



**THE
CONSTANTINOPOLITAN
SOCIETY**

GREEKS EXPATRIATED FROM ISTANBUL
BY TURKISH COERCION

2015 HUMAN DIMENSION IMPLEMENTATION MEETING

Warsaw, 21 September - 2 October 2015

Wednesday, 30 September 2015

Working session 14: Tolerance and non-discrimination II, including:
Combating racism, xenophobia and discrimination, also
focusing on intolerance and discrimination against Christians
and members of other religions

The Greek Minority in Turkey

STATEMENT

Introduction

We thank the OSCE and the Serbian Chairmanship for the opportunity to address our concerns about the actual implementation of OSCE human dimension commitments and identify further action which may be taken by Turkey, as participating State, regarding human rights of the Greek Minority in this country.

We represent the Constantinopolitan Society, a non - governmental / non - profit organization, established in 1928 in Greece by forcibly expatriated members of the Greek minority of Istanbul.

Our intervention will focus on the basic issues that are related to the human rights and religious freedoms of the Greek minority in Turkey, which have not yet been resolved and are in contrast with what is in effect internationally and with the EU criteria regarding the protection of the non - Muslim minorities of Turkey.

General remarks

Non-Muslim minorities in Turkey have suffered numerous injustices, as a result of discriminatory and oppressive state policies. With regard to the Greek minority in particular,

these policies have led to the dramatic decline of the Greek population of Turkey, from over 100,000 in the 1950's to less than 2,500 at present.

Despite official reassuring statements, the Turkish government has failed to take decisive actions to make the necessary institutional and administrative reforms to reverse these conditions. Full respect for and protection of education, culture and fundamental rights in accordance with European standards have yet to be achieved.

The Turkish government continues to impose significant restrictions and serious limitations on human rights, thereby threatening the sustainable vitality, survival and future of the Greek minority in Turkey.

In general, only limited progress has been made on the legal framework for the functioning of communities, notably as regards their ability to obtain legal personality, to freely manage their property that will enable those communities to function without undue constraints, in line with the principles and the case law of the European Court of Human Rights.

The European Parliament resolution of 10 June 2015 on the 2014 Commission Progress Report on Turkey “stresses the importance of continuing the process of reform in the area of freedom of thought, conscience and religion by enabling religious communities to obtain legal personality, by eliminating all restrictions on the training, appointment, legal residence and succession of the clergy, and by ensuring adequate implementation of all relevant ECtHR rulings and the recommendations of the Venice Commission; recalls the importance of adequately implementing the Venice Commission recommendations on Imbros and Tenedos with regard to the protection of property and educational rights; underlines the importance of protecting the rights of minorities; expresses regret about the fact that, after the abolition of the previous law two years ago and due to the existing legal vacuum, it is not possible for non-Muslim charitable foundations to elect their governing bodies”.

It should be noted that the Turkish Ministry of Foreign Affairs did not accept this resolution and returned it to the European Parliament “as it contains unfounded allegations against its country in many fields”.

Positive developments

The Turkish Government allowed the Greek community of the island of Imvros (Gökçeada) to re-open a Greek primary, middle and high school for the first time since 1964.

Persisting shortcomings

The Greek minority in Turkey is faced with persisting difficulties and problems, namely:

Minority Foundations

The property rights of the Greek Minority Foundations continue to be violated. The Greek minority's Foundations, in particular, have suffered from massive confiscations of their properties.

The government established a process by issuing a decree in 2011 to return some properties or pay compensation when return is not possible. Unfortunately, decree's scope is narrow and does not fully redress the magnitude of the damage inflicted, excluding some important categories of confiscated property.

It is important to note that the Decree does not address the property of seized community foundations (mazbut vakif).

The Turkish authorities systematically restrict the access to the State land registry, thus annulling any legal right of representatives of minority members to claim their confiscated properties. An administrative or judicial mechanism should be established to review the General Directorate of Foundations (VGM) assessment of applications and to revoke arbitrary rejections and demands that require applicants to submit further documentation that they do not have or cannot obtain.

The number of properties seized from Greek community foundations alone is over 900.

