

**ME DI DIL DA HEYE NAREK KU DISOJIT SEQERÊ\***  
**MONITORING WORK ON RIGHTS VIOLATIONS**  
**AGAINST KURDISH ARTISTS SPECIFIC TO**  
**MUSICIANS AND STAGE ACTORS**

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\* A line by Mollah Ahmed al-Jazaary (d.1640) that literary means 'At heart we bear an ardour that burns the hellfire'.





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BEŞİKÇİ  
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## ME Dİ DİL DA HEYE NAREK KU DISOJIT SEQERÊ MONITORING WORK ON RIGHTS VIOLATIONS AGAINST KURDISH ARTISTS SPECIFIC TO MUSICIANS

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For this work, which deals with rights violations against Kurdish artists in particular for musicians and stage actors, we brought to the title a line by Melayê Cizîrî, who is considered the pinnacle of classical Kurdish poetry, that goes " At heart we bear an ardour that burns the hellfire ". As this work shows, Kurdish artists have a very strong artistic fire in their hearts that will overcome the inferno they face. They carried Kurdish art to the present day with the power of this artistic fire.

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## EXECUTIVE SUMMARY

This study aims to demonstrate the rights violations with their legal, political, and cultural dimensions faced by Kurdish musicians and stage actors who perform their arts mainly in Kurdish, and, by raising awareness about the violations, to contribute to the development of a civil and democratic cultural policy in which they can perform their art freely.

In Turkey, where culture and art are described only in Turkish, until it is defined in a pluralistic way to cover the different languages spoken in the country during the EU membership process, the increasing and visible performances of Kurds in the field of culture and art necessitated the analysis of the problems they face in this field. Although some recent reports addressing censorship and prohibitions in the field of culture and art include the rights violations suffered by Kurdish artists,<sup>1</sup> there has been no independent study on the rights violations faced by Kurdish artists. In this respect, the report is a first in its field.

Until the bans on the Kurdish language were partly lifted in 1991, all Kurdish artistic activities had been banned. The lack of legal status of the Kurdish language resulted in the fact that the artists who carried out Kurdish artistic activities did not have a status that would make them entitled. The study included Kurdish artists who began to take shape around Kurdish cultural institutions after the partial lifting of the ban on Kurdish in 1991 and who had the opportunity to perform their art in Turkey during the legalization of the public use of Kurdish after the 2000s.

In 2009 and beyond, in Turkey, where the search for a non-conflict solution to the Kurdish problem was discussed and the European Union accession negotiation process began, marked a new era that would have a profound impact on political and cultural life. It was stated that a diversion was being carried out from the established cultural policies aimed

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<sup>1</sup> Don't write! Don't perform! Don't speak! Report on Repression and Censorship on Culture and Art, CHP Culture and Arts Platform, 2016. Censorship and Self-Censorship in Turkey: January 2019-November 2019, Susma 24, Platform Against Censorship and Self-Censorship. Aiming to create a memory by researching, documenting and analyzing cases of censorship in art, SiyahBant news portal also covers the rights violations faced by Kurdish artists.

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at assimilating different peoples and ethnic groups into Turkish culture. The representation and expression of Kurds through legal institutions, especially local governments, and the implementation of legal and administrative regulations to promote cultural pluralism throughout the country, have raised hopes and expectations that the Kurdish question will be solved through Turkey's democratic transformation.

Since it was carried out relevant to the "Initiative" and "Resolution Process", the use of cultural rights for Kurdish artists was collateralised to political developments. The realization of the regulations as a unilateral state action, far from participation, made it impossible for the civil society to control the disruptions experienced in the implementation process under the name of "reform". As a matter of fact, with the state of emergency declared in 2016, many associations, private theatres, art workshops and similar institutions operating in the field of Kurdish culture and art were closed. The report aims to address this process and its aftermath and analyse the causes of the problems caused by legal regulations and cultural policies.

For the study, semi-structured, in-depth interviews were conducted with 30 artists, 15 of whom were musicians and 15 actors, and two people who were also managers of Kurdish Cultural Institutions were interviewed.

The report includes the Treaty of Lausanne, the *UN Universal Declaration of Human Rights*, the *United Nations International Covenant on Economic Social and Cultural Rights*, the *International Covenant on Civil and Political Rights*, the *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*, the *UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions*; *UNESCO's Recommendation concerning the Status of the Artist*; *The European Convention on Human Rights* refers to international documents to which Turkey is a party.

In addition to not fulfilling its obligations in the Lausanne Treaty, Turkey has placed reservations in paragraphs 3 and 4 of article 13 of the UN Convention on Economic, Cultural and Social Rights concerning the educational rights of religious minorities; Section 27 of the Convention on Civil and Political Rights, which regulates the right of ethnic and religious minorities to benefit from their own culture, use their own language and



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worship according to their religion; and Article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination, which regulates the taking of rights violations to the International Court of Justice, all of which will cripple the essence of the conventions and make them impossible to implement.

In the study, the interviewees were asked what the legal and actual barriers to the performance of Kurdish art are, the attitudes of the state and private institutions towards Kurdish art, and whether they have support. In addition, questions were asked like ‘is there harmony between the legal regulations and the cultural policies of the state?’, ‘in what way does this harmony or non-compliance affect the rights violations suffered by Kurdish artists?’, ‘is there a relationship between the political atmosphere and rights violations?’, and their opinions were reflected in the report and suggestions were taken about what legal regulations could eliminate those violations.

As a result of the study, it was seen that the legal regulations related to Kurdish were open to interpretation and ambiguous, and that state authorities created exceptional situations according to the political atmosphere that would suspend the exercise of cultural rights. It has been determined that prohibition and actual barriers are implemented not only by public institutions, but also by individuals and institutions that feed on the national cultural policy of the state. As a result, it has been stated that these approaches make it increasingly difficult to make Kurdish art by leading to consequences such as discrimination, self-censorship, and financial difficulties.

In the conclusion and recommendations section of the report, it is stated that the reservations made by Turkey to international conventions should be removed, since states are not party to other conventions that specifically regulate some rights protected by the fundamental conventions, or that their reservations do not lead to the conclusion that they do not have to comply with the “prohibition of discrimination”. This report supports this view.

It is clear that legal and practical regulations for the use of Kurdish in all stages of education, including preschool, are necessary for Kurdish to find its rightful place in the field of art and culture and develop. For this purpose, the necessity of implementing administrative

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and actual regulations in all areas, especially in the field of education, is emphasized for the protection and development of Kurdish and other languages. It is important to abandon discriminatory attitudes and punish arbitrary practitioners in supporting artistic production and activities. Departments should be opened, and studies should be carried out within universities in all branches of art, especially the Kurdish conservatory. In addition, the artist guaranteed by international conventions must be supported by the state in such a way that s/he has a livelihood to perform her/his art, and artists who perform Kurdish art should benefit from this support without discrimination.

## INTRODUCTION

In 1994, the music album of the same name was released, based on the classical love epic *Mem û Zîn* written in Kurdish by Ehmedê Xanî in the 17th century. A memoir of Musa Anter, who also starred in the 1991 film, was published in the introduction part of the album. In 1943 when he was a director at the Dicle Student Dormitory, one day, the police storm the dormitory and kick and slap him and take him into custody. As Anter tries to figure out what happened to him unaware of his crime, the police captain at the police station asks, *“Don’t you have a radio and a pickup?”* And he says, *“Yes.”* The captain then says, *“Son of a bitch, what the hell are you whistling in Kurdish in the dormitory when there are such beautiful Turkish records!?”* After Musa Anter, who was brought to court, said that he did not sing in Kurdish, only whistling, the court judge implied that a song could not be sung in a language that did not exist, saying that *“something consisting of 20 voices cannot be called a language.”* Musa Anter said, *“Even the chickens I listened to as a child made more than 20 sounds, your honour... Don’t we have as much brains as chickens?”* At the end of the trial, Anter was arrested and sent to prison for *“whistling in Kurdish”*.

This memory of Musa Anter, published on an album that could only be released in 1994, had a sad but optimistic tone, aiming to show the place where Kurdish art came from, whose freedom of expression was denied by bans.

Musa Anter’s 1959 play *Birîna Reş* was published in 1965 and never had the opportunity to be staged, while artists such as Mihemed Arif Cizrawî, Eyshe Shan, Nizamettin Arîç and Şivan Perwer had to perform their art away from the land of their birth, but only with the cassette tapes smuggled into the country and especially through limited hours of publications of Yerevan and Baghdad radios.

Kurdish music and theatre remained banned until a legal regulation in 1991 which partially lifted the ban on Kurdish. In addition to the exist-

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ence of a free and democratic environment for the development of art, it is also very important to study in the language in which art is performed. Considering the need for institutional infrastructure and financial support, the devastation caused by many years of bans on Kurdish art can be predicted. Kurdish art practice was freed from being defined as an illegal activity after the regulation in 1991, and in 1999 it had the opportunity to express itself in the public sphere with the legal regulations that took place during the “EU harmonization/reform process” that began with Turkey’s inclusion in the EU accession negotiation process at the Helsinki Summit.

However, whether legal regulations become part of a multicultural national art policy and whether the state also supports the development of Kurdish art in an institutional sense will be analysed based on the way the legal regulations are written and implemented and interviews with Kurdish artists.

This study aims to present the rights violations faced by Kurdish musicians and stage actors who perform their arts mainly in Kurdish in the light of international conventions signed by Turkey and present them in legal, political, and cultural dimensions.

Another purpose of the study is, by raising awareness about violations, to contribute to the development of a civil and democratic cultural policy in which Kurdish artists can express themselves freely.

Until the legal regulations amended during the EU accession process, national culture and art in Turkey were defined only on the basis of Turkish. During the EU harmonization process, steps were taken to redefine culture in a pluralistic style to cover the different languages spoken in Turkey, and with the effect of this process, the presence of Kurdish artists in the field of culture and art became increasingly visible. However, problems caused by those who hold public power in the implementation of these regulations and the uniform nationalist cultural policy that has become entrenched prevent the exercise of legal rights in action. Therefore, despite the legal regulations, it has emerged as a necessity to analyse the rights violations faced by artists performing Kurdish art.

The violations faced by Kurdish artists will be analysed on two bases in the study: rights violations arising from the way existing laws are formu-

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lated and applied, and rights violations arising from the state's failure to meet its obligations to support art and artists at national and international level.

Although some recent reports addressing censorship and prohibitions in the field of culture and art include the rights violations suffered by Kurdish artists,<sup>2</sup> there has been no independent study of the rights violations faced by Kurdish artists. In this sense, this study, which aims to examine the rights violations faced by Kurdish artists while performing art in their native language, is a first in its field. We hope that the study will lead to productive discussions towards solving the problems encountered, encourage more comprehensive studies, and contribute to the solution of the problems.

## Scope of the Study

Artists who performed their art in Kurdish did not have a legal status because all Kurdish art activities were banned until the bans on the Kurdish language were lifted on a limited basis in 1991. Due to the same lack of status, they could not become entitled subjects before the law. Neither Musa Anter was able to seek rights to the play in Kurdish, which he wrote in a prison cell where he was held for a Kurdish song he whistled<sup>3</sup> and never had the opportunity to perform it, nor could artists such as Nizamettin Arîç and Şivan Perwer claim that singing in Kurdish was not against the law. Apart from the play *Dawiya Dehaq* [The End of Dehak], written by Kemal Burkay, there was no development in the field of theatre, while<sup>4</sup> Mihemed Arif Cizrawî, Eyşe Şan, Nizamettin Arîç and Şivan Perwer and many other artists had to perform their art away from the land where they were born.

Kurdish theatre had different developmental courses in Iraq, Iran, Syria, and the Former Soviet Union according to the political atmosphere,

<sup>2</sup> Don't Write! Don't Play! Don't Speak! Report on Repression and Censorship of Culture and Art, CHP Culture and Arts Platform, 2016. Censorship and Self-Censorship in Turkey: January 2019-November 2019, Silence 24, Platform Against Censorship and Self-Censorship. Aiming to create a memory by researching, documenting and analyzing cases of censorship in the arts BlackBant The news portal also features rights violations faced by Kurdish artists.

<sup>3</sup> Şivan Perwer was removed from the stage in 1975 for singing "Xezal Xezal" at a night in Ankara, after which he was investigated and forced to leave the country in 1976. Nizamettin Arîç was also accused of spreading propaganda of communism and separatism for his 1979 song "Ehmedo Ronî" and was forced to leave Turkey after the Coup of 12 September.

<sup>4</sup> Cetoyê Zêdo & edi Yavuz Akkuzu, History of Kurdish Theatre, Universal Edition, 2016, p. 10.

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and in Turkey it did not develop until the early 1990s except for the two plays mentioned in the introduction. Institutional and financial support is of great importance as theatre is both an art that requires a long education and is performed collectively.

The establishment of a theatre unit within the MKM in 1991 and the start of Kurdish plays within the municipalities after the 2000s can be cited as two important turning points in the formation of Kurdish theatre groups. Closing the theatres with the end of the “Resolution Process” while the theatres affiliated with the municipalities faced fewer infringements in the “Resolution Process” and received institutional support from the municipalities; they have been subjected to serious rights violations in the form of termination of players and confiscation of all their belongings, especially costumes and décor.

The artists who continued their artistic activities with the private theatres they established had very limited support from the state during the “Resolution Process”, while they did not receive much support from municipalities and affiliated institutions. With the end of the “Resolution Process”, city theatres and cultural centres affiliated with municipalities were closed, while many private theatres were closed during the state of emergency by Decree-Law,<sup>5</sup> and all their belongings and materials, including costumes and posters, were confiscated, and sealed off.<sup>6</sup>

In this sense, while the “Resolution Process” gave limited freedom for private theatres and city theatres to perform in Kurdish, it was stated by the interviewees that the state has no policy to support Kurdish theatre in a positive sense. During this period, the Ministry of Culture offered limited support to private theatres and allocated halls several times, but such support was seen to occur in situations where it faced the persistent demands of artists for the state to confront its own discourse rather than

<sup>5</sup> Kurdish Theatre in the Grip of the State of Emergency (January 26, 2017), <http://www.siyahbant.org/kurtce-tiyatro-ohal-kiskacinda/>; more First, several associations whose activities were stopped under the authority of the state of emergency were closed with the KKK, <https://www.evrensel.net/haber/296650/faaliyetleri-durdurulan-dernekler-kapatildi>

<sup>6</sup> “State of Emergency Seal to Seyr-i Mesel Theatre” (November 13, 2016), <http://www.siyahbant.org/seyr-i-mesel-tiyatrosuna-ohal-muhru/>, Seyr-î Meselden Press Release (November 11, 2016), <http://www.mimesis-dergi.org/2016/11/seyri-meselden-basin-aciklamasi/>; State of Emergency Seal in Kurdish, <https://gazetekarinca.com/2016/11/kurtce-tiyatroya-da-ohal-muhru/>, Seyr-î Mesel: This time they dropped the seal in the water, <https://www.murekkephaber.com/seyr-mesel-bu-kez-muhru-suya-dusurduler/4575/>

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a cultural policy.

Since limited freedom is recognized along with discriminatory policies and unlawful practices carried out by the state with different means, serious rights violations occurred during this period. These violations will be closely looked at with the stories of the interviewees.

The study included Kurdish artists who began to take shape around Kurdish cultural institutions after the partial lifting of the ban on Kurdish in 1991 and who had the opportunity to perform their art in Turkey during the legalization of the public use of Kurdish after the 2000s.

For the study, semi-structured, in-depth interviews were conducted with 30 artists, 15 of whom were musicians and 15 stage actors, and the questions were designed to obtain qualitative and quantitative data. 20 of the interviews were conducted through online Zoom due to the pandemic, and the remaining 10 interviews were conducted face-to-face. Twenty of the interviewees were men and 10 were women. Due to the negative response of some of the female artists we contacted to the interview offer, the number of female artists interviewed was less than the number of male artists.

Ten of the male artists perform their art in the field of music and the other 10 perform their arts in the field of theatre, while 4 of the female artists perform their arts in the field of music and 6 in the field of theatre. While the two artists continue their art activities in Paris and London, the remaining artists perform their art in Istanbul, Diyarbakir, Batman, Mardin, Izmir, Ankara, Eskisehir, and Van. Among these cities, Istanbul was the city with the most interviews with 14 artists; 5 in Diyarbakir; 2 in Batman, 2 in Mardin and 2 Izmir; and one in each cities of Ankara, Eskisehir, Van, Paris and London were interviewed. Two artists living abroad have previously had to perform their art in Turkey and continue their arts abroad for political reasons. When creating the interviewee cluster, it was taken care to provide representation to include those who have had formal art education in state institutions, those who continue a tradition based on family or cultural environment, those who have met art around Kurdish cultural institutions, and those who have started to engage in art with their own means without any education.

There are several reasons why the number of artists interviewed in Istanbul is so high. Compared to other major cities such as Izmir, Istanbul

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has an advantage in terms of the number of places where Kurdish art can be performed. The artists who started their artistic life in Izmir said that after a while they went to Istanbul because they could not find a place to work due to the “white nationalism” in the city. Artists who earn their income from other jobs besides music and theatre also expressed their positions in Istanbul due to the high job opportunities. Istanbul has become a city preferred by artists due to the large number of university youth and a large Kurdish population that comes with migration. While some of the Kurdish artists living in Istanbul came here after the migration wave of the 90s, some settled in Istanbul after the 2000s due to the relative democratization in the cultural and artistic environment. Another city with a high concentration of Kurdish artists is Diyarbakir, which has a large young population. In addition, since 1999, Diyarbakir Metropolitan Municipality and district municipalities have organized and supported cultural activities Diyarbakir has become a centre of attraction for art and artists.

Apart from the artists, two people who have been managers of Kurdish cultural and artistic institutions have been interviewed in order to understand how the art policies of Kurdish cultural institutions affect the activities of Kurdish artists. In addition, four of the artists interviewed were selected from among the founders and directors of city theatres and private theatres.

No separate media scans were carried out for the study, but news of the infringement reported in the press was used in data analysis. The interviews were held in Turkish and/or Kurdish at the request of the interviewees. The names of the interviewees who participated in the study were not disclosed at their request.

## Method and Theoretical Framework

The rights violations faced by Kurdish stage actors and musicians will be analysed on the basis of official cultural policies and legal regulations and cultural rights protected by international conventions.

The questions asked to the interviewees are as follows:

- ▶ Are there legal barriers to performing art in Kurdish? What are they, if any, and how do they appear?
- ▶ What position does the state take to support Kurdish art per-



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formance legally and institutionally?

- ▶ In what way have the laws passed during the EU harmonization process affected the performance of Kurdish art?
- ▶ Is there a relation between the legal regulations and the cultural policies of the state? In what way does this harmony or non-harmony affect the rights violations suffered by Kurdish artists?
- ▶ Is there a relationship between the political atmosphere and rights violations?
- ▶ What rights violations do artists face the most? By whom and how are the violations exercised?
- ▶ Are the legal channels of challenge open against rights violations?
- ▶ What kind of legal regulations are needed in domestic and international law to eliminate rights violations experienced by Kurdish artists?

Rights violations expressed during the interviews are classified under certain headings. It has been observed that different institutions of the state have consistently applied a form of authority that creates a “state of exception” in the use of legal rights through official or actual “state of emergency”<sup>7</sup> practices. This concept of authority, which does not see Kurdish-speaking people as true subjects of rights, can render the law dysfunctional and prevent justice to take place.<sup>8</sup>

Even in cases where there is no legal barrier to performing Kurdish art, the fact that actual obstructions occur and no judicial action can be taken against them indicates that violations and discrimination operate as a deeper political and cultural norm. It will be analysed using the literature examining the relationship between political power and ideology, in which institutions that build acceptable ways of thinking and empathy, such as schools, media and religious institutions, create prejudices

<sup>7</sup> Concepts updated by Italian political scientist Giorgio Agamben. Giorgio Agamben *İstisna Hali* [State of Exception], Ayrıntı Publications, 2. Edition, 2020; Giorgio Agamben “State of Emergency”, Aykut Çelebi (Jun.) *Şiddetin Eleştirisi Üzerine*, Metis Publications, 2. Edition, 2010.

