown year by year. According to information supplied by the MoNE, 28,587 students chose to take these lessons in the first year.⁶ This number increased to 53,000 in the 2013-14 academic year, and to 83,344 in 2014-15⁷ (see Table 2). For example, the number of students taking the Laz course in 2013 was 100,⁸ and

this number rose to 274 in 2014.⁹ Figures also show that the number of students choosing the elective Circassian language courses is increasing year by year. The Adyghe classes offered in the 2012-13 academic year in the towns of Düzce and Turhal were taken by 19 students; those offered in Düzce and Kayseri in the 2013-14 academic year were taken by 53 students; and those offered in Kayseri and Düzce in the 2014-15 academic year were taken by 168 students. The first class for the Abaza elective was offered in the 2014-15 academic year in Sakarya/Hendek, and was taken by 15 students.¹⁰

Distribution of students who took elective Adyghe and Abaza courses per school*

Between 2012 and 2015, a total of 250 students took the elective Adyghe course. The distribution of these students per school was as follows:

Hoca Yusuf Efendi Middle School, 2014-15: 11 (Kayseri)
Şehit Aziz Özkan Middle School, 2014-15: 13; for the 2013-14 academic year: 16 (Kayseri)

Kadir Has Middle School, 2014-2015: 28, over 2 classes (Kayseri)

Fatin Rüşdü Zorlu Middle School, 2014-15: 8 (Kayseri)

Panlı Middle School, 2014-15: 15 (Pınarbaşı-Kayseri)

Kaynar Middle School, 2014-15: 53, over 3 classes (Pınarbaşı-Kayseri)

Karakuyu Middle School, 2014-15: 22 (Pınarbaşı-Kayseri)

Karakuyu Middle School, 2013-14: 26 (Pınarbaşı-Kayseri)

Mimar Sinan Middle School, 2012-13: 7 (Turhal-Tokat)

Uzun Mustafa Primary School, 2012-13: 12.

Uzun Mustafa Primary School, 2013-14: 11 (Düzce)

Mustafa Kemal Middle School, 2014-15: 28 (Düzce)

The number of students who took the elective course in Abaza in the 2014-15 academic year was 15.

Hendek Nüfren Beylice Middle School, 2014-15: 15 (Hendek-Sakarya)

* KAFFED monitoring report, 2015.

5 Shared opinion of members of the Monitoring Discrimination in Education Network, established within the Monitoring Equality in Education Project, expressed during workshops held with the participation of network members.

6 'İşte Seçmeli Kürtçe'nin Türkiye Haritası', *Hürriyet*, 6 February 2013, <http://www.hurriyet.com.tr/gundem/22534618.asp>

7 Newspapers reported that 85,000 students took Living Languages and Dialects courses for the 2014-15 academic year; however, according to figures from the MoNE this number stands at 83,344. 'Yaşayan Diller ve Lehçeler Dersini 85 Bin Öğrenci Seçti', *Hürriyet*, 25 January 2015. <http://www.hurriyet.com.tr/egitim/28045465.asp>

8 The first lessons were offered at two secondary schools in the Fındıklı district of Rize. See 'Rize'de İlk Lazca Ders Verildi', *Radikal*, 9 October 2013, http://www.radikal.com.tr/turkiye/rizede_ilk_

[lazca_ders_verildi-1154886](http://www.kaffed.org.tr/lazca_ders_verildi-1154886). Laz classes were later offered at another school in the Arhavi district of Artvin. 'Arhavi'de de Seçmeli Lazca Dili Dersi Başladı', *Arsinhaber*, 21 October 2013, <http://www.arsinhaber.com/arhavide-de-secmeli-lazca-dili-dersi-basladi/>

9 'In the 2014-15 academic year, 274 students are taking Laz classes in a total of 14 classes at 7 schools in the districts of Pazar, Ardeşen, Fındıklı, Arhavi and Borçka with the support of 10 teachers.' Laz Institute monitoring report, 2015.

10 KAFFED, *op. cit.*

It should be noted that the MoNE Directorate of Strategy Development's Department of Statistics and Information Systems reported that it had no statistical data about how many students took which of the living languages lessons at the regional, provincial and school levels, nor on how many of these preferences were met; the department also stated that their existing information database did not contain information on the distribution of languages chosen within the Living Languages and Dialects elective, and that they only had general lists showing the student distri-

bution for all elective lessons per region at primary and middle schools.¹¹

An NGO called the Adyghe Language Association prepared a curriculum for the Adyghe language course using the Latin alphabet, which was approved by the Board of Education in 2015. KAFFED, which has prepared educational materials for the subject using the Cyrillic alphabet, has pointed out the drawbacks of having two separate Adyghe courses in the curriculum using two alphabets. According to KAFFED, the Adyghe language should be taught with the Cyrillic alphabet, as is the case in other countries, and the organization also believes such an approach to be more correct from a linguistic perspective. KAFFED also pointed out that since it is already difficult for schools to find ten students who wish to take the existing Adyghe course, having to pick between two alphabets would cause problems regarding sufficient numbers of students choosing the course and in the implementation of the courses.¹² KAFFED applied to the Ministry to have the Adyghe course using the Latin alphabet removed from the curriculum, but when this application was unsuccessful the organization filed a suit with the Administrative Tribunal requesting a stay of implementation.

The inclusion in the curriculum of Living Languages and Dialects electives without the necessary preparation brought about a number of problems, which are outlined below.

Non-participatory planning and implementation

The main problem is that the elective Living Languages and Dialects courses were added to the curriculum without consulting representatives of the language groups in question during the implementation and planning process. These lessons were therefore developed in a non-participatory way.¹³

TABLE 1:
Elective courses in basic education for the 2013-14 academic year - Distribution of courses selected by over 50,000 students, from a total of 7,391,259 students taking elective courses

Lesson	Number of students	Percentage of total elective lessons
Elective Sports Activities (Volleyball)	51,249	0.69
Elective Living Languages and Dialects	51,654	0.70
Elective Sports Activities (Football)	52,883	0.72
Elective Art Activities (Art)	88,904	1.20
Elective Drama	93,415	1.26
Elective Music	101,424	1.37
Elective Visual Arts	147,413	1.99
Elective Writing Skills	157,285	2.13
Elective Reasoning Skills	174,325	2.36
Elective Intelligence Games	201,501	2.73
Elective Fundamental Religious Knowledge	235,027	3.18
Elective Folk Culture	266,397	3.60
Elective Reading Skills	311,571	4.22
Elective Media Literacy	383,681	5.19
Elective Science in Practice	386,992	5.24
Elective Information Technology	422,490	5.72
Elective Life of the Prophet Muhammad	480,577	6.50
Elective Sports and Physical Activities	559,226	7.57
Elective The Holy Qur'an	808,809	10.94
Elective Foreign Language	107,5550	14.55
Elective Math in Practice	1,085,028	14.68
Total number of students taking elective courses	7,391,259	100.00

11 Response to an application made on the basis of the Right to Information Act to the Department of Statistics and Information Systems within the MoNE's Directorate of Strategy Development (be@gov.tr), dated 9 and 10 June 2015.

12 KAFFED, *op. cit.*

13 Shared opinion of members of the Monitoring Discrimination in Education Network established within the Monitoring Equality in Education

Requirement that at least 10 students sign up for an elective course so that it can be offered; students prevented from choosing specific electives

Just as with other elective courses, at least ten students in a school must choose an elective in order for it to be offered. This limitation is seen as a

significant problem, particularly for social groups with a smaller or more dispersed population, or for those who are not yet in a position to show sufficient interest in learning their mother tongue.¹⁴

Project expressed during workshops held with the participation of network members.

14 'Adigece ve Abazaca Dersleri Yapılacak ama Nasıl?', *Bianet*, 9 August 2012, <http://www.bianet.org/bianet/azinliklar/140222-adigece-ve-abazaca-dersleri-yapilacak-ama-nasil>

TABLE 2:
Distribution of the Number of Students Taking the Living Languages and Dialects Elective According to Province and Grade Level for the 2014-15 Academic Year

No.	Province	Total number of students	Grade 5	Grade 6	Grade 7	Grade 8	No.	Province	Total number of students	Grade 5	Grade 6	Grade 7	Grade 8
1	ADANA	215	53	8	154	0	29	KAHRAMAN-MARAŞ	91	0	61	30	0
2	ADIYAMAN	230	74	78	78	0	30	KARS	39	0	0	39	0
3	AFYONKARAHİSAR	42	10	10	22	0	31	KASTAMONU	38	0	0	38	0
4	AĞRI	6,081	2,226	2,213	1,642	0	32	KAYSERİ	638	231	312	95	0
5	AKSARAY	92	0	56	36	0	33	KIRIKKALE	59	0	3	56	0
6	ANKARA	839	63	382	355	39	34	KIRKLARELİ	36	0	17	19	0
7	ANTALYA	9	0	0	9	0	35	KIRŞEHİR	32	0	12	20	0
8	ARTVİN	65	26	28	11	0	36	KOCAELİ	119	47	68	4	0
9	BALIKESİR	40	0	40	0	0	37	KONYA	554	195	169	190	0
10	BARTIN	25	0	9	16	0	38	MALATYA	30	0	17	13	0
11	BATMAN	8,787	3,121	3,152	2,511	3	39	MANİSA	9	0	9	0	0
12	BİNGÖL	1,235	668	287	280	0	40	MARDİN	11,510	4,328	4,184	2,998	0
13	BİTLİS	1,172	588	387	197	0	41	MERSİN	1,214	765	200	249	0
14	BOLU	1	0	1	0	0	42	MUŞ	1,958	749	659	550	0
15	BURDUR	50	0	0	50	0	43	RİZE	334	90	115	129	0
16	BURSA	3	2	0	1	0	44	SAKARYA	958	178	456	324	0
17	DENİZLİ	154	25	74	55	0	45	SAMSUN	32	0	32	0	0
18	DİYARBAKIR	19,980	8,065	6,348	5,537	30	46	SİİRT	2,776	1,422	940	414	0
19	DÜZCE	8	0	5	3	0	47	SİVAS	61	0	35	26	0
20	ELAZIĞ	441	131	124	186	0	48	ŞANLIURFA	3,406	1,273	1,266	867	0
21	ERZİNCAN	16	0	0	16	0	49	ŞIRNAK	6,307	2,849	2,307	1,151	0
22	GAZİANTEP	264	214	39	11	0	50	TEKİRDAĞ	9	0	0	9	0
23	HAKKARİ	4,321	1,855	1,534	932	0	51	TOKAT	126	43	23	60	0
24	HATAY	168	62	64	42	0	52	TRABZON	98	0	49	49	0
25	İĞDIR	967	426	286	255	0	53	TUNCELİ	286	149	78	59	0
26	ISPARTA	1	1	0	0	0	54	VAN	4,600	1,817	1,582	1,201	0
27	İSTANBUL	2,264	422	735	1,055	52	55	ZONGULDAK	97	22	69	6	0
28	İZMİR	457	167	163	127	0							
47,927							Subtotal		35,417				
83,344													

In practice, it has been reported that when students choose one of these electives, in many schools the administration attempts to convince them to change their choice of elective by claiming that not enough students will choose the course in question or that the school will not be able to find a teacher.¹⁵ An NGO working on the subject of the Laz language states that local education authorities advise students and their families not to choose the Living Languages and Dialects elective language courses.

One teacher recounted a contrasting case in a school in Mardin, saying that at a school attended mostly by Arabic-speaking students, the school administration encouraged children to choose the Kurdish elective course in order to learn Kurdish, one of the languages spoken in the region.

*'I taught it myself... There was no teacher. I knew Kurdish. I taught the class myself. The children speak Arabic, as normally their mother tongue is Arabic, but the school administration told them to choose Kurdish because it's widely spoken in the area. This is an exceptional situation...'*¹⁶

Problems with the training and appointment of teachers

When planning the addition of these electives to the curriculum, insufficient preparation was carried out regarding the training and appointment of teachers for these subjects. The non-thesis master's programme run by the Department of Kurdish Language and Culture (Kurdology Department) of the Institute of Living Languages at Mardin Artuklu University trains teachers qualified to teach Kurdish lessons, but despite having produced 1,000 graduates, only 27 of these have been appointed.¹⁷ There is therefore a clear paradox here, with some students who choose to take the elective in Kurd-

ish being told that the course will not run due to a problem with obtaining teachers,¹⁸ while hundreds of teachers with the required qualifications to teach the language have not been appointed.

No university programme has been established to train teachers for the Laz, Adyghe and Abaza language courses. Elective Laz courses are taught by teachers who have previous experience working with the language. The Laz Institute runs a Laz language certificate course, and is holding discussions with the MoNE on the subject of making it possible for people who complete the course to teach the Laz elective.¹⁹ Adyghe and Abaza electives are taught by teachers who have successfully completed the certificate course run by the Federation of Caucasian Associations (KAFFED).²⁰

Kurdish Language and Literature²¹ and Georgian Language and Literature²² departments have been established at some universities. The Circassian Language and Literature Section of the Department of Caucasian Languages and Cultures, which opened in the 2013-14 academic year at Düzce University's Faculty of Arts and Sciences, provides education programmes on the Adyghe language.²³ These departments were established not in facul-

15 Account given by a representative of KAFFED at a workshop held in Diyarbakır on 14 February 2015.

16 Teacher focus group, Mardin, 10 February 2015.

17 18 graduate teachers were appointed in the first year and 9 in the second. Interview with the president of the Institute of Living Languages, Prof. Kadri Yıldırım, Diyarbakır, 11 February 2015.

18 See statement by the president of the Eğitim-Sen Şanlıurfa Branch President: 'Kürtçe Dersini İdareciler Boykot Ediyor', 11 June 2014, <http://www.haberler.com/kurtce-dersini-idareciler-boykot-ediyor-6141406-haber/>

19 Laz Institute, *op. cit.*

20 'The teachers for the subject were chosen from among retired teachers or those who teach other subjects at schools and have received certificates from the Teacher Education Programmes run by KAFFED in Ankara in 2006 and by KAFFED in collaboration with the Kayseri Caucasian Association and the Kahramanmaraş Caucasian Association and who know their mother tongue and are sensitive to the issue.' KAFFED, *op. cit.*

21 Mardin Artuklu University, Muş Alparslan University and Bingöl University.

22 Düzce University, Ardahan University and Kafkas University.

23 'Düzce Üniversitesi Fen Edebiyat Fakültesi Kafkas Dilleri ve Kültürleri Çerkes Dili ve Edebiyatı Bölümü', Düzce University, <http://kafkas.fef.duzce.edu.tr/Dokumanlar/eb9750a1-c815-4b2e-b067-4d740d3209b1.pdf>

ties of education that produce graduates with the qualifications and training necessary to teach, but within faculties of arts and sciences; graduates can therefore only work as teachers after receiving separate pedagogical training. No Laz Language and Literature Department has yet been established at any university in Turkey. An application to Recep Tayyip Erdoğan University (previously Rize University) to establish a Laz Language Research and Application Centre in the Institute of Social Sciences was rejected. The university's justification for the rejection was that 'the Laz language has no historical texts of literary quality that could be the subject of academic research.'²⁴ The administrators of the Laz Institute reported that they were taking steps to establish a Laz language department at Düzce University and that meetings with the university were moving forward in a positive way, but because of bureaucratic and technical obstacles a Laz language department had not yet been established. The administrators of the Laz Institute reported that they had been told that a certain number of academics working on the Laz language would be needed in order to establish a Laz language department; they were also told that finding this number of qualified staff was not possible in Turkey.²⁵

Problems with textbooks and materials

Significant problems have been experienced with the establishment of a means of preparing textbooks and materials for the Living Languages and Dialects courses and the allocation of a sufficient budget to cover the costs of the courses, as well as with the distribution of textbooks and materials that have been prepared and approved.

Due to the lack of means or a budget provided by the MoNE, institutes and NGOs have taken on the responsibility for preparing the course materials for these electives. Materials for the Kurmanji and Zaza courses were prepared by the Kurdology Department of the Institute of Living Languages at Mardin Artuklu University.

In 2014 an agreement was signed between the MoNE and the Laz Institute regarding the preparation of textbooks for the Laz elective, and the textbook prepared by the Laz Institute for grade 5 classes was approved by the MoNE. The Institute is continuing work on preparing textbooks for other grade levels.

Materials for the Adyghe and Abaza courses for grades 5, 6, 7 and 8 were prepared by KAFFED according to an agreement made between the organization and the MoNE. The textbooks and listening materials prepared by KAFFED for the Adyghe and Abaza courses taught in grade 5 were approved by the MoNE and printed by the Ministry for use in the 2014-15 academic year; the textbook was also published on the Ministry's website as an e-book. The grade 6 textbooks and audio texts/listening CDs prepared by KAFFED have been submitted to the Ministry and are in the process of being published for the 2015-16 academic year. KAFFED is continuing work on preparing textbooks for grade 7 and 8 Adyghe and Abaza courses.²⁶

Lack of budget for the preparation of textbooks and course materials

No budget has been provided by the MoNE for the preparation of textbooks and materials, and in fact the organizations have even donated the copyright for the materials they prepared to the MoNE.²⁷ Those who prepared the textbooks on behalf of the Kurdology Department were paid a supplementary lesson fee of 600 TL per textbook. The editing, typesetting and design of the textbooks were carried out with the Kurdology Department's own resources, while the printing costs were covered by the MoNE.²⁸ No budget was provided by the MoNE to the Laz Institute, but a one-year paid leave of absence was granted to the teacher who

²⁴ Laz Institute, *op. cit.*

²⁵ *Ibid.*

²⁶ KAFFED, *op. cit.*

²⁷ Information provided by a representative of KAFFED at a workshop held in Diyarbakır on 14 February 2015.

²⁸ Interview with the president of the Institute of Living Languages, Prof. Kadri Yıldırım, Diyarbakır, 11 February 2015.

prepared the textbook on behalf of the Institute to provide sufficient time for this work. No funds were allocated to KAFFED for the preparation of the course materials.

Distribution of textbooks and course materials

Some problems have been experienced regarding the distribution of the Living Languages and Dialects textbooks to students who selected those electives. According to information supplied by the General Directorate of Basic Education Support Services, schools enter their textbook requirements into the system in February and September, and textbooks are distributed accordingly. When information about students taking elective classes is not entered correctly, problems can occur in terms of students receiving the textbooks. For example, according to information provided by KAFFED, during a meeting with the MoNE General Directorate of Basic Education it was stated that the textbooks prepared for grade 5 Adyghe and Abaza courses would be sent by the MoNE to schools where the subject had been chosen, but students of the Adyghe class in Kayseri and the Abaza class in Hendek did not receive their textbooks, putting the teachers of these classes in a very difficult position.

Of the provinces and districts to which the textbooks were sent, it was only the Adyghe classes

in Düzce and Kayseri that actually were offered. The majority of students who took the classes in the provinces of Kayseri and Sakarya did not receive their textbooks. The fact that textbooks were sent to places where no Adyghe or Abaza classes were offered, such as Cizre, Kars, Şanlıurfa, Silopi and Van, rather than to these students clearly reveals the serious problems in the distribution of the textbooks. Following discussions with KAFFED, an official at the MoNE General Directorate of Support Services rang each of the centres to which the textbooks had been sent to ask what had happened to them; some of the Abaza textbooks in Istanbul were found and sent to Sakarya, while the Adyghe textbooks that were found in Silopi were sent to Kayseri. NGOs working in this field in Kayseri and Hendek followed up the issue, helping to ensure that the textbooks were delivered to students.

Given that throughout the history of the Republic there has been no positive policy related to the teaching of mother tongues in the formal education system, it is clear that what was publicly heralded as a 'great' reform suffered from insufficient background development, not least due to the lack of a participatory approach in its preparation. Furthermore, the condition that at least ten students must choose a mother tongue elective in order for it to be taught, the fact

The Distribution of Adyghe and Abaza Textbooks*

When students of the Adyghe and Abaza classes in Kayseri and Hendek did not receive their textbooks from the MoNE, KAFFED spoke to the MoNE General Directorate of Support Services and was informed that textbook requirements were automatically entered into the system by schools in February and September, and distributed accordingly. KAFFED has pointed out that elective Adyghe and Abaza courses were opened in October, and that the information entered by schools in September therefore did not reflect the true needs that existed.

KAFFED asked the MoNE for information about which provinces and schools had requested Adyghe and Abaza books, and how many books had been sent to those who had requested them. The following figures were supplied by the MoNE:

- 848 copies of the Abaza textbook were requested, and these were distributed to regions and districts as follows: 225 copies to Cizre, 180 copies to Silopi, 180 copies to Zonguldak, 50 copies to Antalya, 20 copies to Hatay, 30 copies to Van, 1 copy to Düzce, and 162 copies to Istanbul.

- 813 copies of the Adyghe textbook were requested and these were distributed to regions and districts as follows: 225 copies to Cizre, 180 copies to Silopi, 50 copies to Şanlıurfa, 5 copies to Kayseri, 19 copies to Kars, 20 copies to Hatay, 20 copies to Düzce, 50 copies to Antalya, 30 copies to Tokat, 30 copies to Van, and 184 copies to Istanbul.

* KAFFED monitoring report, 2015.

that classes cannot be offered due to a lack of teachers even when students want to take them, and the attitudes of some school administrators who try to convince students to change their choice of elective or compel students to choose other electives, have been found to have had a negative impact on students' decisions to take these courses.

The fact that the responsibility for training teachers and preparing the textbooks and course materials was almost entirely given over to NGOs and an academic institution working in the field of mother tongues (and this with no allocated budget) has led to a significant imbalance compared to the preparation of other elective courses. Responsibility for the teaching of mother tongues lies with the state, and the same care that is taken regarding other lessons should be shown for elective Living Languages and Dialects courses, if not more.

ii. The right to mother tongue education – mother tongue-based multilingual education

a. Minority schools

In Turkey, the right to receive an education in one's mother tongue, in a language other than Turkish, is prohibited by article 42 of the Constitution. Articles 40 and 41 of the Treaty of Lausanne,

however, give non-Muslim minorities the right to establish and manage their own educational institutions and stipulate that in cities and towns where there is a significant minority population, the state should provide the necessary facilities for minorities to receive an education in their mother tongue in primary schools and provide a share of the state budget for education to minorities.