Further measures / actions would allow for:

- Putting an end to the fragmentation of minority Foundations as a result of the Wakifs system in force; in other words allowing for the unification of the various minority Foundations as a key to their survival, efficiency and cost - effective functioning.
- Recognizing the equality of the minority Foundations and all other Foundations, thus terminating discriminatory practices against them.
- Returning fused Greek Orthodox Foundations (monasteries etc.) and their immovables registered to them to their lawful owners, as well as granting administrative rights to them.
- Returning the three churches of Panayia Kafatiani, Aya Yani and Aya Nikola in the district of Karakoy-Galata in Istanbul, as well as their immovable properties, which are illegally and forcibly occupied by the self-declared and nonexistent "Turkish Orthodox Patriarchate (TOP)", to their legal owners. Turkish authorities should grant them full legal entity status so as to be able to elect their governing bodies and freely administer and manage their own foundations.
- Returning the archives and the library of 50.000 valuable volumes of the Hellenic Literary Society of Constantinople (Ellinikos Filologikos Syllogos Konstantinoupoleos) - which has been illegally confiscated in 1925- to a Greek Minority Foundation in Istanbul. This library represents the intellectual heritage of the Hellenism of Constantinople.

The implementation of the recommendations of March 2010 of the Council of Europe Venice Commission on the protection of property rights (Council of Europe Resolution 1625 (2008)) on Gökçeada (Imvros) and Bozcaada (Tenedos) islands are still pending.

In conclusion, properties returned since 2008 represent only a small portion of the minorities' properties expropriated by successive Turkish governments over many years.

Suspension of the electoral process in minority foundations by VGM

Over a period of 33 months (since January 2013), the elections within the minority foundations' administrations cannot be held, because VGM has not yet issued new regulations. This *de facto* abolition on conducting of elections in all non-Muslim foundations by the General Directorate of Foundations openly breaches the Treaty of Lausanne, and in particular Article 40, concerning the right of management of charitable institutions from non-Muslim communities. It also violates the country's laws, seeing as the latest Foundations Act provides for the existence of Electoral Rules and for non-Muslim foundations to be run by elected bodies.

Educational problems

Despite some favorable regulations, Greek Minority schools still face a number of procedural difficulties and bureaucratic obstacles.

- Minority schools are still governed by the Law No. 5580 on Private Educational Institutions, they are treated as private schools and they continue to be listed as foreign schools. This prevents them from enrolling students above a certain quota and they are being deprived of state funds, despite the fact that it is foreseen by the Treaty of Lausanne.
- The registration and attendance of European and other nationalities students to Greek minority schools is only permitted as "guest students", without receiving graduation certificates and, as a consequence, those students are not admitted to Universities etc. This will be only solved by an amendment in the Law on Private Schools Education.
- Anti-minority references continue to exist in schoolbooks used for teaching in Turkey. Turkish identity and nationalism are promoted as fundamental values in the education system, while minority culture is ignored. While school books do not include information about Greek minority, its history and culture, some of them include discriminatory, xenophobic statements against it.

All these measures are limiting, among others, the fundamental right of free access to education and thus leading to the gradual disappearance of the minority schools protected under the Treaty of Lausanne.

Overall, Turkey has made no progress on ensuring cultural diversity and promoting respect for protection of minorities in accordance with international and European principles and standards.

Denial of succession rights

Turkey, in the 21st century, continues refusing the succession rights of members of the minority with Greek nationality, in particular following application by the Turkish authorities of the amended Land Registry Law, including their interpretation of the provisions on reciprocity. As regards reciprocity, the ECtHR held that there had been a violation of Article 1 of Protocol 1 (peaceful enjoyment of possessions) to the ECHR and ordered either the return of property or financial compensation be paid to the applicants. Implementation of the March 2010 recommendations of the Council of Europe Venice Commission on the protection of property rights is pending. A new law enforces the sale of property that is inherited, having essentially as a result the annulment of the succession right.

This measure aims at cutting the last tie of the members of the Greek minority that were forced to leave their homeland, as well as of their descendants.