<sup>8</sup> In the assessment that formal laws cannot guarantee justice, the opinions expressed by the French Philosopher Jacques Derrida in his work “The Power of law, the Mystical Foundation of Authority” were used. Jacques Derrida, “The Power of Law, the Mystical Basis of Authority” Aykut Çelebi (Jun.) *Şiddetin Eleştirisi Üzerine*, Metis Publications, 2. Edition, 2010.

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against the use of cultural and artistic rights in Kurdish, encourage and justify rights violations.

In the following chapters, the process of lifting the bans on Kurdish will be analysed in the context of the effect of the use of Kurdish in artistic activities. Then international documents and regulations to protect social and cultural rights will be looked at in order to determine in which areas rights violations have been experienced. In the last chapter, the data obtained from the field research will be analysed.

While conducting a literature review for the study, the report titled *Cultural Policy in Turkey-National Report* submitted by Turkey to the Council of Europe in 2013<sup>9</sup> was also intended to be used for research. This document which is Turkey's first comprehensive Cultural Policy report, prepared in partnership with the Ministry of Foreign Affairs and the Ministry of Culture and Tourism, was not accessible on the website of either ministries. The report was accessed via the link given in an article on cultural policies in Turkey<sup>10</sup>. It was noteworthy that the institutions that prepared this first comprehensive report, which included the changes that were being implemented in the EU accession process, did not include the report on their websites. In order to better understand the official attitude towards the report, a meeting was held with an academician who was working on cultural policies in Turkey. He mentioned that there are many *ghost documents* prepared by the state during the EU reform process, but are not even accessible today:

*In fact, there are various cultural policy documents prepared by the state during that process. For example, there is a Cultural Policy Document prepared during Ahmet Davutoglu's tenure. It says that cultural policy reports should be prepared in cities with the participation of all stakeholders. It also counts local governments among stakeholders. There's the 3<sup>rd</sup> Cultural Policy document of the Culture Council created during Nabi*

<sup>9</sup> STEERING COMMITTEE FOR CULTURE, HERITAGE AND LANDSCAPE (CDCPP) CDCPP-Bu(2013)19, Strasbourg, 8 October 2013, 4th Meeting of The Bureau Strasbourg, 16-17 October 2013; CULTURAL POLICY IN TURKEY NATIONAL REPORT <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806963fd>

<sup>10</sup> Prof.Dr. Omer Faruk Gençkaya & Erdem Ünal Demirci "Overview of the Institutionalization Process of Cultural Policy in Turkey", Journal of Turkish Social Sciences Research October 2018 Volume: 3 Issue: 2. <http://tursbad.hku.edu.tr/tr/download/article-file/562682>

*Avci's tenure. There's a PDF of the document, but the Ministry won't take care of it either. Similarly, turkey's National Cultural Report, which has been prepared since 2008, was submitted to the Council of Europe in 2013. However, the report was removed from the Ministry of Culture's website. The site of the 2010 Istanbul European [Culture]Capital project does not have access to today. There are ghost documents like this that none of them are circulating, that they don't have access to. The government is not claiming these reports at this time. Because he put the activities he is judging today among his visions and goals in these reports.*

In this study, a series of reports<sup>11</sup> prepared by the Istanbul Foundation for Culture and Arts (IKSV) on current problems related to the role of local governments in cultural planning from a pluralistic art policy and education between 2011 and 2019 were also examined. *The IKSV reports refer to UNESCO and other international documents and democratic values, and provides examples of how education policies negatively affect the view of the other on gender and race issues, among Blacks and Indians living in America.*<sup>12</sup> However, *Kurds and other minorities were not mentioned anywhere in the reports, and the monistic and exclusionary character of art education in Turkey was not addressed.*

## **Cultural and Artistic Policies and a Brief Adventure of Kurdish Art in Turkey**

The politics of Ottoman modernization were carried out within a framework aimed at establishing a central state. In the first half of the 19th century, the conquest of Kurdistan was completed and the Kurdish Emirates were eliminated, as stated in the official documents of the state. The Province of Kurdistan was established as an administrative unit and made part of the empire, and many modern state institutions, especially schools, were built in Ottoman Kurdistan. In 1824, during the reign of Sultan Mahmut II, primary education was made compulsory in the whole

<sup>11</sup> Suggestions for Art Practices in the Public Space in Istanbul 2011; (Re)thinking about Art Education in Turkey, December 2014; Cultural Planning for Local Governments, 2016; Co-existence: Developing Cultural Pluralism Through Art, July 2018. Growing Up with Art from Early Childhood to Youth, October 2019.

<sup>12</sup> Ibid., 28-29.

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empire and Turkish was determined as the language of education. The Kanuni Esasi of 1876, which was accepted as the first Constitution, also decreed that the education in primary education should be in Turkish. In addition to making the language of education Turkish, the content of the textbooks was prepared with an understanding oriented on Turkishness and Islam.

Kurdish clubs and associations established in the relative environment of freedom of the Second Constitutional Monarchy, which was proclaimed in 1908, carried out studies on Kurdish language and culture. During this period, significant developments were made in the field of Kurdish newspapers, magazines, and book publications.

At the beginning of the 20th century, nation states took shape in the modern Middle East, while the Kurds were deprived of political status in Iran, Iraq, Syria, and Turkey through international regulations. A significant Kurdish population also remained within the borders of the Soviet Union. This political division and lack of status had a devastating impact on the development of Kurdish language and art, making it almost impossible to share experience and tradition between Kurdish artists consecutively and simultaneously.

Since Kurdish remained a banned language from the founding of the Republic until the early 1990s, Kurdish theatre, music, cinema, and literature were also banned. The policies implemented have not been limited to bans. With the national culture and art policy followed, the cultural values of Kurds, Armenians, Greeks, Arabs, Lazs, Georgians and Circassians such as songs, fairy tales, plays and folk tales were recorded under the heading of Turkish Folk Music, Turkish Art Music and Turkish Folk Literature. Many institutions from Turkish Hearts (Türk Ocakları) to Halkevleri have served as a means of cultural Turkification.<sup>13</sup> Despite the 39th article<sup>14</sup> of the Lausanne Treaty, which guarantees the linguistic rights of social groups speaking other than Turkish, the leaders of the

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<sup>13</sup> As can be seen in the example of Laz and Kurdish artists, they are named in a style that ignores their ethnic identity, such as black and eastern artists, by reading their Turkish songs in an accented Turkish.

<sup>14</sup> No restrictions will be placed on the use of any language of any Kind in both private and trade relations, in open meetings with religion, press or all kinds of publication issues. Although the state has an official language, Turkish nationals who speak a language other than Turkish will be provided with the appropriate conveniences in terms of their verbal use of their own language in the courts.

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new regime ignored the obligations they committed in the agreement and implemented the language ban as a part of the construction of national culture.<sup>15</sup> This not only made it a crime to use the mother tongue for different peoples, but also resulted in it being considered as a political act for the unity and integrity of the country.

In the early 1960s, the national cultural policy, which prohibited all forms of expression regarding Kurdish and sought to dominate Turkish, was in crisis in the face of a number of developments that would give Kurds public visibility. With the transition to a multi-party parliamentary system in the 1950s, Kurds and their problems began to be mentioned in Turkish political life, albeit with the names “East” and “Eastern”. While this was happening in Turkey, the autonomy achieved by the Kurds in Iraq in 1961 had a cross-border effect on the Kurds living in Turkey. Kurdish publications in Iraq were smuggled into Turkey, while cultural and artistic productions, especially music, had the opportunity to reach Kurds living in Turkey in different ways.

The state’s response to the Kurdish political movements that gained power in Turkey during the 1960s and 70s was to shut down Kurdish parties and associations, meanwhile cultural associations were shut down and those who carried out activities related to Kurdish culture, especially musicians and writers, were either imprisoned or forced to leave the country.

Also in the 1960s, with the prevalence gained by the national liberation movements of the colonial peoples, the air of democratization in Europe began to show its effect in the Middle East, and, Yerevan Radio, Baghdad Radio and Tehran Radio began broadcasting in Kurdish in limited hours. In particular, Baghdad and Yerevan Radios created a medium where many artists from the Kurdish regions of Turkey, Iran and Iraq went and sang their songs and made albums with recording companies there. Those radios functioned as a school for Kurdish artists, at the same time, they made it possible to transfer traditions interrupted by official borders due to the cross-border access of radio broadcasts.

The regulations amended in Turkey after the Coup of September 12, 1980 represent a new phase in the state’s assimilation policies. For the

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<sup>15</sup> Çağla Kubilay, “Regulations and Public Space for Native Languages in Turkey: Breaking the Mother tongue and Official Language Synchronization” İletişim Araştırmaları, 2005, p. 66.

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first time, native languages other than Turkish were directly banned by law during this period, and the prohibitions on language were maintained especially by relating them to separatist terrorism.<sup>16</sup> The “Law on Publications to Be Made in Languages Other Than Turkish” no. 2932, which was introduced by the military administration in 1983, has a quality that reflects the state’s concerns about Kurdish in all dimensions.

Article one of the law stated that this law regulates “the principles and procedures regarding the languages prohibited in the expression and dissemination of thoughts in order to protect the indivisible integrity of the state with its country and nation, national sovereignty, republic, national security, and public order”. In accordance with the second article of the law, “the disclosure, dissemination and publication of thoughts in any language other than the first official languages of the states recognized by the Turkish State” is prohibited. Thus, it is officially forbidden to speak native languages other than Turkish, to make artistic production in these languages and to disseminate them. The third article of the law directly states that “The mother tongue of Turkish citizens is Turkish”. It is forbidden to carry out all kinds of activities aimed at the use and dissemination of languages other than Turkish as native languages, to carry posters, banners, placards, sheets and the like written in language other than Turkish in meetings and demonstration marches, and to publish with records, audio and video tapes and other narrative tools and equipment. In case of unlawful conduct, a comprehensive ban has been imposed, stating that ‘heavy imprisonment and fines have been imposed’<sup>17</sup>. Baskin Oran draws attention to the definition used in the writing of the second article. According to Oran, it was taken into account that the second official language of Iraq is Kurdish by saying “First official language”, and “The possibility of recognizing the language of a Kurdish State that can be established in the future has been eliminated with the criterion of ‘recognized’ by the Turkish state.<sup>18</sup> Turkey’s cross-border concerns about the use of Kurdish were not limited to Iraq. An example of this is that in 1957, when the Cairo radio started broadcasting in Kurdish, Turkey reported its disapproval to Cemal Abdul Nasser through its ambassador.

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<sup>16</sup> Ibid., 71.

<sup>17</sup> Ibid., 72.

<sup>18</sup> Oran, cited by Kubilay form no date 14-15, Ibid., 73.

The definition of Kurdish speaking and performing art as a criminal act has shown itself to have one of its most devastating effects in intergenerational language transfer. Many families refrained from teaching their children Kurdish in order to prevent them from “being involved in crime” and to ensure that they have good education and job opportunities with a clean record, and opposed their desire to make art in Kurdish. As will be discussed in detail in the following chapters, the rest of the interviewed artists stated that they were not encouraged for artistic activities by their families and social circles, except for a few people whose families were also involved in art.

In addition, the evaluation of using the mother tongue as a political act, not a natural right, resulted in strict content control by the legal authorities on languages other than Turkish, especially Kurdish, thus putting much greater pressure on freedom of expression and artistic production in those languages.

### **Lifting the Bans on Kurdish**

Until January 25, 1991, when the Kurdish was granted partial freedom by a decision of the Council of Ministers and the ban on speaking and singing was lifted, the musical and artistic accumulation was not able to reproduce and transfer itself legally. In 1991, the limited freedom over the Kurdish language allowed the transfer of the accumulation of Kurdish music through TV channels (Med TV, Kurdistan TV and Kurdsat) broadcasting via satellite, and Kurdish cassettes and records, which had now become legal. The Kurdish theatre performed its activities, albeit a little more slowly, taking advantage of this limited freedom and cross-border interaction. With the establishment of the Mesopotamian Cultural Centre (MKM) in 1991, work in different fields of art, especially music, theatre, and cinema, began to be carried out under the umbrella of an institution. An institutional policy was adopted at the MKM aimed at carrying out archival work on Kurdish art looted for decades, while giving art education at the same time. In 1992, the Istanbul Kurdish Institute was founded and research and archival studies on Kurdish culture and art began to be carried out.

The regulations that lifted the ban on Kurdish did not include explicit provisions regarding freedom of broadcasting in Kurdish and did not in-

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clude regulations that would positively ensure the survival and development of Kurdish. These regulations were implemented with the harmonization packages introduced during the EU accession process in 2002.

In the 3rd EU Harmonization Package issued in 2002, it was made possible to publish in different languages and dialects that citizens traditionally use in their daily lives, as well as Turkish, which is the official language. Between 2004 and 2009, an official Kurdish-only TV channel was established. Besides they paved the way for establishment of an institute for academic research on different languages and dialects in universities, and elective courses<sup>19</sup> in secondary schools. Within this framework, firstly in 2009 an institute was opened with the name of The Institute of Living Languages in Turkey at Mardin Artuklu University. Kurdish Language and Culture Department was opened at that institute and so Kurdish graduate studies in has initiated Turkey. Afterwards departments have been opened at universities in Diyarbakir, Bingöl, Muş and Van for Kurdish undergraduate and master's studies.<sup>20</sup> Some examples of Classical Kurdish literature such as *Mem û Zîn* were published by the Ministry of Culture and Tourism, and the Ministry of Culture and Tourism's Cinema Support Board provided financial support for the film "Two Languages, One Suitcase", in which intensive Kurdish dialogues took place for the first time. In secondary school, students of 5, 6, 7 and 8<sup>th</sup> grades had the opportunity to take Kurdish elective course for 2 hours per week from the academic year of 2012 onward in line with the curriculum sent by the Board of Education and Training.<sup>21</sup> The presence of Kurdish for academic purposes in universities and as an elective course in secondary schools increased the prestige of Kurdish and increased its visibility in the public sphere after nearly a century of policy of disregard and prohibition. This has also promoted the acceptance of Kurdish as a language of artistic production, especially in the fields of literature, music and theatre.

In addition those developments, the victory of HADEP, which received Kurdish representation in many provinces, mainly Diyarbakir, Batman

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<sup>19</sup> The full name of the course is "Elective course of living languages and dialects".

<sup>20</sup> Şehmus Kurt. Türkiye'de Kürtçe Öğretim Deneyiminin İncelenmesi (1968-2018). [Exploring Kurdish Language Teaching in Turkey (1968-2018)] Unpublished Dissertation, Diyarbakir: Dicle University, Institute of Social Sciences, Department of Kurdish Language and Culture 2020.

<sup>21</sup> Obstacles in front of Kurdish are being removed one by one, <https://www.haber7.com/guncel/haber/1130318-kurtcenin-onundeki-engeller-bir-bir-kaldiriliyor>, Accessed on 21.02.2014. For an extensive analysis of these courses, Kurt, Ibid.



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and Mardin, in the 1999 local elections, contributed to the public use and visibility of Kurdish. Cultural Directorates within the municipalities began to include Kurdish literature and art works. Theatre units and conservatories were established within the municipalities. Through festivals and literary events, Kurdish writers and artists had the opportunity to share their works with the audience and readership.

The end of what the AKP administration called the “Resolution Process”, which was supported by many, also the coup attempt on 15 July 2016, began a new era. While trustees were appointed to the municipalities, many private radios and television channels were shut down. Although the institute and departments that provide Kurdish education at the undergraduate and graduate level were not shut down, they were almost rendered dysfunctional by depriving them of staff. Despite rising demands, the 2-hour Kurdish elective course, which was put into the primary school curriculum, could not be carried out effectively because not enough teachers of Kurdish were assigned by National Education. Speaking, writing, singing, filming, and performing theatre plays in Kurdish were not banned again, but serious practical obstacles were put in place for them to be performed. In addition, very limited state support for Kurdish art was withdrawn completely.

## **Basic International Standards and Related Articles on which the Rights Monitoring Study Is Based**

In preparing the report, the *United Nations International Covenant on Economic Social and Cultural Rights*, the *International Covenant on Civil and Political Rights*, the *International Convention on the Elimination of Racial Discrimination in All Its Forms (ICERD)*, the *UNESCO Convention on the Protection and Development of Diversity of Cultural Expressions*, *UNESCO’s Recommendation concerning the Status of the Artist*, and the *European Convention on Human Rights* have been used as base.

## **United Nations International Covenant on Economic Social and Cultural Rights**

Turkey became a party to the 1976 covenant in 2003. In the introduction of the Covenant on Social and Cultural Rights, a direct relationship is established between the exercise of basic human rights that people

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are born with and the establishment of freedom, peace, and justice. It is accepted that the ideal of free people who can exercise freedom from fear and poverty *can be realized if conditions are created in which their economic, social, and cultural rights can be enjoyed along with personal and political rights.*

Article 1 of the Convention states that ‘Peoples have the right to self-determination’. Through this right, it is stated that peoples can freely determine their own political status and continue their economic, social, and political development freely. Article 2 states that the state parties shall undertake to ensure that the rights declared in the Covenant are exercised without discrimination according to any status such as race, colour, gender, language, religion, political or other opinion, national or social origin, property, or birth. Article 13 regulates the right to education, Article 14 regulates the obligation to provide compulsory primary education, Article 15 regulates the right to participate in cultural life. Article 15 regulates the right to participate in cultural life.

Article 13 states that *they agree to provide an education that will enable everyone to participate effectively in free society, develop understanding, tolerance and friendship between all nations and all racial, ethnic, and religious groups, and advance the activities of the United Nations to maintain peace.*

In the light of this article, it is clear that a curriculum in which education is given in a single language and based on a single sect cannot develop tolerance and friendship between racial, ethnic and religious groups. Therefore, in the subsequent decisions taken to update the Covenant, it is seen that a special emphasis is paid to the need to organize education in a manner suitable for creating a pluralistic cultural structure.

A series of additional documents and protocols have been prepared to prevent states from acting contrary to the spirit of the regulation by manipulating the wording.<sup>22</sup> The UNCCPR Document of April 1994 states

<sup>22</sup> United Nations International Covenant on Civil and General Political Rights, 26 April 1994; United Nations International Covenant on Civil and Political Rights (UNCPP\_1) November 1994; United Nations Economic and Social Council, 2 July 2009: Committee on Economic, Social and Cultural Rights, Forty-second session 4-22 May 2009, General Comment No 20: Non-discrimination in economic, social, and cultural rights (art. 2, money. 2, of the International Covenant on Economic, Social and Cultural Rights); United Nations Economic and Social Council, 21 December 2009: Committee on Economic, Social and Cultural Rights, forty-third session 2-20 November 2009: General Comment No 21: Right of everyone to take part in cultural life (art. 15, money. 1 (a), of the International Covenant on Economic, Social and Cultural Rights). United Nations General

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that a community is objectively qualified to exercise all rights arising from being a minority when it has the conditions of being a minority, even when it does not legally have minority status. The UN International Covenant on Civil and Political Rights document, issued in November 1994, emphasizes the freedom to fully enjoy the minority rights. In the document dated 2009 and titled the *UN Committee on Economic, Social and Cultural Rights Forty-second Session*, all kinds of discrimination are banned. Article 21 of the document on language states that “language barriers will deprive people of the exercise of many rights guaranteed in Article 15 of the Convention, such as the right to participate in cultural life”. Article “article 15 of the Convention on the language barrier. Article 23 states that “political and other views should not constitute the basis for discriminatory treatment.”