Since the founding of the Republic, the right to education in the mother tongue was only given to communities defined as minorities (Armenian, Greek and Jewish) based on the Treaty of Lausanne. The majority of the Armenian, Greek and Jewish schools that had been established during the Ottoman Empire closed as a result of the various forms of unfair treatment they suffered throughout the Republican period, in parallel with the decrease in the country's Armenian, Rum/Greek and Jewish populations.²⁹ In 1923-24 there were 138 minority schools in the country; by 2014-15 this figure had fallen to 24. Of these schools, 16 belong to the Armenian com-

29 For detailed information on the treatment of minority schools throughout the Republican period see Kaya, N., *Minority Schools in Turkey from Past to Present: Problems Experienced and Proposed Solutions*, History Foundation, 2013.

The Treaty of Lausanne, 25 July 1923*

Article 40 – Turkish nationals belonging to non-Muslim minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

Article 41 – As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Muslim 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-Muslim 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.

munity, 5 to the Greek community, 1 to the Jewish community and 1 to the Syriac community.

In 2012 the Syriac community, which had been denied the right to receive education in its mother tongue throughout the Republican period, applied to the Istanbul Directorate of National Education for permission to establish a preschool offering education in Syriac. However, the application was rejected with the justification that Syriacs were not a minority and therefore did not have the right to establish a school providing education in 'a foreign language'.³⁰ The community brought this issue before the Administrative Tribunal with a request to reverse this decision, and the Tribunal ruled that Syriacs were a minority and therefore had the right, according to the Treaty of Lausanne, to establish a school providing education in their own language.³¹ The preschool established in Istanbul by the Syriac community following this ruling brought the number of minority schools in Turkey to 24.

When minority schools were attached to the Ministry of National Education by the Law on the Unification of Education that was introduced in 1924, they completely lost the (cultural) autonomy they had held during the Ottoman period. The curriculum used at these schools is the same as that of other schools; unlike other schools, however, these minority schools provide multilingual education, with Armenian schools teaching in Armenian and Turkish, Greek schools in Greek and Turkish, and the Jewish school in Turkish and English. The Jewish school also provides Hebrew lessons at every grade level.

Throughout the history of the Republic, minority schools whose existence was guaranteed by the Treaty of Lausanne have suffered from treat-

ment that was in violation both of this treaty and of international law, and sometimes even of national legislation. Policies towards these schools, which have long been considered a threat to national unity, have relaxed in recent years but so far no steps to bring about a long-term solution have been made. The main problems currently faced by minority schools are outlined below.

Problems of status

Minority schools are not foreign or private schools, but despite this they are mostly treated as private schools, while in certain situations they are considered foreign schools. There is no law that defines minority schools and regulates their rights and responsibilities, and these schools are subject to legislation related to private education institutions.³² Even though they are not profit-making private schools, minority schools are treated as such and this situation puts them at a significant disadvantage. For example, even though these schools have very limited financial resources, they are required to apply the standards expected of private schools.

Furthermore, the fact that there is no status particular to minority schools occasionally causes confusion in the bureaucratic process, which can lead to negative repercussions. One of the most striking examples of the problem of a lack of status was the fact that these schools, which are considered private schools, were recently requested to provide documentation showing that they had made VAT payments. Moreover, the lack of status sometimes creates problems in terms of meeting the needs and demands of schools. For example, in response to a request for a budget to be allocated to minority schools, the MoNE stated that the Ministry had no such budget. There is also no special unit within the MoNE responsible for minority schools, and these schools are attached to the General Directorate of Private Education Institutions.

30 On the rejection of the Syriac community's request for education in the mother tongue, see 'Azınlık Değilsiniz Yabancı Dilde Eğitim Yapamazsınız', <http://www.agos.com.tr/tr/yazi/2231/suryanilere-anadilde-egitim-reddi-azinlik-degilsiniz-yabanci-dilde-egitim-yapamazsiniz>

31 'Utandıran Yasak Bitti: Süryaniler Anadilde Eğitime Başlıyor', *Taraf*, 10 August 2013, <http://www.taraf.com.tr/haber-utandiran-yasak-bitti-suryaniler-anadilde-egitime-131282>

32 Law No. 5580 on Private Education Institutions; 'Ministry of National Education Regulation on Private Education Institutions' published in *Official Gazette* no. 28239 of 20 March 2012.

The reciprocity principle and minority schools

The development of policies related to minority schools is, in an incorrect and unfair application of the 'reciprocity principle', based on policies that are applied to Turkish schools in Thrace.³³ This situation, which is principally the case for Greek schools, ultimately defines the standards applied to other minority schools.

While policy development in this area should be based on the standards laid out in the Treaty of Lausanne and international agreements, and drawing on good practice standards in other countries, the fact that standards are determined by those applied in Western Thrace leads to the development of policies that are in contravention of international law and inviolation of the rights of minority schools. This practice is also considered offensive to minorities as it treats them as 'foreigners'.

No allocated share of the state budget – financial difficulties

Minority schools, which are at times considered foreign schools and at times private schools, are allocated no share of the state budget. Other than the salaries of teachers of Turkish and Turkish Culture Lessons (History, History of Reforms, Geography, Turkish Language and Literature, Turkish and Sociology), which are paid by the MoNE, none of the costs of minority schools are paid by the state. The salaries of all teachers and other employees, the school's administrative costs, and overheads such as heating, water, electricity and stationery, are covered by the schools themselves. These costs are met by the budget allocated by the foundations to which the schools are attached, together with donations from parents and others.

However, the administrators of some schools say that they still face difficulties in paying the salaries of their staff.

According to international law and the Treaty of Lausanne,³⁴ and in line with the principle of equality guaranteed by the Constitution, the costs of these schools should be met by the state, and in recent years representatives of some minority schools have brought such demands to the MoNE. The response to these demands was that since the country's legislation did not stipulate the status of these schools or the allocation to these schools of a share of the state budget, it was impossible for the MoNE to do anything in practice.³⁵ One positive development in this area was the fact that minority schools were able to benefit from the 2014 private school incentive grant that was paid to schools for every student receiving education at private education institutions.³⁶ The payments made to minority schools were lower than for other schools because the number of students in many minority schools is lower than that of private schools, and since these payments were made on the basis of student numbers they only enabled minority schools to meet a small part of their budget. For example, one Greek school with an annual budget of around 555,000 TL received an incentive grant from the government at a value of 90,000 TL.³⁷ Payment to this school was also made with an 8 per cent deduction for VAT. Taking VAT from not-for-profit, non-commercial minority schools creates a situation of inequality for these

33 Article 5/c/1 of Law No. 5580 on Private Education Institutions includes the following statement: '...matters particular to these schools [minority schools] related to Articles 40 and 41 of the Treaty [of Lausanne] under Law no. 340 dated 23/8/1923 shall be determined through regulations. The reciprocal legislation and practices related to these issues in the interested countries shall be taken into account in the preparation of these regulations.'

34 Treaty of Lausanne, article 42/2.

35 Interview with an administrator of an Armenian school, Istanbul, 8 May 2015.

36 According to a memorandum dated July 2015 from the MoNE General Directorate of Private Education Institutions to Provincial Directorates of National Education, incentive grants would also be available in the 2015-16 academic year for students attending private schools and minority schools upon application. Memorandum no. 95178074/405.01/6820415 on 'Educational Support' dated 1 July 2015.

37 The school had a total of 42 students, and an application for the incentive grant was made for 30 students.

schools. Furthermore, some Greek schools did not apply to receive this grant. The total number of students attending Greek schools during the 2014-15 academic year was 235; 221 of these are citizens of the Republic of Turkey, and the incentive grant is only available for students who are citizens of the country. Therefore, even if all of these schools had applied to receive the payment, the total allocated payment would still remain extremely limited in comparison to the schools' annual budget.

Even though the student numbers at Armenian schools are higher than at Greek schools, payments made to these schools only enabled them to cover a fraction of their annual costs. For example, one Armenian high school with 222 students and an annual budget of 2,500,000 TL received a total payment of 663,320 TL through the private school incentive grant initiative. The Jewish school, with 720 students and an annual budget of 9 million TL, received a total payment of 962,000 TL. Furthermore, VAT was deducted from payments of the incentive grant.

The Mor Efrem Syriac Preschool that opened in the 2014-15 academic year was unable to benefit from the private school incentive grant as it had not fulfilled all the criteria. The bulk of the costs of this school, which is attended by 24 students, were covered by the foundation to which the school is attached. It is estimated that the school would be able to cover its total costs through student registration fees, set at 10,000 TL per student, if 50 students registered with the school.³⁸ However, it is unknown whether this newly established school will be able to secure this many students, and it has also been stated that a larger building would be needed to accommodate this number. According to an administrator of a Syriac foundation who was involved in the establishment of the school, their application also caused difficulties for the MoNE due to the existing regulations; the school's founders were asked to prepare a syllabus before they could open the school; it took time to find someone to prepare this syllabus and

upon completion of the syllabus they had to wait for approval from the MoNE; and parents were not sure until the very last minute whether or not the school would open and did not know what kind of education their children would receive. All of this is thought to have been a factor in the low numbers of students registering at the school.³⁹ The institution states that it will continue to run as a preschool in the 2015-16 academic year and that its aim is to establish a primary school accepting first grade students in the following year.⁴⁰ However, for this to be possible and for the school to be able to continue with its activities, it is essential that the school's costs be met by the state budget, because even in the current situation the school is experiencing difficulties in covering its costs.⁴¹

It is estimated that 25,000 Syriacs live in Turkey and that 85 per cent of this community lives in Istanbul. The remaining members of the community live mainly in Mardin and Midyat. Syriacs living in the Midyat region would like to establish a school that provides education in their mother tongue. However, interviewees stated that it would not be possible to establish a school using their own financial resources.⁴² According to interviewees, there are 130 Syriac families living in Midyat, many with around four children; these families would like to send their children to a school providing education in Syriac and Turkish; and if such a school were established in Midyat, it would be able to register a sufficient number of students if shuttles for students are offered. The interviewees also stated that the families in Midyat were not in a position to be able to make a donation to the school, and that funds would need to be allocated from the state budget in order to establish such a school.⁴³

It is said that in the early years of the Republic only a few of the Syriac schools that had been established during the Ottoman Empire remained open, and that the last of these, the school at

38 Interview with an administrator of a Syriac foundation, Istanbul, 21 January 2015.

39 *Ibid.*

40 *Ibid.*

41 MEZODER monitoring report.

42 Interview with a representative of a Syriac NGO, Midyat, 10 February 2015.

43 *Ibid.*

tached to the Mor Mihail Church, closed in 1928 due to financial difficulties.⁴⁴ The fact that, so many decades on, Syriacs remain deprived of the possibility of education in their mother tongue must be seen as an example of serious inequality.

(Turkish) chief deputy heads – school management

In 1937 a policy targeting foreign schools and minority schools introduced the position of Turkish chief deputy head, who would share administrative authority for the school with headteachers.⁴⁵ This position was discontinued in 1948-1949,⁴⁶ but was reintroduced in 1962 when the Cyprus issue emerged.⁴⁷ For a long time those appointed to this position by the MoNE were mainly selected from among teachers with a 'nationalistic' viewpoint, and they interfered in the administration of minority schools at a level far beyond their competences.⁴⁸ According to the Law on Private Education Institutions that was introduced in 1965, the people appointed to these positions had to be of 'Turkish origin'. Although the words 'Turkish origin' were removed from the Law on Private Education Institutions that was adopted in 2007, the position is still referred to in this law as 'Turkish chief deputy head'.⁴⁹ In the Regulation on Private Education Institutions⁵⁰ adopted in 2008, the people to be appointed to minority schools in this position are referred to as 'chief deputy head'. However, despite the fact that since that date those appointed to this position are referred to as 'chief

deputy head', in practice the condition of being of 'Turkish origin' is still a requirement.

Here it should be pointed out that the fact that chief deputy heads share the authority for the administration of the school with headteachers is, first and foremost, a discriminatory practice. In other circumstances minority schools are treated as private education institutions, but with this practice an administrator is appointed to minority schools in a position that does not exist in private schools. The fact that people appointed to this position share administrative authority for the school means that there is a system of double leadership in minority schools, and on some issues the chief deputy head in fact has more authority than the headteacher. For example, when the headteacher of a minority school is on leave, the chief deputy head automatically acts as their substitute, but when the chief deputy head is on leave, it is not possible for the headteacher to act as a substitute for this position. The chief deputy head is the primary superior of teachers of Turkish and Turkish Culture Lessons. No outgoing correspondence can be made by the school administration without the signature of the chief deputy head. Chief deputy heads also make decisions regarding student registration applications to minority schools.

This position, which is seen as a sign of the state's distrust of minority schools, is offensive to minorities, and its discontinuation is one of the demands most frequently expressed by representatives of these schools.

Training and appointment of teachers

Armenian schools

There is no faculty of education in Turkey that produces graduates qualified to teach Armenian, and teachers working in Armenian schools are chosen from among qualified teachers who have graduated from various faculties. Difficulties are experienced in finding teachers for Armenian Language and Literature lessons, and sometimes for subject lessons taught in Armenian.

The Armenian Language and Literature Department, established at Erciyes University's Faculty of Letters in 2010, teaches the Eastern dialect

44 Interview with an administrator of a Syriac foundation, Istanbul, 21 January 2015.

45 Order no. 9/290 dated 16 November 1937.

46 The position of chief deputy head in minority schools was lifted with Directorate of Private Schools memorandum no. 93/2-2562, published in *Tebliğler Dergisi* [Journal of Announcements] no. 549 dated 1 August 1949.

47 Memorandum no. 5887 of 28 April 1962, published in *Tebliğler Dergisi* no. 1208 dated 19 June 1962.

48 See Kaya, 2013, *Ibid.*, pp. 84-107.

49 Law no. 5580, article 8.

50 Regulation on Private Education Institutions, published in *Official Gazette* no. 26810 dated 8 March 2008, article 32/2/a.

of Armenian that is spoken in Armenia; Armenians in Turkey, however, speak the Western Armenian dialect. This department, which does not produce graduates with pedagogical training, also experiences problems in the recruitment of teaching staff.⁵¹ The Armenian Language and Literature Department, established at Trakya University's Faculty of Letters in 2012, was forced to transfer its students to other departments as it was unable to find a sufficient number of lecturers.⁵²

Greek schools

At Greek schools, Greek lessons are taught by graduates from Greek Language and Literature departments at various universities in Turkey, and subject lessons are taught by qualified teachers who have graduated from various faculties.

In line with the Cultural Agreement signed between Turkey and Greece in 1951, teachers from Greece, referred to as 'quota teachers', can also work at Greek schools. As a result of a misapplication of the 'reciprocity principle', in order for the required number of teachers from Greece to be appointed to Greek schools in Turkey, the same number of teachers from Turkey need to be sent to Turkish schools in Western Thrace. The fact that the exchange of teachers is carried out in this way leads to practical complications. Furthermore, the obligation that some lessons have to be taught by quota teachers as well as limitations stipulating that quota teachers can only work at one school make it difficult for Greek schools to resolve teacher shortages.

The Jewish school

There is a need for Hebrew teachers at the Jewish school as Hebrew lessons are taught at every

grade level, but Turkey currently has no faculty that trains Hebrew teachers. A Hebrew Language and Literature department was opened at Erciyes University's Faculty of Letters, but this department does not train qualified teachers. Those who are currently working as Hebrew teachers at the Jewish school are generally graduates of a related faculty in Israel. However, it is quite difficult for the Jewish school to find instructors who have the qualifications required of teachers at private education institutions.

As a result of a request made by the Jewish school to the MoNE to resolve the problem of the deficit in teachers, it was decided that university graduates without pedagogical training could work at minority schools as 'qualified instructors' [*usta öğretmen*] provided they had graduated from a programme providing Hebrew education abroad, or had received education on the subject of Hebrew.

The Syriac school

There is no faculty in Turkey that can train teachers of Syriac. The Mor Efrim Syriac Preschool, which began providing education in the 2014-15 academic year, plans to establish a primary school in the near future. There is a need for a faculty that can train teachers qualified to work in such schools.⁵³

Teachers of Turkish and Turkish culture lessons

In line with a law adopted in 1955,⁵⁴ lessons such as History, The History of Reforms, Geography, Turkish Language and Literature, and Turkish and Sociology, collectively known as Turkish and Turkish Culture Lessons, are taught at minority schools by teachers appointed by the MoNE. The salaries of these teachers are paid by the Ministry. As the status of the Jewish school has changed to

51 Sümeyra Tansel, 'Ermenice ve İbranice Öğretmeni Araniyor', *Taraf*, 12 October 2011, <http://arsiv.taraf.com.tr/haber-ermenice-ve-ibranice-ogretmeni-araniyor-79713/>

52 Uygur Gültekin, 'Üniversiteye Ermenice Öğretmen Araniyor', *Agos*, 10 December 2014, <http://www.agos.com.tr/tr/yazi/9919/universiteye-ermenice-ogretmen-araniyor>

53 Interview with an administrator of a Syriac foundation, Istanbul, 21 January 2015.

54 Law no. 6581 on Teachers of Turkish and Culture Lessons in Minority Schools, adopted 20 May 1955.

that of private college, this practice does not exist in the Jewish school and is only applied at Armenian and Greek schools. The principal supervisor and principal disciplinary supervisor of these teachers is the school's chief deputy head, while the secondary supervisor and secondary disciplinary supervisor is the headteacher. These teachers are not obliged to participate in school activities or in-service training programmes.

School administrations now have more say in the appointment of these teachers than in the past. According to existing legislation, these teachers should be appointed upon the school's suggestion and the approval of the governorship, but in practice it has been found that this regulation is not always observed. Furthermore, in the past these teachers were appointed for a period of five years, and their appointment could only be extended by the governorship for one further year.⁵⁵ This regulation meant that teachers were prevented from working at the same minority school for a longer period even if the school was satisfied with their performance, and also they had to continue working at the school until their period of appointment was over, even if the school was unhappy with their work. An amendment to the Regulation on Private Education Institutions made in July 2015 stipulates that these teachers shall again be appointed for a maximum period of five years, but that their period of appointment can be extended on the proposal of the school's administration.⁵⁶ This regulation enables teachers to work at a school for more than five years if the school is happy with their performance.

If these teachers leave their school at any time during the academic year, the school remains without a teacher in this position until a new teacher is appointed.

Supply of textbooks and educational materials

There is no public or private institution in Turkey that produces textbooks and educational materials for minority schools. Minority schools therefore have to use their own resources to have textbooks that have been written in Turkish translated into their own languages, and also to print these textbooks once the translations have been approved by the Board of Education. This is a very time-consuming and expensive process. Textbooks in minority languages that are procured from abroad or prepared by the schools must be translated into Turkish, again at the expense of the schools, and then notarized before being presented to the Board of Education for approval.

Greek schools can bring textbooks from Greece as stipulated within the Cultural Agreement but the content of these textbooks does not always fully correspond with the curriculum in Turkey. Furthermore, difficulties are sometimes encountered in having these textbooks brought to Turkey due to a misapplication of the 'reciprocity principle'.

One positive development in the area of textbooks was the fact that in 2010 the translations into Armenian (paid for using the schools' own resources) of textbooks for the Elementary Civics [*Hayat Bilgisi*] and Mathematics lessons for primary grades 1-3 were published by the MoNE. The textbooks for the Turkish and Turkish Culture Lessons taught at these schools are, as for other schools, distributed to minority schools free of charge by the MoNE.

Requirement that students registering at minority schools be citizens of the Republic of Turkey and members of the minority in question

Only the children of citizens of the Republic of Turkey and of members of the same minority as the school are able to study at minority schools. Until recently, religious records such as a baptism certificate, as well as the 'ancestry code' recorded by the state (in a practice that is in violation of the law) were used as proof that the mother or father of a candidate student was a member of the minority in question. The phenomenon of the 'ancestry code', by which the state records minorities in the population register with a code referring to the minority

55 'Ministry of National Education Regulation on Private Education Institutions', published in *Official Gazette* no. 28239 dated 20 March 2012, article 28/2.

56 'Regulation on Amendments to the Ministry of National Education Regulation on Private Education Institutions', published in *Official Gazette* No. 29406 dated 4 July 2015.

to which they belong, came to light as the result of an application made to the Administrative Tribunal by a parent when her application to register her child at an Armenian school was rejected with the justification that she was not Armenian. In practice this 'ancestry code' has been accepted as a reference in determining students' identities and some applications to minority schools have been rejected on this basis.⁵⁷ However, according to a ruling by the 7th Istanbul Administrative Tribunal regarding a similar case, the baptism certificate held by a student's parent should be accepted as proof in determining their ancestry.⁵⁸ Administrators of minority schools state that even the justification laid out by the court ruling was insufficient, that a declaration by parents should be taken as the basis for registering students at a minority school, and that the initiative regarding who can be enrolled at the schools should be handed over to school administrations.⁵⁹ A memorandum dated 28 June 2015 issued by the MoNE Directorate of Private Education Institutions to provincial directorates of national education stated that the registration in minority schools of students belonging to the same minority would be carried out based on the consent of the schools' headteachers.⁶⁰ As such, the authority to decide whether or not a student belongs to the same minority (without considering their ancestry code) has been given over to school administrations. Whether or not all the registrations made by school administrations will be approved by the provincial directorates of education will be monitored in the 2015-16 academic year.

