WRITTEN COMMENTS BY MINORITY RIGHTS GROUP INTERNATIONAL

CONCERNING TURKEY FOR CONSIDERATION BY THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

AT ITS 74TH SESSION

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INTRODUCTION

Minority Rights Group International Minority Rights Group International (MRG) is a nongovernmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Its activities are focused on international advocacy, training, publishing and outreach. It is guided by the needs expressed by its worldwide partner network of organizations, which represent minority and indigenous peoples.

MRG has been carrying out advocacy on minority protection in Turkey since 2004. It has been implementing a project called "Combating discrimination and promoting minority rights in Turkey', since January 2006. MRG has been working closely with the project partners and several other NGOs and individuals from different ethnic, religious and linguistic communities throughout the project. More information about MRG can be viewed at www.minorityrights.org

MRG has prepared this report based on its reports, findings and interviews with minority members that have been conducted throughout the project and further research carried for the writing of this report.

EXECUTIVE SUMMARY

Various ethnic, linguistic and religious communities, including Roma, Armenians, Jews, Greeks, Kurds live in Turkey. So far, diversity has not been treated as a richness, but rather a danger to the state. The state policy on the Turkification and Sunnification of all Anatolia, by means of politics, education and media has created a hostile environment for many of these diverse communities and promoted racial discrimination in every field of life.

Turkey has not fulfilled its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination:

Article 1 of the Convention is not fulfilled as Turkey has not defined racism and racial discrimination by law; and not amended or nullified all laws and regulations that are discriminatory.

As to Article 2 of the Convention, no state policy for the elimination of racial discrimination has been developed; there are still discriminatory laws and regulations in force; public officials and bodies have engaged in discriminatory actions.

Article 4 of the Convention is violated as racism is rising in Turkey; national law does not adequately prohibit racist propaganda and violence; such actions are not prevented or effectively investigated by the authorities.

As to Article 5 of the Convention, in this report MRG provides information limited to failure to comply on right to life and security and education rights. This should not be interpreted as the absence of violations of the other rights not mentioned under this Article.

Article 6 of the Convention is infringed as there are not adequate remedies defined by law and provided efficiently in practice.

As to Article 7 of the Convention, no adequate measures have been taken in the field of teaching, culture and education for combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups.

ARTICLE 1: DEFINITION OF RACIAL DISCRIMINATION AND REMEDIES

Racism and discrimination are not defined by law in Turkey. The legal protection is far from meeting international standards

a) Turkish Constitution and Law prohibit discrimination based on race but not 'ethnic origin'.

Neither Article 10 of the Constitution nor the provisions in the Acts mentioned in the report submitted by Turkey, such as the Labour Act, Criminal Code, prohibit discrimination based on ethnicity. However, the determination of ethnicity is a matter of self-identification and any person who believes s/he shares the same race with the comparators but has a different ethnic origin and has been discriminated against based on ethnic identity, will not get any protection by law. The same can occur should a judge interpret 'race' as not covering 'ethnic origin' or not be willing to count 'ethnic origin' among 'any such considerations'. There are various ethnic groups and minorities living in Turkey, among others Armenians, Greeks, Kurds, Laz, Circassians, Roma, Assyrians and all these groups define themselves as belonging to a different ethnic origin. Therefore, the Turkish Constitution and Acts need to be amended to prohibit discrimination based on ethnic origin among others.

Recommendations:

· Article 10 of the Constitution must be amended in a way to prohibit discrimination on the basis of ethnicity and emphasize state responsibility in terms of ensuring equality in the exercise of rights regardless of ethnic origin.

b) There is no definition of discrimination by law.

.Standards in the ICERD and other international law sources

Article 1 of the ICERD defines racial discrimination. International law requires states to define all forms of discrimination, including direct, indirect discrimination, harassment, victimisation, segregation and prohibit discrimination by association, announced intention to discriminate, instructing another to discriminate, inciting another to discriminate and aiding another to discriminate.

Defining discrimination is essential for

· individuals to know what constitutes discrimination and when their rights are violated,

· individuals to be able to build a prima facie case,

· law implementers and judges to be guided about which actions constitute discrimination.

.The law and implementation in Turkey

Although Article 10 of the Constitution of Turkey and some national laws prohibit racial discrimination, discrimination is not defined in any law. The law in Turkey does not

· define and prohibit direct and indirect discrimination, harassment and victimisation, segregation; discrimination by association; announced intention to discriminate; instructing another to discriminate; inciting another to discriminate; assisting another to discriminate.

· it does not shift the burden of proof to the respondent when the complainant can set a prima facie case. If the complainant can establish the facts from which it may be presumed that there has been direct or indirect discrimination, the respondent has to prove that there has been no breach of the principle of equal treatment.

· does not allow involvement of a non-governmental organisation to involve in proceedings about discrimination.

No equality body has ever been set up in Turkey to monitor discrimination and assist victims with their complaints. Such a body is essential.

Moreover, law in Turkey does not set any pecuniary or non-pecuniary remedies for the victims of discrimination.

As a result, the law and practice in Turkey are far from meeting the standards drawn by the ICERD, as those set by other international documents such as the Racial Equality Directive of the Council of the European Union[1] and the Recommendation No 7 adopted by the European Commission Against Racism and Intolerance (ECRI).[2]

Turkey is party to most of international treaties prohibiting discrimination, however Turkey has been systematically putting reservations on the provisions of such treaties that are related to cultural rights (Convention on the Rights of Child), minority rights (Article 27 of the ICCPR) and even discrimination (Article 26 of the ICCPR in individual communication before the Human Rights Committee). Turkey has not recognised the individual application procedure to the CERD and has put the following reservation: 'The Republic of Turkey declares that it will implement the provisions of this Convention only to the States Parties with which it has diplomatic relations. The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied. The Republic of Turkey does not consider itself bound by Article 22 of this Convention. The explicit consent of the Republic of Turkey is necessary in each individual case before any dispute to which the Republic of Turkey is party concerning the interpretation or application of this Convention may be referred to the International Court of Justice. '

Recommendations:

· Turkey should adopt an equality law that will conform with the requirements of ICERD and other international standards such as the EC Directive and the ECRI Recommendation no 7. This should be done in consultation with all racial, ethnic, linguistic and religious groups.

· Turkey should set up an equality body that would assist victims of discrimination in pursuing administrative and legal complaints; carry out research; publish reports and recommendations.

· Turkey should amend all national legislation (including codes, regulations, circulars) that include discriminatory provisions and actively aim at ending discriminatory practises that are not set up by any law.

· Turkey should withdraw all reservations it has put on the international treaties prohibiting discrimination or protecting minority rights.

· Turkey should recognise the individuals' right to apply to the CERD.

c) The definition of citizenship refers to a certain ethnic group, ignores and discriminates against others.