As will be discussed in the data analysis section, one of the main challenges experienced by Kurdish artists is that they face accusations that the restrictions and prohibitions they are subjected to when performing their art are not due to the language they use, but to the political message of the language. This approach causes serious self-censorship in the content of the artistic productions of Kurdish artists. Another area of violation is that the content of the language is subjected to constant political control, not the exercise of a natural right, but as a political act exercised on choice.

The Convention on Social and Cultural Rights has important implications for the protection and development of cultural rights. First, a legal regulation for the exercise and development of cultural rights was deemed necessary and put it first, taking measures against the possibility of arbitrary limitation of the use of cultural rights by political powers. Secondly, the exercise of cultural rights is associated with the exercise of economic and social rights. Being deprived of social and economic rights or not properly supported in these areas has been considered as an element that prevents the exercise of cultural rights.

Turkey has one reservation that *paragraphs 3 and 4 of Article 13 of the Convention shall be implemented within the framework of the provisions*

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Assembly Human Rights Council Forty-fourth Session, 15 June-3 July 2020, Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social, and cultural rights, including the right to development: Research Report on Artistic Freedom of Expression; Language Rights of Minorities: A Practical Guide for Implementation, United Nations Special Rapporteur on Minority Issues, 2017.

of Articles 3, 14 and 42 of the Constitution of the Republic of Turkey. The reserved paragraphs of the Convention relate to the freedom of parents to provide their children with religious and moral education in accordance with their own beliefs and freedom to establish educational institutions.

While investigating the rights violations faced by Kurdish artists, the libertarian interpretations expressed in the updated documents will be taken as a basis. Since Turkey accepted the Committee's mandate when signing the Convention, it has committed to accept the Committee's decisions and comments, which are part of the Documents prepared by the Committee. The Council of Europe also has a document on language rights. Turkey has not yet signed this document. However, since the rights expressed in the document are considered as basic human rights, we can say that Turkey is obliged to implement the rights expressed here. In addition, states cannot be party to contracts or impose reservations against the "prohibition of discrimination". The prohibition of discrimination is a fundamental right. Since Turkey has committed not to discriminate by signing international documents, it cannot claim that it is not bound by them.

## Covenant on Civil and Political Rights

In paragraph 1 of Article 2 of the Covenant;

Discrimination is strictly prohibited by the regulation that *Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*

In accordance with article 1, the states that are parties to the Covenant must harmonize their domestic laws in a way that ensures the exercise of such rights.

In the first paragraphs of Articles 4<sup>23</sup> and 5<sup>24</sup> of the Covenant, the fun-

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<sup>23</sup> In the event of an extraordinary situation that threatens the life of the nation and whose existence has been officially declared, states parties to this Covenant may take measures that are separated from their obligations under this Agreement, to the extent required by the situation, provided that they do not violate their other obligations under international law and do not involve discrimination based on race, color, gender, language, religion or social origin.

<sup>24</sup> No provision in this agreement shall be construed in such a way as to provide any state, group or person with the right to engage in or take any action to eliminate or further limit any of the

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damental rights that cannot be violated even in the state of emergency are defined and it is stipulated that the restrictions to be imposed on the exercise of rights should not be discriminatory.

Article 26 once again emphasizes that everyone is equal before the law and must be equally protected by law without discrimination.<sup>25</sup>

Article 27 of the Covenant states;

*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.*

Turkey became a party to this Agreement on September 23, 2003. However, it has three declarations and one reservation in terms of the Covenant. Reservations:

*The Republic of Turkey reserves the right to implement Article 27 of the Covenant in accordance with the relevant provisions and procedures of the Constitution of the Republic of Turkey and the Treaty of Lausanne dated July 24, 1923 and its Annexes.*<sup>26</sup>

These reservations have been criticized for violating the prohibition of discrimination and for crippling the spirit of the Covenant.<sup>27</sup> In its 2011 text of the conclusion observations, the Committee for Human Rights, the supervisory body of the Convention on Civil and Political Rights, stated that *Turkey's reservations to the CCPR led to discrimination and restriction of rights of various minority groups such as Kurds and Roma, and therefore negatively affected their ability to realize their own culture and use their language.* Stating that all state parties have an obligation to ensure that all ethnic, religious, or linguistic minority groups are effectively protected against discrimination and enjoy their rights, the Committee has stated that Turkey should remove its reservations in Article 27 in order to fulfil this. The Committee also mentioned the geographical

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rights and freedoms granted in this Covenant than is stipulated in this Covenant.

<sup>25</sup> There is no effective trial process for people who have been subjected to violence or whose right to life has been taken away because they sing in Kurdish or (as can be seen in some cases in the press) speak only in Kurdish. These judicial practices increase the likelihood of using violence against the group in question.

<sup>26</sup> Zeynep Elibol, Turkey's Reservations on International Human Rights Conventions, Human Rights Joint Platform [HOP], 2015, p. 8.

<sup>27</sup> Ibid., p. 8-9.

restriction imposed by Turkey and noted that rights should be guaranteed for all persons who fall under the jurisdiction of the state.<sup>28</sup>

Turkey rejected the recommendations offered to it in 2011, especially regarding Kurds and other minorities.<sup>29</sup> The committee proposed reforms to fully recognise the rights of Kurds and other minorities, including the removal of the reservation set out in Article 27 of the CCPR. In October 2012, the Human Rights Committee expressed concern about the discrimination suffered by minorities, especially Kurds and Roma, and the negative impact on their culture and use of their language. Therefore, in addition to removing such reservations, it stated that there are requirements such as establishing an effective anti-discrimination mechanism, making legal regulations on issues such as hate speech and crimes, access to education and property rights.<sup>30</sup>

### **International Convention on the Elimination of Racial Discrimination in All Its Forms (ICERD)**

Turkey ratified the Convention it signed in 1972 in the Turkish Parliament on September 16, 2002.

In the Article 1 of the Convention,

It is stated that *the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*

Article 22 of the Convention,

It is stated that *any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.*

Turkey has stated that it does not consider itself bound by this article

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<sup>28</sup> Ibid., p. 15.

<sup>29</sup> Ibid., p. 24-25.

<sup>30</sup> P. 26

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by making a reservation to Article 22 of the Convention and has brought the condition that the express consent of the Republic of Turkey must be provided in all cases before a dispute to which the Republic of Turkey is a party can be referred to the International Court of Justice.<sup>31</sup>

In the text of the conclusion observations published in 2009, the Committee on the Elimination of Racial Discrimination warned that Turkey's reservations and declarations could impede the implementation of the entire Convention, stated that the geographical restriction imposed on the implementation of the contract should be removed as well as reservations, and demanded that Turkey inform it about this issue within a year. Turkey has still not fulfilled this obligation.<sup>32</sup>

In the light of universal documents such as UN Charter and Universal Declaration of Human Rights, the UN has made 167 recommendations to Turkey in the Universal Periodic Review Report, which monitors Turkey's human rights practices. Of the 167 recommendations, 26 were fully fulfilled, 41 were partially implemented and 81 were never implemented. The areas where the recommendations that have never been implemented are related are as follows: Women's rights, counterterrorism, children's rights, forced disappearances, racial discrimination, justice, freedom of thought and expression, torture or inhuman or degrading treatment, minorities, human rights education, freedom of religion and belief, sexual orientation and sexual identity, freedom of assembly and association, asylum seekers, refugees, press freedom, human rights defenders, civil society, international humanitarian law, human rights violations committed by state agents, immunity from punishment, disability, conditions of detention, human trafficking.<sup>33</sup>

The articles of the Convention that Turkey has made reservations about and the recommendations that it has never implemented constitute one of the reasons for the rights violations faced by Kurdish artists.

## **UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions**

Turkey became a party to the 2005 contract in 2018. While Article 1 of the Convention sets the preserving and promoting the diversity of cultur-

<sup>31</sup> Ibid., p. 7.

<sup>32</sup> Ibid., p. 15.

<sup>33</sup> Ibid., p. 27.

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al expressions as the main objective, Article 2 sets out as a fundamental principle that all cultures, including the cultures of persons belonging to minorities and indigenous peoples, should be given equal dignity and respect, also recommends states to adopt attitudes that support intercultural interaction and dialogue..

### **UNESCO Recommendation on artist's Status**

In the UNESCO's recommendation adopted at the Belgrade Meeting of 1980, Artist' is taken to mean any person who creates or gives creative expression to, or re-creates works of art, who considers his artistic creation to be an essential part of his life, who contributes in this way to the development of art and culture and who is or asks to be recognized as an artist, whether or not he is bound by any relations of employment or association; and defines status as the regard accorded to artists, defined as above, *in a society, on the basis of the importance attributed to the part they are called upon to play therein and, on the other hand, recognition of the liberties and rights, including moral, economic and social rights, with particular reference to income and social security, which artists should enjoy.*

In addition to the contracts in the data analysis section, the report will also look at whether the state provides the Kurdish artists with the support they need to express themselves in the community they consider part of.



## RIGHTS VIOLATIONS AGAINST MUSICIANS

The interviewees were asked questions about the conditions for starting their art lives, whether the family and social environment and state institutions had a supportive attitude in this process, violations caused by the financial and psychological difficulties they encountered while performing their art, and violations that constituted direct interference with art performance such as program and concert cancellation, labour exploitation, physical and verbal violence. Thus, as well as the legal dimension of rights violations, social, political, economic, and cultural dimensions were tried to be understood.

In addition to common questions for musicians and stage actors, different questions were asked to uncover violations specific to each branch of art. The questions were asked under certain headings and the answers of the interviewees have been given in separate paragraphs by coding their names.

All of the interviewees said they could not make a living through Kurdish art. Five interviewees stated that they were engaged in formal work such as teaching and municipal labour, which had nothing to do with art, while 11 interviewees said they were trying to make a living with freelance work from construction work, bellboy to stallholder. Three people were working in local governments in a music and theatre-related job, but lost their jobs because of the trustees. 7 said they were trying to make a living through work that included performing programs, concerts, and private music tutoring. In the wake of the state of emergency and the COVID-19 pandemic, the interviewees stated that there were almost no opportunities for art performance through concerts, festivals, and other events. The four interviewees stated that they continued their art lives with the help of relatives, especially their spouses.

As a result of the interviews, it was observed that the vast majority of rights violations were caused by practices that violated the prohibition of discrimination. Discriminatory mentalities that begin from the legisla-

tive process when determining cultural policy are manifested at different levels, from not performing in state theatres to not providing material support for Kurdish art performance and the attitude of law enforcement agencies that arbitrarily prevent Kurdish art performance.

Physical violence, exploitation of labour, difficulty in finding a platform to perform their arts, means the state's failure to fulfil its obligation to support culture and arts in a way that contributes to the formation of a pluralistic cultural life, as stated in Article 15 of the UN International Covenant on Economic, Social and Cultural Rights, and a violation of the commitment to support the artist and art life expressed in the preamble and Article 64 of Constitution.

At the beginning of the interview, the interviewees were asked about their motivations for Kurdish and Kurdish Art and their ideas about their own art practices.

### Language Ban and Its Effects on Orientation to Art

**M1:** *Kurdish gives spiritual and psychological satisfaction. You feel like you're meeting your own people... You feel the need to re-establish the bonds you've lost with education, television and similar tools. But it's not easy. There's calmness in Western music, classical music. However, there is anger in Kurdish music... You just want to stay away to make music, but you have to meet to ensure your integrity even if you postpone it.*

**M6:** *Because I am Kurdish. I was raised in a Kurdish family with a Kurdish spirit. My mother would tell me that one should eat from one's own plate, not anyone else's. Kurdish is the plate I eat from. I had a lot of opportunities to sing in other languages in Europe, and the international education I received provided me with such a background. But I feared from such a thing and my soul didn't want it. I wanted to continue in the direction I was raised as a child.*

**M9:** *When I listened to Ciwan Haco, Şivan Perwer, Nizameddin Aric, Mihemed Shexo and many other Kurdish artists and*

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*dengbêjs in Kurdish, I was fascinated by the power and richness of Kurdish music. But then I found out that no one knows about this music. Therefore, I decided to engage in Kurdish music professionally and introduce this music to the world with all its richness.”*

**M4:** *I grew up outside Kurdistan. That’s why I always had a yearning for my language. My grandmother sang beautifully and told tales. That’s why even speaking in Kurdish has always been fascinating to me.*

**M8:** *I was born in Southern Kurdistan. Therefore, for me, Kurdish music preference was out of the question. We were already speaking Kurdish, singing in Kurdish. After I emigrated to Turkey, I saw that making Kurdish music was a matter of choice.*

The interviewees, who were old enough to remember the years of bans, expressed their memories of those years and how their experiences during those years were reflected in their music as follows:

**M3:** *I had two kinds of motivations. One was the denial of the Kurdish language and culture. This becomes a motivation for you to take care of your own language and explore it. The other is the presence of Kurds who have been assimilated by the state and have come to a point of denying the own culture and language. I think that was the biggest danger, especially after the 2000s. I wanted to be the answer to that with my music.*

**M5:** *You meet Kurdish music in a political atmosphere. Music is a medium where you listen to your political story and a place where you express yourself in that sense, where you find yourself. But the Kurds did not prefer it, they were exposed to it instead. Music found its style and meaning in the battle... I’m trying to oppose war through music and to build music as an alternative to war.*

**M11:** *I can express myself better in Turkish when the subject I am talking about requires an academic language. Because I didn't study in my native language. Therefore, I have to work harder when producing music in Kurdish. It's a sad situation, but it means a lot to me. Producing something in my native language makes more sense to me, and I think it's needed. And when I started elementary school, I peed my pants in the first week. Because I couldn't express myself. A lot of kids go through this. I think I'm making Kurdish music so this doesn't happen.*

**M12:** *Our village was burned down in the 90s. We came to Istanbul. I didn't speak a word of Turkish. Everyone on the street spoke Turkish. It seemed so strange to me. I remember finding the name Mert very strange. I was just telling myself what weird names the Turks had. I dropped out of school after a while. I was selling tissues and stuff in front of Cerrah-pasa Medical School, mumbling songs to myself. There were students around, who liked me. They bought me a guitar and taught me how to play it. They also gave me an awareness. That's how I started, but I was increasingly moving away from Kurdish. I was singing in Turkish, in cafes and stuff. I went to the army, I came back, I continued to make music in Turkish, and then one day I heard Kurdish anthems sung outside, and I was very impressed. I thought of my childhood, where I came from. Gradually, I began to sing in Kurdish. I had a girlfriend. The more I sang in Kurdish, the further she distanced from me. My whole old circle moved away from me. So I stopped singing in Turkish after a while. So I can say that they pushed me to make music entirely in Kurdish (laughs)''*

### **Effects of The Lack of Status of the Kurdish Language and the Family and Social Environment on the Kurdish Art View**

Interviewees were asked if their parents supported their desire to become artists and their reasons. Apart from the two families who themselves are engaged in the arts, other families either completely opposed

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it or did not lend their support. It is seen that political concerns and the lack of a financial return and social status of Kurdish music are among the main reasons affecting the negative attitude of their families. The ongoing political concerns about Kurdish art performance are closely related to the violent historical memory of previous generations of Kurdish art performers. Low status and lack of livelihood are another reason that affects the attitude of the families and social environment.

**M1:** *They tried to direct me in a way that I would have a job where I could make a living. But I was also interested in art. I went to fine arts high school. As a result, I can say that I have not received any support from my family.”*

**M2:** *I was the first musician to come out of my family and the circle of my relatives. At first it was strange to my parents that I wanted to make music professionally. To them, musicianship was the work of gypsies, because in my area, music was mostly performed by gypsies. That’s why they bantered me a lot saying ‘our family lacked a gypsy only, now you made one’. Now, looking back, they all respect what I do, buy instruments for their children and send them to music classes.*

**M3:** *My parents were negative, I had a lot of difficulty. But I continued because I saw music as a responsibility, not a job.*

**M5:** *Perhaps because of the nature of the venues where Kurdish music was performed, my father spit in my face after a night I took the stage.*

**M11:** *My parents didn’t stand in the way but there was no support. In our area, musicians are the ones who play at weddings, so musicians may not be regarded very highly. My mother, who saw me play guitar in college, said I’d better study my lessons instead. When I played my first album to my father, he never liked the modern form of my music and said, “What is this when we have so many beautiful songs and ballads?”*

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**M7:** *As the daughter of a father who was interested in music, I was introduced with music at a very early age. My father would say to me, “My girl, you and I are very much alike, but we have one difference. Your father lets you; my father wouldn’t let me.” I’ve seen the very positive effects of my family’s support.*

**M6:** *My parents supported me because I was born into an artistic and Kurdish family, they let me study music and dance when I was a child”*

**M8:** *I was born into a family that loved Kurdish music, but my father thought that my main job for economic reasons should not be musicianship. That’s why I went to a school where I would have a profession, but my mind and heart have always stayed elsewhere.”*

**M9:** *I dropped out my studies of engineering and then music teaching. My parents were against it because I was into music without having a job. Their intentions weren’t bad, they were trying to protect me. They were both very skilled at performing folk music, so they couldn’t keep insisting for a long time.”*

**M4:** *My parents didn’t object it, but they didn’t support it either. They told me to finish school and get a job. But since my family was not a nuclear one, I haven’t been exposed to much family engineering. When I got a little famous and appeared on TV, they realized that what I was doing had a significance and their attitudes changed.*

**M13:** *They didn’t want me to do music because I was a girl, but when they saw my love of music, they couldn’t resist.*

The orientation towards Kurdish music appears to be twofold. One is the trauma and sadness of not being able to express oneself in one’s native language, and the other is the family’s support for Kurdish language and art. Another conclusion of the interviews was that the state’s lifting

of the bans on languages made it publicly possible to perform Kurdish music, but that it never encouraged any artists to perform Kurdish music. While the bans on Kurdish were limited, it turned out that no compensatory policies were developed to promote artistic development in a language that had been banned for nearly 70 years.

Even in families that were into music, the reason why they did not want their children to make Kurdish music cannot be explained on personal grounds. This indicates that the state has not fulfilled its obligations in recognition of the Kurdish artist and supporting it with public policies imposed in the international documents mentioned in the introduction, especially the UNESCO Recommendation on the Status of the Artist.

### **Rights Violations Related to Official and Popular Attitudes towards Kurdish**

Although the bans on Kurdish were lifted on a limited basis, psycho-cultural barriers to performing Kurdish music were mentioned in the interviews. Six of the interviewee musicians said that in addition to Kurdish, they also performed music in other languages such as Armenian and Arabic, especially Turkish. 3 interviewees stated that they only included Kurdish songs on their albums, although they sang in other languages (usually Turkish) in concerts and programs. The remaining six artists stated that they used only Kurdish in all their activities. The main reason why artists sing in Turkish besides Kurdish is due to the financial reasons arising from not being able to find a stage. The other reason associated with this fact is that the political and social atmosphere regards the use of Kurdish alone as a threat and a crime. Apart from market pressure, the interviewees said they were pressured to sing in Turkish by venue owners, listeners, as well as concert and festival organizers.