Although some representatives of minority schools say that only children of the same minority should study at these schools, others believe that a certain number of students of different ethnic origins should be allowed to study at their schools, and that this decision should be left to the schools' initiative.⁶¹ Students belonging to the same minority who are not citizens of the Republic of Turkey can also study at minority schools,⁶² but they attend as guest students and do not receive a school report card at the end of the year.⁶³

b. Mother tongue education – Demands for mother tongue-based multilingual education

The previous section discussed schools in Turkey that provide bilingual education (in an existing mother tongue language in Turkey and the country's official language) and schools that teach the mother tongue. The right to education in the mother tongue, which throughout the history of the Republic was granted only to a limited number of non-Muslim minorities, concerns millions of people in the country whose mother tongue is a language other than Turkish. The issue of mother tongue education is usually thought of in relation to the Kurdish community, but is in fact also a concern for other communities, such as the Circassian, Syriac, Laz and Hemshin communities, and demands in this area are increasingly growing.

Today, the demands of many communities for education in their mother tongue have not yet been met. No amendment has been made to article 42 of the Constitution, and there have been no developments regarding the provision of mother tongue education in state schools. The main argu-

57 'Devlet Fişlemede Hız Kesmedi, Azınlıklara 'Soy Kodu' Uygulaması Mahkeme Kararına Rağmen Sürüyor!', *T24*, 29 January 2015, <http://t24.com.tr/haber/devlet-fislemede-hiz-kesmedi-azinliklara-soy-kodu-uygulamasi-mahkeme-kararina-ragmen-suruyor,285412>

58 Uygur Gültekin, 'Soy Kodu Rezaletine Mahkeme Dur Dedi', *Agos*, 5 June 2014, <http://www.agos.com.tr/tr/yazi/7265/soy-kodu-rezaletine-mahkeme-dur-dedi>

59 Interview with the administrator of an Armenian school, Istanbul, 8 May 2015.

60 MoNE General Directorate of Private Education Institution memorandum no. 16915068-10-E.6649558 on 'Minority Schools' dated 28 June 2015.

61 A Syriac interviewee from Midyat stated that non-Syriac students should also be able to study at a Syriac school to be opened in Midyat. Interview with a representative of a Syriac NGO, Midyat, 10 February 2015.

62 For example, in the 2014-15 academic year, of 235 students registered in Greek schools 14 were not citizens of the Republic of Turkey; this figure came to 82 of 3,046 students in Armenian schools.

63 Ministry of National Education Regulation on Private Education Institutions, *Official Gazette* No. 28239, 20 March 2012, Article 51/5.

ment against demands for education in the mother tongue is the claim that the provision of mother tongue education would prevent children from learning Turkish, the official language of the country. However, education in a mother tongue does not present any obstacles to children learning the official language alongside their mother tongue; on the contrary, the mother tongue-based multilingual education model makes it possible for education to be provided in both languages, as well as the teaching of at least one foreign language.

What is mother tongue-based multilingual education?*

Mother tongue-based multilingual education is an educational approach grounded in students' mother tongues that aims to develop students' high level literacy skills in their mother tongue and in the official language, as well as in other languages if desired. Effective mother tongue-based multilingual education models share a number of characteristics, the most important of which are outlined below:

- The languages in question are approached both in terms of the relationship that exists between them and in a comparative manner;
- The teaching of the mother tongue as the language of the curriculum continues uninterrupted throughout the entire education period;
- The culture to which students feel a sense of belonging is represented in the curriculum, textbooks and daily educational practices.

* Definition prepared by Müge Ayan Ceyhan, Vice Principal of the Istanbul Bilgi University Sociology and Education Studies Unit, for the Mother Tongue and Education Network.

Plans are currently under way to establish a Mother Tongue and Education Network with the aim of carrying out joint advocacy work. The network, which is currently in its initial planning phase, brings together representatives of institutions established by communities with demands regarding mother tongues and the right to education. Among these institutions are NGOs carrying out projects on the inclusion into the curriculum of minority languages such as Abaza, Adyghe, Armenian, Greek, Homshetsi, Kurdish, Laz and Syriac, research centres from various universities, and NGOs working in

the field of the right to education. The joint demand of these institutions is for all communities in Turkey, regardless of the size of their population or area in which they live, to be granted constitutional protection of the right to receive mother tongue education. The establishment of schools providing mother tongue-based multilingual education is essential for the protection, survival and development of minority languages and is the only way for these languages to be passed on to new generations. Member organizations of the Monitoring Discrimination in Education Network, which was established within the scope of the project that led to the publication of this report, also call for this demand to be met.⁶⁴ The organizations in both networks point out that the duty of providing education in the mother tongue lies with state/public authorities, and it is therefore the responsibility of the state to ensure the provision of mother tongue-based multilingual education at state schools and to finance all the necessary work carried out in this area. There is no doubt that the rights of all communities to establish and manage schools providing mother tongue-based multilingual education must be guaranteed. However, recognizing this right must not be interpreted in a way that puts all the administrative and financial responsibility for providing mother tongue education on the communities themselves, as is the case for minority schools. The Circassian community was one of the first groups to take steps towards fulfilling the demands for mother tongue education. With support from UNICEF, the Adana Circassian Cultural Association established a pre-school in Adana that teaches Adyghe. The school, which opened in September 2013, applies the same

64 For news reports about this demand that was also expressed at various meetings, see 'Laz ve Çerkesler Dil Birliği Yaptı', *Habertürk*, 14 February 2012, <http://www.haberturk.com/polemik/haber/715671-laz-ve-cherkesler-dil-birligi-yapti>; 'Çerkesler Anadilde Eğitim İstedi; Mart'ta Mitinge Hazırlanıyor', *Bianet*, 21 February 2011, <http://www.bianet.org/biamag/azinliklar/128044-cherkesler-anadilde-egitim-istedi-mart-ta-mitinge-hazirlaniyor>; 'Çerkesler Anadilde Eğitim ve Tv Kanalı İstiyor', *EHA*, 15 December 2013, <http://www.etha.com.tr/Haber/2013/12/15/guncel/cherkesler-anadilde-egitim-ve-tv-kanali-istiyor/>.

curriculum in Turkish followed at other preschools and also teaches Adyge in certain activities and lessons through songs and games.

With an act that entered into force with its publication in the *Official Gazette* on 13 March 2014, an amendment was made to Law No. 2923 on the Education and Teaching of Foreign Languages, and the Learning of Various Languages and Dialects of Turkish Citizens, stipulating that citizens of the Republic of Turkey can establish private schools with the aim of providing education in various languages and dialects that they traditionally use in their daily lives.⁶⁵ Given that throughout the history of the Republic it was prohibited for these groups to use their mother tongues in educational life, it should be pointed out that this legal amendment is a hugely significant reform. However, this step has not caused great excitement among the groups in question because many of these communities demand the provision of mother tongue education at state schools. No language group has made a request to establish a private school to provide education in their own language as a result of this legal amendment. One of the main reasons for this is that many people adhering to different ethnic and religious identities do not want to send their children to a private school so they can learn their mother tongue. Of 3,171 people who participated in a survey carried out in 22 provinces with a majority Kurdish population, 76.5 per cent said that they did not look favourably on education in their mother tongue being provided at private schools, and 91.4 per cent said they did not have the financial means to send their children to a private school.⁶⁶

Another group that has taken steps towards establishing schools providing education in the mother tongue is the Kurdish community. In September 2014 three primary schools providing edu-

A School Providing Education in Kurdish: the Ferzad Kemanger Primary School

As part of the Monitoring Discrimination in Education project, a visit was made to the Ferzad Kemanger Primary School in Diyarbakır on 15 September 2014. The school opened on 22 September and has since been closed down four times. The school has a contingent of 100 students, employs 8 teachers and is attended by 110 students studying in a total of 5 classes. All school costs are covered by the budget allocated by the municipality and donations. Teachers are not attached to the MoNE and are employed by the municipality and the school. The school gives lessons in literacy, mathematics, elementary civics, music, art and physical education, and at the first stage the language of education is only the Kurmanji dialect of Kurdish. The Zaza dialect of Kurdish will be taught from grade four, and the school also plans to teach Turkish and English from that grade level. When asked whether students studying at the school or their parents had been subject to any pressure, interviewees responded that the headteachers of some official schools had made calls to parents, suggesting that they should send their children to an official school in order not to jeopardize their future; some families had reportedly followed these suggestions.* Stating that the school's 12-year curriculum was prepared by Eğitim-Sen together with Kurdi-Der (Kurdish Language Association) and MAPER (Mehmet Yalçın Study Centre), the school's director Mazhar Aktaş said that a dossier was presented to the MoNE but that no approval was requested to commence activities.** He added that a memorandum from the MoNE was sent to the schools stating that they needed to resolve various shortcomings. Aktaş also stated that the compulsory Religious Culture and Morals lesson would not be taught at the school, and that students could request to take religious education classes after reaching a certain age.*** He stated that the annual budget of the school, which has not yet received any financial contribution from the state, was around 150,000-200,000 TRY.**** Aktaş said that there was a need for schools providing education in Kurdish to be established in every district of Diyarbakır for the 2015-16 academic year, which would require the establishment of 7-8 new schools, and stated that full authority regarding educational institutions should lie with municipalities.

65 Law No. 6529 on Amendments to Various Laws with the Aim of Expanding Fundamental Rights and Freedoms, adopted 2 March 2014.

66 *Kürt Sorunu ve Demokrasi Paketine İlişkin Tutum ve Beklentiler*, Political and Social Research Centre (SAMER), October 2013, <http://www.ssamer.com/Raporlar/201>

* Interview with Mazhar Aktaş, Diyarbakır, 24 March 2015.

** Interview with Mazhar Aktaş, Diyarbakır, 13 February 2015.

*** Interview with Mazhar Aktaş, Diyarbakır, 13 February 2015.

**** Interview with Mazhar Aktaş, Diyarbakır, 24 March 2015.

cation in Kurdish were opened, one in the Bağlar district of Diyarbakır, one in the Yüksekova district of Hakkari and one in the Cizre district of Şırnak.⁶⁷ These schools, which do not implement the MoNE curriculum and have no official status according to legislation, were sealed off a number of times immediately after they were opened following an order from the Ministry of the Interior. People attempting to prevent the school from being closed were attacked by the police with tear gas and water cannons, and many were taken into custody.⁶⁸ Following all these negative and violent developments, the schools are currently continuing their educational activities.

Impact on everyday life of receiving education in a language other than the mother tongue: Difficulties in learning/teaching, negative impact on academic success

Receiving education in a language other than the mother tongue, or more importantly not having a sufficient grasp of the language of education, can have a significantly negative effect on students' academic success, and many studies supporting this argument have been carried out in various countries. A study on the situation in Turkey carried out by the Education Reform Initiative (ERI) demonstrates how the academic success of children who speak a language other than Turkish at home is negatively affected:

'Students who do not speak Turkish at home show a significantly lower performance than peers who always speak Turkish at home. In the Aegean region, for exam-

*ple, the difference in mathematics scores between these two groups was over 100 points, a difference that corresponds to an average of two school years. In other words, children who speak Turkish at home perform at a level two years ahead of peers who do not speak Turkish at home.'*⁶⁹

The study revealed that in eastern and south-eastern Anatolia, where there is a high number of students whose mother tongue is Kurdish, the success rates of students, particularly female students, were considerably lower than in other regions.

*'One [of the observations] was that female students achieved higher grades in all regions other than Eastern Anatolia. Furthermore, the average mathematics scores for eastern and south-eastern Anatolia in particular were strikingly lower for all students. There was a 53-point difference (over 1 school year on average) between the mathematics score (464) for male students in the Marmara region, where the highest average scores were recorded, and the score for male students in the region of south-eastern Anatolia, where the lowest scores were recorded. Similarly, this difference in scores stood at 49 points for female students. This negative situation, which may be caused by both the socio-economic conditions in eastern provinces as well as socio-cultural factors such as the language used at home, could be a serious indicator of inequality. Researching the reasons behind this is crucial in terms of developing an egalitarian education policy.'*⁷⁰

The ERI report also shows that when students whose mother tongue is a language other than Turkish live in a region where their mother tongue is dominant, their average levels of success increases even if their mother tongue is not the language of education:

'However, in the eastern and south-eastern regions, where there is a large number of students who speak a language other than Turkish at home, students who do not speak Turkish at home achieve higher levels of success than in other regions of the country. Various factors can be offered in explanation for this, such as the use of

67 The Ferzad Kemanger Primary School in Diyarbakır, the Üveyş Ana Primary School in Hakkari, and the Bêrîvan Primary School in Şırnak were opened with the support of their municipalities and NGOs working in the field of education. See 'Kürtçe Eğitim Veren Okulun Mührü Üçüncü Kez Söküldü', *Bianet*, <http://www.bianet.org/bianet/siyaset/158585-kurtce-egitim-veren-okulun-muhru-ucuncu-kez-sokuldu>

68 'Kürtçe Eğitim Veren Okulun Mührü Üçüncü Kez Söküldü', *Bianet*, <http://www.bianet.org/bianet/siyaset/158585-kurtce-egitim-veren-okulun-muhru-ucuncu-kez-sokuldu>

69 ERI, *Türkiye Eğitim Sisteminde Eşitlik ve Akademik Başarı, Araştırma Raporu ve Analiz*, May 2014, p. 28.

70 *Ibid.*, p. 29.

*different teaching methods at schools in the eastern and south-eastern regions, or the fact that students in these regions feel less marginalized from their peers. What is important here is to determine the steps that need to be taken to close the gap between the success rates of children whose mother tongue is a language other than Turkish and those of their peers who speak Turkish at home, and to make efforts to prevent inequality in this area.*⁷¹

During discussions on the subject of mother tongue and education with teachers and members of various communities, one problem that was frequently mentioned was that children who begin their educational life with a language other than their mother tongue are at a disadvantage compared to other students, and that this also presented a significant difficulty for teachers in terms of running their lessons. For example, during talks with teachers working in areas of Mardin that have large Arabic, Kurdish or Syriac communities, participants stated that teachers who did not speak the same language as the children had difficulties teaching their lessons and adapting to the culture of the children and the region, and that they first had to teach the children Turkish.⁷² Some of the teachers explained that in practice they found themselves providing bilingual education:

*'At the moment I have to work bilingually, I have no choice, but there's also this, you know the child has to learn Turkish, I mean the system imposes this on me. When the inspectors come into the classroom the first question is, "Do the children know Turkish or not?" This is the question they ask, and they make their assessment according to this, they assess the teacher according to this.'*⁷³

One striking observation was made by another teacher interviewed in Mardin who said that there were students who, despite having made it to high school, were still not fully literate.

A school counsellor working at a school attended by a large number of Arabic students explained

that the children at the school had difficulties understanding even simple words, but that he was able to empathize with them since he had experienced similar problems as a child as his own mother tongue was a language other than Turkish. The same interviewee stated that on principle school counsellors should meet with children alone, but that since he did not speak the same language as the children he had to bring another person into meetings to act as an interpreter. A music teacher working at a school attended mostly by Arabic students was making an effort to learn Arabic songs and stated that it was easier for children to shift to a new language through a language they know.

Such accounts show that teachers who know or try to learn the students' mother tongue are able to form a better relationship with students through their own efforts, methods they have developed themselves and by empathizing with the children. A report published by the Helsinki Citizens' Assembly in 2013 states that the pedagogical and psychological damage caused by not receiving education in a mother tongue may not be experienced at the same level in classes with teachers who speak Kurdish.⁷⁴ The report also found that when non-Kurdish-speaking 'Western' teachers who are appointed to schools in the 'East' make efforts to learn Kurdish it plays a positive role in earning the children's trust.⁷⁵

GRCs, diagnosis of 'students with learning difficulties', and special education

In a focus group held with teachers working in Mardin, it was pointed out that the appointment of teachers to schools with high numbers of children whose mother tongue is a language other than Turkish was made, as it is for other schools, according to candidates' results in the Public Personnel Selection Exam (KPSS), and that however many difficulties they faced it was not possible for

71 *Ibid.*, p. 28.

72 Teacher focus group, Mardin, 10 February 2015.

73 *Ibid.*

74 Can, B., Gök, F. and Şimşek, S., *The Role of Teachers in Building Societal Peace: How is the Kurdish Issue Projected onto the School?*, Helsinki Citizens' Assembly, Istanbul, 2013, p. 8.

75 *Ibid.*, p. 28.

them to transfer to another school. It was also stated that since school counsellors from the west of Turkey were unfamiliar with such cases and had received no training on how to deal with these situations, they had problems comprehending students' language difficulties and in some cases even believed that the children under their guidance had mental disabilities.

One of the most striking problems discussed in interviews and meetings was the sending of children whose mother tongue is a language other than Turkish to special education institutions with a diagnosis of an intellectual disability. Reports published by NGOs have previously drawn attention to this issue, but it has been found that the problem is ongoing.⁷⁶ Guidance and Research Centres (GRC) prepare reports on whether or not a child requires special education, and it is stated that such reports are sometimes prepared without taking into account the issue of the children's mother tongue. Reports prepared in such a way are seen as a grave error that can affect children's schooling as well as their entire future. Concerns are frequently expressed over the fact that GRCs carry out evaluations in Turkish and readily diagnose children whose mother tongue is not Turkish as 'children with learning difficulties'.

*'There is also another kind of problem. For example, we send children who don't understand or children who we think may have a learning difficulty to the GRC, but the evaluations carried out at the GRC are based on Turkish, in other words they are evaluated not on the basis of their mother tongue but of Turkish only. Now, as the child is evaluated on the basis of Turkish she/he will be unsuccessful [in that evaluation], she/he automatically fails. And yet again there will be an official label.'*⁷⁷

A music teacher stated that after observing a 'special needs' student in a mainstream class for a while, it came to light that the only problem was that the child's mother tongue was a language other than Turkish.

*'I have one student; a fifth-grade special needs student. The student is considered to have high-level special needs. In fact, when the child speaks in Arabic my Arabic colleagues say, "That student communicates very well." So from that I realized that in fact that child's language problem was the major issue at hand, most definitely. I mean, if that child really received a fair education, perhaps that education would be much more beneficial.'*⁷⁸

One teacher said that because the language difficulties faced by first-grade students turned into an adaptation problem, these children were immediately sent to a GRC:

*'So the teacher comes, the first grade teacher. The child has just started. It's still in the first few weeks [of school]. The teacher comes and says, "The student doesn't understand." The teacher says, "Should we refer the student? Should we send the student to the GRC?" I say, "Let's wait a little longer, get to know the child, observe the student." But they say, "No, the student doesn't understand." Now, there's already a language problem. I mean from the moment the child starts first grade there is a language problem. The student doesn't know Turkish! I mean it's impossible to make the distinction. In every case!'*⁷⁹

Another teacher explained that one student had stopped coming to school, for reasons that the teacher assumed were caused by language difficulties:

*'One of my students doesn't come to school at the moment, a fifth grade student called M-. In Arabic the student is very well-spoken and speaks very correctly with friends in Arabic, gets on well with them, establishes a dialogue with teachers! But, you know, this child couldn't communicate in Turkish. And so now the student doesn't understand anything at school. In fact if the student does have any learning difficulties it's only at a very low level, but now there's nothing we can do, the student's family doesn't send their child to school any more either. The student can't keep up with class, gets bored, cries, gets upset, and says, "I want to leave, I'm going home." But actually the student is really adorable!'*⁸⁰

76 *Ibid.*, pp. 25-26.

77 Teacher focus group, Mardin, 10 February 2015.

78 *Ibid.*

79 *Ibid.*

80 *Ibid.*

It has been observed that many Roma children also face difficulties in their schooling due to language problems. Such difficulties are not always related to speaking a language other than Turkish but also to the children's socio-economic conditions and the ongoing problems they face in their education. It is thought that their language difficulties can be caused by the fact that at home their families and close acquaintances may speak Turkish with a very limited vocabulary. Children with a limited vocabulary face similar problems in their schooling as other children who do not have a sufficient knowledge of Turkish, and can have difficulties understanding very basic texts or explanations.

Teachers who were interviewed stated that the ideal would be for children to begin their education in their mother tongue. They also stated that faculties of education should offer different forms of training that take into account the different regions, languages, beliefs and cultures of Turkey, but they also said that when such concerns were expressed while in teacher training, they received negative reactions even from their classmates. Regarding the appointment of teachers to schools attended by children whose mother tongue is a language other than Turkish, interviewees called for care to be taken to appoint teachers who speak the same language as the students.⁸¹

B. DISCRIMINATION BASED ON RELIGION/ BELIEF:

iii. Compulsory Religious Culture and Morals course

Religious Culture and Morals (RCaM), which had been taught as an elective course since the 1950s, became a compulsory subject with the Constitution of 1982. Article 24 of the Constitution on 'Freedom of Religion and Conscience', which is still in force, contains the following stipulation:

'Everyone has the freedom of conscience, religious belief and conviction... No one shall be compelled to worship,

*or to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions, or be blamed or accused because of their religious beliefs and convictions. Religious and moral education and instruction shall be conducted under state supervision and control. Instruction in religious culture and morals shall be one of the compulsory lessons in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives.'*⁸²

In accordance with this constitutional regulation, the compulsory RCaM course was also added to the Basic Law of National Education through an amendment introduced in 1983.⁸³ RCaM, which is taught as a compulsory course from grade four of primary school, paves the way for the violation of many fundamental human rights guaranteed by the Constitution and international agreements, such as the freedom of religion and conscience, the right to education and the prohibition of discrimination.

Course content

Although the course content has become more comprehensive in recent years, the compulsory RCaM course remains a lesson that mainly teaches the Hanafi denomination of Sunni Islam. A 2007 ERI report found that in this lesson students were made to memorize prayers and taught religious practices (e.g. information about the Muslim act of worship, fasting, alms and the pilgrimage to Mecca) and that 'religious instruction' was carried out through this course.⁸⁴ According to a memorandum approved by the Board of Education in 2000, it was stipulated that the content of the course would be changed to include Judaism, Christiani-

81 *Ibid.*

82 *Ibid.*

83 Article 12 of the law reads, 'Turkish education is secular. Religious Culture and Moral Education is included within the compulsory curriculum of elementary and high schools and their equivalents.' Basic Law of National Education, Law No.: 1739, adopted 14 June 1973.

