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**A Contribution to the Report on Cultural Rights and Migration**

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1. **Introduction**

First of all, in my opinion, cultural rights studies can play a significant role to live peacefully in a country, and any type of right cannot be separated from the other. If human rights were viewed as a human body, cultural rights would be its skeleton. In this report, I will distinguish two main groups of Syrian refugees in Turkey by their ethnic group: Kurds and Arabs. With this division, I hope to demonstrate how they are perceived differently when discussing their cultural rights. To that end, I'm looking for an answer to the following main question: Are the host country's racist motivations, both politically and legally, reflected in the various legal and political treaties on these nations' cultural rights? Before I begin, I have to underline the meaning of cultural rights and their ties to the decolonization era. More specifically and exclusively, I want readers to remember that the geography of this area, including the border between Syria and Turkey, was shaped by the Sykes-Picot Treaty. To recall its political history, anyone who cares about this geography knows well that there have been crises and issues in the political sphere that it has shaped since its regional and global adoption. The treaty still continues to be a problem-maker because this treaty was developed in a highly problematic context and resulted in far too many negative outcomes.

Nation-based battles have caused ongoing and insurmountable challenges in modern times. Since the globe was split and territorially divided into nations, borders have evolved, and the concept that everyone may be protected under the auspices of a state has developed. However, it is not too late to recognize that this image would have an error somewhere. This problem is formulated by Edward Said as such: *’’Just beyond the frontier between ‘us’ and the ‘outsider’ is the perilous territory of not-belonging: this is to where in a primitive time peoples were banished, and where in the modern era immense aggregates of humanity loiter as refugees and displaced persons.’’* [[1]](#footnote-1) Many rights were taken away from the state when the borders were being formed, and the global power centers almost ignored them. From my perspective, there are various instructive historical situations. Although the idea of having laws to protect all humanity has always existed in some form, it has really evolved and been enforced to become a widespread ideal after the Second World War. Today, the laws that are in place appear to be relatively nationalist, pushing away everyone else that is not part of that specific nation, leaving behind foreigners who have to continue their lives as today's strangers. As an example, we could look at the Nuremberg Laws used against Jewish people during the Second World War, while also acknowledging that such atrocities are still ongoing with various other groups of people (i.e. the Kurds). To understand that more clearly, Emma Haddad's opinions on the Modern Nation-State System should be taken into account here at this point. According to her, refugees can be seen as foreigners and non-wanted people of state-centric players of sovereign communities. This likens the status of refugees to the international legal-political phrase of **“persona non grata”** left outside of the world (this idea was mainly used 1648-1789)[[2]](#footnote-2) Unfortunately, refugees constitute one of the most crucial problems of modern times.

With this introduction, we can elaborate to share the current situation of these two groups’ cultural rights in Turkey.

1. **Cultural Rights of Kurdish and Arab Refugees’ in Turkey**

Today in Turkey, Arabs from Syria have rights to education in their language, while the Kurds have no rights to access any cultural services or institutions. Turkey builds schools and provides many types of educational public services for thousands of Syrian refugees. However, there is a problem with this admirable educational service. All Syrian refugees are seen as Arabs, and this is the result of a conscious legal policy. For instance, Arabs have their own private schools, and they can enjoy their educational rights.[[3]](#footnote-3)

Nonetheless, since the criminalization of Kurdish existence and culture, Kurds from Syria (and, of course, Kurds from Turkey) have been unable to achieve their basic human rights on the cultural front. As a symbolic example of the criminalization of the Kurdish language, for instance, a Kurdish teacher was punished in Mersin, where so many Syrian refugees live. Hüdai Morsümbül, a Kurdish language activist, was exiled and is no longer able to teach Kurdish to his students or speak Arab with his Arab students. In this incident, the Kurdish activist teacher was punished with a fine and exile by the Turkish Ministry of Education for encouraging each student to choose their own mother tongue as elective courses so that they could learn and actively use their mother tongue. [[4]](#footnote-4)

Although public officials claim that Kurdish is taught as an elective course in Turkey, such punishments effectively prolong the development and protection of Kurdish with a limited amount of freedom. Since these penalties can be foreseen to have a deterrent effect, especially among younger generations who want to learn Kurdish, they should be taken into account and should not be seen as a light administrative punishment. For example, the Zazaki dialect, one of the dialects of Kurdish, is designated as one of the endangered languages by UNESCO.[[5]](#footnote-5)

The Kurds, who are at the forefront of the fragile groups in Turkey, despite their huge populations are still not legally recognized in the administration of the republic, which is approaching its 100th year. For this reason, the victims who are killed or subjected to violence for speaking Kurdish are considered simple judicial incidents independent of their racist motives, while investigations and prosecutions are carried out by the state authorities. This causes the Kurds to move away from their culture, and with the criminalization of the Kurdish language, all kinds of activities in Kurdish can only be carried out as voluntary activities under great fear and pressure. However, a language can survive into the future only if it is officially recognized legally, not through the efforts of volunteers. Racist attacks based on the Kurdish language have been common even today. One of these attacks’ victims was Sedat Akbas. He was beaten to death by a large racist group in Istanbul. To read more about his story and other anti-Kurd attacks, please look at Amnesty International’s International Public Statement.[[6]](#footnote-6)

1. **Result and My Recommendations**

Consequently, I want to underline the problem of language as one of the leading cultural rights for refugees. As many of my colleagues mentioned below, barriers to official service in foreign languages were often inaccessible to them. So, Kurds from Syria have struggled two times more than Arabs from Syria (Kurds from Syria use the Latin alphabet). There are never any public services in the Kurdish language for Kurds. So the Kurdish population has been discriminated against when it comes to Turkey. To solve this problem, Turkey must officially recognize Kurdish and give Kurdish refugees the opportunity to use Kurdish, especially in hospitals and schools. Kurds from Syria (and, of course, Kurds from Turkey) cannot enjoy their basic human rights, such as using their own language in hospitals, schools, or any other public areas). So, it must be emphasized again that Turkey has to stop its double standard on this issue. Morever, since this is a human rights issue, United Nations agencies should boldly put this issue on their agenda, because this issue cannot be left to the jurisdictions of the countries themselves. Otherwise, refugees, one of the most vulnerable and disadvantaged groups in the world, who are theoretically protected by international law, will continue to be hindered by the sovereignty of countries. In addition, UNCHR should encourage Turkey to forego its discriminatory policies against different types of refugees. Refugees should be seen as equals within themselves and cannot be separated from each other according to ethnic group classification.

1. Reflections on Exile and Other Literary and Cultural Essays. Edward W. Said. London: Granta, 2001, p. 177. [↑](#footnote-ref-1)
2. The Refugee in International Society: between sovereigns. Emma Haddad. Cambridge University Press, 2008, chapter 3. [↑](#footnote-ref-2)
3. <https://www.unicef.org/documents/inclusion-syrian-refugee-children-national-education-system-turkey-2> [↑](#footnote-ref-3)
4. <https://www.duvarenglish.com/turkeys-education-ministry-fines-teacher-for-speaking-kurdish-arabic-with-students-news-60833> [↑](#footnote-ref-4)
5. [https://unesdoc.unesco.org/ark:/48223/pf0000187026](https://unesdoc.unesco.org/ark%3A/48223/pf0000187026) [↑](#footnote-ref-5)
6. <https://www.amnesty.org/en/wp-content/uploads/2021/05/EUR4424932015ENGLISH.pdf> [↑](#footnote-ref-6)