**M1:** *It was not possible to make Kurdish music in the city where I worked before. They saw Kurdish music as somehow contrary to the values of the Republic. That's why I came to Istanbul. But here, too, when I sing in Kurdish, they want me to sing in Turkish as well. Let's just say the owner allows it, but when you get grumbling from the customers, your next show is cancelled. When you sing in Kurdish, they feel as if they've been*

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*insulted. Or the listener is a leftist, you sing in Kurdish, he calls you a chauvinist. In fact, I've had people walk up to beat me up in an incident like that.*

**M9:** *Psychological barriers have been created against Kurdish. The word 'Kurdish' itself is perceived as a crime against the country and the state. Even in secular alcoholic places, this is the case. They force you to sing in Turkish. It is a cause of crisis if you do not sing or do not know... We were singing in Kurdish in such a place, some of the audience stood up and asked for the song Die For You Turkey. You see, you sing anonymous songs in Kurdish, and they see it as an attack on their country. You say we don't sing political songs. They say, it's not political, it is a song of love of the country. Then you say, maybe that's what it used to be, but now it's political. You have to put up with a lot of unpleasant arguments. In some places, when you are asked to sing in Turkish, you say you don't know. Now they grow very uncomfortable. Let's say you do a show in a café in Diyarbakir or Batman... Most of the audience is Kurdish, but sometimes there is a nurse or a couple of civil servants in the audience. They say sing in Turkish too. Okay I will sing but why are you forcing it? When you go to France to listen to music, do you say I'm Turkish and sing in Turkish? Have you ever heard of an artist anywhere in the world being forced to sing in another language? What's troubling here is that it's imposed.*

**M4:** *We were doing multilingual music at a good school. We were famous. Even so, there was scepticism toward us. The rector hadn't been to our concerts even once. He hears too much of Kurdish and wants to hear Turkish too. He feels like something's slipping out of his hands. He says, you sang a lot of Kurdish today (laughs).*

**M8:** *Now you're applying for the festival. They want a repertoire from you. You send it. They just absolutely don't accept*



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*the Kurdish repertoire. They say, sing in Turkish too. Especially if it is a festival in the Aegean and Black Sea regions, they definitely do not accept the Kurdish song. Kurdish is not seen as Turkey's language. That limits the number of venues. Just as Turkish songs can be performed everywhere, Kurdish songs should be performed in Aegean, Black Sea, not only in Kurdish regions and provinces.*

**M7:** *People of the same nationality, even Kurds, are so assimilated that they don't speak their own language, but they like to listen to Kurdish songs. Her name is Dilan, for example, and she says to me, "I love you very much, but I don't understand your song, will you translate it to me?" Her name is Dilan, she likes to listen to Kurdish songs, but she doesn't understand. There is also an effort of Turkification of songs among the Kurdish audience. They make you translate your song into Turkish. I find this very common not only for myself, but also for my fellow artists who I follow on social media. Many of them write Turkish translations under their Kurdish songs. No one tells Sezen Aksu, "I don't understand you, translate this into English." Because they love her in that language, but the same does not apply to us. There's always pressure for translation. We are persistently trying to do it in Kurdish, we are persistently imposing it in that language. Because we want protect it, our dreams are in that language. But unfortunately, there is such a situation of forcing.*

As a very common practice, listeners' discomfort with Kurdish music or their perception of threat can be considered as a result of the standardising and exclusionary cultural policies. Also, it can be considered that the state is reluctant and unsuccessful in explaining and adopting the new cultural policy to all citizens living in the country that it aims to implement with laws in the EU harmonization process. The fact that Kurdish listeners also imposed Turkish translations for Kurdish songs shows how effective assimilation policies have been.

## Rights Violations and Difficulties Resulting from Lack of Space and Stage

Interviewees said there were few suitable venues for performing their art. A lack of suitable space was also cited as one of the main reasons for their economic difficulties. It turned out that the difficulties regarding space and scene and related rights violations were due to the psychology created by cultural policies related to Kurdish and the failure of the state to fulfil its obligations to support the art and artist it has committed by laws and international conventions.

**M1:** *You make music in the street. Listeners clamour when they find out it is in Kurdish. Sometimes you ask your fellow musicians to play instruments in your programs, they say no if you're going to sing in Kurdish. Because if you're making Kurdish music, they approach it like you have some intentions other than musical performance. The biggest problem is that when you sing in Kurdish, the number of places you can take stage drops immediately. In this case, you do not have the chance to choose between the already small number of places... I'm a female artist... When I sang in Kurdish, there have been some who implied that "I betrayed Ataturk, to whom I owed the blessings of the Republic and being an educated woman (laughs)... Now there is an denied nationalism, especially among the left-wingers. For example, there are prestigious festivals. You apply for them. The answer is negative, but they don't give a reason.*

**M9:** *Where will I perform my music? I make music in cafes. I go to concerts. It hurts me so much to sing in cafes for a "prix fixe." I even went to cry on the balcony during a show. It's hard to sing as an appetizer to people who don't listen to me. Instead, I want to go back to my hometown and collect songs, record sounds, and compose songs. But I don't have that chance. We have no lobby, no supporters... We put our efforts into things that aren't related to music. I don't want to go to cafes anymore, so I'm looking for a job.*

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**M8:** *Venues are also about the corporate support you receive. The best venues for artists are those of institutions with large stages and the ability to organize large events, such as municipalities. Kurdish artists largely lack it. We applied to the municipality for a concert in Istanbul. They said let's look at your repertoire and then they said you always sing in Kurdish, so they wouldn't let us. Some of our friends are civil servants, so we didn't want to make a big deal out of it to avoid trouble.<sup>34</sup>*

**M4:** *We wanted to throw concerts in different parts of Turkey. We're going to Izmir, for example. The venue owner is Kurdish and says "We love you very much, but you know our audience. If we stage you..." He doesn't want to lose the Turkish audience... There's also another problem here. Is it possible to make up for it with the Kurdish audience? Not quite. Because the Kurdish audience is very much affected by the conjuncture, they do not come to listen if the political atmosphere is a little bad. Without the market for Kurdish music, the venue owners do not feel the need to include Kurdish artists. Many venue owners in Istanbul are Kurdish, but they do not support Kurdish music. Okay, there's the government's pressure, there's fear... But you haven't formed a national bourgeoisie either. You've got the rich, but no bourgeois. Even in Diyarbakir, in Yuksekova, we have difficulty finding a place to make Kurdish music. Friends who applied to a place in Yuksekova, our application was rejected saying, "These guys will now make only Kurdish music". Now, if you had bourgeoisie and you had a cultural policy, and you are a people of 20 million, and you shouldn't be so short of venues. Open 3 venues, and say Kurdish music will be made here even if it does not bring money.*

**M3:** *Firstly, when you make Kurdish music, you are not comfortable, and neither is the venue owner. You're always worried*

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<sup>34</sup> The issue of not making a claim in order to "avoid further problems" in the rights-seeking activities section in the face of rights violations will be discussed in more detail in the further chapters.

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*there's going to be a problem. You have to keep an eye on the surrounding all the time.*

**M5:** *Doesn't matter if it is Istanbul, Izmir, or Ankara, the venue owners we take stage are usually our people. So is the audience. You don't have a chance to take stage in many different places and reach much different audience. And when you make Kurdish music, most of the time you have to sell your own tickets.*

**M7:** *If you're making Kurdish music, there's no way you make it in a big venue. You're singing to a small number of audience in small venues. In this case, you can't make money, and you don't really feel that you're reaching the audience.*

**M12:** *I started with street music. I was playing at different subway stations, including the subway station leading to the airport. These are the places where thousands of people come and go. When I sang it in Kurdish, the station chief came and warned me. I said, "look, these are stations, thousands of people come and go, they're not all Turks, it is nice that I make multilingual music." They told me not to sing in Kurdish. They put so much pressure on me that I said down with you and I gave up. I was doing street music in Sirinevler. I was very good with the local tradesmen. They loved me. Then I gradually started to sing in Kurdish as well. Their attitude started to change. Then they took an increasingly negative attitude. I started to sing Istiklal. The police kept coming up to me and said, "take your staff away." One day I said, "For God's sake, there are musicians on this street who sing in Arabic and Persian, why don't you tell them anything?"*

## **Rights Violations Resulting from Economic Exploitation**

Interviewees stated that Kurdish musicians have begun to form networks of solidarity among themselves and fight for common rights, in

recent years. In an environment where many of the Kurdish works are translated into Turkish and recorded on the name of others, the struggle for copyright and registration has only just begun. In addition, it was stated that the fact that public institutions do not lend their venues and stages for musical performance made Kurdish musicians more vulnerable to market exploitation.

### **Economic Exploitation caused by the owners**

**M9:** *I took stage at a venue. Since I did not get paid, I became homeless for four months. I stayed in a different house every day. I thought I'd make money at the concerts. I was going to do a concert, and when my name was seen, the concert was cancelled. In recent years, concerts have been cancelled due to conservative considerations. Concerts are cancelled saying that men and women are getting together, drinking and being immoral.... There is labour exploitation, of course, but it is very difficult to prove it and to fight against it because most Kurdish artists work without contracts. I know there's been a lot of violations of rights like this.*

**M8:** *Due to the lack of stage, we can take stage in only certain places. We took stage at the Istanbul Moda Sahne, thanks very much they give you their hall can hold very few people. Stage setting is expensive. At the end of the concert, you find that you have spent money from your pocket. In this case, you should not make any programs at all.*

**M1:** *You find yourself accepting any place to share your art. And the venue owner knows you don't have a chance to choose and negotiate. That's why he says he gets 60% of the entrance money and 30% of the drinks. In that case, there is no money left for you. In most cases, you even pay from your pocket for the musicians who go on stage with you. I wouldn't be able to do that if I didn't have another paid job.*

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**M4:** *There is a problem with the performance in Kurdish. Prestigious venues are more susceptible to not featuring Kurdish. Because they don't want to take risk, and their audience might say "we came here to have a good time, what the hell is this Kurdish music?" In that case, you're left with small venues only. Their capacity and financial profile are limited. You can't make any money.*

**M3:** *When you make music, you want to share it with an audience. When you make a music program in a place, the joy and enthusiasm of singing and having fun together is huge. Most of the time, you're willing to pay from your pocket just to have this joy. I regret to say that after some of our performances, I had to pay the fees of my fellow musicians by withdrawing cash advances from my credit card, or I paid them, even though I did not receive a fee myself, how ever it was not recompense for the efforts of my friends. It was a very humiliating experience, but I'm afraid it happened. Maybe it'll keep happening. Well, I don't know. Apart from the low wages, there's direct exploitation. We did a show, and the venue owner said, "You see, we're not doing well, let's give you your money later," but then they didn't. Next time we wanted our money before we went on stage, we said we wouldn't accept otherwise.*

**M10:** *We played at the place of a friend who considered himself a dissident, a friend who claimed to have embraced both the role of class as well as identity in his own way, and we were practically subjected to exploitation. We took the stage at 8:00. Our show lasts two hours. It was a public house. And we didn't know if the music we made would fit in there. Because we make recreational music, we don't make bar music. He said people wanted to see us, he insisted, so we went and played. The place was full, we went on stage at 8:00, we came down around 10:00, we were going out of the place. "Brother, isn't it too soon?" he said. I said, what were you expecting? He said, "Other groups came here and stayed for 4 hours... Customers*

*are still sitting. They won't leave money, so I can't give you money." "When do customers leave?" I said. He said "I don't know." "I don't know what you mean," I said, "if they're leaving at 2:00, will we wait for them until then?" "Well, you have to," he said. He brought the cheque, put it in front of us. He said, "Look, we made only this much money, we sold this much booze." I said "it's none of my business, you and I agreed on the service, that's not how it works." He didn't give us our money, so we went out. Our friends said, "Let's expose it and not take the money." He's brought me a very small amount of money, and he said, "I'll send the rest to you later." "No", I said, "we want our money." This is someone who works in music, and I don't want to give his name now, but he's someone you know.*

### **Economic Exploitation arising from Copyright Contracts of Music Companies**

**M6:** *When you make an album, they sign such a royalty agreement with you that you get nothing left financially. Record companies are looking at sales, and if it's not a popular work, they either don't make the record or don't give you anything. They force you to go for popular work, so to speak. I synthesize modern jazz and blues styles with forms of classical Kurdish music. It's a new style, and there's not a lot of buyers. That's why the music companies don't really want it. I've been uploading my albums to the online system lately, so my royalties are mine now. But of course, you can't make money based on the number of viewers on YouTube.*

### **Rights Violations arising from the Efforts of Music Companies to Determine the Content of Art**

Some interviewees said that the music companies focus on popular Turkish works because "Kurdish doesn't bring money."

**M8:** *When there is no corporate support, you are left to the mer-*

*cy of the market. In this case, it is not possible to produce the work you want. I went to see a record company. The company owner told me “Mate, this kind of work is history now. No one listens to Kurdish music anymore. Let’s arrange a Turkish folk song for you, make a music video, have you appear in a TV series, make the music for the series... You’ll see how we suddenly have more followers and start making money...” I am not against Turkish or any other language. But the problem here is why I can’t make a TV show in Kurdish, why can’t I make an album in Kurdish? Why don’t I have those opportunities? Market pressure is forcing Kurdish artists to do popular work, while also causing degeneration in art. You know YouTube is a very important platform. There’s a pressure on followers there, too. When you think about the number of followers rather than the quality of the work, you produce popular works, which leads to the corruption of art.*

**M1:** *I was told, “Your voice and style are very nice, but you’d be better off if you didn’t sing so much in Kurdish.” I ask “How so? They say “Look, now you can make music for TV shows, you have the necessary musical background... We give them your name, they look it up, and then they find that you have songs in Kurdish. They get afraid, so they give up.” In fact, somehow, they force you to make Music in Turkish.*

## **Negative Effects of Economic Problems on Artists’ Social Life**

Economic problems have had serious negative effects not only on art performance but also on the family social lives of artists. Artists who had to make a living with the support of their families felt great psychological and social pressure on them, and gradually began to lose faith in what they were doing:

**M6:** *I can’t make a living on music. My wife supports me financially. She says “You’re making art for the Kurds, and I’m supporting you.” Not everyone’s that lucky, I’m afraid. If she wasn’t so understanding, I wouldn’t be able to continue my work like this.*



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**M8:** *I was working for the municipality, I resigned after the trustees without waiting to be sacked. I've been unemployed for four years. Our concerts are cancelled, the venues take stage are limited, and we don't get paid by them. My wife's been looking after us for four years. I get very upset because I am a burden to my wife. I'm starting to think of my job as a luxury. I say to myself that I have no right. And we've left the feudal mindset behind, but it's hard to be the man who can't bring food to home. That's how the society, and my family thinks. I don't think like that, my wife doesn't think like that, but after a while, the way others think haunts you. There are so many friends like that.*

**M10:** *When you can't make money from what you do, the way your family and your social circle look at you changes. They see you as a failure. They think you're doing a job of no use. When I was having concerts and shows, my wife and I were making a living together. The trustees and the pandemic made things worse. Now only my wife works. We pay our rent from her salary. I feel so sorry for my wife and her effort.*

The financial difficulties experienced by Kurdish artists prevent them from putting all their effort and attention to their artistic activities. The lack of opportunities for them to take part in quality festivals and organizations, the fact that the state institutions do not lend their own stages and venues to Kurdish musicians, and the fact that music companies direct them to popular works that will bring money, cause great damage to the material and psychological foundation they need for their arts. The fact that they have faced such big economic problems shows that the state has not fulfilled its obligations to support art and artists at both international and national levels.

### **Discriminatory Attitudes and Practices Encountered at Workplace**

Some of the interviewees stated that they were working as teachers in state or private schools, and some of them were working as workers

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in different institutions, especially municipalities. They said that while working in a job that generates regular income outside of music allows them to finance their musical work, they have become more attentive to the “sensitivities concerning Kurdish” of the state and the people they work with, and that they face verbal abuse and similar attacks from colleagues and managers.

**M1:** *You are in the teachers’ room at school, you feel that the looks on you are different. Sometimes there’s even verbal taunting and harassment. It inevitably creates a state of unease and intimidation in you. You go into class with a similar anxiety. You don’t know how the students will react. During times of escalated political tension, your anxiety increases even more. It’s all violence in essence... The reaction of those who find out that you are Kurdish by watching a Kurdish clip can be like, “I see that you have sung in Kurdish. Are you Kurdish?” You don’t even know what they intend by asking that question.*

**M3:** *First off, you try to endear yourself in order to be safe against the negative attitudes you may encounter because you perform Kurdish music. You want them to get to know you as a human being. In the first place, I thought about whether that point of view was some kind of compromise. Afterwards, I thought that I should not ignore the facts, I should communicate effectively, and in that way I met considerable interest in the city where I live. At least as a human... but it seems that it will be difficult to break the racist point of view...*

**M2:** *On the one hand, you work in official institutions. On the other hand, you make Kurdish music, give concerts, make albums. Of course, this obviously creates anxiety in you, but on the other hand, you do not give up the effort to continue doing it because you believe in what you do. I didn’t give up... And I was dismissed from my job of many years by a government decree.*

## “Violence of Silence”: Unresponsive Public Authorities and Arts Institutions to Requests

One of the most striking concepts expressed during the interviews was “violence of silence”. Although it has been mentioned more frequently by stage actors, some of the musicians have also stated that they have been subjected to this infringement.

What is meant by this concept is that the state, national media organizations and art organizations remain silent to the demands of Kurdish artists, especially for venue and stage. Since the demands of Kurdish artists are legitimate, the use of rights is effectively prevented by ignoring the demands instead of explicit and official prohibition or responding negatively to the demands. The frequency with which the use of rights is effectively blocked gives the impression that this practice is a policy of culture. Institutions either do not respond to requests at all or do not return to repeated requests after citing technical reasons such as unavailability of the stage, or power/water outage.

***MI:** There is a type of violence called silence violence. I wanted to go on NTV, but you’re not allowed without any justification. There are far more unskilled people that appear on TV. But you can’t. They don’t officially deny it because they know what they’re doing is unacceptable in terms of art. They say they are busy at that moment and will get back to you later, but they never do. Or sometimes they don’t get back to you without saying anything. When you talk about the stage, they’re positive, but the result is always negative.*

## Rights Violations Arising From Political Atmosphere

The fact that the use of cultural rights is closely related to the political atmosphere can be considered as one of the biggest indicators of the lack of independence of art in Turkey. Unilaterally defining the limits of the autonomy of art and artists by public authorities is among the most important reasons for rights violations.

Some of the interviewees rated the so-called “Democratic Initiative” and “Resolution Process” positively in terms of the use of cultural rights, especially between 2009 and 2015, while others stated that even the re-

forms in the process contained serious limitations and that cultural policy that aimed at cultural assimilation was continued with other means, even in places where language is granted freedom. While some interviewees said they faced the threat of violence or violence, it turned out that a certain level of self-censorship was practiced by the vast majority of artists in order to be able to continue their artistic practice.

### **Initiative and Limitations of the State on Kurdish Language from TRT-6 to TRT KURDÎ**

**M1:** *Now I never appeared on TRT-6 but I think it's a positive development. Because it normalizes the use of Kurdish. Some people, even the Kurds, say it must be something to be afraid of since it is on a state television. In this respect, I can say that I regard the solution or reform process positively. I had a relief personally. I even thought about quitting my official job and only making music. But what happened next showed that there's a limit to all this. So the government allows the language, but it wants to keep its content under constant control. It wants to control you politically. I think the same goes for Kurdish cultural institutions. When they offer you support, they want to have a say in your art. I was an educationist at MKM's, voluntarily, but I never described myself as an artist of a political movement. But if you hold that position, you are not an artist who is featured in the festivals and concerts held by municipalities. Unless the Kurdish issue is solved politically, Kurdish art will always be seen as a political activity and will always remain open to political manipulation.*

**M4:** *Now we make multilingual music. And yet the government is always sceptical toward us. It's always taking your independence from you when it's providing corporate support. It wants to make you an intermediary for a certain policy. That's not what we want. Look, in the process of reform the minister of exterior took our album to Europe, to show them Kurdish was now free. But they won't get you on TV. Imagine*

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*if even the minister of exterior doesn't rule the country- there's a deeper system. We had a song whose lyrics are in Kurdish and Turkish. We couldn't find a place for our music video on national channels. At that time, a Kurdish artist who had good relations with the state authorities called the president of the RTUK. He said, "Mr. President, these friends are doing very valuable work, there is a love song whose lyrics are in Kurdish and Turkish," and he asked if there were any obstacles to its broadcasting on national channels... The RTUK President's response was "send the song over, let's take a look at the lyrics." (laughs). Boy, we have already sung the song. What the hell are you going to look at? The song just goes your nice brows, dark eyes and the stuff... Finally, they they did not let the song anyway... You know what this is about? The government is determined to assimilate you culturally. It never gave up on it. That's why it lets you use your language only in a controlled manner.*

**M2:** *I started making music in the 90s, I worked in many Kurdish institutions. I have been detained, tortured, imprisoned many times after or before the concerts. Unfortunately, only the Kurdish press saw what we went through at the time and covered it in the news. Once, when I was being taken to prison by the police, they told me "Now you can go and play instruments and make music for your fellow inmates." That was when I truly understood the state's hatred of Kurdish art in particular against Kurdish music.*

Today, the state's attitude is still basically the same as before, but it takes a slightly different path. It ignores the Kurdish musicians, their art and music, and applies all kinds of pressures, again. In addition to that, it's now trying to degenerate and corrupt their art. By doing this, it knows very well that art whose originality and freedom have been taken away, musicians in particular, will not meet the needs of the Kurdish community and so it can eliminate its social belonging. TRT-6 is a simple-looking example of this insidious assimilation method. Like many Kurdish mu-

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sicians, I did not accept TRT-6, which had nothing to do with Kurdish music or art.