84 *Religion and Schooling in Turkey: The Need for Reform*, ERI, 2007, p. 2.

ty, Hinduism and Buddhism.⁸⁵ In 2005, the course content was revised to include more information about religions other than Islam.⁸⁶ Despite these changes, however, the course content has still not been brought up to international standards.

RCaM textbooks were examined as part of the Human Rights Issues in Textbooks III project carried out by the History Foundation and the Istanbul Bilgi University Sociology and Education Studies Unit. According to the report that was prepared as part of that project, even though the RCaM textbooks have started to mention a range of different faiths and denominations, including Alevism, Buddhism, Judaism and Nusayrism, until grade 12 the textbooks give the message that the only correct and legitimate lifestyle is that of Sunni Islam, making the discussion of different faiths at this grade level no more than a symbolic gesture. Furthermore, according to the report, the definition of Alevism in the textbooks in no way reflects the diversity of Alevism in Turkey.

'People who love, respect and are followers of Ali are called Alevi. Alevis are Muslims who believe in the oneness of Allah, accept Muhammad as the last prophet, take the Qur'an as their holy book, and worship the Prophet Muhammad and his Ahl al-Bayt.' (Grade 12 RCaM, MoNE: 55)⁸⁷

Children of Christian and Jewish families can be exempted from this course, but currently it is not possible for families belonging to other faiths or those who do not wish their children to take it for any other reason to also have their children exempted. There are approximately 15 million Alevis living in Turkey today, and for many years members of the Alevi faith and Alevi NGOs have been running campaigns for this subject to be removed from the curriculum or revised. Parents have also applied to schools to have their children exempt-

ed from the course and, when these requests have not been successful, have sought legal action. The European Court of Human Rights (ECtHR) made a judgment on this issue in a case brought before the Court in 2007 following the rejection of one such application for exemption. In the *Hasan and Eylem Zengin v. Turkey* judgment, the first judgment made by the ECtHR on the subject of the compulsory RCaM lesson, the Court ruled that the applicants' right to education that is guaranteed by article 2 of the First Additional Protocol to the ECHR⁸⁸ had been violated.⁸⁹ As well as pointing out that the course did not meet standards of objectivity and pluralism and that respect had not been shown for Zengin's religious and philosophical convictions, the Court also criticized the exemption mechanism. This judgment became final on 9 January 2008, but Turkey has taken no steps to comply with the findings.

In the case of another application to the ECtHR in 2011 on the same issue, the Court again ruled that the right to education had been violated. In this application the plaintiffs claimed that the content of the compulsory Religious Culture and Morals course was mainly related to the Sunni Muslim faith, that the course described Alevism as a culture or tradition rather than a faith, and that the course content violated children's right to receive an education in conformity with their own beliefs. Announced in September 2014, the Court's judgment on this case (*Mansur Yalçın and Others v. Turkey*) stated that changes had been made to the content of the compulsory RCaM course since the *Hasan and Eylem Zengin v. Turkey* judgment and now contained more information on the Alevi faith compared to previous years, but that it still

85 Decision no. 373, adopted on 19 September 2000.

86 Board of Education decision no. 31 March 2005, adopted on 31 March 2005.

87 Kenan Çayır, *Who are We? Identity, Citizenship and Rights in Turkey's Textbooks*, History Foundation, Istanbul 2014.

88 First Additional Protocol to the ECHR, article 2: 'No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.'

89 *Hasan and Eylem Zengin v. Turkey*, ECHR, Application No.: 1448/04, Judgment Date: 9 October 2007.

mainly contained information on the Muslim faith, that no mechanism had been established to enable Alevi to be exempted from this course, and that the subject had not been made into an elective course, thus ruling that the right to education had been violated.⁹⁰ In the judgment it was stated that Turkey should put an end to this practice without delay, and that a mechanism should be established through which parents can obtain exemption for their children from this course without having to declare their own beliefs or philosophy.

Following the announcement of the Court judgment, various Alevi institutions and human rights organizations repeated their demands for a revision of the course.⁹¹ On 8 February 2015 a number of Alevi NGOs and Eğitim-Sen held a demonstration in Istanbul to bring their demands, including calls to remove the compulsory RCaM course from the curriculum, to public attention and called on the public to join a one-day boycott of schools by not sending their children to school on 13 February. Despite all of this opposition, no positive steps have yet been taken to make the subject of RCaM an elective course or to revise the course content.

According to a news report published on 17 June 2015, following the judgment on *Mansur Yalçın and Others v. Turkey*, the Council of State also decided that the RCaM course constituted 'religious instruction' due to its content and ruled in favour of a parent's application to have their child exempted from the lesson.⁹² This parent had won a case brought to the Administrative Tribunal in Ankara to receive exemption for their child from RCaM lessons; however, the school's District Governorship appealed the decision and the case was referred to the Council of State. In its first ruling, the 8th Chamber of the Council of State indicated that religious education in the textbooks was not based on one denomination or sect and that in general the textbooks were prepared with an overarching approach to religions and overturned the decision of the local court, which complied with this ruling. However, following the declaration of the judgment in the *Mansur Yalçın and Others v. Turkey* case, the plaintiff sent further arguments and the 8th Chamber of the Council of State reversed its ruling.

According to this same news report, the 8th Chamber of the Council of State referred to the ECtHR's judgment on *Mansur Yalçın and Others v. Turkey* and highlighted that 'when fulfilling its duties regarding education, the state must ensure that the information in the curriculum is conveyed in an objective and pluralistic way and must respect parents' religious and philosophical convictions,' and also said that 'the state should remain impartial regarding religion and view all religious beliefs as equal.' The ruling stated, 'It is clear that if the curriculum applied in education is based on a specific religious understanding, it cannot be accepted as a Religious Culture and Morals lesson, and instead takes on the characteristic of religious instruction.' The Council of State highlighted that, despite its name, this subject could not be consid-

90 *Mansur Yalçın and Others v. Turkey*, ECHR, Application No.: 21163/11, Judgment Date: 16 September 2014.

91 For the statement on the Court judgment by the Norwegian Helsinki Committee Freedom of Belief Initiative, see 'NHC / İnanç Özgürlüğü Girişimi: AİHM Mansur Yalçın ve Diğerleri-Türkiye / Türkiye Eğitim Sistemini Din veya İnanç Özgürlüğü Hakkı Konusundaki Yükümlülükleriyle Uyumlu Hale Getirmeli', <http://inancozgurlugugirisimi.org/calismalarimiz/nhc-inanc-ozgurlugu-girisimi-aihm-mansur-yalcin-ve-digerleri-turkiye-turkiye-egitim-sistemini-din-veya-inanc-ozgurlugu-hakki-konusundaki-yukumlulukleriyle-uyumlu-hale-getirmeli/>. The same organization also sent a letter to Prime Minister Ahmet Davutoğlu demanding that the requirements of the ECHR judgment be met; suggestions were made regarding the course content and exemption mechanism. See 'Norveç Helsinki Komitesi / İnanç Özgürlüğü Girişimi'nden Başbakan Davutoğlu'na Çağrı', <http://inancozgurlugugirisimi.org/calismalarimiz/norvec-helsinki-komitesi-inanc-ozgurlugu-girisiminden-basbakan-davutogluna-cagri/>

92 'Danıştay, Din Kültürü Dersinin 'Din Eğitimi' Olduğuna Karar Verdi,' *Hürriyet*, 17 June 2015. <http://www.hurriyet.com.tr/egitim/29310136.asp> All of the information in this section regarding the ruling by the 8th Chamber of the Council of State was taken from the newspaper report referenced.

ered a course in Religious Culture and Morals, and ruled that the course content did not conform to the plaintiffs' religious and philosophical beliefs or lack of beliefs, regardless of whether they were atheists or members of a particular faith. This judgment by the Council of State shows that it is not necessary to belong to a faith other than Islam to receive exemption from the RCaM lesson.

Furthermore, it is frequently stated that in terms of content the compulsory RCaM course is problematic not only for those who wish to be exempted from the course but also for the whole of Turkey, in the sense that it is one-sided, alienating and generates social polarization. The parents of students who are exempt from this lesson are also concerned about the content of the course and its social impact. Some NGOs, and Christians who are exempt from the course, have expressed concerns about the lack of pluralism in the RCaM course, and the fact that the content is based on the promotion and teaching of one particular belief.⁹³

Undoubtedly there are various opinions on how this course should be revised. Suggestions shared with the public include keeping the subject as a compulsory course but revising its content to ensure it provides objective information about all beliefs on an equal footing, and making the subject an elective course or removing it from the curriculum completely. The Norwegian Helsinki Committee Freedom of Belief Initiative, for example, recommends that the RCaM course be removed from the curriculum as a compulsory subject, suggests that if RCaM does remain a compulsory subject then its content should be reviewed and revised so that it provides objective information about religions and is brought into line with the Toledo Guiding Principles, and states that if this does not happen then a mechanism should be developed enabling students to be exempted from the lessons by stating their request in a simple way without having to declare their religion or belief.⁹⁴ The Mesopotamia Culture and Solidarity

Association (MEZODER), an organization established by the Syriac community, recommends that the compulsory religious lessons be removed from the curriculum due to the course content and the problems created by the exemption mechanism.⁹⁵ Eğitim-Sen recommends that the existing RCaM course be removed from the curriculum and replaced with an elective course that covers all religions in an equal and objective way.⁹⁶

While renewed demands to have the content of the RCaM lessons revised or for the status of the subject to be changed to that of an elective course were being made due to the ECtHR rulings, the recommendation made at the 19th National Education Council, held in December 2014 by the MoNE, that RCaM also be taught in grades 1, 2 and 3 gave rise to public concern.

*'At the 19th Council it was recommended that religious lessons be compulsory in primary school grades 1, 2 and 3. This goes against pedagogical principles because children only begin to understand social concepts at the age of 12.'*⁹⁷

Although Council recommendations are not officially binding, in practice they are clearly seen as having a significant impact on educational policies.

The correct approach to this issue would be to apply a participatory procedure that includes all stakeholders in order to find a solution that will ensure the protection of the rights of all involved, and that meets the international standards outlined in the first section of this report.

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Girişimi'nden Başbakan Davutoğlu'na Çağrı', 16 September 2014, <http://inancozgurlugugirisimi.org/calismalarimiz/nhc-inanc-ozgurlugu-girisimihm-mansur-yalcin-ve-digerleri-turkiye-turkiye-egitim-sistemini-din-veya-inanc-ozgurlugu-hakki-konusundaki-yukumlulukleriyle-uyumlu-hale-getirmeli/>

93 Association of Protestant Churches monitoring report, 2015.

94 'Norveç Helsinki Komitesi / İnanç Özgürlüğü

95 MEZODER, *op. cit.*

96 Interview with Eğitim-Sen President Kamuran Karaca, Ankara, 26 March 2015.

97 *Ibid.*

Exemption from lessons: Requirement of a letter of application

The children of Christian and Jewish parents can be exempted from compulsory RCaM lessons. According to decision no. 1 of the MoNE General Directorate of Religious Education High Commission for Education dated 9 July 1990, non-Muslim students can be exempted from RCaM lessons on the provision that they provide documentation of their belief. Even though students have the right not to participate in the lessons, many school administrations are unaware of this decision; in some cases children are made to take the RCaM lessons or a written application for exemption is requested from parents.⁹⁸

In practice the exemption mechanism varies from school to school. While students whose identity cards indicate that they are Christian or Jewish should be exempted from these lessons without needing to submit an application, some schools still require parents to apply for exemption.⁹⁹ Responding to such applications can take months, during which time the students have to continue taking the RCaM lessons. For example, a family in the Sancaktepe district of Istanbul submitted an application for their child to be granted exemption from compulsory RCaM lessons, upon which the school administration stated that the petition would be sent to the Provincial Directorate of National Education, and that they would then wait for the reply. For three months the school administration stated that no reply had been received from the Provincial Directorate of National Education, and during this period the child continued to take the compulsory RCaM lessons. Wishing to receive a response to their application, the family visited the Provincial Directorate of National Education,

where they learned that the Directorate had approved their petition and sent notice of this to the school months earlier. This example shows how requests by schools for an application for exemption from RCaM lessons and the process of evaluation can be applied arbitrarily and at the expense of the student.

Proof of belief

In the past, the faith a student adhered to, and therefore whether or not they would be exempted from compulsory RCaM lessons, was determined based on the religion indicated on their identity card, as well as the identity cards of the student's parents. However, according to a memorandum from the MoNE General Directorate of Religious Education dated 3 February 2015, only the information written in the religion section of the student's identity card should be taken into account for exemption from compulsory RCaM lessons. As such, even if the identity card of a student's mother and/or father states that they are Christian or Jewish, if the student's own identity card has been left blank or indicates a religion other than Christianity or Judaism, the student will not be considered eligible for exemption from the class.¹⁰⁰ According to one respondent, 80-85 per cent of the group known as New Christians made no request to have the word 'Islam' removed from their identity cards due to fear of discrimination, and that their children's identity cards also bear the word 'Islam'.¹⁰¹ Parents of children in this situation, or those who would prefer to leave the religion section of their children's identity cards blank (to allow their children to decide their faith for themselves when they reach a certain age, or for any another reason) are therefore forced to write Christian or Jewish in this section of their children's identity cards if they want their children to be granted exemption from compulsory RCaM lessons.

98 Association of Protestant Churches, *op. cit.* A Christian spiritual leader who was interviewed reported that petitions were requested from Christian parents for exemption from the compulsory RCaM course. Interview with a Christian spiritual leader, Diyarbakır, 10 February 2015.

99 Account given by a representative of the Association of Protestant Churches at a workshop held in Diyarbakır on 14 February 2015.

100 Gönül Koca, 'Din Dersi Muafiyetine Belge Şartı,' *Hürriyet*, 10 February 2015, <http://www.hurriyet.com.tr/egitim/28164296.asp>.

101 Account given by a representative of the Association of Protestant Churches, Istanbul, 7 July 2015.

At some schools the religion indicated on a student's identity card or that of their parents is not considered sufficient for exemption from compulsory RCaM lessons, and parents are asked to provide documentation to prove their faith. Such a problem was experienced at two schools in Izmir, one a state school and one a private school. Even though in both cases the students' identity cards stated that they were Christian, in order for them to be given exemption from compulsory RCaM lessons their parents were asked to provide a written declaration that they were members of a church. It was stated that this extended the exemption process, and that during this time the students continued to attend the compulsory RCaM lessons.¹⁰²

Here it is important to point out that being forced to declare one's religion in order to receive exemption from religious teaching violates the freedom of religion and conscience guaranteed by the Constitution and international agreements. The fact that the existing exemption mechanism forces students to declare and even prove their faith contravenes ECtHR rulings on the issue, as well as the international standards outlined in the first section of this report.

What do exempt students do during RCaM class periods?

The way in which students who are exempt from compulsory RCaM lessons spend their time while other students are in class varies from school to school. No general regulations have yet been drawn up to determine how students should use this class period or to provide them with an alternative class. Until recently, students who were exempt from this subject generally sat and waited for their next lesson at the school canteen, in the schoolyard or in the deputy head's office. According to one respondent, following an application on this issue by the Association of Protestant Churches, the MoNE sent schools a memorandum

requesting that students who were exempt from compulsory RCaM lessons be allowed to use the school library during this class period and, particularly in large cities, schools have complied with this memorandum for the most part.¹⁰³ However, it was also pointed out that this memorandum had no positive effect at schools without a library, and that students at such schools had no choice but to wander the school corridors during this class period.¹⁰⁴

Although this is rare, some schools allow students to come to school at the end of the class if compulsory RCaM lessons are held in the first period of the day, or to leave school without attending the RCaM course if it is held during the last class period.¹⁰⁵ When compulsory RCaM lessons are held during other class periods of the school day, at most schools students who are exempt from this course leave the classroom during the class period of the lessons and spend their time elsewhere at the school. However, at one school in Diyarbakır, despite being exempt from compulsory RCaM lessons the child of a priest was made to stay in the classroom and thus to listen to information that contradicted his beliefs.¹⁰⁶ During the lessons, this student reportedly had to listen to negative statements and false information about Christianity, the faith to which he belongs, and that this situation greatly upset him.¹⁰⁷

The fact that students who are exempt from RCaM lessons are in a sense forced to wander the school with nothing to do during these lessons can also lead to these students being 'exposed' and suffering harassment. One teacher described the treatment faced by Syriac students who were exempt from this lesson:

103 *Ibid.*

104 Interview with a Christian spiritual leader, Diyarbakır, 10 February 2015.

105 Interview with a representative of a Syriac NGO, Midyat, 10 February 2015.

106 Interview with a church priest, Diyarbakır, 9 February 2015.

107 *Ibid.*

102 Account given by a representative of the Association of Protestant Churches at a workshop held in Diyarbakır on 14 February 2015.

'One of the biggest problems faced by Syriac children is where to spend their time during the lesson they are exempt from. Students who are exempt from Religious Culture and Morals lessons are expected to sit in the classroom while this lesson is taking place. In other words, they are in a way made to follow the lesson despite being exempt from it. The students want to go outside during these lessons. But when they go outside they have to face a number of questions from other teachers, administrators and students. The students are put in a difficult position. "Why are you outside? Go inside! What are you doing wandering the corridors?" and so on. The student has to find an answer to each of these questions. Sometimes this situation reaches the level of insults and has a negative effect on the students psychologically. To resolve these problems an appropriate environment should be set up for these students. Either the students should be sent to the library, or a room should be set up where they can study comfortably. This situation is of particular importance for female students. The lessons should be held in the first or last period and if necessary the student should be sent home. If space can be found for a prayer room, then a working environment should be created for children in this situation. Many parents say the interested parties are aware of the situation but have not found a solution.'¹⁰⁸

Teachers of compulsory RCaM lessons

Compulsory RCaM lessons are taught by teachers who graduated from *imam hatip* religious schools or faculties of Islamic theology, and the fact that these lessons are taught by teachers who have not received education about all religions on an equal level is viewed as problematic. One problem that is frequently expressed is the fact that even when teachers of this subject graduated from a faculty of theology, the education they received means that they do not hold objective information about all religions and do not maintain an equal distance to all religions. Another significant reported problem was related to the fact that some teachers go beyond the framework of the course in the way they teach the subject and in their references to religions other than Islam. A representative of the Association of Protestant Churches described the situation as follows:

'During the past few years we have received reports of cases in which, when the topic of other beliefs arises during the lesson, some teachers of the subject demonstrate attitudes and behaviours not in line with the curriculum that are derogatory to faiths other than Islam and that highlight the superiority of Islam.'¹⁰⁹

One of the problems reported was the fact that some teachers of the compulsory RCaM course did not fully adhere to the curriculum, bringing into their lessons information and practices not envisaged within the syllabus. For example, a Christian family from abroad reportedly had their child attend the RCaM lessons so that he could learn about Islam, and the teacher made the child repeat the *shahada* several times each lesson, despite this not being part of the curriculum.¹¹⁰ The Eğitim-Sen report for the 2014-15 academic year points out that there has been an increase in the number of cases of preschool and primary school children being taken to mosques within the framework of an agreement signed between religious foundations and the MoNE's Directorate of Religious Affairs.¹¹¹

Effects of exemption from compulsory RCaM lessons: Exposure and discriminatory treatment

Separating students into two groups – those who attend the RCaM lessons and those who are exempt – leads to the exposure of non-Muslim children, as a result of which students may suffer from exclusion, humiliation, insults, and even physical attacks by their peers and even teachers for being members of a different faith group.¹¹² For example, one teacher of the compulsory RCaM course in Diyarbakır is reported to have shouted in the school corridor at a student who was exempt from the lesson, 'I invite you to convert to Islam!'¹¹³

108 *Ibid.*

109 MEZODER, *op. cit.*

110 Account given by a representative of the Association of Protestant Churches at a workshop held in Diyarbakır on 14 February 2015.

111 Eğitim-Sen report 2014-15, *op. cit.*

112 Association of Protestant Churches, *op. cit.*

113 Account given by a Christian spiritual leader at a workshop held in Diyarbakır on 14 February 2014.

Another RCaM teacher is said to have harassed the parent of a student who was exempt from the lesson at a school in Istanbul:

*'To give another example; during a parent-teacher meeting that was attended by the mother of a Syriac student who was exempt from Religious Culture and Morals lessons, the religion teacher asked the mother why her child did not attend religion lessons, scolded her in front of all the other parents and told her to send her child to the lessons. The mother didn't speak out at the parent-teacher meeting. However, when she told a relative what had happened, this relative came to the school and spoke to the headteacher. The headteacher brought the issue up at the staff meeting and warned all the teachers that such an incident should never happen again, and after that no similar events occurred at that school.'*¹¹⁴

A disadvantage in placement exams

Following the move to the 'Transition from Basic Education to Secondary Education' [*Temel Eğitimden Ortaöğretime Geçiş*] (TEOG) system in the 2013-14 academic year, grade 8 students are placed in high schools based on their results in exams held twice during the school year. The TEOG exams include questions on the compulsory RCaM course¹¹⁵ in a practice implemented for the first

time with the TEOG system. The RCaM course, the content and exemption mechanism of which has been judged by the ECtHR to give rise to human rights violations, has in practice become a permanently compulsory subject due to the fact that questions related to the lessons are included in the TEOG exams.¹¹⁶ In the first year, no measures were provided for students who were exempt from this course, and these students were registered by the MoNE with a code signifying that they were 'absent' rather than 'exempt'. Such coding meant that the students were treated as though they had scored zero in the RCaM section of the exam, therefore receiving a lower overall grade than they deserved.¹¹⁷ However, it is widely known that students generally receive high grades in the RCaM course and get high scores on questions related to RCaM lessons in the TEOG exam. Therefore students who were exempt from this course lost a lot of points compared to other students.

