



**THE
CONSTANTINOPOLITAN
SOCIETY**

GREEKS EXPATRIATED FROM ISTANBUL
BY TURKISH COERCION

HDIM.NGO/0167/2018/EN
13 September 2018

2018 HUMAN DIMENSION IMPLEMENTATION MEETING

Warsaw, 10 to 21 September 2018

Thursday, 13 September 2018

Working session 6: Tolerance and non-discrimination I, including combating anti-Semitism, combating intolerance and discrimination based on religion or belief, including against Christians, Muslims and members of other religions

The Ecumenical Patriarchate in Turkey

STATEMENT

Introduction

We thank the OSCE and the Italian Chairmanship for the opportunity to contribute to a wider, yet focused dialogue on the rights of the Ecumenical Patriarchate in Istanbul and religious freedom. 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 religious intolerance issues that the Ecumenical Patriarchate in Turkey is still confronted with. A situation that is in contrast with what is in effect internationally and with the EU criteria.

General remarks

Turkey continues long-standing interferences in the right to freedom of religion or belief. The Turkish government has not so far alleviated serious restrictions on freedom of religion, including state policies and suffocating regulations that deny legal personality / status to the Ecumenical Patriarchate, its right to own, maintain and manage property, train religious clergy and offer religious education.

Based on these conditions, USCIRF in its 2018 Annual Report, released in April 2018, again places Turkey on Tier 2, i.e. those countries in which religious freedom conditions require close monitoring due to the nature and extent of violations of religious freedom engaged in or tolerated by governments.

On the grounds therefore of these concerns, in the Key Findings of USCIRF 2018 Annual report for Turkey is underlined that:

“In 2017, the state of religious freedom in Turkey worsened. ...The majority of the other longstanding religious freedom concerns remain unresolved...”

Furthermore, European Commission in its Turkey 2018 Report on Turkey, issued on April 17, 2018, in paragraph 2.2.1, Chapter 23: Judiciary and fundamental rights on freedom of thought, conscience and religion (pages 33-34), points out that:

“The Venice Commission recommendations on the status of religious communities in Turkey and the right of the Orthodox Patriarch to use the title ‘ecumenical’ are yet to be implemented. No steps were taken to open the Halki (Heybeliada) Greek Orthodox Seminary. Requests by different Christian communities to open places of worship and curricula for clergy are still pending. Hate speech and hate crimes against Christians and Jews continued to be reported”.

Also, the European Parliament resolution of 8 February 2018 on the current human rights situation in Turkey (2018/2527(RSP)) underlines that *“is seriously concerned about the lack of respect for the freedom of religion, including the increased discrimination against Christians and other religious minorities...”*

Although we have noted that Turkish government has made some positive steps to improve religious freedom conditions in Turkey, these generally have not been through permanent, institutional, or legal reforms. Rather, rights and privilege have been granted on an *ad hoc* basis, leaving open the possibility that they could be revoked or discontinued at any time.

Persisting shortcomings

Turkey does not accept the Patriarch’s ecumenical status and has been unilaterally trying to restrict his activities, specifically:

- Turkish government denies the recognition of legal entity to the Ecumenical Patriarchate, having as consequence the deprivation from its property. Lack of legal status for the Ecumenical Patriarchate continues to prohibit the community from registering property in its name. Instead, the Ecumenical Patriarch has been required to register property in his own personal name.
- 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.
- The percentage of the expropriated property of Greek Orthodox foundations does not exceed 23% of the cases that were eligible for restitution; 70% of the cases were dismissed as inadmissible. Petitions from the Ecumenical Patriarchate for the return of historical religious properties from the state also remain pending.
- Despite Turkey's international human rights obligations protecting the right of religious communities to elect their leaders, it is "established practice" that the state interferes in how communities elect their leaders, particularly the Armenian, Greek Orthodox and Jewish communities. So, the Turkish government continues to dictate that only Turkish citizens can be members of the Ecumenical Patriarchate’s Holy Synod. The government’s role in dictating which individuals may be part of the Ecumenical Patriarchate represents unacceptable interference with the internal election process of the Patriarchate.
- Over a period of 5 years (since January 2013), the elections within the foundation board members cannot be held, because General Directorate of Foundations (GDF) has not yet

issued new regulations and consequently the electoral process has been suspended.

Another principal way the GDF has restricted the self-management of Ecumenical Patriarchate foundations has been the practice of seizing foundations when it unilaterally deems them to be “no longer of charitable or practical use”. Specifically, 15 foundations owned by the Ecumenical Patriarchate have been illegally seized by GDF, meaning that Greek

Minority members are actually prevented from electing administrative boards of those foundations. 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.

