

# LANGUAGE BAN CASE



The ban on “ethnic languages” goes back to 1920s but was implemented more strictly after 12 September 1980 military coup. After 12 September 1980 mothers who did not know Turkish had to watch their sons silently when they visited them in Diyarbakır Prison... The slogan of that time written on the prison wall in capital letters read ‘**Talk in Turkish, talk a lot**’ reflected the mentality of the time. Despite the new openings introduced by the process of integration into the EU, reflections of the same mentality remained in many laws. The rising star of the legal system in recent years has been 1928 dated Law on “Turkish Letters”. This law applied with the reference of article 222 of Turkish Penal Code and carries prison sentence to those who use the letters which do not exist in Turkish alphabet. Hence Akbank’s “Axess” credit card, “Taxim Hill” hotel, and

the ticket masters' domestic version "BiletiX" are all under the threat even if they do not know that!..

## **HOW WAS THE LANGUAGE BANNED HOW IS IT BEING BANNED?**

### **The Ban which Came with 12 September 1980**

12 September 1980 military coup was culminated in the 1982 Constitution. Article 26 (*No language banned by the law can be used in the expression or dissemination of ideas*) and article 28 (*No language banned by the law can be used in publishing*) were embodied in the Law Num 2932 which was made by the junta one year later. Law 2932 on "*The use of Languages other than Turkish*" has become a concrete example of how trying to protect the "indivisibility of a nation" in the context of languages would cripple democracies. Article 2 of the law banned Kurdish: "*Expressing and disseminating ideas in a language other than the first official languages of the states recognised by Turkish state is banned* (At the time Kurdish was the second official language in Iraq.); article 3 said "*the mothertongue of the citizens of Turkish State is Turkish*" giving the impression that millions lived in Turkey without knowing their mother tongue. The law was a genius way of banning a language without even pronouncing its name. The existence of the nation was denied at the time, naturally the existence of its language was denied too. This law was abolished in 1991. Articles 26 and 28 of the Constitution were removed in October 2001. However article 42 reflecting the mentality that the mother tongue of all citizens was Turkish (*No other language other than Turkish, can be taught to Turkish citizens as mother tongue in schools and all education institutions*) is still in force.

### **You can not name your kid as you want**

Article 16 of the Statue 1587 on Registration of Births (... *But..., names improper for our national culture ... can not be used*) prevented parents from naming their children as they liked. Article 16 of this 1972 dated

law was amended under the sixth EU harmonisation package introduced in June 2003. The new article said “*but immoral names or names which would offend the public can not be used*”. However, despite the fact that it does not exist in the EU harmonisation laws, and thanks to the Reforms Monitoring Group’s imposing the condition of “*being written as in Turkish alphabet*”, and under a directive sent by the Home Ministry to the Governors, picking names which contain letters such as Q, W and X are still prevented.

### **Language ban in Politics**

Article 43/3 of the present Law on Political Parties reads “*Candidate nominees can not make nationwide, regionwide or professionwide promises outside the decisions of their party program, the decisions of the executive boards of their party and the decisions of their party conference and they can not use any other language than Turkish in speaking or in writing.*” Article 81 of the same law reads “*They can not use any language other than Turkish in writing or publishing their constitution and program, in their congresses, in outdoor or indoor meetings, rallies, in propaganda; they can not use or distribute placards, banners, albums, audio or visual boards, pamphlets or declarations in any language other than Turkish; they can not remain apathetic if others do such actions. However it is possible to get a party’s constitutions or program translated into foreign languages except the ones banned by the law.*” This law shows that the ban on languages prevail in political activities.

### **An out of date Law**

The new Turkish Penal Code’s article 222 carries a prison sentence of between 2 months and 6 months for those who violate 1925 dated Hat Law and 1928 dated Turkish Letters Law. Article 2 of Turkish Letters Law bans the use of any letter outside the Turkish alphabet in official and private affairs, it states “*From the date that this law is published it is compulsory to admit and proceed the documents written in Turkish letters in all public offices and institutions, in all companies, societies and*