Article 66 of the Constitution states that '"everyone bound to the Turkish State through the bond of citizenship is a Turk". In its report submitted before the Committee Turkey argues that 'The term "Turk" is the reflection of the national identity of all citizens in Turkey irrespective of their origins'. This statement must be challenged for various reasons:

· 'Turk' is the name of an ethnic group in Turkey and thus depicts an ethnicity. Many members of other ethnic groups do not feel that 'Turk' is a general identity which covers both 'Turks' and their groups. They rather feel that the use of the term 'Turk' ignores and assimilates their distinct ethnic identity. Examples to these are many Armenians, Greeks, Kurds, Laz, Circassians, Assyrians...etc.

· Since the establishment of the Republic of Turkey, non ethnic Turks have been treated differently than ethnic Turks. Those that were not ethnic Turks were subject to forced re-settlements[3], they were forbidden to use their own languages in public, even in private communications[4], they were not allowed to give names in their mother tongue to their children[5] etc. The use of 'Turk' as a reference to all citizens, in fact simply reflects the ignorance or forced assimilation of other ethnic groups in the country.

· Insulting 'Turkishness' is prohibited by Article 301 of the Penal Code. Hundreds of cases have been brought against human rights defenders, journalists and minority members on the basis of insulting Turkishness as part of the ethnic Turkish identity, however not even one case has been brought under this provision when an Armenian, or a Kurd, or a Jew was insulted. In such cases, Article 216 of the Penal Code, which protects all groups against humiliation and racial hatred is used. The statement according to which the term 'Turk' does not refer to an ethnic origin but a global citizenship is therefore not valid.

· Article 4 of the Law on Settlement[6] states that 'those that are not descendents of Turks and are not bound to the Turkish culture (...)cannot get the immigrant status in Turkey'. Should the term 'Turk' just be related to citizenship, this law would not refer to ethnic Turkish origin in the way it does.

As recently as 2007, the Law on Private Education Institutions required the appointment of a Deputy Principal of 'Turkish origin' in minority schools. The amendment of this provision of the law in 2007 was welcomed; however no relevant regulation did officially suppress it and the situation remains the same in practice. The fact that the Deputy Principals in minority schools have to be of 'Turkish origin' is a direct reference to Turkish ethnicity; it means that Turkish citizens of non Turkish origin do exist officially, which does invalidate the above-mentioned statement of the Turkish state.

Not only the Constitution but various laws, regulations, curriculum, textbooks refer to Turks, Turkish culture, Turkish language, as related to ethnic Turkishness, and not to a diverse society.

Recommendations:

· Article 66 of the Constitution must be amended. Citizenship must not refer to any ethnic origin.

. Citizenship should be redefined so that it is inclusive of all ethnic groups in Turkey. This inclusive citizenship should be promoted. All provisions in national codes, regulations, circulars, textbooks referring to the use of 'Turk', 'Turkish culture' should clearly mention that they refer to a multiethnic identity and not to a single ethnic group. Moreover, the allegiance to 'nationalism', "Ataturk's ideology' and any similar statements should lose its compulsory character and all provisions referring to them as compulsory values should be amended.

d) Non-Muslim Minorities are not treated equally as Turkey has argued in its report to the Committee

Until now, when coming to the protection of minorities on its territory, Turkey has only been referring to the Lausanne Peace Treaty of 1923[7] which protects the rights of non-Muslim minorities and guarantees them equality before law in its Article 39.

These provisions exclude all ethnic and linguistic minority communities –numerous in Turkey- from their scope, and are thus not satisfactory.

Moreover, Turkey has even been systematically violating the Lausanne Treaty, in many ways:

Although Lausanne does not refer to any specific non-Muslim group, Turkey has been *de facto* applying these provisions to the so-called "Lausanne minorities" (Armenians, Greeks and Jews) only and excluding all other existing non-Muslim ethnic groups such as native Christian Orthodox Assyrians and Chaldeans from this protection, amounting to a violation of the Lausanne Treaty itself and to discriminatory treatment **in violation of Article 5 of the ICERD**.

· Lausanne requires equal treatment of non-Muslim minorities and others in exercise of any rights. Properties of non-Muslim minorities have been systematically confiscated, their foundations and schools have been subject to discriminatory bureaucratic restrictions. [8]

· Lausanne minorities are not employed in the public sector related to security (such as the army).

Recommendations:

· Turkey should apply the provisions of the Lausanne treaty to all non-Muslim minorities that wish to be defined as a minority and exercise the rights defined in Lausanne.

· Turkey should moreover guarantee the same rights and protection to all other minorities on its territory.

· Turkey should end the discriminatory treatment of minorities in the exercise of various rights, including education and property.

ARTICLE 2: STATE POLICY FOR THE ELIMINATION OF DISCRIMINATION AND STATE RESPONSIBILITY

There is no state policy to eliminate discrimination. There are still discriminatory laws, regulations and circulars in force in Turkey. Some discriminatory practises not validated by any law are taking place and not being challenged.

a) There is no state policy to eliminate racism and discrimination

There is no state policy to acknowledge racism and racial discrimination in Turkey, to address the problem and take measures to tackle it. The state has not taken any initiative at a national or a local level to promote peace and understanding among different ethnic groups. Turkey has always and still is in denial of racism and racial discrimination in the country. Should Turkey have a policy to eliminate discrimination, public prosecutors would take initiatives to investigate racist activities.

b) There are discriminatory acts and regulations in Turkey

In Turkey, some acts and regulations still include discriminatory expressions. According to the Law on Private Educational Institutions, schools belonging to ethnic-religious minorities in Turkey, namely Armenians and Greeks, cannot enrol non-Turkish citizens[9], while any other school in Turkey can do so.

As stated above, the Deputy Principles of the minority schools are still *de facto* required to be of 'Turkish origin' since no regulation has been adopted yet to put the related reform of the law into practice, when other private schools are not required to have such Deputy Principles of any specific ethnic origin.

c) Discrimination can take place regardless the law, on the initiative of public officials or judges

In some cases, official discrimination does not come from the law but takes place in practice.

The confiscation of the properties of non-Muslim minority foundations is a good example of this. In 1960s, the General Directorate of the Foundations decided that the declaration done by the non-Muslim minorities in 1936 should be accepted as their statute and any property acquired since then should be confiscated by the State. The High Court of Appeal upheld this decision in 1974 and approved this discriminatory unlawful practise. The new law that came into force in 2008 guarantees return of these properties that are under the control of the State to the foundations, however does not provide remedy for the properties that have been sold to the third parties. [10]

Mostly Kurdish origin seasonal workers travel to the Ordu province to collect hazelnuts. In 2008, the governor of Ordu issued a circular which banned their entrance to the city centre. These seasonal workers also allege that they are paid less than the local people. [11]

Ethnic profiling is not legal in Turkey however it is done unlawfully. In the case file of the Malatya massacre (See Article 5 for detailed information about the case), many folders on the "missionary activities" of the Christian publishing house staff killed in the massacre were to be found.

d) Discrimination is not effectively prohibited by law.