Restrictions against the Individuals' Property Rights

In some cases, serious problem faced by the expatriated Greeks of Turkey is the prohibition of inheritance rights based on the principle that the Istanbul Prefecture is considered being a border region. The descendants of expatriated minority Greeks are deprived of their hereditary rights and forced to liquidate or sell their properties.

In this context, not only the restitution of the Turkish Republic citizenship to Greek minority members living abroad should be facilitated, but Turkish authorities should primarily issue permanent residence and work permit to those who are willing to live in Turkey.

Turkey should ensure that Greek citizens are able to fully enjoy their rights over inherited patrimonial property, and Turkey conform to the relevant rulings of the European Court for Human Rights and implement its own Registry Law.

Other issues

Discriminatory practices

All members of non-Muslim minorities continue to be treated by the Turkish authorities as “aliens”. Turkey’s Interior Ministry confirmed that since 1923 non-Muslim minorities are tagged by secret (confidential) “race codes” in official correspondence between State institutions.

Despite the 2010 European Court of Human Rights’ ruling that the requirement to list religious affiliation on national identity cards violates the European Convention, all individuals are still required to do so.

This illegal profiling based on ethnicity and religion constitutes an unfair, discriminatory practice.

As a consequence, the members belonging to the non-Muslim minorities are excluded from posts in public services, the police forces, the army or the judiciary.

Hate crimes

During 2015, sporadic "hate crimes" have been reported in Turkey originating from racism, nationalism and intolerance.

On March 4, 2015, three persons opened fire at The Holy Patriarchal and Stavropegic Monastery of the Zoodochos Pigi at Balukli, Istanbul.

On April 5, 2015, strangers stole for the second time the bell of the Greek Orthodox Church of Aghia Paraskevi in Kazlıçeşme, Istanbul, and looted the verger’s lodging.

On June 9, 2015 a young man threw a lit Molotov cocktail at a wooden door of the Aghia Triada (Holy Trinity) Greek Orthodox Church in Kadıköy, Istanbul. Then, he then stood outside the door screaming “Allahu Akbar [God is great]” as the flames spread upwards.

Threats and violence against Greek Orthodox Christians and other non-Muslims create an atmosphere of pressure and diminished freedom. The members of the Greek minority feel targeted, marginalized and face societal suspicion, discrimination and mistrust.

Although many hate crimes committed in Turkey entered the reports of the OSCE, the Turkish

State does not investigate and prosecute these crimes. No official data exist in any institution of the Turkish State concerning hate crimes. No bodies were created to deal with hate crimes and there are no activities to prevent them in Turkey. In addition, there are no legal provisions to punish hate crimes.

Closing statement

This was only an indicative review of some of the challenges that the Greek minority continue to face in Turkey. They were by no means exhaustive; this would require a detailed account of the historic and religious background of the matters in question.

It should be noted that Turkey is a party to the UN International Covenant on Civil and Political Rights (ICCPR), the UN Covenant on Economic, Social & Cultural Rights (ICESCR) and to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). However, Turkey's reservations and declarations - pertaining to the rights of minorities, the right to education, etc. - upon the ratification of these Covenants and Convention, continue to be causes for concern.

Turkey is called upon to take seriously into consideration the recommendations by EU and international organizations pertaining to human rights and act upon them and make more strenuous efforts to prevent discrimination, intolerance and religiously motivated acts of violence.

Turkey should spare no effort in identifying those shortcomings and reviewing accordingly both the relevant legislation and its implementation, with a view to eliminating discrimination in all areas and raising awareness for human rights in general.

It is therefore expected, also from a moral point of view, that the Turkish government should not only abide fully by its constitutional and international obligations as far as the protection of human and minority rights is concerned, but rather initiate measures and policies of affirmative action that would guarantee the survival, the well-being and the future of the Greek minority. Such an approach, apart from its symbolic value, would prove beneficial for Turkey first and foremost, as it will strengthen its social, ethnic and religious structures and safeguard pluralism and diversity in this country.

As a concluding remark, we would like to underline that respect for human and minority rights and religious freedoms is a responsibility for every State. It is not a matter that statements of good intentions alone can address. It calls for firm will, constructive dialogue and continuity of effort.

Finally, every process is judged by the real and measurable outcome it brings to a challenging situation.

Thank you very much for your attention._