**M3:** *Personally, I regard the steps taken by the state, including the TRT-6, as other means of assimilating the Kurds. Art and culture are not just the language... It allows you to say it in Kurdish, yes, but it wants to control what you have to say. As a musician, how can I allow that? In summary, I don't think the reform process has contributed anything to me. It doesn't seem likely to happen anyway...*

**M10:** *TRT-6 is not a channel that will give place to me and the music I make. In that sense, it didn't help me or my music. But I'm not directly against TRT-6. If you're going to work by maintaining your identity and musical style, of course you may go up to TRT-6 and you may work there. But if you take an approach that transforms your culture and aligns it with the official ideology, then it's a very dangerous thing to do. It's about how principled you do your work and the opportunities that are available to you. I have a similar opinion about the opportunities offered by the municipalities as well. Festivals are important, of course, and they motivate you, but they don't help you create original works in your musical production. The Kurds need academies. Because still political circles discuss what the Kurdish music is and what it should be like. They want to determine the content and boundaries of Kurdish music themselves. Even when the boundaries of British or American music are constantly changing, imposing certain codes on the Kurdish music is unrealistic and affects artistic production very negatively. Kurdish musicians need to have the serenity and the financial means to free themselves from the imposed codes and produce original works.*

**M3:** *Kurdish music has inevitably politicized. So has the Kurdish musician. In this case, both Kurdish music and artists be-*

*come open to political manipulation. I think that's the main problem with TRT-6. The language is Kurdish, yes, but it wants to decide for it what to say and what not to say. In that case, can you say Kurdish is free? At what cost does this freedom take place?*

It is true that Kurdish art institutions also have a tendency to define the content of Kurdish music. There is a political struggle and culture is seen as one of its fields. For myself, I think it's easier to overcome the challenges there. You can run a process of criticism there. So, the content of your music may be political, there is no problem here, I think the problem is that this political content is imposed on you as ready moulds. As an artist, it is necessary to be careful about situations where your freedom and originality will be eliminated.

Constantly subjecting the artwork to content control on public platforms where performing arts in the Kurdish language, especially TRT-6, is openly violated the provisions of Article 19, paragraphs 1 and 2 of the International Covenant on Civil and Political Rights. Which states "Everyone shall have the right to hold opinions without interference; Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

## **Security Threat Perception and State Law Enforcement**

It was expressed by the interviewees that performing Kurdish music is still considered a security issue. Although less so during the "Resolution Process", it was stated that security forces intervened arbitrarily in venues where music was performed, such as concert venues and cafes.

They especially noted that it became difficult for them to perform after each military conflict that resulted in human casualties, and in some cases their schedules were cancelled.

**M1:** *The venue owner gets scared. Because he has heard that a*

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*few venues that play Kurdish music has been shut down. Not officially for that reason, of course, but they know it's about that. That's why the number of places you can take stage is decreasing. One night, we had a performance. News arrived that it had been cancelled. We asked about the reason. There had been a shootout, the soldiers had been killed. Is the Turkish program cancelled? No, the Kurdish program is cancelled when the soldier is killed because he still sees Kurdish as an affront to the soldier, to the martyr. How are you going to perform your art in this situation? We had another show one night. There was a send-off for a soldier somewhere nearby. The venue owner says we should cancel the show or we might have trouble. Because the crowd was on its way there. Fortunately, the mayor was a sensible person and the tension did not escalate. Sometimes law enforcement comes in and says don't do a show or sing in Kurdish. It's unclear what it's for. But you don't do it... It doesn't occur to you to seek legal rights... Because you know it's not going to work. Other than that, my concerts were filmed by the police.*

**M4:** *Strange things happen. We were at a concert. In the Aegean region. We'll sing in different languages. It's time for the Kurdish song there was a power cut. Anyway, we had it fixed, and then we sang a song by Neşet Ertaş. The cops accompanied us with a meaningful grin. Now the man sings Neşet Ertaş with you, and he actually enjoys it, but when it comes to Kurdish, he cuts the power. Because he's scared... I think he does not recognise... But he accompanies you when you sing Neşet Ertaş. Maybe he needs some time, to get to know you, your language and your culture... Unless, of course, he fully assimilates you by then (laughs).*

**M2:** *Once we were at a concert in Batman. The cops came and sat at a table in the back. They sent one of the employees to the stage and asked me to sing a song in Turkish, and I said it wasn't in my repertoire. After a while, they sent the same*



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*person again and made the same request again. And I gave the same answer. They did the same thing five times. Eventually, they sent the employee there again, and told me that they want to send one of them on the stage. I got off the stage and the person they brought in came on stage and started singing the songs they wanted. That's how the concert ended.*

**M3:** *There is a very interesting practice. We ask for permission to hold concerts or shows at a venue. The police ask from us a certificate of residence. So they mean they want to know where they can find you if we're going misbehave, like make Kurdish music (laughs). There was a plainclothes police officer who would constantly monitor and film our events. He had long hair and always wore a black leather jacket. Once we were singing in Arabic in a program. He sang along from start to finish. He was probably an Arab from Turkey. When I go into town, I still run into him. I am holding my children's hand for instance... I run into the guy. I feel an indescribable discomfort. I've been kind of traumatized.*

*... Then I thought... There is no clause in the law anymore stating that Kurdish is forbidden, but there are no clauses stating that Kurdish is free, that the Kurdish citizens can improve their language and arts, and that the state will offer such support in this regard. It's not saying Kurdish forbidden, yes, but it doesn't really want you to exercise those rights. That's why it makes it so hard for you.*

**M13:** *When I worked at the cultural centre in the nineties, I was subjected to detention and investigations for singing in Kurdish. I haven't been subjected to an investigation of myself in the recent years. However, every single time we have applied for the concert, it has not been allowed on security grounds. This is the treatment of the new era...*

**M5:** *Security forces also arrived at the venue where I was performing, and arbitrarily intervened. In fact, you're humiliated*

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*twice. As an artist and as a Kurd. They offend them both. Two or three concerts I attended with Turkish artists were cancelled on the grounds that “there may be an incident”... It’s like a joke!*

*There’s another dimension to it. Now you are subjected to rights violations caused by the arbitrary attitudes of the security forces. Your side expects heroism from you. There’s a strange patronage. However, you are an artist, you want to be on the agenda not with your heroic stories but with your art...*

**M12:** *I’m doing a show at a café in Mardin. The cops, the soldiers come. When I see them, I instantly lose my mood, I get nervous. They just stand there, just staring at the stage, saying things to each other’s ears. You know, maybe it’s not about you, but you’re getting nervous. At one point, the cops said to the venue owner, “Why are you doing a Kurdish program, do you need money? The owner said, “My friend, no such thing, Kurdish music is enjoyed in this city, and that’s why I’m letting it in my place.”*

There is no legal justification for these actual behaviours expressed by interviewees and frequently practiced by law enforcement. In the face of these completely arbitrary practices, artists do not benefit from any legal protection. The reason artists who are subjected to such practices avoid taking legal action against it is because they have a firm belief that they will not be legally justified. Another reason is the concern that they will suffer more damage.

It shows that Turkey has not become a state of law in real terms, especially when it comes to exercising the cultural rights of different peoples. The positioning of Kurdish music against concepts such as martyrdom shows the place of Kurdish in popular nationalist perception. The prevalence and general acceptance of this perception facilitates the actual obstruction of the use of cultural rights with different tools and policies in Turkey, especially by law enforcement, sometimes “citizens of secrecy”, as discussed below.

## Censorship and Self-Censorship

Interviewees were asked if they exercised self-censorship in the face of arbitrary practices and legal limitations in order to reveal the extent to which they could perform their art freely. Interviewees said they tried to protect their freedom in general, but had to apply self-censorship in some cases especially for the use of certain words. They stated that they had two choices, such as not performing their art at all or performing their art by respecting certain limits without making too many concessions to their principles, and that they preferred the second way to perform their art.

**M3:** *For example, you can't use the word Kurdistan. You say Gulistan. Not just because you're scared. You wouldn't make this music if you were scared. Look, one day I'm doing a show in Ankara. The atmosphere is very nice, among those who listen are Turks, who already know you and your music when they come. While reading Kerem Gerdenzeri's "Sînê" by Koma Wetan,<sup>35</sup> it was a love song, but... you can't say "nav ezmanê Kurdistanê"<sup>36</sup>, you understand? It's not that you're afraid of or anything, but you have such a psychology on the stage that you think there's going to be a spat between the tables because of that word. I mean, not yourself, but that person who came to listen to you, maybe he won't even understand that word, and even if he does, what happens, but you're worried about troubles that might inevitably develop out of your control. So, it's a strange psychology... it comes from your childhood... It's a psychology that stems from those memories where my mother burned Kurdish books and dictionaries in our house, in the stove. I remember all my Kurdish tapes, dictionaries, books were burned in the stove by my mother when there was a rumour that there would be a search of the houses. They make us call "Kurdistan" "Gulistan" at those concerts... Traumatic*

<sup>35</sup> In 1973, S.S.To C.B Kerem Gerdenzeri, Rafael Shamil Dasini, Levon in Tbilisi, Georgia Şthe aggotian, the first Kurdish rock founded by three Kurdish and one Armenian youth named Omer Recevi The band. Kurdish Beatles: Coma Wetan, <https://www.evrensel.net/haber/413012/kurdish-beatles-koma-wetan>

<sup>36</sup> It means "in the sky of Kurdistan".

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*things, very traumatic.*

**M7:** *I had to apply self-censorship. For example, I always wanted to make an album of my father's songs, but I couldn't get those songs out because my they were too radical, too revolutionary, a little more damaging to the existence and integrity of the state (smiling). The current environment doesn't allow me to share songs. Since I live in Turkey, I am a citizen of the Republic of Turkey, it is almost impossible for me to share those songs. Because the moment I share them, I know I'm going to jail the next day. For example, songs with the word "Kurdistan" or the word Ala Rengîn (flag of Kurdistan) and the names of Kurdish fighters... I can't sing those songs because of them... I composed a song, and at one place the lyrics go axa min [my land], but I refer to it as ax [land] because I am afraid to express it as Kurdistan outright. There's an unnamed Kurdistan there, actually.*

**M2:** *We write and determine our repertoire ourselves. Me and the friends I work with are trying to express what comes from our heart in what we do, in the songs we sing, without being influenced or, more accurately, without getting 'engaged'. Of course, this kind of approach has consequences because of your standpoint. We're not invited to festivals or we are ignored. But we also see and understand why we're being ignored.*

**M12:** *Police have come to the café where I work many times. They interrupt the program, they're rude in their manners. The audience gets nervous. And that's what happened during the Resolution Process. It makes you feel more cautious. For example, I often say the word Kurdistan without a microphone. I take the microphone away from my mouth like this and say that word. Because I don't want it to be heard from outside or cause problems for anyone, no closures, no harm to the place, no harm to me. I sing more cautiously, more intimidated.*

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... I have't experienced such a thing, but a friend of ours did. Here, he sang Zana û Andok. There's a police station nearby. A policeman who understands Kurdish took notes. They said, "this is among the banned songs, you can't sing it" and attempted to shut down the place... You don't necessarily have to call it Kurdistan. Our songs always have a message. Whether we like it or not, the majority of our songs are "şoresgerî" [revolutionary], protest, a means of conveying a voice, a message. I mean, we don't do it on purpose. Our songs, our repertoire are like that. As a nation, we have not had the chance to move to beyond that... So, that's all we've got right now. Sometimes I pay attention even when I sing a Kurdish love song... I say to myself, the language is Kurdish anyway, be careful. Because they just can't stand Kurdish.

### "Dialogue" / End of "Resolution Process" and Return to "Usual State"

It was stated that the negativity in the political atmosphere after the end of the "Resolution Process" in 2015 and the coup attempt in 2016 led to a significant increase in rights violations faced by artists. Media platforms where Kurdish is expressed, especially private televisions and radios, were shut down, while many private venues did not feature Kurdish artists for fear of being "harmed." Interviewees said they faced excessive verbal abuse, factual obstacle and the threat of violence in the venues where they performed.

**M8:** *It was after the "Resolution Process" was over. I went to the Region for compilation. On the way back, we played Mem û Zîn in the middle of a mall in Amed [Diyarbakir] due to the lack of space. I got on the bus; I was going back. The police stopped me, made me get off, and he examined the tape, the camera, the microphone as if they were offensive weapons. I said "I'm an artist, I'm a conservatory graduate, I'm compiling..." They didn't even listen. "There's only recorded songs on the devices, what else might there be?" They said there might*

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*be something else. That treatment tormented my soul. All of our concerts in Van, Amed, Colemêrg (Hakkari) and Batman were recorded on camera by the police*

**M4:** *The “Resolution Process” period was better, of course. They say the worst peace is better than the best war. The room for manoeuvre was wider, there were not so many restrictions. After all, there were Kurdish municipalities at the time and there were no trustees. Kurdish municipalities were holding their own festivals. We participated in them. They had their own cultural institutions like Cegerxwîn Conservatory, cultural centres and so on. Think about it, we’ve come from those days to this day. With the end of the Process, everything turned upside down and there was nothing left, there was incredible pressure, there were no institutions, there were no people left, there are many people in prison. So, it’s not comparable to the current atmosphere.*

**M2:** *I think that community pressure in Turkey has moved to another phase. The whole country has now become a mechanism of repression. We can’t go on the stages anymore where we would go 10 - 15 years ago. People can’t come to concerts in Kurdish because they’re nervous. It doesn’t make sense to have something in writing in the name of freedom or democracy in Turkey. Unfortunately, it didn’t make sense before, it doesn’t at all now. We witness the concrete practices of it every day with different examples.*

**M13:** *After the appointment of trustees to the municipalities, concerts were cancelled in many places. Kurdish is not banned again, but there is a de facto treatment like it is banned.*

**M15:** *I was fired after trustees were appointed to the municipalities. The first year it was easier because the union was funding me, but then I had more economic difficulties. Sometimes I try to get through this process with the support of friends,*

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*sometimes financially, sometimes by exempting me from the rent, which is still going on. The reason for the expulsion is not specified in the Decree-Law, but in general it is presented as a precautionary practice due to attitudes and acts against the security of the state. I'm just into music. I have concerts, albums, and TV shows. What kind of threat can they pose to the security of the state?*

**M10:** *We were more relaxed during the “Resolution Process”, but it was not really comfort or freedom. There was always a sense of unease. In fact, it's only hypocrisy. The government doesn't forbid it, but it doesn't really want you to exercise that right. You know that, and it makes you nervous. I think the problem is that Kurdish music is so politically indexed. If you appear on TRT-6, you're a traitor, if you appear on whatever, then you're a terrorist. Well, then why did you sit down on the negotiation table? You were negotiating with those you call traitor, and they with those they call terrorist. Weren't they all sincere? It shouldn't be that easy to stigmatise an artist like that. Kurdish art should be discussed outside these frameworks.*

**M11:** *The political atmosphere has great impact. Art, politics, economics, these are all intertwined, institutions that affect each other. When political tension escalates, art falls out of favour and is suppressed. Because art is something that can flourish and develop in a more peaceful, calm environment, in an environment of freedom. For example, I made two albums. My first album came out during the “Resolution Process” period, when the political atmosphere was more positive, but my second album came out recently, when the political atmosphere deteriorated. Although there were no big differences between my two albums in terms of sound and quality, people welcomed the first one with grater excitement.*

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**M1:** *2011-2015 was a time when I felt completely free. It was a time when I believed that I could exist with my own sensibilities, ideology, and ethnicity as my natural right. But, like a parent putting their own children under pressure, we faced the government's order saying "No! You can't be what you want to be, we'll be what we want you to be."*



## RIGHTS VIOLATIONS AGAINST STAGE ACTORS

The artists interviewed shared their experiences about the factors that led them to Kurdish theatre and the support of the family and social environment. These accounts will contribute to the understanding of how legal regulations and cultural policies affect the formation of perceptions of language and artistic expressions of language among Kurds.