In its report, Turkey has argued that it has adopted several provisions to address discrimination. These provisions do not define racial discrimination and prohibit it in all areas of life such as in access to goods and services (for instance, if someone is denied to rent a flat because of his/her ethnic origin, this is not considered to be in breach of any law in Turkey), and in access to employment.

e) Ethnic profiling:

A petition campaign to get an apology from the Armenians of Turkey for the massacre of Armenians in 1915 was lodged by some intellectuals and supporters in December 2008. The President Abdullah Gul's comment about this was that Turkey was a democratic country and people should freely discuss such subjects. An MP from the main opposition party in the parliament criticised this and stated that Gül's mother was Armenian and Gül had made that statement because of his origins. Gül publicly stated that he was not Armenian, as being Armenian was something negative. [12]

ARTICLE 4: RACIST PROPAGANDA AND VIOLENCE

a) Legal protection:

Racist propaganda and racist attacks are not clearly defined and prohibited by law, and the current legislation is not implemented effectively against racist propaganda and attacks.

i. Racist Propaganda in Penal Code:

Article 216 of the Penal Code prohibits incitement for creating hostility between different parts of the society on the basis of religion, race, sect, social class or regional difference.

· It does not prohibit incitement to hatred on the basis of ethnicity or language.

· This provision could be used against 'hate speech' even limitedly, but so far, except one case, it has been used to prosecute people that criticise State policies or comment on minority issues[13], particularly the Kurdish question.

· The article does not clearly and adequately prohibit racist propaganda.

· The article does not refer to racially motivated crimes, including violent attacks. There is no provision in the Penal Code that will define 'racially motivated crimes' and 'racial motivation' as an aggravating circumstance.

· Cases brought under this Article have usually been initiated after the complaints of individuals, but not by the initiative of the public prosecutors.

Recommendations:

· In Line with Article 4 of the ICERD, Turkey should amend this provision to clearly define racism, list ethnicity and language among the prohibited grounds; prohibit racist propaganda, incitement to discrimination and violence on the mentioned grounds.

· There must be a free standing article in the Penal Code which will define 'racial motivation' as an aggravating circumstance in relation to any crime, including violent activities.

· Law enforcement officers, public prosecutors and judges must get training on racist propaganda and the limits of free speech and take action against prohibited acts with their own initiative.

ii. Racist Propaganda in the Law on Associations and implementation:

There is no provision in the law on associations that directly prohibits racist activities. Likewise, no charge is foreseen for such activities. Although many associations have been carrying out racist activities, none has been subject to any administrative charge yet under Article 30(b), which prohibits

activities against prohibited purposes in the Constitution and activities defined as crimes by law. In 2006, an association called 'Türkçü Toplumcu Budun Derneği' in Izmir publicly carried out a campaign to stop the rise in the number of the Kurdish population.[14] Only upon a complaint done by the Contemporary Lawyers' Association a case was brought against the president of the association under article 216 of the Penal Code and for the closure of the association[15] but it has not been closed nor has the president been charged yet. In January 2009, the Federation of the Osmangazi Culture Associations in Eskişehir organised a press conference to condemn the 'petition campaign for apology from the Armenians'; they carried posters stating 'dogs can enter but not Armenians and Jews'. [16] An investigation has been lodged after the news appeared in the press.

Recommendations:

· The Law on Associations must be amended to clearly prohibit racist propaganda and incitement to discrimination and racially motivated violence.

· Law enforcement bodies should carry out prompt legal and administrative investigation against associations that carry out racist activities.

iii. Racist Propaganda in the Law on Political Parties

Article 82 of the Law on Political parties prohibits racism as an aim to pursue and Article 83 prohibits aim and actions against the principle of equality before the law. So far, no political party in Turkey has ever been charged under these provisions for having racist aims or promoting discrimination. A case could be brought against the The Nationalist Movement Party which criticised the slogan 'We are all Hrant, we are all Armenian' and instead suggested 'We are all Turk, we are all Mehmet'. Article 81, which prohibits alleging the existence of minorities in Turkey, the creation of new minorities by promoting languages and cultures other than Turkish ones, has been used to close parties that have been advocating for minorities' rights. The ECtHR has found violation of the right to association in many cases brought by these parties [17].

Recommendations:

· Turkey should cease bringing cases against political parties which advocate peacefully for the protection of minorities and advancement of their rights.

· Law enforcement bodies should carry out prompt legal and administrative investigation against political parties that carry out racist activities or have racism-discrimination as an aim.

iv. Racist propaganda in press and media

The Press Law No 5187 does not prohibit racist publications and thus does not foresee any remedies against racist publications. Various mainstream and regional newspapers have been publishing news profiling certain minority groups, inciting hostility and violence against certain groups. The

mainstream newspaper 'Hürriyet''s motto 'Turkey belongs to Turks' is published daily on its front page.

Article 4/b of the Law on the High Board of Radio and TV (RTUK Law)[18] states that broadcasting that causes ethnic discrimination or hatred among society on the basis of class, race, language, religion, sect and regional differences is forbidden. Article 4/b prohibits humiliation of any person on the same basis.

In December 2008, public TV station TRT 1 broadcast a documentary called 'Şahların Labirenti' on the massacre that took place in Kahramanmaraş province in 1978. In the documentary, Hrant Dink and his friends were blamed for organising all incidents and it was stated that among the casualties there were 6-7 non circumcised men (implying they were Armenians). The Dink family applied to the TRT 1 for remedying this situation as the documentary was racist and profiling Hrant Dink and Armenians as perpetrators of a massacre. TRT 1 stated that the documentary producers had the responsibility for the content and should the Dink family sent them a letter it would also be broadcasted on TRT1. Despite the reactions, the documentary was broadcasted on the state TV station TRT Int as well. [19]

Despite the existence of such provisions in the RTUK Law, no charge has ever been brought against a national TV or radio for such broadcasts. It has to be highlighted that regional and mostly minority broadcasters have regularly been charged instead, under the Article 4/b. As an example 'Anadolunun Sesi' Radio station was closed down permanently for broadcasting a song on the Kurdish question.

Recommendations:

· The Press Law should be amended to clearly prohibit racist propaganda and incitement to discrimination.

· Effective remedies must be provided by law against such activities.