In a recommendation following an application to the Ombudsman Institution (OI), the OI ruled that students who were exempt from the RCaM course were at a disadvantage in the TEOG exams, and that questions from different subjects of equal weighting/value should be prepared for students who are exempt from the course.¹¹⁸ Currently, students who are exempt from RCaM lessons do not answer questions related to the subject in the TEOG exam, and their average score from the subjects of

The fact that students who are exempt from the lessons were marginalised was stated in the monitoring report for the 2013-14 academic year by the Norwegian Helsinki Committee: 'Christian or Jehovah's Witness families who use their right to exemption report that, particularly in state schools, their children are sometimes ostracised for using their right to exemption from Religious Culture and Morals lessons.' See *Türkiyede İnanç Özgürlüğü Hakkını İzleme Raporu* [Monitoring Report on the Right to Freedom of Religion or Belief in Turkey], 13 October 2014, p.31, <http://inancozgurlugugirisimi.org/wp-content/uploads/2014/10/NHC-%C4%B0%C3%96G-T%C3%BCrkiyede-%C4%B0nan%C3%A7-%C3%96zg%C3%BCrl%C3%BC%C4%9F%C3%BC-Hakk%C4%B1n%C4%B1-%C4%B0zleme-Raporu.pdf>. An abridged English version of the Turkish report can be found here: <http://inancozgurlugugirisimi.org/wp-content/uploads/2015/01/NHC-%C4%B0%C3%96G-English-Report.pdf>.

114 MEZODER, *op. cit.*

115 For the first briefing by the MoNE regarding

the TEOG exam and students who are exempt from the RCaM course, see 'Temel Eğitimden Ortaöğretime Geçiş Sistemi ile İlgili Sıkça Sorulan Sorular', http://www.meb.gov.tr/duyurular/duyurular2013/bigb/tegitimdenoogretimegecis/MEB_SSS_20_09_2013.pdf

116 Altıparmak, K., Freedom of Belief in Education meeting organised by the Norwegian Helsinki Committee, Freedom of Belief Initiative, Ankara, 27 March 2015.

117 Gültekin, U., 'TEOG Krizi Sürüyor, MEB Adım Atmıyor', *Agos*, 12 November 2014, <http://www.agos.com.tr/tr/yazi/8446/teog-krizi-suruyor-meb-adim-atmiyor>

118 Complaint No.: 2014/3164, Date of Ruling: 2 October 2014. For the full text of the ruling see <http://www.ombudsman.gov.tr/contents/files/pdf/karar/2014-3164%20-%20TEOG%20KARARI.pdf>

mathematics, science and Turkish are used to calculate the score they will be awarded for the RCaM questions. While high scores are usually achieved on the RCaM questions, basing their score for these questions on their average from other subjects has put students who are exempt from the RCaM course at a disadvantage. A representative of the Association of Protestant Churches stated that due to the disadvantages caused for students, calculating the scores in this way was not an adequate solution to the problem.¹¹⁹ Furthermore, problems are still experienced in practice and in 2015, for example, it was discovered that the TEOG exam scores of 371 students who were exempt from the compulsory RCaM course had been calculated as though they had sat the RCaM section of the exam and scored zero.¹²⁰ On appeal, the scores were recalculated but there is no guarantee that a similar error in calculation will not be repeated in the future. One interviewed expert said that in order to avoid being put at a disadvantage, Christians who had the right to exemption also tried to follow the RCaM lessons.¹²¹

Students studying at minority schools are also at a disadvantage due to the inclusion of questions related to the RCaM course in the TEOG exam, but the situation of these students is slightly different. Students studying at minority schools take a course entitled Religious Culture and Morals, but in this course, in place of Islam, Christianity is taught in Armenian and Greek schools, and Judaism in the Jewish school. Since the TEOG exam includes questions related to the RCaM course, a subject mainly about Islam, students at minority schools are exempt from the RCaM questions and their score for the RCaM questions is calculated, as described above, according to their average score from the mathematics, science and Turkish sections of the exam.

The situation for Jewish and Greek schools changed last year. The MoNE first asked the Jewish school to prepare the syllabus for the RCaM course taught in the school, and then stated that in the TEOG exam the school's students would be asked questions that had been prepared according to this approved syllabus. When representatives of the Jewish school stated that questions related to their faith could only be prepared by members of that faith, they were informed that a number of general questions about Judaism would be asked. In the TEOG exams held during the 2014-15 academic year, students studying at the Jewish school were asked questions about the RCaM programme that they had studied, thus ensuring that these students were no longer at a disadvantage.

A different policy was implemented for students at Greek schools. As a result of meetings with the MoNE, the students of two Greek high schools¹²² were given exemption from the TEOG exam because over 95 per cent of students studying at Greek secondary schools continue their education in Greek high schools. Thanks to this exemption, students graduating from Greek secondary schools are able to continue their education at Greek high schools, as was the case before the introduction of the TEOG exam.¹²³ Here it is important to note that there remains a disadvantage for Greek students who do not plan to continue their education at Greek high schools, and also for the students at one Greek high school whose students sit the TEOG exam.¹²⁴ The headteacher of a Greek high school said that including questions related to Christianity in the TEOG exams would not solve the problem because the RCaM course at their schools was taught in Greek and some terms were

119 Association of Protestant Churches, *op. cit.*

120 Gamze Kolcu, '371 Öğrencinin Puanı Yeniden Hesaplanacak', *Hürriyet*, 30 June 2015, <http://www.hurriyet.com.tr/gundem/29415888.asp>

121 Interview with an administrator of an Armenian school, Istanbul, 19 June 2015.

122 Fener Greek High School and Zoğrafyon High School.

123 It is reported that a similar practice exists in Turkish schools in Western Thrace and that the MoNE therefore applied the reciprocity principle to give Greek schools exemption from the placement exam. Telephone interview with an administrator of a Greek school, 20 June 2015.

124 In the 2014-15 academic year, two graduates from the Zapyon High School sat the TEOG exam.

impossible to translate into Turkish, and thus students would still have difficulties when answering questions about Christianity that are asked in Turkish.¹²⁵

For students studying at Armenian schools no solution has yet been found to the problem. Upon the request of the MoNE, Armenian schools shared with the Ministry their RCaM syllabuses, and requested that if questions related to Christianity were included in the TEOG exam they be prepared in Armenian since this is the language of instruction for the RCaM courses at these schools. So far this demand has not been met.¹²⁶

Here it should be pointed out that even though a solution has been found for the Jewish school, as outlined above, representatives of the Jewish school and Armenian schools stated in their interviews that no matter what kind of solution was found, they did not find it appropriate for any questions on any religion or belief to be asked in placement exams. As there are no faculties of theology that train teachers for the RCaM courses in minority schools, these lessons are generally taught by homeroom teachers or other subject teachers. The administrators of some minority schools state that RCaM is not a subject that is given high priority in their schools because their students can receive religious instruction from their own religious institutions if they so choose.¹²⁷ They also point out that since questions about RCaM lessons are included in the TEOG exams, students

need to spend a lot of time studying for this lesson and preparing for the exam.¹²⁸

The problem in question continues at other schools for students who are exempt from the RCaM course. The Association of Protestant Churches expresses its concerns as follows:

*'Christian parents have a concern about TEOG in particular. They have expressed these concerns to the Ministry of National Education, and the response they received was that, in short, there would be absolutely no loss of rights. However, recommendation number 2014/3164 from the Ombudsman Institution to the Ministry of National Education dated 2 October 2014 stated that it found that there was inequality for students who were exempt from this course and that this needed to be rectified. No satisfactory response has yet been received from the MoNE.'*¹²⁹

There also remains a disadvantage for Jewish students who do not attend the Jewish school. In the TEOG exam, Jewish students who are exempt from the compulsory RCaM course are treated as though they did not answer the questions related to RCaM lessons, and therefore these students unfairly receive lower scores. In one interview, an administrator at the Jewish High School stated that if Jewish students studying at state schools or private schools who wish to continue their education at private schools receive a low score on the TEOG exam, this score is still enough for their registration at those schools, but that for other students who wish to study at Anatolian and Science High Schools, even a 0.1 point difference is of great consequence in the placement ranking, and that the impact of the disadvantage in this area is therefore very serious.¹³⁰

The development of a unified exam system that assumes the same characteristics and conditions for all students, while ignoring that there are students living in Turkey who adhere to different reli-

125 Telephone interview with an administrator of a Greek school, 20 June 2015.

126 Interview with an administrator of an Armenian school, Istanbul, 19 June 2015. For a news report on this issue see Uygur Gültekin, 'TEOG Krizi Sürüyor, MEB Adım Atmıyor', *Agos*, 12 November 2014, <http://www.agos.com.tr/tr/yazi/8446/teog-krizi-suruyor-meb-adim-atmiyor>

127 Telephone interview with an administrator of the Jewish school, 19 June 2015. An administrator of an Armenian school also stated that since Armenian schools were located next to churches, students who wished to do so could easily receive religious instruction in church outside school hours. Interview with an administrator of an Armenian school, Istanbul, 19 June 2015.

128 Telephone interview with an administrator of the Jewish school, 19 June 2015.

129 Association of Protestant Churches, *op. cit.*

130 Telephone interview with an administrator of a Jewish school, 19 June 2015.

gions or beliefs and that some are exempt from the RCaM lessons, as well as the fact that this exam places students at a disadvantage because they belong to a faith other than Sunni Islam or because they are exempt from the RCaM course, is clearly discriminatory. The extent of the problems caused by the fact that each of the minority schools is subject to different treatment by the MoNE, that all students who are exempt from the RCaM course at schools other than minority schools are put at a disadvantage, and that questions on the RCaM course are included in the TEOG exams shows that immediate steps need to be taken to end this discrimination. NGOs, trade organizations, academic circles and representatives of different religious communities in Turkey frequently express the view that no questions on the RCaM course should be included in the TEOG exams and that this situation needs to be resolved as soon as possible. A statement made by the education union Eğitim-İş stipulated that, in line with the judgments made by the ECtHR, questions on the RCaM course should not be asked in TEOG exams.¹³¹

Grade repetition

Exemption from the compulsory RCaM course can, on rare occasions, risk causing students to have to repeat the school year. In the 2012-13 academic year, the child of a priest failed the RCaM course from which he was exempt, preventing him from moving on to the next grade. On appeal this error was corrected and the student was allowed to continue in the following grade.¹³²

iv. Elective Christianity/Judaism courses

With the addition to the curriculum of the elective courses The Life of the Prophet Muhammad,

Fundamental Religious Knowledge (Islam) and The Holy Qur'an in the 2012-13 academic year, the issue of providing elective courses on Christianity and Judaism in schools became the subject of debate.

A coordinator appointed by the MoNE and representatives of various churches (Greek, Armenian, Syriac, Protestant and Catholic) established a commission to prepare a textbook for a course on Christianity for grades 5 and 6, and the materials prepared by the commission were sent to the MoNE for approval. The commission was informed orally that the MoNE had approved the textbook, but there has not yet been any development regarding the subject being added to the list of elective courses. In a newspaper interview given on 8 October 2014, the Minister of National Education, Nabi Avcı, said that elective courses on Christianity and Judaism would only be taught at minority schools. This means that Christian and Jewish students studying at schools other than minority schools, as well as any other students wishing to take the subjects, are unable to enrol in this course.

As such, when a group of students at a school in the district of Kurtuluş in Istanbul applied to the school administration so they could take the Christianity course, their request was denied, with the school claiming that they were unable to offer this course.¹³³ A similar case was experienced in Bakırköy.

*'At a state school in Bakırköy, Christian students applied to the school administration saying they wanted to study the elective Christianity course. The headteacher rejected their demands, saying, "Choose whatever course you want, but we'll teach you the subjects we choose." Petitions were written but the students were prevented from giving these petitions to the school administration. Christian students were thus prevented from taking the elective Christian course.'*¹³⁴

Even though the Minister of National Education has stated that a syllabus for a Christianity course

131 Eğitim-İş, 'TEOG ve Üniversite Sınavlarında Din Kültürü ve Ahlak Bilgisi Soruları Sorulmamalıdır', 20 February 2015, <http://www.egitimis.org.tr/haber-arsiv/teog-ve-nverste-sinavlarinda-dn-kltr-ve-ahlak-blg-sorulari-sorulmamalidir#>. VYLLgfntmko

132 Interview with a church priest, Diyarbakır, 9 February 2015.

133 MEZODER, *op. cit.*

134 *Ibid.*

has been approved by the Board of Education, in practice it has been observed that this elective is not being offered in schools.¹³⁵

In terms of the approach of different communities regarding the subject of elective religion courses, the interviews for this report revealed that electives in Christianity and Judaism are of importance not so much for minority schools but for students at other schools, particularly students belonging to those faith groups. According to representatives of minority schools, the reason for this is that minority schools already teach RCaM courses on their own religions, and if elective courses on Christianity or Judaism were offered in addition to this course they would not be particularly popular with students.¹³⁶ A spiritual leader from the Christian community said he believed that it was important for an elective course on Christianity to be offered in state schools and private schools, but also pointed out that it would be very difficult to find ten students in a school who would choose to take such a course.¹³⁷

Another problem that will be encountered if the elective Christianity course is added to the curriculum is that of who will teach the course. There is no faculty of theology or vocational school in Turkey providing education on Christian theology. It has been stated that Christianity courses should be taught by graduates of such educational institutions¹³⁸ but that currently this is not possible, and therefore the question of who will teach these lessons remains unanswered. A representative of the Association of Protestant Churches pointed out the importance of the issue of teachers for this course. Stating that it would not be accept-

able for a Muslim teacher to teach the Christianity course, the representative said that this issue had been brought up in meetings with the MoNE, and that community representatives had been orally informed by MoNE officials that it would be appropriate for these lessons to be taught by Christian teachers. The representative also stated that they had been orally informed by the MoNE that the course could be taught primarily by Christian teachers who were either currently working in schools or retired, and that in cases where this was not possible the course could be taught by other members of the Christian community with pedagogical training. The representative also stated that when this issue became the subject of debate within the Protestant church they had identified teachers, retired teachers and individuals with pedagogical training within the Protestant community, and that approximately twenty more people were also being provided with pedagogical training in preparation for the addition of the course to the curriculum. They found approximately one hundred people who would be able to teach the Christianity course.¹³⁹ A priest interviewed for this report stated that the elective Christianity course should be taught by a Christian teacher, and also that the textbook should be prepared by members of the Christian community.¹⁴⁰

v. Elective courses: The Holy Qur'an, The Life of the Prophet Muhammad, Fundamental Religious Knowledge

Among the new elective courses added to the curriculum in the 2012-13 academic year were The Life of the Prophet Muhammad, The Holy Qur'an and Fundamental Religious Knowledge (Islam). In theory there is no problem with such courses being added to the pool of available electives, but in practice developments have been observed in some schools that violate the rights of non-Muslim students, and even of Muslim students who do not

135 'Nabi Avci: Hristiyanlık seçmeli ders olarak okutulacak', *Merhaba Haber*, 8 December 2014, <http://www.merhabahaber.com/nabi-avci-Hristiyanlik-secmeli-ders-olarak-okutulacak-317923h.htm>

136 Interview with an administrator of an Armenian school, Istanbul, 19 June 2015.

137 Interview with a Christian spiritual leader, Diyarbakır, 10 February 2015.

138 Account given by a representative of the Association of Protestant Churches at a workshop held in Istanbul on 7 June 2015.

139 Association of Protestant Churches, *op. cit.*

140 Interview with a church priest, Diyarbakır, 9 February 2015.

choose to take these courses. For any elective to be offered at a school, that course must be chosen by at least ten students. For this reason, at some schools the courses The Life of the Prophet Muhammad (or *Al-Sira*), The Holy Qur'an, and Fundamental Religious Knowledge were placed at the top of the list of electives that was distributed to students, and students were encouraged to choose these courses. One teacher shared the following observation on the subject:

*'When the list of electives was being handed out to students, the courses in the top three [positions] were the lessons on Islam, and students were encouraged to choose these courses... Elective courses should be listed randomly. No pressure should be put on students and parents regarding their choice of course. The choices of every student should be respected.'*¹⁴¹

Some schools, citing a lack of teachers, have told students that other elective courses would not be offered even if they were chosen, leaving students obliged to choose one of these three courses.¹⁴² For example, the students at a school in Izmir were told to choose one of these courses and were informed that the other elective courses would not be offered due to a lack of teachers.¹⁴³ The president of Eğitim-Sen stated that directorates of national education sent a memorandum to schools requesting that they ensure their students choose one of the three elective courses in question.¹⁴⁴ In the interviews, one teacher explained that sermons were even read in mosques about the selection of elective religion

courses, and that this influenced the choices made by parents and students.¹⁴⁵

At some schools Christian students are also forced to take the elective religion courses and have to resist in order to be able to choose an alternative elective. For example, due to the fact that the only elective courses offered at Diyarbakır's Kayapınar High School were The Holy Qur'an, The Life of the Prophet Muhammad and Fundamental Religious Knowledge, Christian students were advised to register at the Süleyman Demirel High School, three kilometres away. When the Süleyman Demirel High School rejected their applications, the students appealed to the MoNE and were offered a different elective than the three courses in question.¹⁴⁶ Again in Diyarbakır, during the first year in which these courses were offered, the child of a priest studying in grade 9 had to take the elective The Life of the Prophet Muhammad.¹⁴⁷ Similarly, an Alevi student in Istanbul had to take one of these courses, and since the child's parent was reluctant to seek a legal solution or bring the issue to public attention, only an NGO was informed of the situation.¹⁴⁸

As the only elective courses offered at schools closest to where they live are those related to Islam, some Christian families have been forced to change their child's school or arrange for them to study the elective of their choice at another school. Such cases were experienced in the cities of Van and Diyarbakır. In Diyarbakır, for example, a Christian parent applied to the school administration so that their child could be exempt from the 'compulsory' elective course, but as the problem could not be resolved within the school, the child

141 MEZODER, *op. cit.*

142 Similar concerns were expressed in the 2013-14 monitoring report by the Norwegian Helsinki Committee Freedom of Belief Initiative, p. 32, <http://inancozgulugurisirimi.org/wp-content/uploads/2014/10/NHC-%C4%B0%C3%96G-T%C3%BCrkiyede-%C4%B0nan%C3%A7-%C3%96zg%C3%BCrl%C3%BC%C4%9F%C3%BC-Hakk%C4%B1n%C4%B1-%C4%B0zleme-Raporu.pdf>

143 Account given by a representative of the Association of Protestant Churches at a workshop held in Diyarbakır on 14 February 2015.

144 Interview with Eğitim-Sen President Kamuran Karaca, Ankara, 26 March 2015.

145 Teacher focus group, Mardin, 10 February 2015. Concerns regarding elective religion courses becoming compulsory were expressed by many participants at the Freedom of Belief in Education meeting held by the Norwegian Helsinki Committee in Ankara on 27 March 2015.

146 Interview with a Christian spiritual leader, Diyarbakır, 10 February 2015.

147 Interview with a church priest, Diyarbakır, 9 February 2015.

148 Account given by a representative of an Alevi NGO at a project meeting held in Istanbul on 15 November 2014.

was transferred to another school. In Van, a student who chose an elective other than these three courses was given permission to take a course at another school.¹⁴⁹

Interviewees reported that the children of Christian refugees living in Turkey are theoretically exempt from RCaM lessons but in practice are made to take the elective religion courses.¹⁵⁰

vi. Provision of places of worship in schools

On 13 September 2014 an amendment was made to the MoNE Regulation on Secondary Education Institutions regarding setting aside a naturally lit space in schools for worship.¹⁵¹ The change to the statement in the previous regulation, which read 'A suitable space may be set aside to meet the needs of worship if such a request is made', raised concerns that the provision of places of Muslim worship at schools would become obligatory and that pressure would be put on students to use them. In response to these concerns, the Minister of National Education, Nabi Avcı, made a statement in which he said that places of worship would be provided where there was a demand and that worship would not be compulsory:

*'In many schools there are places set aside for teachers and students to worship if they choose to do so, but these are generally located in the school's basement [and] in places that are not suitable for worship. To clarify this, we highlighted in our regulation that these should be provided in "spaces that receive daylight." Schools where there is a need will provide this kind of service... We say they can be provided; they can be provided in places where there is a need. But worship is not compulsory.'*¹⁵²

149 Association of Protestant Churches, *op. cit.*

150 Account given by a representative of the Association of Protestant Churches at a workshop held in Diyarbakır on 14 February 2015.

151 'Regulation on Amendments to the Regulation on Ministry of National Education Regulation on Private Education Institutions', published in *Official Gazette* No. 29118 dated 13 September 2014, article 42.

152 Bülent Sarıoğlu, Gamze Kolcu, 'Okula Zorunlu Mescit Tartışması', *Hürriyet*, 16 September 2014,

In the month following the amendment to the regulation, a memorandum was sent to schools by the MoNE laying out the standards for the places of worship to be provided in schools.¹⁵³ According to a newspaper report published in February 2015, places of worship had been established at 22 schools in Diyarbakır.¹⁵⁴ According to another newspaper report, a Provincial Director of Education announced that the prayer room at one school would be a practical space for the RCaM course.¹⁵⁵ The use of such prayer rooms for this purpose is likely to increase concerns that practices applied in this course sometimes go beyond the scope of the curriculum, because it does not otherwise require students to carry out ablutions or perform ritual prayers. If, as well as having to listen to theoretical information that conflicts with their beliefs, students (particularly non-Muslim or non-Sunni Muslim students) who are made to follow the RCaM course also have to carry out rituals of worship, this would compound the rights violations to which they are subjected.

<http://www.hurriyet.com.tr/gundem/27211138.asp>

153 These standards were the following: '1. Prayer rooms provided in schools should have a window that receives daylight; 2. Separate prayer rooms should be provided for male and female students; 3. In schools with up to one thousand students the prayer room should measure at least 12 m², and schools with over one thousand students should provide an extra 12 m² per thousand students; 4. Prayer rooms should be equipped with heating systems; 5. The floor of the prayer rooms should be wood and covered with carpet; 6. A shoe rack should be placed at the entrance of the prayer rooms; 7. The prayer room should have a wall-mounted coat rack and shelf measuring 20 x 50 cm; 8. Curtains should be placed on the windows.' See 'Okullara Mescit Genelgesi Yollandı', *Radikal*, 23 December 2014, http://www.radikal.com.tr/turkiye/okullara_mescit_genelgesi_yollandi-1257444.