*private institutions.” 80 year old law on the Introduction and Application of Turkish Letters, with the aid of the Penal Code is still providing a pretext for a ban on languages. The older law on the use of Hats which has long been forgotten on the shelf must watch it enviously. That law said “Members of Turkish Grand National Assembly and all officials, civil servants and employees of general and local governments have to wear the hat acquired by the Turkish Nation. The common headwear of Turkish nation is hat and violating acts are banned.”*

## **MANIFESTATIONS OF LANGUAGE BAN IN DAILY LIFE**

As the campaigns against the “pollution” of Turkish reveal, there has been concern about the use of increasing number of foreign words in Turkish. However the policies of denial and systematic assimilation on the languages of the people living in Turkey still prevail. Some examples:

\* Speaking in Kurdish was banned by 12 September 1980 coup. In the predominantly Kurdish cities, signs were placed in post offices, hospitals, prisons and all similar public offices “Speaking in any language other than Turkish is banned”. Turkey hence became the only country which banned a language through a specific law, and this was the situation until the EU integration laws.

\* University students who wrote letters demanding education in their mother tongue were disciplined, hundreds of them were removed from universities.

\* Parents were and still are prevented from naming their children as they like. In 2002 seven families in Dicle who named their children with Kurdish names were prosecuted. Families were asked to rename 21 children.

\* Teachers union Eğitim-Sen faced a threat of closure in 2005 for including the right to have education in mother tongue in its constitution. The trade union had to remove that article.

\* Chaos and bans continue during before Newroz Celebrations. In 2006 a court case reinforced the ban on the use of the letter “W” in 'Newroz'. Kars Criminal Court of Peace permitted the use of name 'Newroz' but as the Governor’s office appealed against it, High Court reversed lower court’s decision. Newroz invitations of Democratic Society Party (DTP) were confiscated under the Law on Political Parties.

\* In 2007 Administrative High Court Department Num. 8 removed the mayor of Diyarbakır Sur council Abdullah Demirbaş from his post and abolished the local council for “deciding to provide multilingual council services”. Abdullah Demirbaş and 17 members of Sur local council applied to the European Court of Human Rights.

\* DTP’s former Kars City Chairman Mahmut Alınak’s letter he wrote in the beginning of 2007 to the Prime Minister Tayyip Erdoğan became the subject of three different cases. The letter was written in Kurdish. In a case in Ankara Alınak was charged with violating the 1928 dated Law on Turkish Letters. Another case was filed against him in Kars with the charge of violating the Law on Political Parties. The same letter was included among the 141 accusations in the closure case filed by the Chief Prosecutor of High Court against DTP. Prosecutor claimed that *'letter is inciting and separatist, it causes tension in society, incites citizens, corresponds with the objectives of the terrorist organisation'*.

\* Cases were filed against the mayor of Diyarbakır Greater City Council Osman Baydemir over a new year card in Kurdish, a pamphlet in Kurdish, a festival banner which read 'unite in the colours of rainbow' in Kurdish, and invitations in Kurdish of Diyarbakır 7th. Culture and Arts Festival. Charges were under the law on Turkish Letters.

\* In 2007, a case was filed against the owner of Tevn Publishing house Mehdi Tanrıkulu over him filing a complaint in Kurdish against Diyarbakır Prosecutor Muammer Özcan because of prosecutor’s remark “So-called Kurdish people”. Tanrıkulu was given 5 months prison sentence, and appealed to the High Court.

\* In February 2008, an investigation was launched against an 8 year old kid M.D. over him saying “I want my dad, where is my dad” in his mothertongue, Kurdish at a public rally in Erzurum's Karaçoban town.

## **BAN ON LANGUAGE IS AGAINST INTERNATIONAL LAW:**

The constitution, Penal Code, the Law on Political Parties and the Law on Turkish Letters still harbour language ban in various forms. Article 90/5 of the Constitution states clearly that when the provisions of an International Covenant is in conflict with the national law, the international law overrules. Turkey is a state party to both the Treaty of Lausanne and UN Covenant of Political and Civil Rights. Article 39 of the Lausanne Treaty and article 27 of UN Covenant of Political and Civil Rights state that all ethnic groups have the right to use their language in all fields:

### **Lausanne Treaty**

**Article 39/4-**No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

**Article 39/5-** Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech

for the oral use of their own language before the Courts.

**UN Covenant on Political and  
Civil Rights  
Protection of minorities**

**Article 27-** In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.



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