· RTUK should change its policy on the implementation of the Article 4/b of the RTUK law. It should stop using it to charge minority broadcasters and start to use it against racist broadcastings.

b) Rise in racism and racist attacks in Turkey

There has been a rise in racism and racist attacks in Turkey. These are not effectively prevented or investigated.

i. Attacks and threats against non-Muslim minorities:

Non-Muslim minorities in Turkey have increasingly become subject of racism and racist attacks since 2005. Hrant Dink, the chief editor of the Armenian-Turkish AGOS weekly and human rights activist, was assassinated in front of his office in January 2007 by a young nationalist, simply because of his Armenian ethnic identity and political views. Later, in April 2007, three staff of the

Zirve Publishing house in Malatya, which published materials related to Christianity, were slaughtered by extremists. A number of religious actors (Pastor of the Diyarbakir Protestant Church[20]) and non-Muslim institutions (for example, some Armenian schools in Istanbul[21]) have been threatened. After the assassination of Dink and reaction from intellectuals and hundreds of thousands who attended his funeral saying 'We are all Hrant Dink, we are all Armenians', racist threats against Armenians came up. From April 2007 many Armenian schools, businessmen and religious institutions were frequently threatened by emails, letters and phone calls. The same year the Armenian Patriarch sent a letter to the Governor of Istanbul and asked for protection for Armenian institutions and businessmen. The governor told them that they would not be able to afford the expense of such service and recommended that applicants could get security from private companies, by paying themselves.[22] The Diyarbakir Church was being threatened by emails. Although the police did not take these threats seriously initially, after the massacre in Malatya, they provided a security guard to protect the church for 24 hours, every day.[23]

The Greek journalist Andreas Rompopoulos, a correspondent for the major Greek TV Channel Mega and of the Greek daily newspaper Eleftheros Typos, and editor of a publication for the Greek minority in Turkey named Hxo, was attacked on 5 December 2007 in Istanbul and suffered a number of injuries.

After the bomb attacks on Gaza by Israel in December 2008, anti-Semitism increased in Turkey. The posters bearing the inscription 'Dogs can enter but not Armenians and Jews' are an example to this.

Many non-Muslim minority members have stated that they feel unsafe and that they are living in a hostile environment.

ii. Attacks against Kurds in central-western Turkey:

A worrying number of mob attacks on Kurds in mostly non-Kurdish populated cities have taken place since 2006. Kurds in the western cities of Turkey, where they are mostly seasonal workers or immigrants, are increasingly being profiled as 'terrorists' and becoming subject of racially motivated attacks. In 2006 in the Kemalpaşa district of Izmir after the killing of a nationalist by a Kurd due to a non -political conflict, Kurdish families living in the quarter were subjected to severe violent racist attacks. They did not get adequate protection by the state and eventually moved out of the district.[24] In 2007, two young Kurds wearing Ahmet Kaya (a famous Kurdish singer) t-shirts were violently attacked by a mob[25] in Sakarya province. The same year, a group of Kurdish workers speaking in Kurdish faced police harassment and violence in the same province[26]. In October 2007, in the region of Bursa, mobs attacked Kurdish citizens and buildings of the pro-Kurdish Democratic Society party (DTP) after the death of 12 Turkish soldiers in Hakkari. In April 2008, far right nationalists stormed the solidarity night festival organised by the DTP in Sakarya province, attacking the participants while waving Turkish flags. One of the participants, Ebubekir Kalkan, died of a heart attack.[27] Two participants were injured while driving home since their vehicle was stoned.

iii. Attacks against Roma:

According to a report released by the European Roma Rights Centre, in Afyon province, a Roma family was attacked on 29 April 2006 by hundreds of non-Roma following the alleged abuse of female students by two young Roma. The mob burned several houses belonging to Roma. No one was arrested[28].

iv. Main issues to be addressed in the above mentioned attacks can be summarised as follows:

· In most of these cases (attacks), there is incitement for violence (including through or by media) behind these attacks and so far no person has been charged for doing so.

· Even though in most of the cases the security threat was known to public officials, no measure was taken to protect minorities. For instance, Hrant Dink was not protected by any officials although the threats against him were known and intelligence on the planned assassination was allegedly sent to the Istanbul Police Headquarters. The State did not take any steps to respect the *due diligence* principle.

· No effective investigation has been carried out against the perpetrators of Hrant Dink assassination (public officials that might have been involved in this) and public attacks on ethnic minorities.

· Public officials have not publicly condemned some of these attacks clearly (such as in the massacre in Malatya,) the Malatya police sent a file on the 'criminal' missionary activities of the perpetrators to the Court)[29], and no one has been charged for failing to prevent or investigate these attacks (except for the dismissal of few low level public officials in relation to the assassination of Hrant Dink).

Recommendations:

· Police officers, other security forces, judges and prosecutors need to be trained on the states' responsibility for the protection of individuals against racist attacks (due diligence).

· Administrative and legal measures must be taken against public officials that fail to prevent and/or prosecute such attacks.

· Effective investigations must be carried out against the perpetrators of such attacks.

ARTICLE 5. EQUAL ENJOYMENT OF RIGHTS

a) Right to life and security

Minorities' right to security and life is not protected effectively, solely because of their ethnic or religious identity.

Police organisations and intelligence services in Trabzon and Istanbul knew about the plan for the assassination of Hrant Dink but no measure was taken to protect him. No effective investigation has been carried out to find out all of those involved in the attack. [30]

. The assassination of Hrant Dink

Hrant Dink, a well-known Armenian journalist and chief editor of AGOS Weekly, was given a six-month suspended sentence in October 2005 for 'denigrating Turkishness'. The judgment was upheld by the Court of Appeal and focused on one statement (taken out of context) in an article that Hrant Dink had written on the Armenian diaspora, calling on Armenians to stop their blanket hatred of Turks. He was also tried for calling the 1915 massacre of Armenians 'genocide'; for saying he was an Armenian, not a Turk; and for criticising the sentence given to him. He was portrayed as a 'traitor' by some media, threatened and attacked by extremist nationalists in front of his office and during the trials. Once he was invited to the office of the governor who was accompanied by two 'friends' who told him to be careful. No measure was taken to protect him, despite the threats.

On 19 January 2007, Hrant Dink was shot dead in front of his office. His murderer, Ogun Samast, a young man from Trabzon, was arrested the next day. The investigation revealed that Samast was just a triggerman and that Dink's assassination had involved several individuals and was deeply linked to ultra-nationalist circles. It was also discovered that several police officials had been aware of the murder plan but did not take any action to prevent it.

Trabzon Gendarmerie was accused of gross negligence, since it received several intelligence warnings of a planned attack on Hrant Dink, but neglected to act on it. Initially, two petty officers only, Veysel Sahin and Okan Simsek, had been put on trial in Trabzon. However, it was discovered in 2008 that they had passed the information about the murder plans to their superiors, who did not take action. In December 2008, an indictment was lodged by the Trabzon public prosecutor against six other gendarmerie staff, including Colonel Ali Öz. No investigation was brought against Trabzon police officers though.

Istanbul Police was accused of negligence as well, since they had been warned of the murder plans, but took no action either. Istanbul Governor's Office consented to investigation into the actions of A. Ilhan Güler, Head of the Intelligence Unit and five other police officers, however, the Istanbul Regional Administrative Court overturned this consent and so no case could be brought against them. Authorisation to investigate Istanbul Chief of Police Celalettin Cerrah was denied by the Istanbul Governor's Office on 28 August 2007. Dink family's lawyers' objection at the Istanbul Regional Administrative Court had been overruled. Dink family's lawyers made a complaint against the judges of the Istanbul Regional Administrative Court.

Moreover, two police officers from Samsun having taken the accused triggerman Samast into custody had their souvenir picture taken with him in front of a Turkish flag and a famous sentence of Ataturk on the sacredness of the soil of the motherland which cannot be abandoned. They were put on trial after a video of this incident was broadcast in the media.