154 '22 Okulda Mescit Açıldı', *Öz Diyarbakır*, 16 February 2015, <http://ozdiyarbakirgazetesi.com/index.php/home/news/4982>

155 '7'nci Sınıf Öğrencisi, Okula Mescit Derslik Yaptırdı', 12 June 2015, <http://www.mynet.com/haber/guncel/7nci-sinif-ogrencisi-okula-mescit-derslik-yaptirdi-1881337-1>

Following the amendment to the regulation it has been observed that all the 'places of worship' established in schools were in fact set up as Muslim prayer rooms, that it was not possible for students of faiths other than Islam to worship in these spaces, and that no places of worship had been provided for such students.¹⁵⁶ Although discussions are being held around the principle that all faiths should be treated equally if places of worship are to be provided in schools, it should be noted that many experts and NGOs working in the field state that schools should not provide places of worship for any faith.¹⁵⁷ When approached from a basis of need, one Christian spiritual leader said that there was no need for places of worship in schools for their own communities.¹⁵⁸

vii. *İmam Hatip religious schools*

In the 2013-14 academic year, the education system in Turkey underwent a reform and the number of *imam hatip* religious schools increased. The number of *imam hatip* schools has grown every year since 2002, and with the move to the Transition from Basic Education to Secondary Education (TEOG) system there was a striking increase in the number of these schools and of students attending them. The table below, which was published by Eğitim-Sen, shows the annual increase in *imam hatip* schools and student numbers.¹⁵⁹

İmam hatip high schools and number of attending students

Academic Year	Number of Students	Number of Schools
2002-03	71,100	450
2003-04	90,606	452
2004-05	96,851	452
2005-06	108,064	453
2006-07	120,668	455
2007-08	129,274	456
2008-09	143,637	458
2009-10	198,581	465
2010-11	235,639	493
2011-12	268,245	537
2012-13	380,771	708
2013-14	474,096	854
2014-15	546,443	1,017

According to information provided by Eğitim-Sen, when the level of interest in *imam hatip* schools was not as high as the MoNE had expected, some classes in a number of schools that had not been turned into *imam hatip* schools were made into *imam hatip* classes, despite there being no such legislative regulation on this issue. It is worth noting that *imam hatip* classes were opened in 11 of 30 secondary schools in the Beykoz district of Istanbul.¹⁶⁰

Criteria for opening imam hatip schools - The opening of imam hatip schools in Alevi neighbourhoods

It has been reported that those living near schools that were turned into *imam hatip* schools were not consulted in any way, and that the religious beliefs and preferences regarding the education of the residents of these neighbourhoods were not taken into account during the transformation of these schools. For example, despite the fact that it is known that members of the Alevi community

156 Account given by teachers at a workshop held in Istanbul on 7 July 2015.

157 President of Eğitim-Sen Kamuran Karaca also states that schools should not have places of worship for any religion. Interview with Eğitim-Sen President Kamuran Karaca, Ankara, 26 March 2015. This opinion is shared by the majority of the members of the Monitoring Equality in Education Network.

158 Account given by a Christian spiritual leader at a workshop held in Istanbul on 7 July 2015.

159 Eğitim-Sen report 2014-15, *op. cit.*

160 'MEB'in Yönlendirmesi ile İmam Hatipler ve Öğrenci Sayısı Artıyor!', Eğitim-Sen, http://www.egitimsen.org.tr/genel/bizden_detay.php?kod=21983

would not choose to send their children to *imam hatip* schools, the existing schools in some neighbourhoods of Istanbul with large Alevi populations were turned into *imam hatip* schools or new *imam hatip* schools were opened in these areas.

*'İmam hatip schools are being opened in Alevi neighbourhoods. It happened in the area where I live. I live in Çengelköy. We had set aside space in the area for a school. An imam hatip school was opened in the area. 12,000 people live in that area. Not one student from the area goes to this school. Students come from elsewhere. There are 40-50 students per class in the schools that students from our area go to, while the school on the estate has a total of 60 students.'*¹⁶¹

Another concern that was shared regarding the schools that were turned into *imam hatip* schools was related to the fact that particularly schools with comparatively better physical conditions were turned into *imam hatip* schools. Some claim that *imam hatip* schools receive preferential treatment and that more investments are made at these schools.¹⁶² A 2014-15 report published by Eğitim-Sen states that positive discrimination is applied to *imam hatip* schools, and highlights that while many state schools struggle with insufficient funding, no *imam hatip* schools face problems of resources.¹⁶³

The placing of students (including non-Muslim students) in imam hatip schools against their preferences

One of the problems that arose along with the move to the TEOG system is that some students were placed in *imam hatip* high schools despite not having stated a preference for studying at such a school. It has been observed that some students who do not have the required points based on the TEOG system to study at another high school are placed in *imam hatip* high schools even if they have not chosen to study at such a school. In a statement

made in September 2014, the Minister of National Education stated that the number of students placed in *imam hatip* high schools despite not having chosen to study at such a school stood at 45.¹⁶⁴

Through the TEOG system, some non-Muslim students were also placed in *imam hatip* schools, and in August 2014 it was found that this had happened to two students studying in Armenian schools.¹⁶⁵ Reports were also published in the media about a Jewish student studying at the Jewish school in Istanbul who was placed in an *imam hatip* school in Şile.¹⁶⁶ An administrator of the Jewish school stated that the reason for the placement in *imam hatip* schools of students studying at minority schools was that, since they were unable to express their preference to study at a private school on the TEOG exams, the students were treated as though they had not expressed a preference regarding the type of school at which they would study. It has been stated that it is possible for students who found themselves in this situation to transfer their registration to minority schools, but that parents have to spend an unnecessary amount of time and effort to do so.¹⁶⁷

Students forced to study in other neighbourhoods when their local school is turned into an imam hatip school

The transformation of many schools into *imam hatip* schools may put non-Muslims in particular at a disadvantage. Some students are facing problems because their local school has been turned into an *imam hatip* school. The child of a Christian

161 Account given by a representative of an Alevi NGO at a project meeting held in Istanbul on 15 November 2014.

162 Teacher focus group, Mardin, 10 February 2015.

163 Eğitim-Sen report 2014-15, *op. cit.*

164 'İmam Hatibe Tercihsiz Kaç Kişi Yerleştirildi?', 12 September 2014, <http://www.internethaber.com/imam-hatibe-tercihsiz-kac-kisi-yerlestirildi-720855h.htm>

165 'Ermeni Öğrenciler İmam Hatip'e Otomatik Olarak Yerleştirildi', *Agos*, 25 August 2014, <http://www.agos.com.tr/tr/yazi/7822/quot-ermeni-ogrenciler-imam-hatip-e-otomatik-olarak-yerlestirildi-quot>

166 "Hahambaşı'nın Torunu 'İmam Hatip'e", *Cumhuriyet*, 31 August 2014, http://www.cumhuriyet.com.tr/haber/egitim/112909/Hahambasi_nin_torunu__imam_hatip_e.html

167 Telephone interview with the administrator of a Jewish school, 19 June 2015.

spiritual leader in Diyarbakır, for example, had to walk to a school 1.5 kilometres from his home because the neighbourhood school had been turned into an *imam hatip* school.¹⁶⁸ As explained above, the opening of *imam hatip* schools in areas where there is no demand has forced Alevi children living in such areas to attend schools in other neighbourhoods.

Poor children forced to study in imam hatip schools

The placement of students in schools, including *imam hatip* schools, according to their score on the TEOG exam and the transformation of schools in some neighbourhoods into *imam hatip* schools can have an even greater impact on poor and disadvantaged groups. There are concerns that a significant number of Roma children have been forced to study at *imam hatip* schools because the school in their neighbourhood has been transformed into such a school or due to their score on the TEOG exam, and that this will therefore limit their future careers.

*'We're not against imam hatip schools, but we are against [normal] high schools being replaced by imam hatip schools. Particularly for children of groups who live in the deepest poverty, such as Roma, this can often become the only choice. Poor children have little chance of choosing a private school, so they register with the closest school in the neighbourhood. And in the future this will prevent them from taking up different careers...The closure of normal high schools has affected poor communities such as Roma who cannot register with private schools. In other words, poor children are being prevented from entering careers such as medicine, engineering, etc. For these reasons they can only work as an imam, or as a machine operator or metal-worker.'*¹⁶⁹

Students who do not do well at school due to poverty or other factors can be placed in *imam*

hatip schools because of their low scores on the TEOG exam. This puts such students at an even greater disadvantage in terms of academic success, because at *imam hatip* schools they take lessons such as Arabic, Islam and Islamic Jurisprudence which they struggle to follow.¹⁷⁰

viii. Discrimination and harassment for reasons of religion and belief

Although not systematically, Christian and Alevi children living in various parts of Turkey are at times subject to harassment at school by other students or teachers. While these cases generally go unreported, some complaints of harassment are made to school administrators or teachers. In such situations it has been observed that at times no action is taken regarding the complaint, and at other times non-official procedures are followed.

*'I have daughters studying in grades five and six. I can't say that the teachers treat them badly, but the other students sometimes exclude my children and harass them. When I spoke with the teacher I got the reply, "What can I do? If I punish the students it could make things worse." Sometimes they call the children's parents to the school and talk to them. Some parents come and apologize to us.'*¹⁷¹

A teacher and member of MEZODER explained why students did not report cases of harassment that they suffered at school:

'Even though there has been a slight decrease in the problems faced by Syriac children in schools compared to the past, unfortunately we still hear about many incidents related to this issue. Many students don't tell their families about the problems they're having. Even if they do tell their families, the families cover it up. Even if there are only a few examples, these negative incidents should not be glossed over as isolated episodes, because we are constantly faced with such incidents that are experienced almost everywhere in society. Many families don't tell anyone about the issues they face and keep quiet

168 Account given by a Christian spiritual leader at a workshop held in Diyarbakır on 15 February 2014.

169 ROMFO monitoring report, 2015.

170 Account given by a teacher at a workshop held in Istanbul on 7 February 2015.

171 Interview with a Christian spiritual leader, Diyarbakır, 9 February 2015.

*about the problem so they won't be exposed or attract attention.*¹⁷²

Cases of harassment at school generally consist of insulting the child's religion and the use of hate speech against the child's beliefs. Hate speech and harassment can even occur during classroom activities. At a school in Diyarbakır the reaction of the child of a Christian spiritual leader to disparaging comments about Christianity led to the child facing physical harassment, and ultimately being sent by her parents to another school.

*'I have five daughters. At the Mehmetçik Primary School my daughter was subject to derogatory attitudes and behaviour. I spoke to the teacher, but it didn't help. I spoke to the headteacher. In a class of 36 students, my daughter was the only Christian. Someone in the class said, "The Christians were unable to conquer the country with the Crusades, now they're trying to do it as missionaries." My daughter objected, saying, "Actually it was us who were killed in Malatya [referring to the massacre of Christians at the Zirve Publishing House in Malatya]." Someone said, "Three animals were killed, so what?" A fight started, and that's how I found out about it. We moved the children to another school.*¹⁷³

At another school a social studies teacher used hate speech against Christians, upon which some students attacked a Christian student at the school:

*'In front of our house is the Namık Kemal Primary School. The social studies teacher there was speaking about the Crusades. He used statements that contained hate speech against Christians. Three boys set out to lynch a Christian student. The child fainted...'*¹⁷⁴

According to one interviewee, a grade 9 student, the daughter of a priest of a church in Diyarbakır, suffered harassment by other students at the school who at times used the words 'gâvur'

[infidel] and 'Christian' in a derogatory way.¹⁷⁵ No complaint was made to any official body about this harassment.

C. DISCRIMINATION BASED ON COLOUR OR ETHNIC ORIGIN

ix. School registration, registration fees and donations

With the move to the eSchool system in Turkey, the schools in which children will study are determined automatically through a computer programme. According to the Constitution and the Basic Law of National Education, basic education is free and compulsory. As such there should be no problems regarding what school a child over the age of six will attend (in principle a school in their neighbourhood of residence) or regarding the acceptance of a child's registration. In practice, however, some parents who want their children to study at a better school change their place of residence (even if only on paper) to a neighbourhood with a 'better' school, thus enabling them to register their children at schools in those neighbourhoods.¹⁷⁶ This creates inequality in terms of the schools attended by children of poorer communities, such as the Roma community, and those attended by other children.

It is prohibited by law for public schools to request registration fees, and this practice has decreased in recent years; however, students' parents are still sometimes asked for a fee under the guise of a 'donation'.¹⁷⁷ The salaries of teachers and other staff working at schools are paid by the state, but sufficient funds are not provided from the state budget to cover other basic costs of the school, such as stationery, cleaning and activities. For this reason, some schools take 'compulsory' donations during registration, and also collect donations from parents throughout the year via

172 MEZODER, *op. cit.*

173 Interview with a Christian spiritual leader, Diyarbakır, 9 February 2015.

174 Interview with a Christian spiritual leader, Diyarbakır, 10 February 2015.

175 Interview with a church priest, Diyarbakır, 9 February 2015.

176 'Okul Kayıt Parası Kolej Ücretini Geçti', 5 August 2014, <http://www.memurlar.net/haber/478752/>

177 *Ibid.*

parent-teacher associations. Schools in neighbourhoods where parents are able to make larger donations can therefore have better infrastructure and more resources than schools in neighbourhoods with a poor population. Particularly for neighbourhoods with large Roma and Kurdish populations, this can lead to the infrastructure and resources of schools being of a lower quality than those of schools in other neighbourhoods. Such a situation is in violation of the principle of equal opportunity in education.

The Zero Discrimination Association explains how schools in Roma neighbourhoods are affected by this situation:

*'With the adoption of the population-based registration system through regulations made in Turkey in recent years, the physical conditions and teaching staff of schools have come to be determined through the financial contribution of parents. The schools' finances are therefore to a large extent ensured by the contributions made by the parents of registered students who live nearby. In schools close to Roma neighbourhoods, however, the insufficient financial resources of students' parents means that Roma children are educated with more limited resources and most often in poverty; those Roma children who are able to continue their schooling are therefore educated not under equal conditions with other children but at a disadvantage to them. Furthermore, the academic level is generally lower at these schools; it is striking that both teachers and school administrations hold the opinion that Roma children cannot be successful and have low expectations of them.'*¹⁷⁸

x. Segregation

As the school in which students will be registered is automatically determined by the placement system, officially it is not possible for children of a particular religion, colour, ethnic origin or belief not to be accepted into specific schools or to only be allowed to register with particular schools. However, in practice it is seen that at a small number of schools and classes, students of a particular identity are placed together. In the fieldwork carried out for this project, such a situation

was encountered in Edirne, where it was found that only Roma students were registered at a primary school located in a neighbourhood populated by both Roma and non-Roma families. Non-Roma families living in this neighbourhood changed their place of residence (on paper only) to another neighbourhood because they did not want their children to study at the same school as Roma children. This has turned the school, which is located in an area with a population of both Roma and non-Roma, into a school attended only by Roma children, and as such the school environment of these Roma children is completely isolated from other segments of society.

It had been reported that approximately 90 per cent of students attending schools close to neighbourhoods with a high Roma population in Mersin are from the Roma community.¹⁷⁹

As highlighted by the examples given above, donations from parents play a significant role in establishing schools' budgets, meaning that the standards of schools in neighbourhoods with a large population of poor Roma lag behind those of other schools in a variety of ways. As such, it is striking that the physical standards of schools attended only by Roma students are often lower compared to other schools. One school administrator said that the physical conditions and quality of education at schools attended almost solely by Roma students were worse than at other schools and that the sole purpose of these schools was to ensure students' attendance at school and their integration in society, adding that preparing them for the placement exams was not even on the school's agenda. ROMFO states that while carrying out their projects they frequently encountered cases where teachers at schools attended by Roma children saw the students as a 'nuisance' and also found many examples of cases in which students had reached grade 4 or 5 without being able to read or write but had passed to a higher grade because in the new education system it is no longer possible for primary and secondary students to repeat a year.¹⁸⁰

178 Zero Discrimination Association monitoring report, 2015.

179 ROMFO, *op. cit.*

180 *Ibid.*

As well as segregation at the school level, cases of segregation can also be seen within schools themselves. Some schools comply with the demands of non-Roma parents for their children not to study in the same class or sit in the same row as Roma students, and at times Roma students are placed in separate classes from other students. It has been reported that such a practice was carried out at a school in Edirne,¹⁸¹ and reportedly all the Roma students at a school in Çanakkale were placed in one class.¹⁸² During the 2013-14 academic year it was found that in a school in Diyarbakır all Dom (a branch of the Roma people) students of various ages and in different grade levels had been grouped in one class. This practice was ended following a complaint by an association representative, but it was later found that the practice was still being implemented.¹⁸³ Although the placement of Roma students in separate classes or rows is not a widespread problem, school administrations and teachers should show more sensitivity towards these issues and should not comply with the demands of parents to segregate Roma students.

xi. Registration in special education institutions

One of the main problems encountered in recent years regarding Roma children's enjoyment of their right to education is that many Roma students are given a GRC report and registered with special education institutions even though they have no mental problems. The Zero Discrimination Association says that during field research carried out by the association, such practices were observed in Gaziantep, Hatay, Kilis, Istanbul, Izmir and Manisa.

According to the association's findings, the process of placing Roma children in special education classes in their own or other schools is initiated

in one of two ways. The first of these is that members of GRC staff bring vehicles to certain neighbourhoods with a large Roma population, collect the children and take them to GRCs, where they are issued a report stating that they are 'disabled', even though this is not a true reflection of their situation. The second is through teachers sending children to GRCs for various reasons, upon which a report is issued as a result of interviews held at these centres.¹⁸⁴

During a visit by the Zero Discrimination Association to the town of Kayalıoğlu in Manisa in June 2014, it was observed that Roma children were sent to special education institutions with GRC reports stating that they were intellectually challenged. It was found that from the 70 to 80 families living in Kayalıoğlu, approximately 19 children went to special education centres.¹⁸⁵ In this town, where Roma citizens live in makeshift buildings, the combination of students' poor living conditions, lack of educational support at home and other factors gives rise to academic failure. Among the factors that encourage parents to send their children to special education institutions is the idea that children who are seen as academically unsuccessful will receive a more customized education in these institutions, as well as the fact that parents receive monthly financial support from the state during the period of education there. It has been observed that families have very little knowledge about the impact that studying in a special education institution and receiving a disability report will have on their children's lives in the long term.¹⁸⁶

Reportedly, observations regarding the arbitrary sending of Roma children to special education institutions (and the fact that some GRCs and special education institutions act with the aim of obtaining financial benefit) had been passed on to the relevant units of the Ministry of Family and Social Policy, but no positive developments had been seen. Although in face-to-face meetings the authorities state that they are aware of the situation

181 Zero Discrimination Association, *op. cit.*

182 ROMFO, *op. cit.*

183 Interview with a Dom activist, Diyarbakır, 9 February 2015.

184 Zero Discrimination Association, *op. cit.*

185 *Ibid.*

186 *Ibid.*

and that regulations will be introduced regarding individuals who abuse this service, no effective steps have yet been taken in practice. After being informed by NGOs of the impacts of studying in a special education institution, some parents changed their minds about sending their children to such institutions.¹⁸⁷

Upon receiving a disability report, some Roma children are taken into an 'individual education programme' (IEP) (previously known as '*kaynaştırma*' or mainstreaming). These children are distributed among various classes in the school and the system allows for a maximum of three IEP students per class. It is reported that the children who are distributed among the mainstream classes are usually placed in the back row and are not paid much attention by teachers.¹⁸⁸

xii. School dropout rates

As explained above, students' school registration is carried out automatically through the computerized placement programme, yet some communities still face problems regarding students' school attendance. It is reported that school dropouts are common among Roma children and that although these students do not attend school in practice, they remain officially registered at school and the dropout rate is therefore not fully reflected in official data. The following can be considered the main reasons for absenteeism or dropouts among Roma children:¹⁸⁹

- Parents not placing sufficient importance on education due to a lack of education and awareness.
- Early and child marriages.
- Child labour; children are obliged to work to contribute to the family income.
- Difficulties faced by parents in meeting the basic costs of the child's education (e.g. stationery, school uniforms).

- Living in one-room houses; children do not have a suitable study environment.

- Due to poverty, children go to school without having breakfast and are unable to concentrate during lessons.

- It is common for Roma parents to apply late for their children's identity cards, and as such many students who are officially considered to be 7 or 8 years old begin school when they are actually 14 or 15; this situation creates problems of adaptation both for the Roma children and for other children in the class.

- Lack of support in doing homework.

- Practical projects, known as 'performance homework', are carried out over the internet; the majority of Roma children do not have internet access and therefore cannot complete this homework, resulting in them receiving a low grade for this work and facing humiliation at school for not being able to do their homework.

- Discriminatory treatment and marginalization at school.

Dropout and absenteeism rates are observed to be higher among girls than boys. ROMFO points out that girls sometimes drop out of school because of their role within the family:

*'For example, even the arrival of a new baby in the family affects female students; the mother works as a waste collector, and the daughter is taken out of school to look after the new baby.'*¹⁹⁰

The Catch-Up Education Programme (CEP) gives students aged 9-13 who have dropped out of school the chance to continue their education, and it has been reported that many Roma children have been able to complete their education thanks to this programme. Currently, however, there is no similar programme that aims to help Roma and other children over the age of 13 to return to school.

187 *Ibid.*

188 *Ibid.*

189 Zero Discrimination Association, *op. cit.*; ROMFO, *op. cit.*

190 ROMFO, *op. cit.*

xiii. Harassment and other discriminatory treatment

Some students suffer harassment by other students and even teachers due to their religion, language and/or ethnic origin. The main groups who experience harassment are Roma and non-Muslim students. Cases of harassment are encountered in all regions of Turkey.