- The Greek Orthodox Theological School of Halki, which had been operating since 1844, the only Greek Orthodox educational institution in Turkey for training its religious leadership, remains closed since 1971, on the ground that the operation of all religious and theological schools at the time was prohibited. However, since then, thousands of *imam-hatip* schools have been opened. In addition, what is more alarming is the recent announcement by the Turkish authorities to establish an international Islamic Educational Centre on the island of Halki. Should Turkey decide to carry on with this plan, the Halki Seminary will be forever marginalized, and, most likely, will never operate again. Therefore, the Halki Seminary should be allowed to reopen for the sake of the community’s survival as well as for the survival of the Ecumenical Patriarchate itself. It is a matter of respect for the freedom of religion, as well as the protection of minority rights.
- Moreover, the world Christian community has raised concerns about the potential change in the status of the historic church of Hagia Sophia in Istanbul. Despite its legal status as a museum since 1935, included in UNESCO World Heritage sites, various nationalist Islamic groups continue to advocate transforming Hagia Sophia museum into mosque. The change of use of Hagia Sophia, a significant symbol of peaceful coexistence, meaningful dialogue and respect among religions, into a mosque would clearly be a step towards the wrong direction, further polarizing a region which has experienced many dramatic events in the last decades. Furthermore, it will signal a complete violation of Turkey’s UNESCO obligations.
- The three churches of Panayia Kafatiani, Aya Yani and Aya Nikola in the district of Karaköy-Galata in Istanbul, as well as their 50 immovable properties, continue to be illegally and forcibly occupied by the self-declared and nonexistent “Turkish Orthodox Patriarchate (TOP)”. Those three churches and their properties should be immediately returned to their legal owner which is the Ecumenical Patriarchate and grant full legal status, so as to be able to elect their governing bodies and freely administer and manage its own foundation.
- Additionally, of great concern is the fact that the relevant Turkish authorities decided, in 2016, to suspend the celebrations of the Virgin Mary’s Day (August 15) that had taken place at the Panagia Soumela Monastery in Trabzon since 2010, using as a pretext the need for its restoration. Nevertheless, despite previous reassurances that renovation works would not last longer than a year, the Church of Panagia Soumela remains closed without any timeline for its reopening or any progress in the restoration works.

Closing statement

As a concluding remark, we would like to underline that respect for religious freedoms is the responsibility of every State. It is not a matter that circulars and statements of good intentions alone can address. It calls for firm will, constructive dialogue and common understanding. Respect for these rights is beneficial for Turkey first and foremost, as it will strengthen its social, ethnic and religious structures, and safeguard pluralism and diversity in this country._



1928

**THE
CONSTANTINOPOLITAN
SOCIETY**

GREEKS EXPATRIATED FROM ISTANBUL
BY TURKISH COERCION

2018 HUMAN DIMENSION IMPLEMENTATION MEETING

Warsaw, 10 to 21 September 2018

Thursday, 13 September 2018

Working session 6: Tolerance and non-discrimination I, including combating anti-Semitism, combating intolerance and discrimination based on religion or belief, including against Christians, Muslims and members of other religions

The Ecumenical Patriarchate in Turkey

RECOMMENDATIONS TO OSCE / ODIHR

Due to systematic and ongoing violations of religious freedom, OSCE / ODIHR is called upon to urge the Turkish government to bring its laws and practices into compliance with international standards on freedom of religion or belief.

Specifically:

OSCE / ODIHR are called upon to urge Turkey -as OSCE participating State- to:

- Grant full legal personality to the Ecumenical Patriarchate, so that the latter may enjoy, inter alia, ownership rights and exercise property ownership, administration and management.
- Reopen the Halki Seminary for the sake of the community's survival as well as for the survival of the Ecumenical Patriarchate itself.
- End Turkish citizenship requirements for the Ecumenical Patriarch and the Holy Synod of the Greek Orthodox Church, and permit them to select and appoint their leadership and members in accordance with their internal guidelines and beliefs.

- Return immediately 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 have been illegally and forcibly occupied by the self - declared and nonexistent “Turkish Orthodox Patriarchate (TOP)” to their legal owner, which is the Ecumenical Patriarchate, and grant full legal status so as to be able to elect their governing bodies and freely administer and manage its own foundation.
- Fully comply with ECtHR rulings on freedom of religion or belief.
- Implement the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights by withdrawing reservations that negatively impact religious freedom, and interpret the 1923 Lausanne Treaty so as to provide equal rights to all religious minority communities._