During the investigation carried out against public officers who were accused of negligence, they continued carrying out their duties. Those that carried out the investigation were also public officials, not independent experts. It some public officials had not passed on some evidence, avoided sharing documents with each other although they were obliged to do so.[31]

Dink became subject of all criminal charges, trials, conviction, attacks, harassments, threats and finally the assassination, just because of his Armenian ethnic identity and his political views. .Likewise, he was not protected by the authorities because of his ethnic identity and political views. Hrant Dink's right to life was violated twice: By not being protected and by the lack of an effective investigation.

Dink's murder and reactions from the democrats caused disclosure of the racial hatred within society. İsmail Türüt, a singer from Turkey issued a song that indirectly praised the murder and a video clip was prepared by someone of this song and broadcasted on Youtube. A case was brought against Turut, the author of the song and the person that prepared the videoclip under the article 216 of the Penal Code. The case is still pending. Some journalists and politicians protested against the slogan 'We are all Hrant Dink, we are all Armenian' that was used by hundreds of thousands during his funeral. The reaction was 'We are all Turks, we are all Mehmet'.

Even today, Hrant Dink's family members receive threats and are systematically being harassed by the lawyer representing one of the perpetrators and the perpetrators themselves during the trials.[32] In a press statement read on 26 January 2009, the lawyer called all Armenians as RABIES among other terribly insulting statements.[33]

.The brutal torture and murder of three Staff of the Christian publishing firm *Zirve Publishing*

On April 18 2007, five men broke into the offices of a small publishing firm, Zirve Publishing, which published Bibles and materials related to Christianity in the south-eastern city of Malatya. Three of the staff who were identified as Tilman Ekkehart Geske, a German citizen aged 46, Necati Aydin, 35, and Ugur Yuksel, both Turkish citizens and converts from Islam, were tied up. The attackers brutally tortured them for three hours and stabbed them repeatedly; and then murdered them by slashing their throats. The five men, Emre Günaydın, Hamit Çeker, Salih Güler, Abuzer Yıldırım and Cuma Özdemir, aged 19 and 20, were all arrested at the scene of the crime. They said that if they had not killed the victims, the victims would have killed four out of five Turks. The statement of the perpetrators showed that their motivation was racist, as they were protecting the Turk-Islam identity of the society. [34]

The Zirve publishing house has been the site of previous protests by nationalists accusing it of proselytizing. Before the murder, they had received death threats, but continued publishing bibles and disseminated them. Before the murders, a campaign was carried out by local press and Zirve publishing was targeted. No measures were taken to protect them. No effective investigation has

been carried out. The lawyers have been denied access to some evidence, and not all evidence required by lawyers has been gathered by the police and the public prosecutor. [35]

The excuse of "missionary activity" has often been used in Turkey to excuse discrimination, violence and even murders. Hate discourses often use this expression. Judging from the 32 investigation files which have been sent to the joint plaintiffs, it seems that the investigation has focused on "missionary activities" rather than the murders.

b) Right to education:

Education is an essential tool for the development of an inclusive society, as for the transmission of identity and values, **as stated in Article 7 of the ICERD**. The education system can guarantee respect for diversity, or on the contrary set the ground for exclusion, widespread discrimination and/or overwhelming assimilation; as such, it has a fundamental impact on minority communities within a country. While equal access to a non-discriminatory education system is fundamental, specific tools allowing minority communities' specific cultural identity to be transmitted and recognised as a component of the nation is a core requirement of the protection of ethnic, religious and linguistic minorities. Although the right to education and the prohibition of discrimination are guaranteed by a number of international instruments to which provisions Turkey is bound, among others the ICERD, Turkey does not implement those provisions fully.

Turkey has limited minority rights protection to the provisions of the Lausanne Peace Treaty. Articles 40 and 41 of the Treaty guarantee to all religious minorities in Turkey a number of rights related to education. As stated above, while these provisions leave a huge number of issues related to discrimination in education unaddressed, and exclude all ethnic and linguistic minority communities from their scope, Turkey has been *de facto* excluding all "non-Lausanne" religious minorities from this protection, amounting to a violation of the Lausanne Treaty itself and to discriminatory treatment **in violation of Article 5 of the ICERD**.

The education system in Turkey is not pluralistic, and fuels discrimination rather than promoting diversity. Access to education is problematic for Turkey's most disadvantaged communities which include displaced Kurds and the Roma minority. Ethnic Turkish identity and nationalism are promoted as core values of the education system, while minority distinct cultures remain marginalised, and often described in a discriminatory way. [36]Teaching mother tongue, as well as education in mother tongue, remains unheard of for many of the minority communities of Turkey. While public schools do not integrate any classes of or in minority language, private schools are only allowed for the "Lausanne minorities" and private courses face undue administrative obstacles.

As a result of its candidature to the European Union, since 1999 Turkey has adopted several reform packages related to education rights of minorities. However, these changes were insufficient and numerous core issues remain unaddressed. The reform process has moreover decelerated in the last two years, whilst society became increasingly polarized on the issue of minority rights.

i. Access to Education (Article 5/e/v of the ICERD)

Although Article 42 of the Turkish Constitution and the Fundamental Law on National Education[37] guarantee the right to learning and education and equal opportunities, equal access to education is not fully guaranteed in practice. Primary education in Turkey is compulsory and free of charge in state schools, but children from the most disadvantaged groups including displaced persons, seasonal workers-both mostly from the Kurdish minority, and the Roma minority, lack proper access to education.

While gender gap as regards the literacy rate and gender inequalities in access to education is documented through data collection and addressed by the authorities[38], lack of equal access to education and disparities in the literacy rate among minority children was never documented due to the absence of disaggregated ethnic data collection in Turkey, although the national census clearly shows huge disparities among regions, where figures from southeast and central eastern Turkey - mostly populated by Kurds- are much lower than the national ones. In 2000, the literacy rate was 73.3% in the southeast and 76.1% in the central-eastern region- against 86.4% at a national level[39]. It has to be highlighted that children working as seasonal workers, who were targeted by governmental projects developed with the International Labour Organization, mostly come from south-eastern and eastern Turkey as well. However, no project has ever addressed the root causes of the problem and targeted those inequalities.

The schooling rate of Roma children is also low, mainly for accessibility and financial reasons. Roma neighbourhoods lack adequate numbers of schools, and children from the Roma families recently displaced after the demolition of their traditional neighbourhoods for urbanisation projects have difficulties with getting proper registration allowing them to get enrolled at new schools. No less than 300 Roma children from the Sulukule area in Istanbul could not be enrolled at new schools after their displacement.[40]Poverty also leads most of the Roma children to stop school. The prejudices Roma people face at school and the lack of special care provided to families in need is also a major cause of drop-outs.

