



# Danmarks Lærerforening

VANDKUNSTEN 12 · 1467 KØBENHAVN K

Folketingets Udenrigsudvalg  
Christiansborg  
1240 København K

Udenrigsudvalget  
URU alm. del - Bilag 77  
Offentligt

Den 6. december 2004  
1995/0826/2/ABC/DL

## Tyrkiets regering truer på ny lærerforeningen Egitim Sen med lukning

Danske Underviserorganisationers Samråd har tidligere henvendt sig til medlemmerne af Folketingets Udenrigsudvalg i brev af 17. august d.å. for at henlede Folketingets opmærksomhed på en retssag mod den tyrkiske lærerorganisation Egitim Sen, som kunne resultere i lukning af fagforeningen, fordi de i deres vedtægter forsvarede retten til modersmålsundervisning. Vi henvender os nu til Udenrigsudvalget, fordi der skal være nyt og afgørende retsmøde i sagen i Ankara fredag den 10. december.

Den tyrkiske lærerorganisation Egitim Sen blev etableret i 1995 og er med sine 200.000 medlemmer Tyrkiets største fagforening. Egitim Sen er blevet truet på sin eksistens af Ankaras rigsadvokat, som anklager Egitim Sen, fordi de i deres vedtægter forsvarede alle menneskers ret til undervisning på modersmålet samt retten til at leve i overensstemmelse med deres egen kultur. I Tyrkiet betyder det i praksis, at det kurdiske mindretal har krav på at lære kurdisk i skolen.

Rigsadvokaten kræver, at Egitim Sen skal lukkes, hvis de ikke ændrer deres vedtægter på dette område. Den tyrkiske regerings holdning er i direkte modstrid med menneskerettighederne og retten til faglig organisering.

Første retsmøde i sagen fandt sted 13. juli 2004 med titusinder af demonstranter uden for retsbygningen. Dommeren i Arbejdsretten udsatte retssagen 60 dage, således at Egitim Sen havde tid til at ændre deres vedtægter, hvilket de imidlertid ikke gjorde.

Det følgende retsmøde fandt sted den 15. september, hvor dommeren afviste sagen med den begrundelse, at Egitim Sen ikke overtrådte tyrkisk lov, og at Egitim Sens vedtægter var i overensstemmelse med internationale konventioner. Også dette retsmøde foregik under stor bevågenhed fra såvel internationale observatører som tyrkisk politi og militær. Danmarks Lærerforening og BUPL sendte observatører til retsmødet den 15. september, hvor også enkelte andre europæiske lærerorganisationer deltog. Foreningen er vidende om, at den danske ambassade i Ankara har fulgt denne sag tæt.

På trods af domsafsigelsen den 15. september har rigsadvokaten anket sagen til Højesteret, som den 3. november enstemmigt besluttede at omstøde dommen fra 15. september og

sende sagen tilbage til Arbejdsretten. Der vil falde endelig afgørelse i sagen fredag den 10. december.

Hermed står Egitim Sen atter over for truslen om at måtte lukke.

Danmarks Lærerforening finder, at denne sag er af principiel betydning og opfordrer den danske regering til at øve indflydelse over for regeringen i Tyrkiet, der har klar interesse i at kunne leve op til menneskerettighederne og de demokratiske betingelser, der stilles, for at landet kan indlede forhandlinger om et fremtidigt medlemskab af EU.

Med venlig hilsen



Anders Bondo Christensen

Formand

Bilag: Brev fra Egitim Sen af 17.11.04

Brev til President Ahmet Necdet Nezer af 6.12.04



2000 ANK 1995

# EĞİTİM SEN

EĞİTİM VE BİLİM EMEKÇİLERİ SENDİKASI



17.11.2004

No: 2004/600/2153

Subject: Supreme Court Decision Concerning Egitim Sen Lawsuit

## URGENT ACTION APPEAL

**Dear colleagues,**

Egitim Sen which was established in 1995 has confronted with the challenge of being closed down by the Attorney General of Ankara's action. General Attorney of Ankara sued on Egitim Sen with the demand of closing down the union. Egitim Sen, with its 200.000 members, is the biggest union in Turkey and the law suit on Egitim Sen aiming at closing down the union is due to the fact that Egitim Sen in its regulations has been defending for all individuals the right to education in mother tongue and the right to develop their cultures in accordance with their basic human rights and freedoms.

