

TWO STEPS FORWARD ONE STEP BACK

THE REPORT ON MONITORING
THE RIGHTS VIOLATIONS
THAT KURDISH CULTURAL PUBLISHING
WERE EXPOSED TO

(INDICATIVE ABSTRACT FOR ENGLISH)

2020

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INDICATIVE ABSTRACT

FOR ENGLISH

The Peace Process, which had proceeded between the years 2013-15, increased the radius of the public sphere of Kurdish Language and this situation became visible among the learning and use of the Language as well. Interest in Kurdish or Kurdish publications had increased, and Kurdish cultural publishing had a relatively better period. However, with the end of the Peace Process and the beginning of the conflicts - this time in the cities - great difficulties started to arise, and the situation for Kurdish publishing was often reminiscent of the 90s. Language and culture publishing, affected by the ups and downs of the Kurdish issue in Turkey, has been experiencing various difficulties and violations of rights since 2016.

Kurdish publishers who have been describing the state of publishing in the last few years state that the conditions have "deteriorated" or "been stagnant" since 2015-2016. Among the reasons for this stagnation there is also the effect of the criminalization of the language with the Peace Process coming to an end where the conflicts arise. For example, Aram Publications, whose various books have been banned and confiscated since its establishment, fell into an idle position following the conflicts in 2015 and after the appointment of trustees in 2016. 15 books of Avesta Publications were banned in the last few years after a long time.

The censorship policy in Turkey that has become increasingly rigid and widespread in recent years does not allow to draw the situation that this group has been exposed to in the cultural field to memory, as they have been brought to the fore in a criminal context due to the developments in the Kurdish issue as well as hindering it. Monitoring studies focusing on the cultural field also include violations that Kurdish publishing houses were exposed to, and the reactions of human rights organizations to censorship also emphasize violations in this field, however, the extent of the violation in this area and the state of the situation cannot be perceived sufficiently as a whole only by looking at these studies. The Kurdish Studies Center has prepared a report on Kurdish cultural publishing in line with this need.

The Report On Monitoring the Rights Violations That Kurdish Cultural Publishing Was Exposed To that is titled "TWO STEPS FORWARD, ONE STEP BACK" prepared for the purpose of depicting the situation of Kurdish cultural publishing, analyzing closely the difficulties they have encountered and signifying the rights violations they have suffered, attracting the attention of the public to this field and discussing the solution proposals has taken its final form with the feedback of its participants.

The monitoring made in this study focuses on the rights of ethnic and cultural groups, particularly freedom of expression and prohibition of discrimination. In this context, the main conventions on which the monitoring is based are the "International Convention on the Elimination of All Forms of Racial Discrimination", "International Convention on Civil and Political Rights", "European Convention on Human Rights" and "United Nations Universal Declaration of Human Rights" where rights

such as prohibition of discrimination, freedom of expression are addressed. It is also based on the norms of institutions such as the Organization for Security and Cooperation in Europe (OSCE).

In addition to media scanning and examination of the case files, data obtained from in-depth interviews with a total of 16 people among representatives of publishing houses plus actors with expertise in the field have been analyzed within the scope of the study.

Publishing house representatives participating in the study discuss the history of Kurdish cultural publishing in Turkey as a consequence that dates back to the Ottoman period and go through a few basic turns throughout this journey. This journey which started from the Constitutional Period as the printing houses were started to be used actively and where the censorship was eased during the last period of the Ottoman Empire, has been long interrupted since the first years of the Republic.

With the political sphere livening up pre-80's, Kurdish publishing had become visible again, publishing houses that carried out Kurdish cultural publishing activities were mostly under the auspices of a political, ideological or religious group especially until the mid-90s.

The 1980 coup can be mentioned as an important crossroads in assimilation practices that target Kurdish language in particular. The Law Concerning Publications and Broadcasts in Languages Other Than Turkish issued by the military administration in 1983, prevents broadcasting and publishing in Kurdish with the emphasis that "Aside from the first official language of states recognized by the Turkish State, the announcing, disseminating, or publishing of thoughts in any language is forbidden."

Özal's statements on Kurdish issue that it should be resolved after he becomes the President were important first steps to end the period in which the Kurds and Kurdish language had been ignored. Eventually, this process resulted in the abolition of the law in question and in the elimination of the obstacles before Kurdish language that were imposed by this law. The stagnation in Kurdish publishing since the last period of the Ottoman Empire had left its place to a rise in this period.

One of the main outputs of the Kurdish Cultural Publishing report is that the prime of Kurdish publishing in Turkey was the period called the "Peace Process". Kurdish publishing that had been exposed to unrest until the 2000s, reached its broadest sphere of influence during the Peace process between 2013-2015, but its influence and visibility decreased with the onset of conflicts. This period was also the beginning of the time when printing, distribution and participation in fairs had become difficult, and legal pressures were encountered again, as well as the confiscation and banning of books.

It is possible to classify violations of rights that emerged as a result of monitoring under several headings:

Discrimination and violations in printing and distribution stand out as an ongoing problem of Kurdish publishing. The attitude of distribution companies, large book chains and online book sales websites has been "not highlighting" the works of these publishers. The fact that the products sent by PTT mostly returning stands out as an ongoing problem since the 90's.

Decree laws and appointment of trustees to municipalities appear to have adversely affected Kurdish publishing in various ways. Practices such as making it difficult for Kurdish publishers to participate in book fairs organized by municipalities, removing Kurdish books from municipal libraries, and closing Kurdish nurseries reduce the visibility of the language, and it is understood that publishing is negatively affected in this respect as the public personnel expelled by the decree law are mostly the consumers of this field.