Recommendations:

· Special measures must be taken for improving literacy, schooling of disadvantaged groups like Roma, displaced Kurds and seasonal workers.

ii. Education in Mother Tongue (Art.5 of the CERD- equal enjoyment of rights)

The right to education in mother tongue is vital for the preservation of all minority languages and cultures. In Turkey however, only "Lausanne minorities" have the right to open and manage schools teaching in their languages, according to article 40 of the Lausanne Treaty- all other religious, ethnic and linguistic minorities are denied this right, which constitutes discriminatory treatment. Article 41 of the Lausanne Treaty requiring the Turkish state to grant instruction in mother tongue in public

schools in places where a considerable proportion of non-Muslim minorities are resident, has moreover never been implemented.

"Lausanne minorities" schools face discriminatory restrictions and undue obstacles in the exercise of this right.

· Each application for renewing curricula and school books must provide a Turkish translation approved by a notary and takes years to be addressed; in the case of Greek schools, they are also subject to reciprocity agreements between Turkey and Greece.[41]

· Contracting teachers teaching in mother tongue turns out to be difficult. Teachers in minority languages are hardly attracted by the poor salaries, due to the lack of financial support from the state. Greek schools are moreover managed according to reciprocity agreements between the Turkish and the Greek states which can exchange teachers allowed to teach in one school only, which often proves to be an unaffordable luxury for schools. When these schools choose to hire teachers working elsewhere, they need to ask official permission, unlike the other schools.[42]

· The selection of the mandatory Deputy Principals is a major concern. They previously had to be nominated by Principals among Turkish culture or Turkish language classes or among Turkish citizens of Turkish origin literate in the minority language of the school, and approved by the Ministry of National Education. If the Principal did not nominate anyone, the Ministry could directly appoint someone. A 2007 reform of the law removed the criteria of Turkish origin.[43]However, in the absence of any new regulation adopted by the Ministry, the situation remains the same.[44]

· Enrolment at minority schools is restricted to children of Turkish citizenship, unlike in non-minority private schools. This affects all minorities and particularly Armenians as today approximately 15,000 Armenian citizens live in Turkey.

· Children of one religious minority can only enrol in the community school matching their own religion as written in their ID card.[45].

· Although Article 41 of the Lausanne treaty guarantees religious minorities the right to get state support for educational purposes,[46] since 1976 the Turkish State has not contributed to any expenses of these schools, putting them in difficult financial situations potentially leading to closure.[47]

Recommendations:

· Turkey should amend discriminatory law and regulations on the Lausanne minority schools.

· Undue bureaucratic restrictions should be lifted.

· All other ethnic-linguistic groups should be granted the right to open and manage their educational institutions and state should open such schools when there is sufficient demand.

iii. Learning mother tongue (under right to education, art 5/e/v of the ICERD)

Learning their mother tongue is a major issue for minorities since teaching any other language than Turkish (language of the State according to Article 3 of the Constitution), is prohibited by Article 42 of the Constitution. A reform of the Law on Teaching and Education of Foreign Languages was carried out in 2002, enabling 'learning of different languages and dialects traditionally used by Turkish citizens in their daily lives'[48], but it included unattainable requirements and an extremely restricted scope excluding young children. In 2003, a new reform of the Law on Teaching and Education of Foreign Languages and Learning of Languages and Dialects of Turkish Citizens enabled the existing foreign language courses to open minority language classes, which were however prohibited to be officially taught as "mother tongue".[49] Only students from primary or secondary schools, former students or graduates from these schools, and adults can enrol at these courses.[50]The first Kurdish language course was opened in Batman on 1 April 2004, followed by courses in other locations. 2027 persons enrolled at these courses and 1056 of them received certificates. In 2005, all Kurdish courses were closed down by unanimous decision of the owners since the managers stated that most Kurds spoke Kurdish informally and did not want to pay to learn it, Kurdish language skills were not required in any employment branch, and that their real need was education in mother tongue.[51] Moreover, applications for opening courses are subject to undue bureaucratic restrictions; they are expected to fulfil the same conditions as the commercial private foreign language courses, which are operated to make profit. Learning mother tongue as selective classes at public schools and in linguistic departments at universities is also a common request of minority communities.

Recommendations:

- Undue bureaucratic restrictions on the private language courses should be ended.
- State should support such courses and open such language courses when there is demand.

iv. Discrimination in School and Curricula (Art. 7 of the ICERD)

Besides articles 10, 24 and 42 of the Turkish Constitution, article 4 of the Fundamental Law on National Education states that educational institutions are accessible for everyone regardless of their language, race, sex and religion.[52] Teachers and administrators working at public schools are obliged, as civil servants, to treat everyone equally while carrying out their duties. The Turkish Penal Code also prohibits discrimination even though the scope of the article does not cover education.[53] However, no Turkish law defines and prohibits discrimination in education or provides remedies. Such a law is much needed since discrimination is widespread in the education system.

Nationalism and ethnic Turkish culture are actively promoted, diversity and the minorities' cultures almost ignored. Turkish law lists embracing values of the Turkish nation among the targets of education.[54] The provision requiring education to democracy states that no ideology or political opinion conflicting with Atatürk's nationalism can take place at schools.[55]In public and private primary schools including Lausanne minorities' schools, students have to read an oath every

morning, beginning with: 'I am a Turk." and ending with "Happy is the person who says "I am a Turk". Advocacy initiated in 2007 by the Şanlıurfa branch of Eğitim-Bir-Sen, a trade union of teachers, for the revision of this oath to consider diversity and universal values, led to a trial.[56]

Some school books include discriminatory, xenophobic statements against some minorities. A secondary school textbook referred to Roma as: 'beggars you can't get rid of'. Recent research shows that the text book for the 'History of Revolution and Kemalism' class taught at the 8th grade of primary schools refers to Armenians as those who stabbed the Turkish army in the back; and Rums as those that formed armed gangs under the protection of Allies, maltreated and killed many Turks.

Such normalization of discrimination sometimes leads to minority students facing harassment at schools by teachers or other students. They can be labelled separatists if they do emphasize their distinct identity. An Alevi student was beaten by the teacher of the religious culture and ethics class in the Şişli High School, because of his beliefs.[57] Some Roma children are reported to be blamed for any arising issues, humiliated by teachers, and some even to be beaten by teachers (while being yelled as 'you Roma') when they commit a mistake. Due to the fear of discrimination, some minority students and teachers tend to hide their distinct identity from others.

Recommendations:

· Discriminatory statements in the textbooks should be removed.

· Curriculum should be renewed to promote peace, friendship and diversity.