Some of the interviewees said that as children of families who were directly affected by the conflict and had to leave their homes, they inclined to Kurdish language and Kurdish theatre because of their traumatic memory with their identity and language:

### Language Ban and Its Effects on Orientation to Art

*S2: Obviously, I started theatre secretly from my family. My father thought I was doing something else. My father wanted me to stay away from things like Kurdish theatre due to political concerns. When my dad found out, we had a big fight, and we were cross for a while. He threatened to disown me. I preferred my dreams and pursued them. Why did my father act like that? Because we emigrated because of political pressure, they sent me to Istanbul to keep me away. But those stories keep haunting you.*

*S9: Your identity is prohibited. Whether you want your identity to be accepted or not, it's a matter of resistance. So of course, you make art, I have also received formal training in this field, but when you say Kurdish theatre, it is ultimately a matter of protecting and developing your language and identity. The other reason is that when you do a job in Kurdish, you feel more like you belong to the people you are a part of, and you*

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*enjoy it. I'm not against anyone's language, but I can't imagine myself adapting a Turkish play to the stage. I don't see it as my job. But I would take a good play in Turkish or another language and adapt it to Kurdish.*

**S4:** *My inclination to Kurdish theatre happened at the end of a painful experience. There were hunger strikes in 2010. So we staged a play for support. We were on hunger strike too. We were asked for our criminal record before the play, we were searched with dogs as we entered the hall, the play was filmed by the police. There's an emotional scene in the play where I have to cry. When I came to that scene, something strange happened, it was like something had broken inside me... I couldn't cry. When I played in Turkish, it felt as if I accepted all that cruelty and humiliation. It was a moment when I became more conscious and I started to comprehend things. I felt like I was trying to tell my problem when someone swooped on me, but I can't tell anyone. I sat down and improvised that scene by singing a Kurdish song in my own way as if I was crying to myself. If I had played that play in Kurdish, if the whole scene had been Kurdish, it would have gone somewhere different. After the play, we sat in the coffee shop across the venue. While watching the news, we learned that the hunger strikes were over at Ocalan's urging. I felt like, "This is the first result I got for singing the song in Kurdish." I've been insisting on playing Kurdish ever since.*

**S8:** *I was born in a town. There were a lot of kids of military officers in our neighbourhood. We went to the same school. My father had to live away from us for political reasons. I lived with my mother. I was ashamed of my mother's language. I didn't want her to attend parent-teacher meetings at school. At high school, I would walk five miles a day to go to school. I stayed at my grandma's. Somehow, I received Fanon's book *The Wretched of the Earth*. I was stunned when I read it. I said to myself, that's what colonialism is all about: it makes you*

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*travel 8 kilometres a day to break your ties with your origin. We moved to Diyarbakir city centre. The locals of Diyarbakir spoiled my Turkish (laughs), I mean I was speaking so well. Then I gradually removed Turkish from my life. If someone who knows Kurdish speaks in Turkish around me, I refuse to speak with them.*

*My parents didn't support it at first. They were terrified after my detainment and then my position as a conscientiously objector. My father said, "You should be ashamed for all our efforts for you." I was both a concern and a laughing stock in the family. In 2013 or 2014, I don't remember exactly, the Diyarbakir Theatre Festival opened with our play. I booked front seats for my parents and played the looking into their eyes. It was a breaking point. The way they regarded me and what I do changed and their support for me started to grow.*

**S3:** *I'm an engineer, but even when I was a student, I was into theatre. My parents were looking at me as if it was a whim, but then when they saw that I was taking this seriously, they said, "Don't do it, don't do it, do engineering." Typical to many Kurdish families. But when they came and watched the plays, they gradually began to accept it, saying, "Not bad, actually, what he does." They are still mad, because I am out of work now. The theatre's closed. It's like they say, "See, I wish you hadn't left your profession." Kurdish theatre is something I started later. I first met a theatre text in Kurdish when I was 21. I remember being very impressed. It had already been banned. Murathan Mungan's play Mahmut and Yezida was banned and courted for playing a Kurdish song by Şivan Perwer. We decided to perform our plays in Kurdish when we saw our limits in Turkish expression. We all had Kurdish as our native language. The language in the theatre is Turkish in Istanbul accent. We speak Turkish with another accent, because the sound structure of Kurdish is different. We were focusing all our attention on speaking in proper Turkish. And language is not only words, but also body... We realized that the language of our body is*

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*not Turkish, and performing in Turkish became a situation where we couldn't deepen our acting, and many aesthetic defects arose. From 2003 to 2009, we performed in Turkish and Kurdish. After 2009, we started performing only in Kurdish.*

**S10:** *Dealing with art is not supported a lot anyway. And when it comes to Kurdish, there are concerns and fears involved. And when you're a woman, your job becomes more difficult. Despite all this, I was determined since I was a kid. I graduated from the academy of one of the cultural centres affiliated with the municipalities and started acting professionally in the process. It's hard. Because on the one hand, you are trying to make art in your forbidden language, which is difficult enough, and on the other hand you are trying to convince and appease your family. You understand your family. I mean, what family imagines that their daughter is a painter, an actor, or a musician... It's not their fault though. They've been deprived of all the tools and amenities to imagine it. Art is devalued in your society. Even for the job of Dengbêj, don't most people call it 'îşê qeshmertiye' [buffoonery]?*

**S9:** *The living space of Kurdish language in Turkey is confined to the house. The use of Kurdish in public is seen as a danger if it is not under state control. If you are into theatre, you will be like other stage actors, but if you are doing your theatre in Kurdish, you have to be prepared for the most ordinary prohibition/exclusion. Even at its best, your work can exist within underground boundaries within local limits where the system does not see it or it does not pose a danger. When I do the same job in Turkish I can be in ground that is respected and accepted, I have to risk being on the losing side when doing the same thing in Kurdish. This loss is the area of resistance. If the language of your theatrical activities is Kurdish, regardless of the background and message of your work, first of all, you cannot get rid of language inequality. For me, staging a Kurdish play and writing is a field of resistance. If your theatre is in Kurdish, you are either illegal or objectionable. We're trying to*

*make a presence out of it.*

## Limited Freedom on Kurdish and Its Effects on Orientation to Language

Some other interviewees stated that they had a inclination to theatre from their early teens; that especially after the “Resolution Process”, with the increase in Kurdish materials, their acquaintance with the written Kurdish language and the fact that Kurdish began to be used as an art language, especially literature and music by more and more people, motivated them to make theatre in Kurdish.

**S6:** *I was doing Turkish theatre until 2010-11. Until those years, written Kurdish was not in my life much. After those years, as writing and reading in Kurdish entered my life more and more, I began to realize that Turkish theatre did not fit very well in my life. After realizing that Turkish could not fully express what I wanted to say, I stopped doing Turkish theatre. Theatre was already in my life, but when I play in my own language, I feel like language fits in my soul and my whole body. If I think about Turkish, it's phony to me. Since the “Resolution Process” was a period when there were more Kurdish materials and when municipalities carried out a freer culture policy, I can say that it had a positive effect on me to go into Kurdish theatre.*

**S5:** *My student years were after 2005. I loved speaking and reading in Kurdish. My soul was happier with Kurdish, more satisfied. For myself, I think that art, but especially theatre, should be done in the mother tongue. That's why I enrolled at Cegerwîn Cultural Centre in 2010, I was one of the first students. On the one hand, we were training and preparing Kurdish plays. My parents were not sure in the beginning. They said you've got a very good profession, what are you doing with the theatre? But over time, their ideas changed. They started to be proud of me. In fact, if they didn't have fears, my doing something in Kurdish would be a source of pride for them. When they talk about me now, they don't just mention*

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*my prestigious profession (laughs), they immediately add that I am into theatre.*

**S7:** *My parents took me to MKM in my city and enrolled me in a child or youth unit. so, I can say that I have been doing this with the support of my family from the beginning. I was interested in theatre, and in the late 1990s I started acting in a theatre company. I started doing theatre directly in Kurdish and as someone who had learned the language later. It bothered me so much that I couldn't speak my native language. But it was very difficult to learn the language, along with all its facial expressions and gestures. I'm very happy to see the kids coming to see our Kurdish plays.*

**S8:** *After graduating from high school, I enrolled in Cegerxwîn Cultural Centre and started working as an actor in a Kurdish Theatre group during the same period. In 2015, I was detained while filming a documentary during the conflict in Sur. I was tortured before and during my detention. Physically, I suffered some damage and stayed away from work for a while. So I had a job, but when I was detained, I was expelled for being a member of a terrorist organization because of the documentary. All my footage was confiscated and shown in court as evidence. Of course, I was acquitted of that case because I had permission from the Governor's Office for the documentary and I had followed all the procedures for filming.*

Those experiences exemplify the traumatic relationship that Kurdish artists have with the language. The fact that they learned Turkish at the expense of their native Kurdish language made the use of both languages of intense symbolic value for them. The fact that the actors who started the theatre in Turkish realize the importance of the mother tongue in terms of artistic expression during the acting performance provides important insights into the relationship between the mother tongue and art.

The Republic of Turkey has not fulfilled its obligation to “ensure that education is given in a way that supports cultural pluralism” specified in

the Universal Convention on Economic, Social and Cultural Rights and Additional Protocols, paving the way for the linguistic difference to be seen as a cause of fear and exclusion.

## Rights Violations Due to Material and Psychological Difficulties

The interviewees stated that they faced many financial and psychological difficulties while carrying out their works. Due to the small number of stages and the small size of the available ones, it was stated that it was impossible for them to make money simply through plays. Some interviewees stated that they were able to take care of the theatre because they had an income-generating profession, while a group of interviewees stated that they made a living working on salaries in the city theatres established within the municipalities and lost their jobs after the trustees were appointed to the municipalities. Among the psychological challenges are actual obstructions and discriminatory attitudes towards Kurdish plays.

### Financial Difficulties

**S5:** *Kurdish artists can't even pay for electricity or water. Now how can they think about creating persons and characters in the theatre? They have to carry out activities in very big financial difficulties... Costume, décor, makeup... Theatre is a very money-intensive art. If I didn't have an income-generating profession, I wouldn't be able to deal with theatre. Of course, you always risk losing your job because you are engaged in Kurdish theatre. I don't do business with these kinds of fears, but I know that if the conditions are too bad, I might lose my job.*

**S4:** *I have worked in construction for the last four years and then made a living carrying load in a company. And for the last few months, I've been doing translation, reporting news, making interviews and dealing with the royalties of my past work. I've never made a living out of theatre, and it's hard to do that under the current circumstances.*

Due to the cultural policy of the state, there are very few places to perform art in Kurdistan. However, you can use the stages of cultural centres of private and civil associations, which are few and don't have good facilities. It's hard to find a place in the cultural centres affiliated to governor's office. We had only one opportunity to perform on their stages, which was during the Resolution Process.

### **Lack or Absence of Corporate Support**

**S12:** *Lack of corporate support causes you to suffer from serious financial problems and also to focus on your work. I have to go from village to village and make compilations to enrich the language I use in the theatre. I should be able to stay in the villages and observe the way the language is used, the stage plays and record them. But I can't do any of it because I can't afford it.*

**S8:** *I had a salary and we were working for cultural institutions. We kind of had a communal life. We weren't making any money. We were making our living by making art.*

**S7:** *There were a few small projects we received from the European Union. In addition, some vocational chambers and NGOs supported some of our projects, but to date we have not received any support from any state institutions.*

**S5:** *We did not apply to state institutions. One of the reasons for this was that we were carrying out our work under Kurdish cultural institutions and they had binding decisions not to apply to state institutions. We've been in the form of a private theatre for a while. Maybe we can apply from now on. Municipalities have offered significant support. Stage allocation, transportation to go to the plays, participation in festivals were all very important.*

**S4:** *The state does not provide institutional support. We can't be too eager to apply anyway. This is due to the state's at-*



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*titude towards Kurdish art. The state rarely applies bans to avoid being called a prohibitor, but it actually resorts to very different ways to prevent things in practice. For example, we have a play in a city. They stage another play at the same hour on the same day with cheaper tickets. Or we're going to play in the neighbourhoods, the whispering campaign is spreading the word that there's going to be an incident, and most people change their mind, or sometimes we have to cancel our play... We rent a place, and then the contract is cancelled for no good reason. When we do some research, we find out that they've been warned by the police. The venue owners themselves say they cancelled the contract because they were warned and they are afraid. The man knows that if he rents the place to us, he will be punished and economically harmed... When you apply to Turkish NGOs for a project, they are put condition of making a living from the relevant art. But we don't have that possibility. I make a living working in construction. Therefore, such procedural impositions by NGOs in Turkey do not solve our problems. Although limited, student groups and private individuals contribute to us by paying for tickets and organizational works.*

Interviews were held on institutional support with people who had been managers of Kurdish cultural institutions. The data obtained during the interviews provide important insights into how long-standing bans and political pressures affect the cultural policies of Kurdish politicians and cultural institutions.

**DII (Director of Institute):** *When we founded the MKM in the early 1990s, one of our goals was to collect the plundered Kurdish culture and retrieve it to the Kurds, its original owners. Another goal was to carry out studies on Kurdish culture and art by functioning as a school. For this purpose, we have created a Scientific Council. Kurdish language courses and literature, history and sociology courses were given in this Scientific*

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*Council, which included Ismail Beşikci, Cemşid Bender, Musa Anter and Feqî Huseyn Sagnic. In addition, we established units related to cinema and theatre studies. We published a magazine called Rewşen. We aimed to be a national cultural institution, so we tried to include all segments of the Kurds during the establishment phase, and it became a very representative structure. Among us were young people as well as people like Musa Anter, who connected the Early 20th century Kurdish intellectual generation to the 1990s, also people like Abdurrahman Durre, who studied classical madrasahs and knew Kurdish classical literature and culture. Executives came from different backgrounds. We wanted to do long-term and permanent work. We did a great job for the first four years. But then the tendency to connect the institution directly to a political structure and mentality started to grow. Afterwards, there was a significant bareness and shallowness in artistic productions. It also lost its original inclusive nature and became an institution in which only people with a certain political inclination operated. The good opportunity, and all that hard work was wasted. I regret to say that in all parts of Kurdistan, states and their political parties have cultural and artistic institutions and policies, but Kurds do not have national cultural institutions and a national cultural policy.*

**DI2:** *First, the EU harmonisation reforms and then during the so-called “Resolution Process”, the state allowed, albeit limited, public use of Kurdish. However, the developments in the cultural sphere did not take place in dialogue with the state and by its support. For example, there will be a tender for a stage play. We would call it a theatrical play, because if we had called it Kurdish theatre, probably the state wouldn’t allow it. In fact, we were able to realise many activities by creating actual situations. These were not developments that the state sincerely approved or allowed. On the other hand, our friends in Kurdish politics and in the administration of municipalities had different expectations. When Cegerxwîn Cultural Cen-*

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*tre and Aram Tîgran Conservatory were established, our aim was to lay the foundations of a long-term cultural production by focusing on education, and therefore, we were not very interested in everyday politics.*

*When these institutions were established, decades of longing suddenly erupted. We wanted to do a lot. For the first time, we would be able to practise our own culture, our art, without fear of prohibition. But we didn't have experience in how to do those things, and we didn't have the theoretical background. We faced the reality of how official government policies left us unequipped and unprepared. Therefore, we decided to shift the focus to education and generating long-term cultural policies. But on the one hand, our bureaucracy and political staff wanted short-term and popular works that would address the audience with visibility such as workshops, concerts, and festivals. On the other hand, for those friends who were trying to solve the urgent problems of the city with limited resources neglected for many years, which had been struggling with the problems aggravated by the destruction of the war and migration, a three-year education in conservatories seemed a bit of a luxury. Therefore, the expectations of politicians and bureaucrats who worked in the cultural field were at odds. Art workshops showed us how important art education is in the mother tongue. Therefore, we knew that without long-term trainings, concerts and festivals would only lead to the consumption of what we had and, over time, the drying up of the cultural space. What we envisioned were things that could be implemented as a state policy. But since the state did not provide such an opportunity for Kurdish culture and art, we were acting as a kind of state. Long-term academic training aimed at educating students and teachers also makes it difficult for your productions to be used for everyday policies. Therefore, after a while, friends in the political structure began to wonder why we were investing in this area. That's what they even told us. In a way, it's also about limited resources you have. You're*

# ME DI DIL DA HEYE NAREK KU DISOJIT SEQERÊ MONITORING WORK ON RIGHTS VIOLATIONS AGAINST KURDISH ARTISTS SPECIFIC TO MUSICIANS AND STAGE ACTORS

*coming up with a project, and they say they could take water to three villages with that funds. For them, our work had no visibility. They suggested that instead of giving 50 students three years of education at the academy, we give six hundred students a six-month course. They were expecting that everyone would play the violin at the end of those six months. They were approaching it with a strange numerical calculation. However, we wanted people who could not only play an instrument well, but also have musical knowledge and culture and who could teach this job when necessary. On the other hand, we were preparing training materials for Kurdish. I don't think they could comprehend that such a work had a stronger multiplier effect in the long run. Let's say after three years, only three students graduated. Your three students are getting to a level where they can teach 40 students. With the transfer of intergenerational knowledge and experience, you can develop your culture and make it permanent. In this sense, there were very serious problems caused by the instrumentalization of the culture.*

The experiences of the stage actors have shown that the state takes a preventative attitude, let alone support Kurdish artist and art in Kurdish. These practices constitute a clear breach of the state's obligations are to support cultural activities in accordance with Articles 22-27 of the UN Universal Declaration of Human Rights, Article 15 of the Covenant on Economic, Cultural and Social Rights, as well as the state's responsibility to support for art and the artist adopted in the UNESCO Convention for the Protection of the Diversity of Cultural Expressions and the UNESCO Decision on the Status of the Artist.

## Psychological Difficulties and Rights Violations

**S5:** *Myself and those in my group were never physically assaulted. But we were subjected to psychological violence. The police come and say that they will film the play for no reason. Or they stand at the door asking for I.D. from people. These people come to watch plays, why are you asking for IDs? Or*

*sometimes someone approaches you, asks you questions, sometimes keeps you busy with very irrelevant questions. Then he lifts his shirt and shows you his gun underneath. It's all a form of violence... Okay, he's not physically beating you, but he's torturing your soul.*

**S7:** *The cops always come to the premiere of our plays. They stand at the door, asking about the schedule. They wait until the end of the play. It may not be a direct intervention, but it directly affects the audience. Sometimes they search backstage with dogs before the play. Sometimes they park armoured vehicles in front of the venue of your play. It's all aimed at deterring the audience. Some of the audience really get scared and don't go into the venue. We played under the blockade a couple of times. Once an event titled Theatre Days was banned, so was our play. Then there are practices that have become routine already: we send the scripts and credentials before each play.*

## Discriminatory Practices

Another common practice was to request the scripts both in Turkish and Kurdish for the applications for a stage. It was stated that the security forces who came to watch the permitted plays also followed the plays on the text in Kurdish and checked whether it was adhered to when the play is being performed.

**S4:** *When we apply for a Kurdish play on a private stage, they want 1600 TRY for a 2-day rent, they want 800 TRY for a play in Turkish. A completely discriminatory practice. But on paper, everyone can make an equal request. The practice is different... I applied to the Municipal City Theatre. I got the highest score (98) but I wasn't admitted. The reason was my accent, which was where those two points were taken off. However, it was accepted all over the world fifty years ago that dialect and physical disability do not constitute a criterion for being an actor. I wasn't admitted to projects. When we say we do theatre*

*in Kurdish, we get cynical, condescending reactions like “what the hell?” These are not violations that I can present written proof of, but violations that I have been subjected to and felt.*

Another common discriminatory practice is that they ask Kurdish musicians to sing in Kurdish, and stage actors are asked to play in Kurdish. In the case of stage actors, there is a difference in official attitudes that effectively prevent the plays from being staged simply because they are in Kurdish.

### **Actual Obstacles in Staging Kurdish Plays**

While there were no problems during the staging of the plays translated from Turkish or another language to Kurdish, attitudes exhibited during the staging of the same play in Kurdish indicate that there was discrimination based on language.

***S4:** We translate some plays from Turkish to Kurdish and perform them. The Turkish version has been played many times in state theatres. There have been no problems. We’re going to perform it in Kurdish. Extraordinary procedures are imposed. Criminal record, photocopy of birth certificate, residence address, searching with dogs when entering the stage, police checking the backstage before the play and filming the entire play. It’s been routine in the past and routine today. It’s not a thing of the past. It’s not a practice for theatres only. we talk to fellow musicians, and there was a search with dogs before a concert. In fact, it is part of the cultural policy of the state.*

An example of this situation is the ban of the Kurdish play under the name Bêrû, written by Dario Fo, which would be staged on the Gaziosmanpaşa stage within the scope of the “Support for Theatre Project” of Istanbul Metropolitan Municipality City Theatres during the field interviews of the report, and which has been performed in Turkish under the name Klakson, Borazanlar ve Birtlar several times before, on the grounds of “Public Safety” by the Gaziosmanpaşa Governorate only a few hours before the start of the program. If allowed, Bêrû would be the first Kurd-

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ish play to be staged in the 106-year history of the City Theatres.<sup>37</sup>

The ban, which was also reported in the press<sup>38</sup> and had a broad repercussion, once again brought up the pressures and bans on the Kurdish language and Kurdish art.<sup>39</sup> The director of the play explained what happened during the prohibition process as follows:

**SI:** *Following the decision of Istanbul City Theatres to support private theatres, a Kurdish play will also be featured, the first time in its 106-year history. We began to experience great unease after newspapers affiliated to the government reported defamatory and criminalizing stories such as “terrorists on stage”... It’s the play day. The city shuttle will carry us to the stage. There’s no smile, no welcome. They said, “Is this the team that’s going to Gaziosmanpasa?” then nobody talked to us. Two days before, I had taken part in a play in Turkish that was staged in city theatres. They had greeted us with smiles and chatted with us along the way. When we went to the stage to rehearse, I noticed that we were given a very small lounge and I was very upset.*

*Two hours before the play was due to start, police arrived at the building where the play was to be staged and reported that the play had been banned.*

The play’s director also criticizes the authorities for not standing by them.

