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The political situation of the Kurdish minority in modern day Turkey

I. Preliminary Remark

It should be born in mind that the former Ottoman Empire, the predecessor of Turkey with its multi-ethnic/cultural and political structure gave the Kurdish minority a great degree of autonomy (1515-1918). On the contrary to the Ottoman Empire, the political situation of Kurds have been completely changed since the foundation of modern day Turkey (1923).

II. The international law and its disadvantages in dealing with 12 million Kurds in Turkey

1. Turkey is not willing to recognize the right of the Kurdish minority in Turkey, as shown by its failure internationally to ratify the FCNM or ICCPR Article 27 in full, and in the refusal to allow the basic *unimpeded* right of the free use of languages. Foremost because of this failure to change the basic outlook, it is not surprising that the regulation (decree) that are issued regarding the implementation of the laws are sometimes inconsistent with the laws and bring further restrictions. In fact, in some cases, there has been regression rather than progress.
2. The official Turkey hasn't prepared itself to accept the entire international standards of respecting and protecting minorities. **The Turkish application regarding who is and is not a minority is in breach of international law.** The Turkish Constitution does not refer to any minorities. The *Treaty of Lausanne* itself does not comply with modern standards. Section III, Article 39 of the *Lausanne Treaty* guarantees all citizens of Turkey the rights to use any language in press and publications of any kind. Nevertheless, the modern day Turkey and its Supreme Court has misinterpreted the *Treaty of Lausanne* because of political reasons. This 'major' concession is of course in line with the official ideology, which does not recognise an obligation to respect and protect minorities (except those three minorities recognised in the *Lausanne Treaty* of 1924). Such a declaration *violates* the principle that minority groups are objectively determined and cannot be limited by national government or Constitution.

III. The Turkish domestic law

1. The Turkish Constitution does not recognizes the right of persons belonging to all minorities to take part in public life, including voting, being elected, participating in public office, and freedom of association and expression.
2. According to the Article 42 of the Turkish Constitution no language than Turkish shall be taught as a mother tongue to Turkish citizens at any institutions of training or education.
3. Under the Turkish *electoral* system, political parties must gain 10 per cent of the national vote to enter Parliament. This high percentage, (the highest record by the OSCE), discriminates particularly against Kurdish minority and parties.
4. Article 81 of the Political Parties Law on the Prevention of the Creation of Minorities prohibits political parties from claiming: `that minorities exist in the Turkish Republic based on

national, religious, confessional, racial or language differences. Many pro Kurdish political parties have been closed under this Article and the ECHR has found a breach of Article 14 of the Convention.

5. The Political Parties Law attempts to prevent the use of minority language in politics. Article 81 (b) of the Law prohibits using a language other than Turkish.

Evacuated Villages in Kurdish region

6. According to the report issued by the Turkish Grand National Assembly Research Commission on the Evacuated Villages and Migration Problem, 3,428 residence (villages and smaller) have been evacuated or destroyed in *south-eastern* and eastern Turkey.
7. Unfortunately 'none of the necessary law reforms can be achieved without the military's backing'. In other words, the Turkish Military *retains ultimate* control and veto over Turkey's foreign and domestic policy. Although on paper the privileged, political role of the military has been *reduced* to some extent, the realities remain much the same. The military obviously still feel free to intervene in the political agenda, with public statements and other, more *subtle* forms of pressure. Various cases against persons expressing opinions contrary to the military ideology have been opened by prosecutors, eager to follow clear signals from the military.

Turkey currently support dominant Sunnis and suppressed all others

8. Although Turkey is a secular state under the Constitution, it currently supports Sunni Muslim affairs through a Presidency of Religious Affairs in the Prime Minister's Office. This issue is of particular concern for the Kurdish *Alevis* and others because their children have to attend *these classes*. Therefore 'Turkish nationals belonging to non-Muslims minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal rights to establish, manage and control their own 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*'.
9. There is no any parliamentary commission that consults with or includes minority representatives. There is no commission that represents the minority population in the provincial or district government in Turkey.
10. The present-day Turkey has not any public body that deals with discrimination against minorities. In addition it has a different understanding of law and order, tradition and itself is not willing to implement its promise of respecting and protecting minority.

IV. Conclusion

The Turkish authorities have had little difficulty so far in accepting the *Copenhagen criteria* in order to join the EU, which specifically obliges Turkey to ensure 'respect for and protection of minorities'. However, Turkey has officially made it abundantly clear that this acceptance is limited to those people who are defined as minorities in the 1923 *Lausanne Treaty*. Therefore the UN should insist on a 'roadmap' to solve the Kurdish problem. Moreover, the Turkish system of justice must be brought up to EU standards, as a matter of urgency.