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Turkey: Teachers' union under pressure

The largest trade union in Turkey, the Education Workers' Union (Egitim Sen) is at risk of closure in an ongoing trial because of a statement in its statute that it will work for the right of individuals to receive education in their mother tongue. Meanwhile, peaceful protests against the trial have been dispersed with excessive force and their organizers have been prosecuted.

Since 2001 numerous constitutional and legal reforms have been made to bring Turkish law into line with international human rights standards. While many laws that have been used in the past to silence society have been changed, ways are still being found to restrict the rights to freedom of association, assembly and expression of human rights defenders - including trade unionists.

An example of this is the recent pressure brought to bear against Egitim Sen. In June 2004, a case was opened against the trade union at a labour court in Ankara asking for its closure since it had refused to remove from its statute the statement that it would work for "...the defence [of the right] of individuals to receive education in their mother tongue". The Ankara State Prosecutor who brought the case alleged that such an aim was contrary to Articles 42 of the Turkish Constitution which declares that "No other language than Turkish may be taught in educational and teaching facilities to Turkish citizens as their mother tongue". The State Prosecutor therefore demanded the closure of the trade union in accordance with the Law on Public Servants' Trade Unions which stipulates that the activities and administration of such trade unions may not be contrary to the Constitution.

In September, the court rejected the request for closure in a landmark decision which cited the rights to freedom of association and expression as laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms to which Turkey is a party. However, in an astonishing development, the Court of Appeals overturned this ruling in November on the basis that limitations to the rights to freedom of expression and association in this and other cases were necessary in order "...to prevent activities contrary to the unitary structure of the country as a compulsory precaution with the aim of protecting national and public security, and protecting public order". While it is true that the European Convention does accept some reasons for the limitation of these rights, it has stressed repeatedly in its judgements that the existence of relevant and sufficient grounds must be convincingly established by the state and that the limitation must be proportionate.

As a result of the Supreme Court's decision, a new trial against Egitim Sen began on 10 December 2004 at Ankara Labour Court No. 2. The next session of the trial will be on 21 February 2005.

Meanwhile, peaceful protests against the court case have been obstructed. Police reportedly used disproportionate force including beatings and tear gas to disperse a demonstration by supporters and members of Egitim Sen in Istanbul on 8 December 2004. Another case was initiated on 27 December at a

court in Ankara against the board of Egitim Sen for staging an unauthorized demonstration against the case in 13 July.

Background:

Egitim Sen is Turkey's largest union with a membership close to 200,000 made up of teachers and education workers. It was founded on 23 January 1995 and is a member of Education International (EI) and is also a constituent of the International Confederation of Free Trade Unions (ICFTU).

Despite reforms made by the present government to improve the rights of citizens in Turkey, there still remain many laws which can be used to restrict fundamental rights, demonstrating the need for further legal and constitutional reform. Nowhere is this clearer than in the area of minority language rights. More than thirty languages are spoken in Turkey. While the Law on the Education and Teaching of Foreign Languages was changed in 9 August 2002 to allow for the "learning of different languages and dialects used traditionally by Turkish citizens in their daily lives", this right is subject to numerous restrictions. For example, the languages may only be taught to adults at private language courses. The UN Special Rapporteur on Education Katarina Tomasevski has pointed out the discrepancy that, while it is possible to learn foreign languages (such as Hungarian) at university, there are no language or literature departments in any minority languages at any university in Turkey.

Mother tongue education is similarly restricted. The United Nations Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities has stated that all UN member states should take "appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue". However, as the Special Rapporteur has also pointed out "...the mention of mother-tongue education [in Turkey] is further seen as jeopardizing territorial integrity, which removes the subject matter from the realm of national education to that of national security. Seeing multilingualism as an asset rather than a threat raises eyebrows... The boundaries between national security and education are apparently fluid and issues that pertain to education can be decided on national-security grounds rather than on their educational merits". Steps need to be taken to allow for the free discussion of such issues, such as in the case of Egitim Sen, and to remove restrictions on the teaching of minority languages - including by amending Article 42 of the Constitution.