**SI:** *I would expect the city theatre officials to stand by their decisions by saying things like, “This play is a play by a Nobel*

<sup>37</sup> Last Minute Ban on Kurdish Play from Governor’s Office, <https://www.dw.com/tr/kaymakaml%C4%B1ktan-k%C3%BCrt%C3%A7e-play-last-minute-law%C4%9F%C4%B1/a-55265101>

<sup>38</sup> Kurdish play Beru’s director: Has the game played everywhere for 3 years now become propaganda? <https://tr.euronews.com/2020/10/14/kurtce-oyun-beru-nun-yonetmeni-3-y-ld-r-her-yerde-oyananan-oyun-simdi-mi-propaganda-oldu>

<sup>39</sup> The play is in Kurdish... The stage is İBB’s... The ban is from Kaymakam’s Office, <https://www.diken.com.tr/ibbnin-sahne-verdigi-kurtce-oyuna-kaymakamaliktan-yasak/>; Ban on play to be staged at İBB City Theatre, <https://www.sozcu.com.tr/hayatim/kultur-sanat-haberleri/ibb-sehir-tiyatrosunda-oyanacak-oyuna-yasak/>

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*Prize-winning writer Dario Fo and has been performed many times in Turkish". In 2017, we received an award for this play at the Moscow Municipality International Theatre Festival and sent you our texts in Turkish Kurdish. I said "I wish you had stood by us a little." They said, "There's nothing we can do." We went on stage with the manager and explained the situation. Then I said, "We performed in Turkish on this stage two days ago, and the police didn't show up. So, the problem is Kurdish. Our teachers were also people who made Turkish theatre, they trained hundreds of actors. Now, when a play is banned just because of its language, you're just going to stand there and accept it?" They said "No, we will have the necessary discussion and make a statement." We packed our décor and left.*

*He expressed his unease about the explanation as "In this case, whether you can exercise your rights depends on the atmosphere, and moreover, others always decide the appropriateness of the atmosphere."*

The statements made by the authorities regarding the ban give an idea of the state's attitude towards artistic activities in Kurdish. After the ban drew a backlash, officials said in a statement that it was banned "not because of the language of the play, but because it spread the propaganda of the illegal organisation." Upon that statement, he said:

**SI:** *If so, why hasn't there been an investigation on this play so far, which has been staged for three years... we are facing completely arbitrary and conjunctural practices... We do not know if Kurdish is a banned language because of such practices... They say it's not banned, but they actually always ban it. The language itself is considered a public security threat.*

**Violence of Silence - I didn't hear... I haven't seen... I don't know... And I won't let you.**

Another common type of violation is the violence of silence expressed in the chapter on violations faced by musicians. Some of the interviewees



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stated that they were not answered for a long time when they applied to state theatres for a stage, and that dragging out the requests for a stage for the play was an often-used method. Interviewees said the practice stripped them of their right to artistic expression. One of the artists interviewed said that when he applied for the stage at the State Theatres and did not receive a response for a long time, he went to meet one of the theatre officials, whom he had personal acquaintance, and was told:

**S6:** *Now the aim of the state theatres in this region is to endear Turkish to the public and to promote Turkish. You guys ask for a stage for Kurdish plays. It's at odds with the basic cultural policy of the state. Allowing Kurdish theatre means allowing Kurdish to spread in the region. That's why we can't let that happen.*

The interviewee expressed his feelings: "Every time, you want to believe that something has changed, but each time you see that nothing has changed."

The contradiction between legal legislation and cultural policy manifests itself very well in the experiences of some interviewees with state institutions. Another interviewee, who is a stage director too, described his own experiences as follows:

**S2:** *In 2009, we applied to the State Theatres for a Kurdish play. There are no legal barriers. During the Initiative Process, the Director General of Theatres explained why a Kurdish play should not be performed in state theatres. They refused our request, explaining to us that there was no place on their stage and then there was a renovation. So, I called them and told them that their attitude was discriminatory and that we would take the matter to the press if they didn't make a sensible explanation. When they heard the word press, they got scared and let the play be staged. For the first time, a Kurdish play was officially staged in the State Theatres. It's tempering to be able to get permission like this. It's very frustrating to be forced to spend our energy on such unnecessary work.*

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**S4:** *There is an interesting practice... At first, we couldn't make sense of it. You're applying for the stage. They say there's an electrical fault. Okay, we say allocate it when you fix it, they're not answering. Or they say they are fully booked, you say make it for a later day, again they don't answer. And then we realized that it was actually politics. They don't forbid it or respond negatively because then it will contradict their own laws. They don't let you exercise that right in practice.*

The interviews provide important data to show that discrimination is not limited to government agencies, but spreads to university theatre groups. An interviewee said they had applied to the theatre festival organised by the university but their application was rejected. They say the jury decided in that way as the festival organizers, and not them. The interviewee told what happened as follows:

**S2:** *I called the organizers and said angrily and sadly "Don't you ever wonder, what the theatre of this people we've lived with for a thousand years is like? I hope you didn't make a ban because of the language." They called half an hour later and said "We are very sorry... When we saw that the play was in Kurdish, we didn't know what to do. We were a bit scared and agitated." Then they included the play in the festival program... At another university, we were not allowed to put up the posters of a Kurdish play. When our friend who went to put up the poster told them, "but there are posters of plays in other languages," he was replied that "but they have a state." We reported the situation to the press, and only then did they let us put up the posters. We applied with a Kurdish play for a theatre festival organized by IKSVA (Istanbul Foundation for Culture and Arts). Of the applications, they asked for full text only for the Kurdish play's application. We sent it. However, they rejected the application without explanation. "What is the reason," we ask, they say "we don't have to explain you." Then we say, "Do you have a discriminatory attitude towards Kurdish?" They reply, "do you call us nationalists?" We share*

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*the violations and discrimination we experience, and they say the Kurds are always playing the victim. Well, what should we do? They're tearing up our play's posters somewhere, and security forces, instead of taking security precautions tell us that we better not stage it.*

**S5:** *If you check the laws in Turkey, explicitly prohibitive provisions have been removed from the constitution. There is no direct prohibition in the law. But art isn't something that can only be done when freedom is granted. We need training, we need stages, we need décor, we need costumes... The government certainly doesn't provide them. The current government does not support the art of theatre. They don't support Kurdish theatre at all. They act like there's no such theatre.*

Interviewees gave similar examples that the long-standing language ban and exclusionary cultural policies extended to the University and private cultural institutions too. The fact that only full texts are requested for the Kurdish plays, applications are not answered, and the answers are only excuses that are far from convincing shows that state policies that ignore the Kurdish language and culture are also internalized by university administrations and some non-governmental organizations. The “state of unease towards Kurdish and the fact that they don't know what to do” does not excuse this situation. Institutions that produce in the field of culture and art, claim to empower civil society, and strengthen culture and art are expected to have democratic values and a viewpoint that exclude discrimination. Some interviewees also stated that if a Kurdish theatre is a Kurdish-singing artist is invited to a festival, it is deemed sufficient and that they take a “we did invite” approach in the face of criticism. One interviewee described it as “interspersing us like an ethnic colour.”

## **Political Atmosphere and Rights Violations**

It was tried to reveal how the rights violations experienced by the stage actors were related to the political atmosphere. Artists who had the opportunity to legally stage their plays during the EU harmonization process stated that a freer environment was created while performing their art

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during the “Resolution Process”. However, they stated that many arbitrary practices and rights violations occurred in the “Resolution Process”. One of the most important criticisms of the “Resolution Process” was that the legal and cultural policies required by the environment in which Kurdish culture and art can live were not implemented. Based on their experience, the interviewees said, the state is trying to restrict the development of the Kurdish art by subjecting it to strict content control. Also, they stated that it aims to make Kurdish art an art that has no performers and listeners in the long term by not offering any financial and institutional support and by trying to effectively prevent it with discriminatory and arbitrary practices.

Discriminatory and arbitrary practices that increase especially after the “Resolution Process” can be listed as follows: Requesting judicial records and residence certificates from artists, requesting the full text of the play before each performance, asking the audience for ID when entering the theatre, searching backstage with dogs before plays, deploying armoured vehicles and police cars in front of the stage even in permitted plays, filming the plays, filming of the audience, etc.

Interviewees said that the conditions for the existence of Kurdish art are very difficult as long as the Kurdish question is not resolved politically and the Kurds do not gain a national and legal status.

They stated that even the fact that artists are forced perform their art with a certain content and form should be considered a violation of rights in the broadest sense, since the appropriate legal conditions have not been established and institutional support has not been provided. They stated that “Resolution Process” offered Kurdish artists the opportunity to perform different genres of works from Shakespeare to Moliere with different forms such as opera and musical, as well as classical and local forms, albeit for a very short time.

**S2:** *During the Initiative Process, we applied to the Ministry of Culture for funding and received it four years in a row. We applied twice in 2016. We were applying in the same way and fulfilling all the conditions. On both occasions, they responded negatively: they made frivolous excuses such as “The budget is not in line with whatever.” We never received any support again.*

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**S3:** *There has never been a real “Resolution Process” for the Kurds. There were significant developments in terms of theatre in the South or in the former Soviet Union during the short period of the Republic of Mahabad. But during the following times of conflict, the work came to a standstill again. It’s the same in Turkey. After the 2000s, cultural centres and conservatories were established within the municipalities. Kurdish art education was given here and a large number of students were trained.*

*In 2010, the play was musically adapted by Haldun Dormen and Kemal Uzun from “Before Unfreezing” under the title “A Winter Story”, and was staged in Kurdish under the direction of Haldun Dormen.<sup>40</sup> In 2012, Sophokles’ Antigone was the 18th play was played in Kurdish on the Haldun Taner Stage as part of the Istanbul Theatre Festival.<sup>41</sup> Shakespeare’s Hamlet was staged in Kurdish in 2012 by the City Theatre of the Metropolitan Municipality of Diyarbakir. The play, which has been staged about 50 times, met with great interest. We used the halls of the State Theatres several times in different provinces. The police didn’t interfere with our plays too much. Of course, it was a very limited freedom, but when I look back at it from present day, I can’t help but think it was a heavenly time. Then it got worse. The police raided our play once and said they were going to film it. Then they said they’d come in before every play and film the play. We said it wasn’t legal. They didn’t even listen, and said “then you can’t perform it”. After the trustees, we continued our work by establishing a private theatre. The police are harassing us differently this time. They park their car across the place and watch the ins*

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<sup>40</sup> Great Interest in the Kurdish Play Directed by Dormen -3,000 People Watched the Musical ‘A Winter Story’ performed in Kurdish by the famous actor Dormen in Diyarbakir Metropolitan Municipality Theatre, [The Kurdish play, directed by https://www.haberler.com/dormen-in-yonettigi-kurtce-oyununa-yogun-ilgi-unlu-haberi/](https://www.haberler.com/dormen-in-yonettigi-kurtce-oyununa-yogun-ilgi-unlu-haberi/) Dormen, <https://www.hurriyet.com.tr/gundem/dormenin-yonettigi-kurtce-tiyatro-oyunu-13949198>;

<sup>41</sup> <https://www.istanbul.net.tr/etkinlik/tiyatro/antigone/5182/14>,

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*and outs. You're going to dinner, and they are following you. They want to disturb you.*

**S5:** *The "Resolution Process" had very positive effects. For one thing, fear has largely disappeared. We were performing at Cegerxwîn cultural centre, it had a hall for 373 people, the hall was full, most of the time we had to put extra chairs in between. It was like spring. Everyone was so happy, so hopeful. I think of the MKM, which started its theatre work in the basement in the 1990s. The amenities were scarce and people couldn't come out of fear. If you ask me, we weren't as legal at the time as we were in "Resolution Process," but we weren't any less free. The cost was just too much. It is necessary to fight for an environment of freedom that is not costly. It was as if the "Resolution Process" was a hope in that direction... So we were excited, we were hopeful...*

**S4:** *I think not much has changed for Kurdish artists during the "Resolution Process". A stage actor in Batman would encounter the same problems he faced in the early 2000s during the "Resolution Process" too, and he still does today. At this point, I think differently from friends who have positive opinions about the process. The state has channels in Kurdish, and publications. It's not a language issue, the state wants to destroy Kurdish identity. Culture is formed in the historical process and is reflected in everything from your clothing to the food you eat. Now the government as a whole is depriving you of them. The Republic has a policy of denial, assimilation and exile that continues to this day. Not much has changed in the last 20 years. Yes, there have been some relative improvements, but there has not been a huge change in the mentality of prohibition...*

**S7:** *As someone who has been engaged in art since the 1990s, I can say that Kurdish art has always had to be carried out in*

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*the shadow of politics. Both the reforms and the initiatives in the “Resolution Process” were closely related to politics. The fact that art is so closely tied to political processes is the greatest indication that it has no legal or constitutional basis. We’re talking about a country where a governor or a kaymakam doesn’t let a play to be staged on his own initiative. During the “Resolution Process”, the municipalities of some cities in the West welcomed us and gave us space. But now they’re afraid to say hello. It’s considered too dangerous. I want to play Shakespeare in Kurdish; Imagine that I can’t find a place to perform. They’re scared.*

**S8:** *Since Kurdish language and culture are denied, art for Kurdish artists has always been an art of resistance that mirrors the denied existence of Kurds. From resistance movements in Europe to the experience of the Soviet Union, there are similar examples where art served for ideology and struggle. Therefore, there have been no opportunities for it to return to itself and develop a critical perspective on itself, or different traditions have not emerged. We’re trapped between government pressure and our own self-censorship. If the “Resolution Process” had continued a little longer and a little progress had been made, I think it would be reflected in Kurdish art and there would be an artistic pluralization among the Kurds. There’s theatre in Kurdish now, but there’s no Kurdish theatre. Because we don’t have a national policy of art. Political understanding in Turkey also does not allow this. Films are made about France’s colonialism in Algeria, plays are on stage, but no one treats you like a traitor or a member of the illegal organization. It is seen within the boundaries of artistic criticism. Such a thing is unthinkable in Turkey. The denial of the state forces you to make the art of resistance. This fact imposes its own limitations on artistic production.*

**S12:** *Politics has been one of the main influences of Kurdish art from the beginning. Therefore, the political atmosphere and*

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*the conditions for the performance of Kurdish art are closely related. This poses a major challenge for the Kurdish artist. At some point, it's a question of how to maintain the autonomy of art. They put a scale of assessment, like where you're connected, rather than what you're saying. It's a huge damage to the development of art. When the government looks at you, it's sceptical because you're not making the art it wants. But your own friends and institutions do not welcome your attempts to become autonomous and are sceptical. They can impose an embargo on you. This is very hurtful, sad and very harmful for the development of the Kurdish art.*

There was a little more freedom during the “Resolution Process”, but the problem is that the government is always sceptical of what you're doing. Even when it lets you, it wants to know exactly what you are doing. For example, the police would come to our plays. They would ask for a translation of the plays. We would give them a full translation. He would look at the text and watch the play to see if we were making any changes when we were playing. In one play, an actor says “em jî dixwazin Kurdistan azad bikin”. He's actually a negative guy who talks with slogans. They watch the recording of the play and they storm the scene. Our friend was in prison for 40 days. We say, “Look, bring in a sworn interpreter, let them tell you the text of the play.” “No,” say the police, “we speak Kurdish, we'll translate.” If they brought in a sworn translator, they would have to recognise the language officially. So would not do that. They translate themselves. Now the judge looks at our friend and says, “The guy has thrown slogans, and the penalty for that isn't 40 days. He has been in prison too long already.” So he releases him.

One day I told a cop that “we didn't have your archives, so at least share your archives with us.” They really had every one of our plays. During the “Resolution Process,” they wouldn't pile up a lot of cops in front of the stage, but today they got a lot of cops there. What the hell is going on? You don't send so many cops to war. It creates incredible fear and anxiety in the audience. They ask to themselves, “Where have we come?”



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**S11:** *I am one of those who believe that Kurdish art is parallel to the story of every Kurdish individual living in this country. Therefore, if the Kurds start breathing a little in this country, their art begins to breathe a little as well. If they start choking, their art starts to drown. And in fact, their art is affected first. I've been doing theatre in Kurdish for 17 years and I've had the opportunity to experience different periods, including the '90s. When you look at it today, it's 2020 and we're pretty much close to those times now. I don't think there's much difference between being investigated and being detained from on the stage. Only because the language is Kurdish, a play can go under investigation. The public visibility of Kurdish disturbs them. All these bans and obstructions prevent you from making a living. The state of emergency process and the pandemic situation made it more difficult for us. I try to make a living out of acting, but I get financial support from my family. My wife is my biggest supporter. She contributes as much as she can to my artistic and economical life.*

**S10:** *I can't say that all the problems have been solved, but I find the "Resolution Process" positive. Many students started to emerge from cultural centres and art academies such as Cegerxwîn, Aram Tigran, and Nûda. They were also performing artistic production. If that process had continued a little longer, great progress would have been made. We even used the state theatre in Van. But then the trustees were appointed, all these centres were closed. Instructors and artists lost their jobs. The students dispersed. We were not allowed into cities where there were theatre festivals several times during that period. We were detained en masse in 2018. There were no arrests. But we were asked, "Are state theatres not enough for you? Why did you start this theatre group? Why are you doing theatre in Kurdish?" They wouldn't say what offence you're being detained for, but the questions they asked told you a lot. We were released. But they imposed an international travel ban, a weekly signing requirement and so on.*

## Censorship and Self-Censorship

The interviewees said that tensions in the political atmosphere and the arbitrary and de facto suspension of the law in these processes have led them to self-censorship in their artistic activities. The constant and widespread use of self-censorship should be considered as one of the important rights violations in terms of preventing the performing of art, which requires the greatest form of free expression of art.

**S3:** *We had a play. At some point in the play, a political poem is voiced. We went on tour to another city, and the police said they would come and film it. So we didn't read the poem. Or when we play some shows in public places like outdoor cafes or parks, we're not as comfortable as we are in the hall. Because they definitely film it outdoors. There are probably less than ten Kurdish theatre groups. That's why we think we need to protect ourselves.*

**S2:** *There are many different types of censorship. They look at the social media accounts, they look at the messages in Kurdish, and they develop an position accordingly. Censorship is so unconstrued that you can't prove it, but you suffer all the consequences. Your unjustified rejected applications, the tension that is raised before the play to the extent that it deters you from performing your plays, are actually different forms of censorship... Since 2004, we have been plagued by such censorship and prohibitions. We're exposing them to the public because that's the only way you can tear down the walls of the other side or open that door for you.*

*However, we do not want to come up with the issue of continuous bans and censorship. Therefore, I can say that we have self-censorship in not sharing all of the rights violations we have experienced with the press.*

**S8:** *Of course... We've self-censored a lot. The stages we went on belonged to municipalities, which is why there was no pressure*

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*to censor, but we were doing it ourselves to avoid problems. We wouldn't say Kurdistan, for example. And we would change the lines depending on the state of the provinces we went to.*

**S5:** *I'm very sensitive about self-censorship. There is nothing I'm particularly avoiding, but an invisible and unwritten system of oppression and restraint is so effective that you can find yourself paying attention to certain things. Because what is forbidden is not really written in the law, but because it is arbitrarily decided, you can say "could this be forbidden" and think on behalf of the state. For example, you write songs for the play, you realize that you pay attention to the lyrics. To the songs you will play... Or the way you stage the play, the pictures you use... A 50/50 self-censorship works in spite of you. We pay more attention to them, especially after the "Resolution Process".*

**S4:** *When faced with obstructive and discriminatory treatment, my main concern, apart from flare and anger, is about staging the play. That's why I find myself doing whatever they want so they get off the way and don't stop the play from being staged, so I don't discuss the unlawfulness of what they're doing. But in that case, you're now under a commitment to report everything to the police. This time they are forcing you to adopt a stance that is increasingly distancing you from your political identity... We can't improvise as part of the play when the police cameras are watching the play. We have these little self-censorships. In particular, we avoid saying the word Kurdistan. Especially when you play in Turkey, you have a responsibility to the players and the technical team. You have to protect them. That's why we apply self-censorship, yes. That was in 2013 or 2014.*

The interviewees were asked about the impact of TRT-6/TRT Kurdî and the culture and arts festivals organized by HADEP/HDP local governments in gaining public visibility and legitimacy of Kurdish theatre.