· Discriminatory treatment at schools should not be tolerated and those that discriminate should be subjected to administrative and criminal charges effectively.

v. Mandatory Religious Culture and Ethics Class (Art.5/d/vii and Article 7 of the ICERD)

The 1982 Turkish Constitution introduced mandatory *religious culture and ethics class* for primary and secondary schools.[58] It however enabled alternative religious education and instruction, as the Fundamental Law on National Education.[59] The guidelines approved by the Ministry of National Education in 2000 require these classes to be objective, value diversity and respect freedom of religion, conscience, thought and expression.[60]

However, the course is in practice far from being pluralistic and objective. Despite a review of the curriculum in 2005 which broadened its scope, the class and the related text books devote around 90% to the Sunni-Halefi sect of Islam, religion of the majority in Turkey[61]. Text books refer to Muslim as 'we', and to Islam as 'our religion'. [62] Besides textbooks, the practice often lacks distance and objectivity towards all religions and beliefs. The majority of the religion teachers are graduates from vocational religious high schools (Imam Hatip Schools) and faculties of Theology. It was reported that some of them asked students to practice Islamic rituals.[63]

The compulsory character of this class is a major issue. The only pupils who can be exempted from it are Christians and Jews- and in practice, "Lausanne minorities" only- who declare their adherence to these religions, according to a decision of the Supreme Council for Education[64] but in violation of international treaties, as well as of the Turkish Constitution. Alevi parents applied to Courts to challenge the mandatory character of those classes as the content of the classes were conflicting with their belief, such as Mr Hasan Zengin who applied to the European Court of Human Rights. In its landmark judgment of 2007, Hasan and Eylem Zengin v Turkey[65], the Court stated that these classes were in violation of Article 2 of the 1st Protocol to the ECHR. The 8th Chamber of the Council of State, the highest administrative judicial body of Turkey, consequently gave similar judgments unanimously, and stated that such class should not be mandatory for everyone.[66] However, the Minister of Education took the excuse of the 2005 revision of the curriculum, which took place under the pressure of an Alevi NGOs-led campaign while Mr Zengin's application was being examined by the ECtHR, to claim that the judgment was not applicable to the current class anymore. He also stated that the class was a Constitutional requirement.[67] He however mentioned that the class could be reformed further and provided as a selective course, but that this would require a national consensus and a reform of the Constitution.[68] The ECtHR judgment has so far not been implemented, although it was supposed to be by 9 April 2008. A new Alevi-NGO led campaign for the implementation of the ECtHR judgment started in August 2008.

Recommendations:

· The mandatory religious culture and ethics class should be removed from the curriculum.

· An alternative pluralist class, respectful of diversity should be developed only with the participation of civil society and experts.

ARTICLE 6: EFFECTIVE REMEDIES:

There are not effective protection and remedies against racism and discrimination

Inadequacies in the law

As summarised above, the law in Turkey does not define racism and all forms of discrimination according to international standards. There is no specific equality law or body. Criminal, administrative and legal remedies are not clearly defined by law. Only general provisions can be used. If a person wishes to bring a case before the court alleging discrimination, s/he needs to pay fees as any other person, and cannot get free legal aid for it. No pecuniary, non-pecuniary or any other forms of remedies are clearly defined by law for victims of discrimination.

Judiciary is not independent

The Judiciary in Turkey is not independent. All judges and prosecutors are bound to a board headed by the minister of justice. Prosecutors that open investigations against members of the army may face administrative charges by this board. As explained under the section on article 4, prosecutors do not open investigations against racist activities on their own initiative.

Governmental, administrative and parliamentary remedies

The government may appoint inspectors who may write a report on a case or issue, but such reports are not binding. Such inspectors wrote a report on the Dink trial but it did not have any impact. The Human Rights Presidency and the human rights boards in the cities are mostly composed of public officials, are not independent and have limited power. Most officials do not have expertise in racism and discrimination issues. Members are not trained on racism and discrimination issues. The parliamentary commissions have only similar powers as the governmental ones. There is no parliamentary commission working on racism and discrimination. None of these initiatives can take preventive measures or impose charges on the perpetrators. They can only write reports that are not binding.

As the Government has argued, individuals can apply to the ECtHR however the European Convention of Human Rights prohibits discrimination only in relation to the rights protected by the Convention. Moreover, the ECtHR cannot take preventive measures in discrimination cases. The ECtHR should in any event be an extra international level of recourse and does not replace an effective and independent national system of remedies.

Recommendations:

· Turkey should adopt a comprehensive anti-discrimination law that will define and prohibit racial discrimination in all areas of life.

· An equality body should be set up to promote equality, carry out research and issue policy recommendations, and assist victims in making complaints.

· A public information campaign should be carried out to introduce these new mechanisms.

ARTICLE 7: MEASURES – AWARENESS RAISING:

Education system in Turkey does not promote understanding, tolerance and friendship

As mentioned under Article 5 of the ICERD, the curricula and school books do not promote understanding, tolerance and friendship. It is based on Turkification and Sunnification of all children. And moreover, some groups are profiled as betrayers and enemies of the Turkish nation. No activities, events, information campaigns are organised at national or local level for the promotion of tolerance.

Human rights trainings do not adequately cover racism and discrimination.

Recommendations:

· There is need to organise events in schools and for the public.

· Media and press can be used to promote understanding, tolerance and friendship.

· All Law schools, police academies, faculties for the teachers and others relevant departments should have classes on racism, discrimination and promotion of tolerance, understanding and friendship.

ARTICLE 14: INDIVIDUAL COMPLAINTS

Turkey has not guaranteed individuals the right to apply to the Committee. It should, as this mechanism could be used as one of the advocacy tools against racial discrimination in Turkey.