Problems and violations in participation in book fairs appear as another space that has contributed to the weakening of Kurdish publishing houses. The fact that publishing houses being economically weakened in this period, not being invited to book fairs, their participation applications not being accepted or being canceled at the last minute or getting relocated have reinforced the disadvantageous position of the sector.

The discrimination experienced upon the supports of the Ministry of Culture starts by excluding Kurdish writers among supports such as "first work" because the language of the works should be Turkish. In addition, the fact that books are not taken from Kurdish publishing houses when collecting books for libraries that are affiliated to the Ministry, stands out as the disadvantage of this field. While the Ministry has bought 4 books from Avesta so far, it is seen that only one of them is in Kurdish.

The banning and confiscation of books is one of the issues that Kurdish publishing houses suffer the most. According to the information obtained from the publishers within the scope of monitoring, at least 117 books published by Kurdish publishing houses have been banned since 2009. It is understood that more than 100 of these books, 102 of which were published by Aram and 15 of them by Avesta, were banned after the end of the Peace process.

The fact that the books sent to prison not being given to prisoners is a violation of rights for both publishing houses and prisoners. Representatives of the publishing houses who were interviewed share that almost all of the books that were seized and banned were taken by the police during house raids because they caught their attention by their names, covers, etc. or they are the books that were sent to prisons but not given to the prisoners. Publishers share that many books with high number of pages were banned within 24 hours after they were notified to the Police Office, and state that these books were not to be read and evaluated in such a short time, also that "the books were banned really quickly because they were published by Kurdish publishing houses and contain expressions such as Kurdistan".

Legal pressure on publishers also stands out as an area of violation that negatively affects Kurdish publishing. Discrimination, oppression and violations against Kurdish publishing take aim directly at authors and publishing house managers in addition to the above mentioned topics. Practices such as custody and detention towards publishers are also carried out under the influence of the atmosphere created after the end of the Peace process where the conflicts had started. Abdullah Keskin, the concessionaire of Avesta Publishing House, and Azad Zal, the director of J&J Publications, went through legal processes as a result of such an atmosphere.

Most of the investigations, prosecutions and book banning decisions on the field of Kurdish publishing are made on the grounds of "the crime of making propaganda for the terrorist organization". This article of the law has today become a tool that limits the freedom of expression of a wide range of people among the areas such as civil society, politics and the media in Turkey as well as punishing them. However, the violation of rights is not limited to this. For example, the fact that the books written even before the establishment of the PKK being considered as propaganda for the PKK is an important indicator of how arbitrary this method is adopted.

Looking at the violations attempted to be classified above and that were detailed in the report, it is understood that Kurdish publishing has been wronged by violating its rights guaranteed by international conventions.

For example, publishers being tried for the crime of "making propaganda for a terrorist organization" without making it or without concrete evidence constitutes a violation of the guarantee under the International Covenant on Civil and Political Rights that states: ***"No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under***

national or international law. Again, the fact that the Ministry of Culture supports only Turkish works and almost no works from Kurdish publishing houses constitutes a violation of the principle of "equality" guaranteed in the Constitution of the Republic of Turkey. On the other hand, it is understood that the attitude towards Kurdish Language during this period had violated Article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, and Articles 18-22 of the UN Universal Declaration which guarantee freedom of opinion, belief and expression as well as cultural rights. However, the attitude of PTT and the obstacles and difficulties against Kurdish publishing in fairs mean the violation of the "right to acquire and convey", which is guaranteed by the International Covenant on Civil and Political Rights.

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Therefore, it is seen that publishing houses that had obviously experienced the "golden age" of Kurdish publishing during the Peace process, have entered a period of difficulties, discrimination and violations with the onset of the conflicts. Thus, taking some steps to improve Kurdish publishing and to overcome the challenges in Turkey seems important.

Elective Kurdish language courses taught in schools cannot be beneficial enough due to the shortage of teachers and the courses not being opened for this reason. It is seen that Kurdology institutes established under the name of Living Languages and Dialects have weakened after the Peace Process is over. Some solution suggestions can be offered for the continuation of such problems.

1) Reviving elective courses and those institutes with their own names will contribute to both the survival of Kurdish Language and to the development of Kurdish publishing.

2) The elimination of discriminatory practices especially in state institutions, removal of the factual barriers on Kurdish language, evaluation of situations such as arbitrary prohibition and restraints within the scope of prohibition of discrimination and guaranteeing the prohibition of discrimination will positively contribute to social peace and will reassure the Kurdish public and Kurdish publishing world.

3) Ministry of Culture and its affiliated organizations taking Kurdish books in and including them in their libraries will both encourage the sector and contribute to change the negative perception about Kurdish language.

4) Changing the controversial "terrorist propaganda" approach in favor of freedom of expression, which also hinders the work of Kurdish publishing houses will ensure freedom of expression in the field subject to the report as well as in terms of law and human rights.

5) Various studies show that a significant portion of Kurdish people want a mother tongue-based multilingual education. Recognition and implementation of this right will increase the use of Kurdish Language starting from pre-school, and this will indirectly affect Kurdish publishing positively.

6) Adopting Kurdish language officially and giving the language a constitutional status will mean ensuring equality at the social and legal levels, and will be the most important step towards solving the problem.

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