## Festivals – The Kurdish “Initiative” of the State from TRT-6 to TRT KURDÎ

The vast majority of interviewees made positive statements about the effects of the festivals on the Kurdish theatre. However, five interviewees took a critical approach. The interviewees stated that they were not invited to the festivals because they were deemed not to have met certain criteria, which caused them great sadness:

**S5:** *I think it's the artistic value of your work, but that doesn't mean that the subjects you're addressing don't matter. It should be able to appeal to the lives, pains, and aspirations of the people. Well, I wasn't negative about TRT-6. At first, they did quality work. But over time, they gradually adopted the function of connecting Kurds and Kurdish to the system. It began to do more harm than good to serve the Kurdish language and culture.*

**S12:** *When TRT-6 was founded, we had established our own private theatre. We were one of the first teams it winked at. We also had an internal discussion and didn't think it was right to be a part of it. For us, it's about being part of the construction of the Kurdish art. Language is, of course, part of it, but not all of it. There is a wider cultural background. We didn't even play translation plays at first in order to build a truly Kurdish theatrical language. We built the texts ourselves. In other words, we thought it was better to shape and create everything we did on its own essence, its own soil, on its own foundations, on its own character, on its own folkloric values, on its own oral culture and whatever it was, in search of its own freedom. Today we have gained a lot of accumulation, even though we are not freer and institutionally stronger. It seems more right to look at how institutions like TRT-6 contribute to our accumulation and corporate development and to take an attitude in that direction... Look, a lot of private channels have opened... series started to be filmed... Big money was offered. They all have done a lot of damage. A lot of our trained players*

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*have gone there and taken part in popular non-artistic work. It is imperative that we have a cultural policy and a concern for institutionalization.*

**S15:** *TRT-6 did not directly affect us, but as it had a positive effect on the audience as a sign of the softening of the political environment it had a positive reflection on us too.*

**S13:** *While a general policy of denial towards the Kurds continues, I did not find an initiative only through TRT-6 to be sincere. I think the state should have a real confrontation about previous policies regarding Kurdish culture and implement broader reforms within that framework.*

**S14:** *The reforms have a logic. For example, if you are writing a play or want to make a music video for your song, it can be broadcast on TRT-6 if it passes the necessary checks, but you cannot have it broadcast on another national or local channel. In fact, this indicates that the language ban continues in some way. The government only contains you in one channel. It also determines the platforms on which the use of rights will apply.*

**S2:** *We always discuss the censorship imposed by the state, but there are censorships that we apply in the areas where we are in power. We want a uniform art like the state, we impose it. I'm putting this down to our lack of national consciousness. Otherwise, we wouldn't be so fragmented and opposed to each other. Kurdish institutions are trying to eliminate those who are not like them and do not allow them place, in a similar way the state does.*

## SUGGESTIONS EXPRESSED BY ARTISTS FOR THE ELIMINATION OF RIGHTS VIOLATIONS

The interviewees were asked what steps should be taken to prevent rights violations they suffer at different levels.

Almost all of the artists had very pessimistic feelings and thoughts about the future, and yet they agreed that insisting on art was essential, especially for Kurds.

Some of the interviewees made a series of proposals for general democratization and the construction of a rule of law, which guarantees the use of Kurdish cultural rights against public authorities, the main perpetrators of rights violations through their current policies and practices.

Some artists, on the other hand, stated that the legal regulations did not work and said the problem was that the Kurds did not have political and legal status.

Some interviewees said that in areas with intense Kurdish population, local authorities as well as cultural and artistic institutions should be directly dependent on the Kurds. Some artists said that in order for art and artists to maintain their autonomy, they must be liberated from public authorities. They stated that if the state renounces its obstructive and prohibitive attitudes, artists can freely meet with their listeners and audiences and gain the necessary financial profit for the performance of their art in the free market.

It has been stated that if international institutions become seriously sensitive to the rights violations faced by peoples who do not even enjoy minority rights, such as Kurds, in the cultural sphere, it will make state institutions more sensitive about these rights in the medium and long term, if not in the short term.

It has been stated that encouraging Turkey to develop cultural policies in the light of democratic values, and not according to the conjuncture, and constantly warning it about the problems experienced in this regard will encourage public authorities to develop policies in this direction.

The interviewees stated that cultural policies that establish a hierarchical relationship between Turkish culture and Kurdish culture should be abandoned, and that legal and practical regulations for the use of Kurdish should be made

at all stages of education, including preschool, in order for Kurdish to find and develop its rightful place in the field of art and culture.

The solution of the problems of Kurdish artists regarding the events and venues to perform their art has been expressed by all interviewees. In addition, it is emphasized that in order to protect copyrights more effectively, the legal regulations of vocational organizations should be implemented in a way that allows them to protect the rights of works in Kurdish.

The artists stated that it is necessary to open departments within universities in all branches of art, especially the Kurdish conservatory, and requested broad representation, not as “samples”, to events such as festivals, biennials and concerts.

## EVALUATION AND SUGGESTIONS

The report titled Cultural Policy in Turkey-National Report, which Turkey submitted to the Council of Europe in 2013,<sup>42</sup> begins with Ahmed Arif's poem "I am Anatolia".<sup>43</sup> Despite that influential start, in the first 85-page section of the report, which describes the areas where culture and art are supported from music to cinema, theatre, ballet, and press publication, it is seen that there is no practice that reflects the adoption of the cultural richness mentioned in the introduction. All supported areas are exclusively based on Turkish and increasingly Turkish-Islamic culture.

In the section with the heading 'steps to democratize the field of education and expand the use of cultural rights', it is stated that education is allowed in languages other than Turkish.<sup>44</sup> Under this heading, it is stated that the barriers to education, publication, and academic studies in languages other than Turkish have been removed.<sup>45</sup> Under another heading, the possibility of studying and broadcasting in different languages and dialects is mentioned.<sup>46</sup> It is stated that an album of Kurdish songs is being prepared in partnership with TRT and the Governorship of Diyarbakir.<sup>47</sup> It is stated that an amendment to the Population Law in 2003 removed the barrier for citizens to give their children the name they wanted, and upon the request of local governments and citizens, the Ministry of Interior changed the names of the settlements and gave them their old names, as a requirement of respect for traditional and local culture and social memory.<sup>48</sup> In 2012, the Sufi Kurdish poet Mullah Ahmed al-Jazeera's Diwan

<sup>42</sup> STEERING COMMITTEE FOR CULTURE, HERITAGE AND LANDSCAPE (CDCPP) CDCPP-Bu(2013)19, Strasbourg, 8 October 2013, 4th Meeting Of The Bureau Strasbourg, 16-17 October 2013; CULTURAL POLICY IN TURKEY - NATIONAL REPORT <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806963fd>

<sup>43</sup> Ibid., 1. Ahmed Arif is a poet who has been subjected to intense torture because of his poem about 33 civilian Kurds who were shot at the order of General Muğali in Van in 1943 without any trial.

<sup>44</sup> Ibid., 87-88.

<sup>45</sup> Ibid., 88.

<sup>46</sup> Ibid., 88.

<sup>47</sup> Ibid., 89.

<sup>48</sup> Ibid., 89.



was reportedly printed in Kurdish facsimile and Turkish translation.<sup>49</sup> It is stated that teaching languages other than Turkish, in other words “living” languages in Turkey, establishing institutes for academic research and taking elective courses is provided.<sup>50</sup>

When we look at the pages where cultural projects and productions supported by the Ministry of Culture are listed, it is seen that almost all of the support is allocated to Turkish cultural art products and projects, except for a symbolically supported Kurdish album and several Kurdish books.

The boundaries of the state’s new cultural policy manifest themselves in the section that best describes the regulations related to theatre. After it was stated that reflecting the cultural diversity of the country was among the priorities of the State Theatres, it is said that Orhan Asena’s play “Experiencing Death”<sup>51</sup>, which includes Kurdish laments and dialogues, was staged to reflect the cultural and traditional life of the indigenous people (local people) and was met with great interest at the local people as well as at the national level.<sup>52</sup> In the following pages of the report, the provinces of Adiyaman, Agri, Batman, Bingöl, Bitlis, Erzincan, Hakkari, Iğdir, Kars, Mardin, Mus, Siirt, Sirnak, Sanliurfa and Tunceli, where the plays of the State Theatre were played have been described as “areas which have fallen behind other areas in the field of culture and art...” and the performances staged there have been noted.<sup>53</sup>

The phrases adopted in the report such as “local people” and “local culture” refer to the dominant language that simultaneously builds the national and non-national/local ones in a hierarchical way. Instead of pointing to a different national culture, Kurdish artistic production is called a local culture and art, including dialogues from the local language. The report included a play called Experiencing Death, a story of feud written in Turkish but includes some Kurdish dialogues interspersed, to represent the Kurdish theatre. The definition of this play as one that reflects traditional culture includes an understanding that equates unnamed Kurdish culture with feuds. Apart from this single play, all of the

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<sup>49</sup> Ibid., 93.

<sup>50</sup> Ibid., p. 89.

<sup>51</sup> Living death is a 1982 play about the feud and the devastation it causes.

<sup>52</sup> National Report..., Ibid., p. 94.

<sup>53</sup> Ibid., p. 94.

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plays exhibited in the Kurdish geography, which is defined as a culturally underdeveloped region, are Turkish plays of the State Theatres and reflect the civilizational and assimilationist policy of the state towards the Kurds and the Kurdish geography. This makes it easier to understand the practice encountered when a stage request is made from the State Theatres for Kurdish plays in interviews with stage actors.

In the report, Public Institutions and Organizations, Local Governments and NGOs are defined as stakeholder institutions in the production and implementation of cultural policies.<sup>54</sup> However, NGOs and local governments have been excluded from the cultural policy-making process. The Turkish Cultural Policy Report from Civil Society's Perspective, published by Istanbul Bilgi University in 2011, tried to fill a gap by outlining a multi-stakeholder, participatory report that criticized the official cultural policy report's approach to leave out civil society and local governments. However, the concept of official cultural policy has not been criticized by all NGOs with the same sensitivity.

This approach adopted in the state report is shared and approved not only by the official authorities, but also by the NGOs that shape the arts and culture in Turkey. The reports of the Istanbul Foundation for Culture and Arts (IKSV), an important NGO, are worth the attention in this respect. In the introduction to IKSV's report titled Thinking About Arts Education in Turkey (Again)<sup>55</sup>, it is emphasized that art education "should provide an appropriate framework for the learning of concepts based on human rights and democracy, such as cultural diversity and intercultural dialogue, by referring to UNESCO's Universal Declaration of Cultural Diversity in 2001 and the Annual Education for All (AEA) Global Monitoring Reports.<sup>56</sup> Examples are given by Blacks and Indians living in America on how education policies negatively affect the view towards others on gender and race issues.<sup>57</sup> Although contributing to the creation process of cultural diversity and contact with other cultures, providing students with different perspectives, raising awareness on issues such as discrimination, social exclusion, exploitation and social justice, raising

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<sup>54</sup> Ibid., p. 11.

<sup>55</sup> IKSV, Thinking about Art Education (Again) in Turkey, December 2014.

<sup>56</sup> Ibid., p. 19.

<sup>57</sup> Ibid., 28-29.

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children as more knowledgeable and sensitive citizens<sup>58</sup>, referring to the UNESCO Universal Declaration, are highlighted as the values adopted by the report, the Kurds and other minorities are not even mentioned in the report and the monist and exclusionary character of art education in Turkey is left untouched.<sup>59</sup>

Similarly, IKSv's 2018 report, *Co-existence: Improving Cultural Pluralism through Art*,<sup>60</sup> noted the urgency of focusing on how to establish cultural policies to be developed on the basis of the principle of equality of co-existence of cultural problems caused by the influx of migration from Syria, and the report was prepared with the belief that the solidarity ties between settled peoples and newcomers, especially through culture and art, could produce new belongings.<sup>61</sup> Although it is stated that the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 2005 is the text on which the report is based, the report makes no mention of other peoples and cultures living in Turkey besides Turks.<sup>62</sup>

In IKSv's reports titled *Recommendations for Art Practices in Public Space in Istanbul 2011*; *Cultural Planning for Local Governments, 2016*; *Co-existence: Developing Cultural Pluralism through Art, Growing Up with Art from Early Childhood to Youth, October 2019* a similar approach has been adopted, and there is an acceptance that the field of public art and culture includes European languages as well as only Turkish.

How Kurds are included in the culture and art policy of the state and non-state institutions is mentioned through these reports. The fact that the state does not even defend the report that we have criticized should be considered together with the fact that it does not adopt its current legal regulations.

In this context;

As a result of the study, it was determined that the artists were subjected to rights violations arising from the state's failure to fulfil its obligations to support the arts and the artist, and rights violations arising from the

<sup>58</sup> Ibid., p. 29

<sup>59</sup> Ibid., p. 29.

<sup>60</sup> IKSv, *Co-existence: Developing Cultural Pluralism Through Art* by Dr. Feyzi Baba and Dr. Kim Rygiel.

<sup>61</sup> Ibid., p.10.

<sup>62</sup> Ibid., p.12.

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arbitrary implementation of the law.

The cultural policy of the Republic of Turkey shows that it is still far from developing a cultural democracy that will give cultures other than Turkish the right to express themselves in public spaces. The permitted areas are also those where they are completely under the control of the state, such as TRT-6/TRT Kurdî.

The state has taken a discriminatory stance in providing the venues, stages, and financial support for Kurdish art, preventing Kurdish artists from benefiting from public resources. These obstacles show that the state does not have a cultural policy that recognizes Kurdish art and aims for its development.

Since the state produces culture and art policy with nation-state reflexes, many private foundations, cultural institutions, etc. that have located themselves within this policy also adopt the official policy of art and culture of the state. The state's approach to other peoples, minorities, and other ethnic groups, especially Kurds, is well known to universities, media, and NGOs. Therefore, they close themselves to Kurdish art and ignore it. In these institutions – media outlets, universities, NGOs – also many artists who do not make Kurdish art but identify themselves as Kurds are persistently introduced as “Turkish artists”. Apart from the state, these institutions also act in parallel with the political atmosphere and the state's discourse. These institutions approach to the demands of Kurdish artists accordingly, sometimes reject them under various pretexts and often resort to avoiding them by remaining silent.

Another attitude of public authorities that encourages violations of Kurdish art is that its impunity for rights violations committed by law enforcement and civilian people, from the use of violence to economic exploitation. The exemption from the punishment can be considered as an indication of his discriminatory attitude, which does not see Kurdish artists as equal citizens with rights. With this practice, the state clearly violates the principle of non-discrimination, which is burdened both nationally and in the international documents referenced in this study.

The prohibition of discrimination is a fundamental right and Turkey should remove all reservations it has placed in the international documents mentioned in the report. These reservations are contrary to the essence of the contracts.

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It has been observed that there are cases where artists often apply self-censorship to cope with discriminatory and arbitrary practices in order not to face a legal obstacle.

It has been seen that the lack of material conditions for artists to express their art freely has negatively affected their development of an independent artist identity by causing them to make a living in ways other than artistic work. The prevalence of this situation among artists performing arts in Kurdish means that the state's decision to support art and artists, which is stated in Article 64 of the Constitution and the UNESCO Recommendation concerning the Status of Artis, is clearly violated against Kurdish artists.

In today's world, where it is not forbidden to sing and play in Kurdish, arbitrary approaches implemented by law enforcement and administrative structures leave Kurdish artists helpless who are legally deprived of the fight for rights. Artists do not have the financial conditions to fight the law and do not have professional organizations in which they can seek their rights in an organized way.

The reforms carried out after 2000 and the "Resolution Process" revealed that parents are more easily directing their children to Kurdish-related art activities if bans and restrictions on the public use of Kurdish are lifted.

Contrary to the official view that Kurds are equal citizens in Turkey, an education policy centred solely on Turkish language and culture, and a cultural policy that supports Turkish art products and activities are implemented, supported, and approved. Therefore, despite the legal regulations, the exercise of these rights in the act is prevented, no action is taken against those who prevent it, and it leaves unlawful practices unpunished.

After 2000, the regulations carried out in the EU harmonization process and the opening of the university departments that teach in Kurdish and an official television channels during the so-called "Resolution Process" gave a legality to the use of Kurdish and had a positive effect on the approach of both artists and families to the subject of Kurdish art. As revealed in the interviews, some families in this process have directed their children to Kurdish art education centres by themselves. In the

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2000s, some artists who performed their art received their education in these institutions. However, the effort to criminalize cultural and artistic activities outside the control of the State aims to eliminate the gains in this field. For example, during and after the state of emergency, it made it virtually impossible to perform Kurdish art by appointing trustees to almost all institutions where Kurdish art activities were carried out, especially the cultural and artistic units of municipalities.

To summarize what needs to be done to protect the rights of artists who make Kurdish music and theatre and to prevent the violations of rights;

- ▶ It should be constitutionally guaranteed that the people who perform the art and the people who are addressed by the art with voice and language, such as theatre and music, should be educated in their mother tongue and the education system should immediately be renewed accordingly. Due to the fact that Kurdish children do not receive an education in the mother tongue, the most basic right, the “right to education in the mother tongue”, is violated and Kurdish children are moving away from their mother tongue. Even if there are people performing Kurdish art in the future, it will not make sense to make Kurdish theatre or Kurdish music because there will not be enough audiences speaking this language.

- ▶ Exclusionary and offensive statements about different peoples and religious communities should be removed from the school books. A curriculum based on cultural pluralism should be implemented.

- ▶ The legal regulations regarding the recognition and public use of Kurdish must be constitutionally guaranteed by including them in the constitution. Constitutional guarantee is essential as the rights granted by law can be easily restored by law.

- ▶ In addition to constitutional and legal regulations, regulations that impose obligations on some institutions and organizations to include Kurdish art should be implemented. These regulations should be implemented in the company of a multicultural art policy and together with artists. Kurdish art and artists should be given wide space in state theatres, city theatres, cultural centres affiliated with the state and municipalities. They should be obliged to include Kurdish Plays, concerts, etc. in their annual programs.

- ▶ Administrative authorities, especially law enforcement officers, who

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act arbitrarily in violation of international conventions aiming to protect universal principles and legal regulations in domestic law, should be informed and, if necessary, internal training should be provided.

- ▶ Legal action should be taken against public officials who arbitrarily violate the rights of those who make Kurdish music and theatre. In addition, deterrent legal actions should be taken against other persons who violate their rights.

- ▶ Kurdish artists should benefit equally from the share allocated by state institutions to art and artists. The Ministry of Culture should support Kurdish music, theatre, and cinema without discrimination. City Theatres and State Theatres should open all their stages to Kurdish plays.

- ▶ Regulations for Kurdish art should be carried out not as part of political processes such as the “adaptation process” or “Resolution Process”, but as an indispensable fundamental right.

- ▶ Kurdish art should be included in the curriculum at every stage of education. Department of Fine Arts and Conservatories should also open Kurdish music and theatre departments in universities. These regulations open job opportunities for Kurdish artists in the academic field and contribute to the growth of the Kurdish audiences.

- ▶ International institutions should play their supervisory and awareness-raising roles more effectively. It is only necessary to know that legal changes are not sufficient for a right to be exercised. Reporting is vital in this regard; they need to be increased and disseminated.

- ▶ Kurdish art producers who do not receive sufficient financial assistance from the state also lack the support from universities, municipalities, and NGOs. Artists who are looking for funding for their work are also excluded by the international funding institutions they apply to on the grounds that they are not considered sufficiently “professional” and “not considered to have institutional support”. Separate sources of international funds must be allocated for Kurdish art makers.

- ▶ Festivals, biennials, exhibitions, etc. should be organized by institutions, especially municipalities, in order to increase the public visibility of the Kurdish language and art. The content of these activities should be left entirely to artist initiatives and should not be interfered with by the state or public institutions.

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