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[1] Council Directive 2000/43/EC, adopted on 29 June 2000.
[2] Adopted on 13 December 2002. The full text of the Recommendations can be viewed at http://www.coe.int/t/e/human_rights/ecri/1-ecri/3-general_themes/1-policy_recommendations/recommendation_n7/3-Recommendation_7.asp#TopOfPage
[3] Law on Settlements, No. 2510, adopted on 14 June 1934
[4] Aktar, A., Varlık Vergisi ve 'Türkleştirme' Po
litikaları,Istanbul, İletişim, 2000, 71–99
[5] Law No 1587 adopted on 05 May 1972.
[6] Law no 5543, adopted on 19 September 2006, came into force on 26 September 2006.
[7] Lausanne Peace Treaty (Lausanne Treaty) was signed in 1923 between the new Turkish state and the Allied Forces (British Empire, France, Italy, Japan, Greece, Romania and the Serb-Croat-Slovene state)of World War I. Section III of the Lausanne Treaty on the protection of minorities guarantees non-Muslim minorities of Turkey: equality before law; the right to establish, control and manage their own institutions, including schools, with the right to use their own language therein; and obliges Turkey to provide instruction in primary schools in minority languages in towns and districts where a considerable proportion of non-Muslim nationals are resident.
[8] See *A Quest of Equality: Minorities in Turkey,* Minority Rights Group International, London, 2007.
[9] Article 5/c/1 of the Law No 5580.
[10] Law no 5737, adopted on 20 February 2008.
[11] *Ordu, Giresun ve Sakarya'da Mevsimlik Fındık İşçileri ile İlgili Araştırma ve İnceleme Raporu*, Human Rights Association, 2008.
[12] '*Abdullah Gül Ermeni mi?*', accessed at http://www.haberciler.com/news_detail.php?id=1028094 on 04 February 2009.
[13] For example the case brought against Prof. Baskın Oran critising Turkey's minority policy.
[14] *'ÇHDden İzmirde Irkcı bildiriye suç duyurusu'*, Bianet, 11.05.2006, see http://bianet.org/bianet/kategori/bianet/78915/chdden-izmirde-irkci-bildiriye-suc-duyurusu
[15] *'Buduncular 1.5 yıl sonra mahkemede'*, Radikal, 09.01.2008, see http://www.radikal.com.tr/haber.php?haberno=243950
[16] '*Köpekler Girermiş, Yahudiler ve Ermeniler Giremezmiş'*, Radikal Daily, 01.01.2009.
[17] See among others Emek Partisi and Şenol v. Turkey, Application no. 39434/98, judgment of 31 May 2005; United Communist Party of Turkey v. Turkey, Application no. 133/1996/752/951, judgment of 30 January 1998; Freedom and Democracy Party (ÖZDEP) v. Turkey, Application no. 23885/94, judgment of 8 December 1999
[18] Law no 3984 adopted on 13 April 1994.
[19] Kılıçgedik, Bahar, *'Dink ailesinin uyarısı: Yalanı düzelt TRT!'*, Taraf Daily, 05 January 2009.
[20] *'Diyarbakırlı Protestan'ın isyanı: Tehditler çok ağır ama çaresiziz'*, Radikal Daily, 23.04.2007
[21] '*Türkiye'deki Ermeni Okulları Tehdit Ediliyor!'*, BIA, 16.05.2007
[22] Interview with the Spokesperson of the Armenian Patriarch, 12.07.2007.
[23] Interview with a member of the Diyarbakir Church, 18.07.2007
[24] *Devletin Koruyamadığı Aileler IHD'ye Başvurdu*, BIANET; 22.05.2006
[25] *'Ahmet Kaya tişörtlü 3 kişiye linç girişimi'*, Sabah, 05.06.2007
[26] *'Kürtçe konuşan işçilere polis dayağı'*, Ozgur Gundem, 21.06.2007
[27] *'DTP'nin 'kardeşlik gecesi'nde gerginlik, 1 kişi kalp krizinden öldü'*, Zaman Online, 28 April 2008.
[28] 'Racist pogrom in Turkey', European Roma Rights Center, http://www.errc.org/cikk.php?cikk=2700&archiv=1.

[29] Interview with a lawyer representing the victims families in the Malatya trial, 04 February 2009, Istanbul.
[30] For detailed information on the Dink trial view 'Avukatlarından Dink'in Ardından Geçen İki Yılın Özeti', BIANET, 17 January 2009.
[31] Ibid.
[32] *'Katil zanlısı O.S. müdahil avukatları ile Dink ailesine küfür etti'*, accessed at http://www.nethaber.com/Toplum/56261/Katil-zanlisi-OS-mudahil-avukatlari-ile-Dink on 04 February 2009.
[33] *'Hrant Dink duruşmasında 3 kişi tahliye'*, CNN Turk, 27.01.2009, see http://www.cnnturk.com/2009/turkiye/01/26/hrant.dink.durusmasinda.3.kisi.tahliye/510567.0/index.html
[34] Interview with a lawyer representing the victims families in the Malatya trial, 04 February 2009, Istanbul.
[35] Press statement issued by the lawyers on 04 April 2008.
[36] Preamble of the Constitution; Law no. 1739, Article 2.
[37] Article 7 of the Law no. 1739, adopted on 14 June 1973 and came into force on 24 June 1973.
[38] For instance through the campaign 'Let's Go to School Girls', see www.haydikizlarokula.org
[39] Percentages based on the figures given in the 2000 national census, issued by the Turkish Statistical Institute, see http://www.tuik.gov.tr/Bolgesellstatistik
[40] Cingöz, Yonca, 'Sulukule'de ders zili de sustu', 05 Mart 2008, Radikal, www.radikal.com.tr
[41] See Kaya, Nurcan, '*Forgotten or Assimilated? Minorities in the Education System of Turkey*', Minority Rights Group International, London, to be published in 2009
[42] Ibid.
[43] Law no 5580, adopted on 08 February 2007, Article 8.
[44] See Kaya, Nurcan, '*Forgotten or Assimilated? Minorities in the Education System of Turkey*', Minority Rights Group International, London, to be published in 2009
[45] Law no 5580, adopted on 08 February 2007, and came into force 14 February 2007, Article 5/c/1
[46] Article 41, paragraphs 2-3
[47] See Kaya, Nurcan, '*Forgotten or Assimilated? Minorities in the Education System of Turkey*', Minority Rights Group International, London, to be published in 2009
[48] Law no 4771, adopted on 03 August 2002, came into force on 09 August 2002. With the changes brought with this law, the law no 2923 is called 'The Law on Teaching and Education of Foreign Languages and Learning of Languages and Dialects of Turkish Citizens'.
[49] Law no 4963, adopted on 30 July 2003. Article 23.
[50] Published on 05 December 2003 at the Official Gazette no 25307.
[51] *Bozarslan, Mahmut., 'Kürtçe Kurslar İlgi Görmedi'*, NTV-MSNBC, 02 August 2005, accessed at http://www.ntvmsnbc.com/news/335272.asp on 12 May 2008.
[52] Law no 1739, adopted on 14 June 1973 and came into force on 24 June 1973.
[53] Article 122. Law no 5237, adopted on 26 September 2004.
[54] Preamble of the Constitution, Article 2 of the Law no 1739.
[55] Article 11 of the Law no 1739.
[56] Hürtaş, Sibel, *'Türküm doğruyum davalığım'*, Taraf, 28 July 2008.
[57] *'Oruçluyum dedim, daha çok vurdu'*, Radikal, 19 January 2008.
[58] Article 24.
[59] Law no. 1739, adopted on 14 June 1973, came into force on 24 June 1973.
[60] Decision no. 373, adopted on 19 September 2000.
[61] Kaymakcan, Recep., *Yeni Ortaöğretim Din Kültürü ve Ahlak Bilgisi Öğretim Programı İnceleme ve Değerlendirme Raporu,* Education Reform Initiative, April 2007, p. 7.
[62] Research carried out by the History Foundation, see http://www.tarihvakfi.org.tr/dkih/raporlar_liste.asp
[63] *'Diyanetin Zorunlu Din Dersi Israrı'*, Alevi Haber Ajansı, 15 November 2007, accessed at http://www.alevihaberajansi.com/index.php?option=com_content&task=view&id=742&Itemid=28, on 22 May 2008.
[64] Decision no. 1, adopted on 09 July 1990.
[65] Hasan and Eylem Zengin v Turkey, ECtHR, Application no: 1448/04, Judgment of 09 October 2007.
[66] Judgment of 28 December 2007, 8th Chamber of the Council of State, File No: 2006/4107, Decision No: 2007/7481; Judgment of 29 February 2008, 8th Chamber of the Council of State, File No: 2007/679, Decision No: 2008/1461
[67] *'Hüseyin Çelik: "Seçmeli din dersi olabilir"'*, CNN TURK, 09 March 2008, www.cnnturk.com, accessed on 04 May 2008.