On 13<sup>th</sup> July, 2004, the first court hearing was held in Ankara with the demonstrations by tens of thousands of people who had gathered in front of the court building. The judge despite all the reactions from the crowd who are defending democratic and scientific education in Turkey and despite the reactions both from Turkish and international public opinion, decided to postpone the court hearing to 15<sup>th</sup> September, 2004. In other words, the judge gave 60 days to Egitim Sen to amend its abovementioned article regarding the right to education in mother tongue in its regulations. But we did not amend this article because we believe that this right is a democratic base for the other rights.

On 15<sup>th</sup> September, 2004, the judge decided not to close down the union. According to his statement of reasons, the regulation of Egitim Sen is not violating Turkish Law and the right to education in mother tongue is in accordance with the international human rights covenants. Although this decision, the General Attorney of Ankara had not accepted this consequence and applied for the Supreme Court by raising an objection against the Egitim Sen law suit decision made by 2<sup>nd</sup> Labor Court of Ankara.

In order to negotiate this objection raised by Attorney General of Ankara, Supreme Court 9<sup>th</sup> Law Section members gathered on 3<sup>rd</sup> November 2004 and consequently the board decided unanimously to revoke the decision concerning Egitim Sen law suit made by 2<sup>nd</sup> Labor Court. As a result of this, the biggest public employees union in Turkey is again facing the challenge of being closed down. Accordingly, 2<sup>nd</sup> Labor Court of Ankara will negotiate the court case against Egitim Sen and declare its final decision. We believe that this law suit against Egitim Sen is related of political rather than law. This suit against Egitim Sen is also aiming at putting pressure on democratization and change demands. Finally, we can say that we need international support both from Education International and from its members.

Accordingly, Egitim Sen expects from EI and its member unions these urgent actions;

- We kindly ask you to inform your government about this decision against Egitim Sen.
- We also kindly offer you to send a protest letter to the Turkish President, Turkish Prime Minister and Minister of Justice by fax and condemn this anti-democratic challenge against Egitim Sen and also please inform us about your activities regarding this issue.
- We finally offer all EI member unions and EI Executive Committee to participate in the final court hearing to be held in 2<sup>nd</sup> Labor Court of Ankara. (Hearing date will be announced in the weeks to come)

**Republic of Turkey Presidency Fax No: +90 312 427 13 30**

**Turkish Prime Minister Recep Tayyip Erdogan Fax No: +90 312 417 04 76**

**Turkish Ministry of Justice Fax No: +90 312 417 7113**

**Our fax no: +90 312 417 09 20**

**Our e-mail adress: [egitimsen@superonline.com](mailto:egitimsen@superonline.com)**

We thank you for your solidarity in advance.

Best regards



Emirali Şimsek  
Secretary General  
Egitim Sen (Turkish Education Union)



# Danmarks Lærerforening

VANDKUNSTEN 12 · 1467 KØBENHAVN K

Mr. Ahmet Necdet Nezer  
President of the Republic of Turkey  
Ankara , Turkey  
Fax: +90 312 417 71 13

6 December 2004  
1995/0826/0002\*45/ABC/DL

Dear Mr. President,

The Danish Union of Teachers represents some 70,000 teachers of the public primary and secondary schools in Denmark. We are aware of the critical situation for our colleagues in Turkey, organised in our sister organisation Egitim Sen.

The Danish Union of Teachers has co-operated with Egitim Sen for years and we have witnessed years of harassment from the Turkish authorities of our Turkish colleagues. Lately we have followed the efforts of Egitim Sen in its defence of the rights minorities to education in their mother tongue and the authorities' attempt to close down Egitim Sen.

On 15 September 2004 the judge decided that Egitim Sen's regulations are not violating Turkish Law and that the right to education in mother tongue is in accordance with the international human rights covenants. Despite this decision the General Attorney of Ankara has objected to Supreme Court, who has decided to send the lawsuit back to the Courts for a new decision on 10 December 2004.

The Danish Union of Teachers has taken action by informing Danish politicians in both our national Parliament and the European Parliament of this deplorable situation, at a time when the Turkey is making much effort in putting the country's legislation in line with the Copenhagen Criteria.

The Danish Union of Teachers urges you, Mr. President, to put an end to the constant harassment of our colleagues of the democratic teacher organisation Egitim Sen.

Yours sincerely,

Anders Bondo Christensen  
President

cc           Egitim Sen  
              Education International  
              Embassy of the Republic of Turkey in Denmark