At one school in Istanbul a student named Andreas suffered from harassment on numerous occasions because he had a 'different' name, and despite this harassment being reported no action was taken by the relevant teachers or the school administration:

*'To give a few examples that were reported to us, a student in Bakırköy named Andreas was made fun of by his classmates because of his name. The student told his family that his classmates were teasing him. His mother went to school with him and explained the situation to the teacher. Rather than being helpful, the teacher implied that the students' behaviour was completely normal by saying, "If you give your child such a name you have to deal with this kind of problem." The mother argued with the teacher but the child had to continue there until he graduated without a solution being found.'*¹⁹¹

It is reported that in mixed schools (schools other than those attended by only Roma students) Roma students are harassed by other students and even teachers. The main form of harassment suffered by Roma students is humiliation and insults directly related to their identity:

*'Particularly in mixed schools they face verbal abuse such as 'dirty gypsy' etc. by both students and teachers because of their physical appearance and clothing.'*¹⁹²

At schools, Roma students also have to face stereotypes and prejudices against Roma that are widespread in society. It has been reported that when a negative incident (e.g. a theft) occurs, the first students to be blamed are Roma students. One member of the Dom community stated that at

the school where his children studied, Roma children faced frequent accusations.

*'Now none of our children don't go to school! They just have to be old enough, but there are problems; for example some children are hardworking, they work hard at school. The child studies hard and is successful. The kids next to him, the children say, "How can gypsies get this score, this swot does it. Why can't we..." I mean these one or two kids study at school, and now they're ashamed, so they come home. I mean, they haven't stayed ignorant like us, now they're starting to study... What do they do? Something happens and it's blamed on the Doms. Someone else does something wrong but they get the blame. Look, I have many grandchildren, they go [to school]...''*¹⁹³

It is clear that being faced with such treatment has a negative impact on Roma children's interest in education. As a result of the incident described above, the Roma student left the school:

*'No, no, no. They didn't like him. They lied about him. They accused him of theft. I said, "He's a [mature] young man now. During prayer times, he won't even set foot on the floor without doing his ablutions, I mean I know him, we're together day and night." Something happened in the class, [the others] said it was him [that did it]. Something else happened, they said it was him. Whatever happened in the school they blamed it on him... The kid [said], "Since I'm like that, and you badmouthed me like this in front of my father. My father [was mad at me] because of this, I'm leaving this school." He took his [school transcript] and left the school.'*¹⁹⁴

It has also been reported that Afro-Turkish children frequently suffer harassment based on their colour, and that this plays a significant role in these students dropping out of school.

'This kind of harassment happens a lot, they don't include the children in their games. For example I was told this kind of thing; when they go to school other children don't sit next to them, they don't sit next to a black child... They don't want to sit next to him, or their parents [say] "I don't want my child sitting next to him,"'

191 MEZODER, *op. cit.*

192 ROMFO, *op. cit.*

193 Interview with a Dom activist, Diyarbakır, 9 February 2015.

194 *Ibid.*

*for example. Why? Because he's dirty. Being considered dirty because of their colour is one of the things these children complain of the most, being unclean. Because if you're clean your skin is lighter! Since your skin is darker you must be dirty. And that's also how the child thinks in his own mind. You know conceptually white is linked with innocence and cleanliness, and black with evil and being dirty. For that reason they don't want to sit next to an unclean child, a dirty child. I've actually heard stories of these children who leave class crying, who still wet themselves even after primary school and don't want to go to school because of the traumas they experienced over such a long period. For this reason these children, or at least some of them [say], "I'm not going to school, I don't want to go, do I really have to go?"*¹⁹⁵

It is also observed that groups who are the majority in a specific region of Turkey can suffer from harassment in another region, or even school, where that group is in the minority. For example, a group of teachers interviewed in Mardin said that in schools where Kurds were in the minority, Arabic students made fun of the Kurdish students. The teachers also thought that discrimination and enmity in television series and other areas had a negative effect on the children. One teacher described how a second grade student of Arab origin had drawn a picture of himself killing a Syrian priest during an art class.¹⁹⁶

It has been found that incidents of harassment experienced at school are generally not reported to any official bodies, on rare occasions the victim complains to a teacher about the perpetrator of the harassment, and in cases where the perpetrator is a teacher the case is generally not reported to the school administration; also, it has been found that if such cases are reported, no official action is taken against the teacher. It is also observed that teachers and students at schools are not given information about the meaning of discrimination, and that student-victims of discrimination are therefore not aware of the institutions and authorities to which they can apply to for support. However, taking precautions against all discriminatory

treatment, including harassment, that takes place at schools is the responsibility of the school administration, and if school administrations do not take measures when an incident of discrimination does occur it is possible for the victims to take legal action.

It has been reported that Afro-Turkish children face discriminatory treatment regarding participation in activities held at schools and that the level of discrimination depends on the child's colour (whether they were black or of mixed race):

*'If they're, you know, I'm again saying this from the point of view of those women, a relatively lucky child, if their skin tone is a little lighter, if the curls in their hair are a little less tight, you know if it looks more like wavy hair, in other words if there's a mix, the children can be tolerated a little more. I mean they don't completely avoid putting put them on stage in public but still some things are chosen by looking at their appearance; but if you are really only a little bit mixed or not of mixed race at all then they still don't particularly want you to be seen. In other words many roles aren't given [to these students]. If you are given a role, it's the role they think is suitable for you; for example, our children are often given the role of the servant...'*¹⁹⁷

Turkey currently has no framework law on the prohibition of discrimination or an equality commission to which victims of discrimination can apply. The existing legislation contains no effective and accessible means of judicial remedies or compensation to which student victims can apply. As seen in the examples above, the fact that no measures are taken against forms of discrimination experienced at schools and no compensation is sought shows that there is a great need for a discrimination law that prohibits discrimination in education.

xiv. Educational disadvantages caused by poverty and socio-economic conditions

Even if there is no direct discriminatory policy against them, some groups are put at a disad-

195 Interview with an Afro-Turkish activist, Istanbul, 25 June 2015.

196 Teacher focus group, Mardin, 10 February 2015.

197 Interview with an Afro-Turkish activist, Istanbul, 25 June 2015.

vantage due to the conditions in which they live and they are therefore unable to enjoy their right to education as they should. The main groups to which this applies are the children of poor families, seasonal workers, Afro-Turks, Kurds and Roma. In section xi above, information was given about the large number of Roma children who are sent to special education institutions or who drop out of school because of the conditions in which they live.

It is not possible to claim that the children of poor families, regardless of their ethnic origin, language or religion, have the same educational opportunities as other children. A 2014 ERI report stated that for reasons such as poor nutrition and unfavourable living conditions children from poor families start learning later than other children, have slower academic development, and have to work harder if they want to continue with their schooling.¹⁹⁸ According to the report, children from low-income families face problems in their schooling that limit their future opportunities and thus they tend to work lower-income jobs than their peers. When the inequalities that are reproduced in education are combined with the income inequality of the student's family, there is a very high chance that these multi-faceted inequalities will be passed on to the next generation.¹⁹⁹ It could be said that this is precisely the vicious circle experienced by the poor in Turkey, particularly the Roma community.

In Turkey there exists regional inequality in terms of access to education, school attendance, and entrance to higher education. The eastern and south-eastern regions of the country are areas in which different ethnic groups live together; Kurds make up the largest segment of the population, but Arabs, Armenians, Chaldean Christians, Doms, Syriacs, Turks and Yazidis also live in these regions. A 2009 report published by MRG showed that levels of access to education in the eastern and south-eastern regions of Turkey fell

short of other regions in the country.²⁰⁰ A report published by the ERI in 2014 showed that although there had been positive developments in this area, access to education in these regions was still lower than in other regions of the country. According to the report, conditions that reduced a child's chances of access to education included living in south-eastern Anatolia and living in a household whose income comes from agriculture.²⁰¹ While the percentage of children aged between 6 and 13 not registered in school for the whole of Turkey stands at 6 per cent, this figure is higher for the country's eastern regions.²⁰² The difference in net enrolment rates for primary education between eastern provinces and other regions is as high as 30 per cent.²⁰³ A look at the enrolment rate for girls and boys also reveals an interregional difference, in line with previous years.²⁰⁴ Teachers interviewed in Mardin explained that although basic education was compulsory, there were Kurdish and Arabic families who did not send their daughters to school or who removed them from school, and that this situation was not followed up by the MoNE.²⁰⁵

The move to the 4+4+4 system can be seen to have had a negative effect in some regions in terms of school attendance. For example, it was reported that in some Syriac villages in Mardin the existing schools had been transformed into primary schools, children had to go to secondary schools in other villages because there was no secondary school in their village, and some families did not want to send their children, and particularly their daughters, to other villages (especially those with no Syriac community).²⁰⁶ It has been stated that monasteries in Mardin and Midyat provide a kind of dormitory for male students, and that recently a few female students had also stayed at a mon-

198 ERI, *Ibid.*, p. 12.

199 *Ibid.*, p. 17.

200 Kaya, N., *Forgotten or Assimilated? Minorities in the Education System of Turkey*, MRG, 2009.

201 ERI, *Ibid.*, p. 14.

202 *Ibid.*, p. 24.

203 *Ibid.*, p. 21.

204 *Ibid.*, p. 21.

205 Teacher focus group, Mardin, 10 February 2015.

206 Interview with a representative of a Syriac NGO, Midyat, 10 February 2015.

astery in Mardin.²⁰⁷ It was also reported that some Roma children who were unable to register at schools in their neighbourhoods, as they had not achieved high enough scores on the TEOG exam, had to go to schools in different neighbourhoods, and since their families were unable to provide money for transport they were unable to continue their high school education.²⁰⁸

The inequality between regions can clearly be seen in the physical conditions of schools. A group of teachers interviewed in Mardin explained that there were schools in the region with very poor physical conditions, such as schools that for three years had had to use a wood-burning stove to heat the classrooms or schools that lacked toilets. The teachers pointed out that while tablets are being distributed to students in the west of the country, children in the east are studying at schools that have very poor infrastructure and that in the west monthly fees are collected from parents but that this was not possible in the east; also, when a request is made to the school administration, teachers were met with the response, 'There's no budget, no funds.' Some of the most striking examples from the teachers' accounts are provided below:

'The school has smartboards but the walls are mouldy.'

'At some schools, music, physical education and art lessons are held in the school yard.'

'The school in Hakkari has no toilet. But with the Fatih Project they're bringing tablets. They're making a ski slope in Hakkari. They're making a ski slope for the school. The school has no toilet. You know, the teacher we spoke to in the village today, the one who came to my class, has been in the village for three years. He says, "I've been lighting a wood-burner for three years and I'm fed up with it. From 8.30 to 9.00 in the morning I'm busy lighting the wood-burner. I can't start the lesson, [the classroom] is like ice, [and] the children are scared."

'These are village children, you know, they get no help with clothing for example... In October some people came from the Governorship and gave us a list: "Write down the names of students in need and give it to us.

We're going to provide them with boots." It's February and the boots still haven't arrived. Today they sent a support package. My student wears a small [size], he's a small kid. An extra-large shirt and trousers arrived. These clothes would only fit his father!'

'The children come to school with holes in their shoes. They can't focus on the lesson, they're cold, they get ill, the teacher catches colds from the children... This is also why teachers don't want to work here. If the conditions were improved perhaps it would be an option for teachers. Of course this is not the only factor but it's an important factor.'

'They collect monthly fees; but here there's poverty, it's not possible to collect monthly fees.'

'At the moment the state offers no support to its own teachers in its own schools, but in private schools a grant of almost four thousand lira is paid per student. The state pays four thousand lira for every student who goes to a private school, but gives one to two thousand lira at most to schools within its own system. And it gives that reluctantly.'

'At our school the roof of the children's toilet was covered with snow. Really. I saw it with my own eyes. For example the top of one classroom, the roof was covered. The classroom was about to collapse.'

'This shows the extreme inequality even among different neighbourhoods.'²⁰⁹

In interviews teachers described how it was often inexperienced teachers who were appointed to schools in the east and southeast of the country, and that nobody wanted to work in such poor conditions. Eğitim-Sen President Kamuran Karaca said that it was young teachers with fixed-term contracts who were sent to work in the east and southeast, and that these teachers had to complete their three years of compulsory service there.²¹⁰

It is widely known that literacy and access to education among the Roma community falls far behind the average for Turkey. Roma living in Turkey are from three main groups: Dom, Lom and Rom. The Abdals, who live a similar lifestyle as the Roma, are also considered Roma by the Zero Discrimination Association. According to the findings of a study carried out in five provinces

207 Interview with a representative of a Syriac NGO, Midyat, 10 February 2015.

208 ROMFO, *op. cit.*

209 Teacher focus group, Mardin, 10 February 2015.

210 Interview with Eğitim-Sen President Kamuran Karaca, Ankara, 26 March 2015.

where these groups live, 168 of the 460 people interviewed were illiterate. Regional inequalities are also seen within the Roma communities. The literacy rate of Doms living in Diyarbakır is lower than that of Roma living in other regions of Turkey; this group is followed by Abdals living in Gaziantep. All of the Roma/Lom university graduates who were interviewed as part of the study lived in the Artvin province, and the rate of access to education among Loms living in the northeast of the country was found to be much higher than that of Roma living in other regions. In terms of absenteeism and school dropout rates, the situation of Doms living in Diyarbakır was found to be much worse than that of other Roma.²¹¹ The Zero Discrimination Association pointed out that Doms may experience problems with integration into the education system due to the fact that their mother tongues are Kurdish and Domari.

Roma people, who live in tents and/or follow a nomadic lifestyle, experience problems with registering their children in schools because they have no registered address. The MoNE has not yet developed a special programme to enable the children of such groups to register with schools, and these children can only be registered in schools through the rigorous efforts of NGOs or individuals. For example, 48 Roma children living in tents on unused land in the Istanbul district of Pendik were registered in schools following an application from NGOs to the Ministry of Family and Social Policy.²¹² As there is currently no central policy on this issue, it is unknown whether, should a similar situation arise, the children would again be registered in schools.

The level of access to education is lower for the children of seasonal agricultural workers who are mostly Kurdish or Roma than for other segments of society. Although positive developments have been seen in terms of the enjoyment of the right to education of this disadvantaged group, the problem has not been completely resolved. According

to 2013 Turkish Statistical Institute (TurkStat) figures cited in a report prepared by the Support to Life association, there are approximately 6.5 million agricultural workers in Turkey, and almost half of these are seasonal and temporary workers. Although the total number of seasonal agricultural workers and of people affected by such work is not known, it is estimated to be at least one million people.²¹³

According to the report, the dropout rate among these children increases as they get older. For example, only 65 per cent of children in the 5-11 age group attend school (with some of these children not yet of school age, the dropout rate for this age group is 13 per cent). For the 12-15 age group the school attendance rate stands at 64 per cent, with one in three children having dropped out of school. Of the 16-18 age group, 71 per cent of children have dropped out of school. The study also shows that there is a gender difference, with the attendance rate of boys being higher than that of girls. While no difference is seen in the level of girls working in the fields compared to boys, a huge difference is seen in terms of performing housework, with the majority of such tasks being carried out by girls. This situation puts girls at a greater disadvantage in their education compared to boys.²¹⁴

Another group that faces problems regarding access to education due to poverty is Afro-Turks. It was reported that the dropout rate among Afro-Turks is very high, that this rate increases as the children get older, and that one of the main reasons for this is poverty.

‘These things are generally experienced in school, and after primary school the children go less to secondary school. This is a general trend in the Afro-Turkish community. In high school it falls even further, in university it is so low that... [in] particular in Izmir and the surrounding areas the number of Afro-Turks at university can be counted on one hand. University graduates are shown off, “Look, this is our child who graduated from universi-

211 Zero Discrimination Association, *op. cit.*

212 ROMFO, *op. cit.*

213 Support to Life Association, *Mevsimlik Gezici Tarım İşçiliği 2014, Araştırma Raporu*, p. 11.

214 *Ibid.*, p. 9.

ty.” It’s just one or two people, and they are the source of great pride. For this reason the right to access to education is extremely important for the Afro-Turkish community: for reasons of poverty plus discrimination children don’t study, they can’t study, they aren’t sent to school or they give up studying of their own accord...²¹⁵

One activist who believes that special measures should be taken in order to ensure that Afro-Turkish children can effectively enjoy their right to education says that no steps have yet been taken towards this:

‘As for whether or not special measures have been taken to ensure equality in real terms for disadvantaged groups... There is no such thing. If this is one of the questions, then for Afro-Turkish children there isn’t any such thing. Are their teachers even aware that they are disadvantaged? I’m not even sure! Special measures etc., there’s nothing of the sort. On the contrary, when these children face unfair, unjust, unequal or marginalizing treatment there’s not even any protection, care, or positive discrimination, particularly for these children.’²¹⁶

xv. Urban renewal and access to education

An increasing number of urban renewal projects are being carried out in various provinces of Turkey. Although no specific ethnic, religious or language group is targeted, in practice it has been seen that that, as well as in other neighbourhoods, these projects are being carried out in neighbourhoods with a large Roma population. Many Roma families are evicted from their houses, shelters or tents with no guarantee of their right to shelter or help to settle elsewhere, and they are forced to move to another neighbourhood, or even another province, and establish a new life there, where they are unable to even establish their previous means of securing shelter, thus making it difficult for their children to continue their schooling. The urban renewal projects in Istanbul that were first carried out in the Roma neighbourhood of Sulukule and then in Ataşehir and Küçükbakkalköy were

a source of trauma for the children and forced them into even worse living conditions, the result being that these children were unable to continue their schooling. It has been found that no special measures have been taken by the MoNE, the Ministry of Family and Social Policy or municipalities to ensure that children living in such conditions can continue their education.²¹⁷

215 Interview with an Afro-Turkish activist, Istanbul, 25 June 2015.

216 *Ibid.*

217 ROMFO, *op. cit.*; Zero Discrimination Association, *op. cit.*



EVALUATION AND RECOMMENDATIONS

The facts and findings laid out in the previous sections of this report reveal that although positive steps have occasionally been taken to remove inequality and discrimination from the Turkish education system, a paradigm shift is needed to bring about a fundamental solution to the problem and effectively ensure equality. Such a paradigm shift includes a number of elements, as outlined below:

- In Turkey, a country built as a nation-state, the equality of all ethnic, linguistic and religious groups has still not been fully adopted in either the official or the civil sphere. Rather than bringing about fundamental changes, the steps that have been taken to protect the rights of groups adhering to different identities have only met their demands for rights to a limited degree, yet these groups are expected to be satisfied with such small steps. Taking measures that consist of offering elective language courses when there are such strong and widespread demands for mother tongue education, and expecting members of the Alevi community not to object to compulsory religious courses that give a range of false information about the Alevi religion, can be seen as the results of such an approach. Another outcome of this approach is the fact that the curriculum does not include groups other than Turks or, in cases where it does, refers to them in negative ways. In order to bring about a fundamental solution to these problems in the education system, the priority must be to develop an approach that sees all groups as equal and that responds to demands for rights based on such an understanding of equality.

- The education system is still used as a vehicle to instil a single political-social ideology that is dominant in the state or government and to encourage young people to adopt a particular way of thought and lifestyle. The 'national' education

system, which for decades aimed to create young Turkish nationalists, has in recent years become a vehicle for raising young religious Turkish nationalists. In order to resolve the many problems in the education system that such an approach causes, the aim of education should be purged of ideological references, and the protection of children's best interests and the right to education in line with international standards should be considered its fundamental goal.

- As in many areas, policies related to the education system are made on a centralized level in a non-participatory way. Local administrations have no authority regarding the development and implementation of education policies. General policies on education are developed hurriedly and without the participation of representatives of the various ethnic, language and religious communities, or of NGOs and academic institutions working in the field of the right to education, thus putting those with different identities living in the country at a disadvantage. An example of this is the violation of the freedom of religion and conscience and of the right to education of individuals with different identities through the inclusion of questions related to the compulsory RCaM course in TEOG placement exams and through the increase in the number of *imam hatip* religious schools. The fact that the principle of participation is not observed while developing policies that concern communities of different identities presents an obstacle to finding fundamental solutions to the existing problems, and creates difficulties regarding the implementation of steps that are being taken. The swift introduction into the curriculum of elective language courses and the problems that later arose are an example of the kind of problems caused by measures implemented without a participatory approach.

- As well as communities of different identities, another significant social group that needs to be taken into account when developing policies related to the education system is the poor. This is particularly true when poverty is combined with minority identities. It is clear that impoverished segments of society in Turkey, particularly Roma, seasonal agricultural workers, Afro-Turks and Kurds, are unable to effectively enjoy their right to education. In order to ensure equal opportunities in education, special measures must be taken regarding economically disadvantaged groups when developing policies on this issue.

- The problems outlined in the report show how insufficient the legal and administrative mechanisms are in the fight against discrimination within the education system. The existing administrative and legal mechanisms are neither comprehensive nor effective. The fact that Turkey has no legislation prohibiting discrimination in the enjoyment of various rights, including the right to education, and that no equality commission has yet been established in the country, creates serious problems in the fight against discrimination. Furthermore, the interviews carried out and the observations shared by NGOs reveal the lack of trust in the justice mechanism and the widespread fear of victimization. Many discriminatory practices are not reported to school administrations, and such cases are not even shared with NGOs. For this reason it is extremely difficult to reveal the full extent of discrimination that exists within the education system. One of the steps that urgently needs to be taken in this field is the establishment of the necessary anti-discrimination mechanisms and the building of trust that is essential in order for victims of discrimination to be able to demand their rights.

Alongside the paradigm shift mentioned above, a number of concrete steps also need to be taken in order to bring an end to inequality and discriminatory practices based on colour, ethnicity, language, religion and belief in the education system. The recommendations drawn up together with all the members of the Monitoring Discrimination in Education Network for resolving these problems are summarized below.

RECOMMENDATIONS FOR ENDING DISCRIMINATION IN EDUCATION

Basic principles and recommendations

Steps should be taken to bring an end to the centralized and uniform structure of the education system; the authority to develop and implement educational policies should be decentralized and shifted to local authorities and schools, and the capacity of local authorities and schools should be strengthened.

The Law on the Unification of Education should be repealed, allowing for educational topics other than compulsory courses (the teaching of Turkish in all schools and certain subjects that provide all students with the basic skills for their multidimensional development), such as the curriculum, the language of education, etc., so they can be implemented according to different models.

For the development and implementation of policies related to education, the principle of participation should be applied at the central and local level, and democratic decision-making mechanisms that also involve children as the subject of the right to education should be established; academic units and NGOs working in this area, as well as communities of different colours, ethnic origins, languages, religions and beliefs should be included in decision-making processes.

When developing policies related to the education system, the priority should be to protect children's best interests and right to education; the practice of using the education system as a mechanism to establish a specific ideology or indoctrination tool should be brought to an end.

The reservations Turkey has made concerning articles on minority rights and cultural rights in the international agreements to which it is party should be lifted, and the country should ratify treaties to which it is not yet a party, such as the Framework Convention for the Protection of National Minorities, the UNESCO Convention against Discrimination in Education, and the European Charter for Regional or Minority Languages.

Topics such as multiculturalism and the prohibition of discrimination should be covered in the curricula of education faculties; practising teach-

ers should be provided with in-service training on these topics.

Easily accessible administrative and judicial protection mechanisms to which students who have suffered from discrimination can apply and receive swift results should be clearly defined in the country's legislation, and units from which children can receive help in applying to these mechanisms should be established.

Legal proceedings should be brought against teachers and school administrators who do not implement the administrative and judicial methods or take the necessary measures regarding a complaint or report of discriminatory treatment.

The practice of schools requiring an entrance fee under the guise of a 'donation' should be prohibited in order to ensure the principle of free basic education secured by the constitution; legal proceedings should be brought against school administrators who do not comply with this prohibition, and a sufficient share of the state budget to cover the costs of schools should be provided directly to primary schools.

A discrimination monitoring committee should be established within the Ministry of National Education.

Disaggregated data should be collected on the subjects of access to education, school attendance, and educational success.

I. THE AIM OF EDUCATION, CURRICULUM AND TEXTBOOKS

A. THE AIM OF TURKISH NATIONAL EDUCATION

The education system should adopt as its aim principles such as the protection of children's best interests and right to education, and the education system should be reformed with a focus on democratic, egalitarian, scientific and pluralistic values in line with international standards.

The aims and content of education should be purged of ideological references.

Adjectives such as 'Turkish' and 'national' should be removed from legislation related to the

education system; instead of such narrow ethnic references, statements used should reflect a collective identity in a way that encourages a pluralistic and democratic outlook.

B. CURRICULUM

Existing syllabuses should be reviewed in order to ensure their content is pluralistic, democratic and approaches all identities on equal grounds.

The curriculum should be redesigned in a way that includes information on the existence, history and culture of all groups living in Turkey.

An elective course that includes information on the history and culture of all religions should be added to the curriculum.

The curriculum should be redesigned in a way that encourages a culture of coexistence.

Classroom and extra-curricular activities that aim to raise students' awareness of values such as pluralism and equality, and of communities with different identities living in Turkey, should be encouraged.

Celebrations and commemorations related to only one religion/belief or ethnic identity should no longer be held in schools.

C. TEXTBOOKS

Textbooks should be revised to ensure their content reflects the diversity of society in Turkey.

Statements that create prejudice and stereotypes against certain groups and/or present certain groups as harmful should be removed from textbooks.

Ideological references that frame the relationship between the individual and society or the individual and the state only in the context of the mindset of the dominant community should be removed from textbooks.

Books that contain discriminatory statements should be removed from students' recommended reading lists, and other supporting textbooks should be reviewed to ensure they do not contain discriminatory statements.

II. FORMS OF DISCRIMINATION/ DISCRIMINATORY PRACTICES IN TURKEY'S EDUCATION SYSTEM

A. LANGUAGE-BASED DISCRIMINATION

i. The right to learn one's mother tongue/ elective language courses

All languages spoken by communities living in Turkey should be added to the curriculum as elective courses.

Such courses should be presented to the public through educational institutions and media channels, and efforts should be made to alleviate concerns that individuals may have regarding the difficulties they might face should they choose one of these elective language courses.

Students who choose to follow elective language courses should not be subject to any pressure or guidance to change their decision; relevant legal action should be brought against school administrators who interfere in students' decisions in this area.

These elective language courses should be provided at all schools where there is a demand, with no claims that courses cannot be run due to lack of teachers or for any other reason.

In cases where a teacher has been acquired to provide elective language courses, a minimum limit of 10 students for the language course in question should not be imposed.

The relevant departments should be launched at faculties of education in order to train teachers for all the elective language courses; priority should be given to appointing existing teachers of these languages to schools where there is a demand for the courses.

Academic units should be established at universities to carry out work on all elective language courses.

Autonomous units should be established for the development of textbooks and materials for all elective language courses; experts from the relevant language communities should be employed in these units, which should be financed by the state.

ii. The right to mother tongue education – Mother tongue-based multilingual education

a. Minority schools

The status of private school should be lifted from minority schools, and legislation and regulations should be drawn up defining the right to education for children of minority groups and the responsibilities of the state in this area.

The reciprocity principle should not be applied in the development of regulations and policies related to minority schools; practices in other countries that are in violation of human rights should not be endorsed.

All costs of minority schools should be met by funds allocated from the state budget, and these funds should be based not on the number of students studying at the school but on the school's average annual expenditures.

The position of chief deputy head [*müdür başyardımcısı*] should be removed from all minority schools.

Relevant departments should be established in education faculties to train teachers qualified to teach Armenian, Syriac, Hebrew and Greek in minority schools.

In the short term, teachers for Turkish and Turkish Culture Lessons should be appointed from among candidates determined by the school administration in line with the new regulations, and these teachers should be able to work at the school for as long as the school administration requires; in the long term, these teachers should be employed directly by the school as contracted teachers, with all expenditures of minority schools (including the salaries of these teachers) being met by funds supplied from the state budget.

An autonomous unit, formed of a sufficient number of qualified employees and financed by the state, should be formed with the aim of developing textbooks and educational materials for minority schools. This unit should translate into the minority language, print and distribute the textbooks used in schools every year, and should also have the full authority and budget control to develop books and materials for Armenian, Greek and Hebrew lessons in collaboration with the

minority schools, and to obtain materials from other countries if necessary; experts from minority groups should be employed in this unit, and special temporary measures should be taken to ensure this if necessary.

The limitations in the law regarding the registration of students who are not citizens of the Republic of Turkey or members of the relevant minority group should be removed for all minority schools, and the administrations of minority schools should also be given the authority to make decisions on student registration, as is the case for state schools and private schools.

b. Demands for mother tongue-based multilingual education

The right to receive mother tongue education for all groups in Turkey, regardless of the size and location of the population, should be guaranteed by the Constitution, and the limitations in article 42 of the Constitution should be lifted.

The transition to mother tongue education should be ensured in places where there is such a demand.

The possibility of using different models of mother tongue education (particularly the mother tongue-based multilingual education model) should be secured, and an appropriate model should be implemented based on differences in regions, provinces, districts and demand.

The necessary legislation should be drawn up for communities who want to establish and run their own educational institutions; measures should be taken to ensure that those wanting to enjoy this right are not faced with bureaucratic obstacles or arbitrary treatment.

Units should be established in education faculties to train teachers who will work in the mother tongue-based multilingual education system, and existing education faculties should be reformed according to the new system.

Autonomous units should be established to develop the textbooks and materials for the teaching of mother tongues and for lessons that will be taught in the mother tongue; experts from the communities who speak the language of instruc-

tion should be employed in these units, which should be financed by the state.

B. DISCRIMINATION BASED ON RELIGION/BELIEF:

iii. Compulsory Religious Culture and Morals course

The RCaM course should be removed from the curriculum, and otherwise redesigned as an objective, pluralistic and critical 'education about religions' course; its status should be changed to that of an elective course and it should be taken only by students who choose to study this subject; students who do not choose this subject should be offered the opportunity to choose alternative electives.

Questions related to the RCaM course should no longer be included in TEOG placement exams.

iv. Elective Christianity/Judaism courses

In the case of lessons on religions such as Christianity and Judaism being added to the curriculum as elective courses, units should be established in theology faculties or other faculties to train teachers for these courses; until such units are established it should be ensured that these courses are taught by qualified teachers determined by the faith group in question.

The textbooks used in these courses should be prepared by a specialist team that includes individuals and/or institutions from the faith group in question.

v. Elective courses: *The Holy Qur'an, The Life of the Prophet Muhammad, Fundamental Religious Knowledge*

Regulations in schools regarding the elective courses *The Holy Qur'an, The Life of the Prophet Muhammad, and Fundamental Religious Knowledge* should be drawn up taking into consideration the fact that the school also has students who are not Muslim or who have not chosen to take these courses.

The practice of compelling students to take these courses despite not having chosen to do so

should be brought to an end, and legal proceedings should be brought against school administrators who carry out such practices.

vi. Provision of places of worship in schools

Prayer rooms in schools should only be provided where there is a demand, and changes should be made to the relevant regulations to ensure this.

All beliefs should be given equal treatment, and, in case of demand, prayer rooms for members of all religions and beliefs should be provided.

At schools that provide prayer rooms, no pressure should be put on students who do not use these spaces, and legal proceedings should be brought against school administrators who put pressure on students or discriminate against them for not using them.

Prayer rooms should not be used as a space for RCaM lessons or other lessons with religious content.

vi. İmam hatip religious schools

The number of *imam hatip* high schools should only be increased where there is a need and demand; for example, the residents of areas in which there are plans to establish such a school should be asked whether or not they want an *imam hatip* high school in their neighbourhoods, and such plans should take into account the beliefs and preferences of local residents.

Students who do not choose to study at *imam hatip* high schools, particularly non-Muslim students, should no longer be placed in these schools.

Positive measures should be taken to end the violation of the principle of equality of opportunities in education caused by the placement of poor and disadvantaged students in *imam hatip* high schools due to the low scores they achieve on the TEOG exams.

vii. Discrimination and harassment for reasons of religion/belief

There should be a clear legal prohibition of discriminatory treatment at schools, including harassment, based on students' beliefs.

In-service training should be given to teachers and school administrators to raise awareness about discrimination based on religion and belief; classroom activities should be carried out to raise students' awareness on the issue and such topics should be made part of the curriculum.

C. DISCRIMINATION BASED ON COLOUR OR ETHNIC ORIGIN

viii. School registration, registration fees and donations

Until the disparity between schools in neighbourhoods populated by disadvantaged groups and other schools is resolved, special measures should be applied and extra resources set aside for schools in areas populated by disadvantaged groups with the aim of resolving this disparity.

ix. Segregation

The placing of students in a separate class or row due to their ethnic origin or colour should be clearly prohibited; legal proceedings should be brought against teachers and school administrators who do not observe this prohibition.

Action should be taken to prevent only Roma students from registering at schools in neighbourhoods where members of the Roma community live together with groups of other identities, and the necessary measures should be taken to ensure that such schools have a mixed student profile.

x. Registration in special education institutions

Students should only be sent to Guidance and Research Centres (GRC) under specific conditions; students whose mother tongue is a language other than Turkish who are sent to a GRC should be accompanied by a relative who knows their mother tongue; Roma students who are sent to a GRC should be accompanied by an expert working on issues related to the Roma community.

Legal action should be brought against all public officials and institutions playing a role in sending students to special education institutions with the aim of securing financial benefit; other neces-

sary measures should be taken to prevent GRCs and special education institutions from being used with the aim of securing financial benefit.

In areas where there is a high number of students sent to special education institutions, particularly areas with large Roma and Kurdish populations, information campaigns targeting parents should be carried out.

xi. School dropout rates

The necessary measures should be taken to prevent absenteeism and school dropouts; for example, scholarships should be given to students from disadvantaged groups, a special monitoring system should be established to ensure the attendance of these students and, in cases of absenteeism, the school should take special measures to ensure that the student continues their schooling.

The necessary measures should be taken to ensure that students who have stopped their schooling for a period of time or dropped out of school can complete their education externally.

xii. Harassment and other discriminatory treatment

There should be a clear legal prohibition of discriminatory treatment, including harassment, of students in schools based on their ethnic origin and/or colour.

In-service training should be given to teachers and school administrators to raise awareness about discrimination based on colour or ethnic origin; classroom activities should be carried out to raise students' awareness on the issue and such topics should be made part of the curriculum.

xiv. Educational disadvantage caused by poverty and socio-economic conditions

Special measures should be implemented for students who, due to poverty and socio-economic conditions, do not have equal educational opportunities and are at risk of dropping out of school; for example, scholarships should be given to students from disadvantaged groups, a special monitoring system should be established to ensure

the attendance of these students and, in cases of absenteeism, the school should take special measures to resolve the problem.

Measures should be taken to reduce regional inequality; incentive schemes should be introduced with the aim of ensuring experienced teachers take up employment in eastern and south-eastern Anatolia; and measures should be implemented to bring the physical condition of schools in these areas up to suitable standards.

A guidance teacher should be employed at schools attended by poor and disadvantaged children, such as children from the Roma and Kurdish communities; teachers appointed to this position should preferably be chosen from among teachers who speak the mother tongue of children at that school as well as the official language of the country, and orientation training should be provided for these teachers before they take up their position.

xv. Urban renewal and access to education

Urban renewal projects should be planned in a way that does not violate anybody's right to shelter or negatively impact their socio-economic condition.

In districts where there are plans to carry out urban renewal projects, work should be carried out in coordination with directorates of national education; the necessary measures should be taken to ensure that students who change address can continue their education without interruption.



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INDEX

- 4+4+4 system 24, 67
8th Chamber of the Council of State 46
- Abaza (community); Abaza (language) 22, 25, 28, 29, 30
Adyghe Language Association 26
Adyghe 25, 26, 28, 29, 30, 39, 40
Afro-Turkish; Afro-Turks 22, 65, 66, 67, 69, 70, 72
Alevi; Alevis; Alevism 19, 45, 46, 56, 58, 59, 60, 71
Ancestry code 37, 38
Ankara 10, 27, 46
Antalya 27, 30
Arab; Arabs 66, 67
Arabic 28, 42, 43, 60, 66, 67
Armenia 36
Armenian; Armenians 10, 22, 23, 31, 32, 34, 35, 36, 37, 38, 39, 52, 53, 54, 59, 67, 74
Armenian Language and Literature 35, 36
Armenian schools 32, 34, 35, 53, 59
Association of Protestant Churches 49, 50, 52, 53, 55
Ataşehir 70
Atatürk (Mustafa Kemal) 10, 20, 22, 23, 25
- Bağlar 41
Bakırköy 54, 65
Buddhism 45
- Catch-Up Education Programme (CEP) 64
Chaldean Christians 67
Christian; Christians 19, 45, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 60, 61, 67
Christianity 44, 48, 49, 52, 53, 54, 55, 61, 75
Circassian 25, 28, 38, 39
Cizre 30, 41
Convention on the Rights of the Child (CRC) 14
Council of Europe Framework Convention for the Protection of National Minorities (FCNM) 14, 15, 18
Council of Europe 14
- Directorate of Religious Affairs 50
Diyarbakır 40, 41, 49, 50, 56, 57, 60, 61, 63, 69
Dom 63, 65, 68
Düzce 25, 27, 29, 30
Eastern and south-eastern Anatolia 41
European Convention on Human Rights (ECHR) 13, 14, 45
Education Reform Initiative 15, 41
Eğitim-Sen 20, 22, 40, 46, 47, 50, 56, 58, 59, 68
European Charter for Regional or Minority Languages 14, 72
European Court of Human Rights (ECtHR) 17, 19, 45, 46, 47, 49, 51, 54
European Union (EU) 14, 18, 19
- Fatin Rüşdü Zorlu Middle School 25
Federation of Caucasian Associations (KAFFED) 25, 26, 28, 29, 30
Ferzad Kemanger Primary School 40
- General Directorate of Private Education Institutions 32
General Directorate of Religious Education 48
Greece 36, 37
Greek Language and Literature 36
Greek schools 32, 33, 34, 36, 37, 52
Greek 10, 22, 31, 32, 33, 36, 37, 39, 52, 54, 74
Guidance and Research Centres (GRC) 42, 43, 63, 76, 77
- Hague Recommendations 14, 15, 16, 18
Hague Recommendations Regarding the Education Rights of National Minorities 14
Hakkari 41, 68
Hatay 30, 27, 63
Helsinki Citizens' Assembly 42
Hendek 25, 30
Hendek Nüfren Beylice Middle School 25
High Commissioner on National Minorities 14
History Foundation 22, 45
Homshetsi 39

- Islam 44, 45, 47, 48, 50, 52, 54, 55, 56, 58, 60
 Istanbul 22, 30, 32, 34, 38, 39, 45, 46, 48, 51, 54, 56, 58, 59, 63, 65, 69, 70
 Istanbul Bilgi University Sociology and Education Studies Unit 22, 39, 45
- Jewish community; Jews 22, 31, 32, 48, 52, 53, 59
 Jewish school 32, 34, 36, 37, 52, 53, 59
 Judaism 44, 45, 48, 52, 54, 55, 75
- Kadir Has Middle School 25
 Karakuyu Middle School 25
 Kars 27, 30
 Kaynar Middle School 25
 Kayseri 25, 30
 Kurdi-Der 40
 Kurdish 22, 24, 28, 38, 39, 40, 41, 42, 62, 66, 67, 69, 77
 Kurmanji 24, 29, 40
- Law on the Unification of Education (*Tevhid-i Tedrisat Kanunu*) 10, 32, 72
 Law No. 2923 on the Education and Teaching of Foreign Languages, and the Learning of Various Languages and Dialects of Turkish Citizens 40
 Law on Private Education Institutions 35
 Laz 19, 22, 25, 28, 29, 38, 39
 Laz Institute 28, 29, 30
 Laz Language and Literature Department 29
 Laz Language Research and Application Centre 29
 Lom 68, 69
- Mansur Yalçın and Others v. Turkey 45, 46
 Mardin 28, 34, 42, 66, 67, 68
 Mardin Artuklu University; Institute of Living Languages Department of Kurdish Language and Culture/Kurdology Department 28, 29
- Marmara region 41
 Mesopotamia Culture and Solidarity Association (MEZODER) 47, 60
 Midyat 34, 67
 Mimar Sinan Middle School 25
 Ministry of Family and Social Policy 63, 69, 70
 Ministry of National Education (MoNE) 111, 23, 25, 26, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 45, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 67, 69, 70, 73
 Minority Rights Group International (MRG) 67
 Minority; Minorities 13, 14, 15, 16, 18, 24, 31, 32, 33, 35, 36, 37, 38, 39, 53, 54, 55, 66, 72, 74, 75
 Minority schools 10, 31, 32, 33, 35, 36, 37, 38, 39, 52, 53, 54, 55, 59, 74, 75
- Monitoring Discrimination in Education Network 12, 39, 72
 Mor Efrem Syriac Preschool 34, 36
 Mor Mihail Church 35
 Muslim 10, 21, 22, 44, 45, 46, 48, 50, 55, 57, 58, 75
 Mustafa Kemal 23, 25
- Non-Muslim 21, 22, 31, 38, 48, 50, 55, 57, 59, 65, 76
- Official Gazette 40
 Ombudsman Institution (OI) 51, 53
 Organization for Security and Co-operation in Europe (OSCE) 14, 17
 Ottoman Empire 10, 31, 34
- Panlı Middle School 25
 Parliamentary Assembly of the Council of Europe 17
 Pendik 69
- Recep Tayyip Erdoğan University 29
 Reciprocity principle 33, 36, 37, 74
 Regulation on Private Education Institutions 35, 37
 Religious Culture and Morals Course (RCaM) 10, 11, 21, 22, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 71, 75, 76
 Republic of Turkey 20, 24, 37, 38, 40, 75
 Roma 44, 60, 61, 62, 63, 64, 65, 67, 68, 69, 70, 72, 76, 77
 ROMFO 62, 64
 Rom 68
- Sakarya 25, 27, 30
 Şanlıurfa 30
 Şehit Aziz Özkan Middle School 25
 Silopi 30
 Special education institutions 43, 63, 76, 77
 Syriac 23, 32, 34, 35, 36, 38, 39, 42, 47, 49, 50, 51, 54, 60, 66, 67, 74
 Syriac School 36
- Toledo Guiding Principles 17, 18, 47
 Trakya University's Faculty of Letters 36
 Transition from Basic Education to Secondary Education (TEOG) 11, 21, 51, 52, 53, 54, 58, 59, 60, 68, 71, 75, 76
 Treaty of Lausanne 10, 24, 31, 32, 33
 Turkey 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 22, 24, 25, 29, 31, 32, 34, 35, 36, 37, 38, 39, 41, 43, 44, 45, 46, 47, 53, 54, 55, 57, 58, 60, 61, 62, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75
 Turkish 10, 12, 20, 21, 22, 23, 24, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 52, 53, 66, 69, 71, 72, 73, 74, 76

84 ■ Discrimination in Turkey's Education System

Turkish and Turkish Culture Lessons 33, 36

Turkish Statistical Institute (TurkStat) 69

UN Declaration on the Rights of Persons Belonging
to National or Ethnic, Religious and Linguistic
Minorities (UNDM) 18

UN Human Rights Committee (HRC) 17, 18

UNICEF 39

Uzun Mustafa Primary School 25

Van 27, 30, 56, 57

World Education Forum 15

Yazidis 67

Yüksekova 41

Zaza 24, 29, 40

Zero Discrimination Association 62, 63, 68, 69

Zonguldak 27, 30

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