



**THE
CONSTANTINOPOLITAN
SOCIETY**

GREEKS EXPATRIATED FROM ISTANBUL
BY TURKISH COERCION

2017 HUMAN DIMENSION IMPLEMENTATION MEETING

Warsaw, 11 September - 22 September 2017

Thursday, 14 September 2017

Working session 6: Fundamental freedoms II, including:

– Freedom of thought, conscience, religion, or belief

The Ecumenical Patriarchate in Turkey

STATEMENT

Introduction

We thank the OSCE and the Austrian Chairmanship for the opportunity to contribute to a wider, yet focused dialogue on the rights of the Ecumenical Patriarchate 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.

In general, longstanding religious freedom concerns continue to persist, pertaining to religious properties and clergy education.

Based on these concerns, USCIRF in its 2017 Annual Report, released on April 27, 2017, again places Turkey on its Tier 2 (formerly USCIRF's Watch List), 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.

Furthermore, European Parliament in its Report on the 2016 European Commission Report on Turkey, issued in June 26, 2017, in paragraph 16 points out that "Is seriously concerned about the lack of respect for the freedom of religion, about discrimination against religious minorities,

including Christians and Alevis, and violence on religious grounds, including verbal and physical attacks, stigmatisation and social pressure at schools, and problems in relation to legally establishing a place of worship; calls on the Turkish authorities to promote positive and effective reforms in the area of freedom of thought, conscience and religion, by enabling religious communities to obtain legal personality, allowing charitable foundations to elect their governing bodies, eliminating all restrictions on the training, appointment and succession of the clergy, complying with the relevant judgements of the ECtHR and the recommendations of the Venice Commission and by eliminating all forms of discrimination or barriers based on religion; calls on Turkey to respect the distinct character and importance of the Ecumenical Patriarchate and to recognize its legal personality; reiterates the need to allow the reopening of the Halki Seminary and lift all obstacles to its proper functioning”.

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.

Persisting shortcomings

The European Commission on Turkey 2016 Report, released in Nov. 9, 2016, in page 72 points out that “the Ecumenical Patriarchate received no indication from the authorities that it may use the ‘ecumenical’ title freely. Venice Commission recommendations on this issue are yet to be implemented”.

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 dire consequence the deprivation from its property. 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.
Applications for 1,252 properties associated with the Ecumenical Patriarchate were timely submitted. Of these 1,252 applications, only 352 were accepted, and 900 were rejected. Of the 352 applications that were accepted, only a few have been returned to its legal owner, i.e. the Ecumenical Patriarchate.
- Over a period of 4 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 to elect 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, despite repeatedly promises and public statements for its reopening. Turkish authorities' proposal that the reopening of the School should be done under the auspices of one of the state-run universities in Istanbul is not considered as a solution.

The Theological School of Halki should be re-opened without any preconditions and with exactly the same status it held prior to its closure in 1971.

The reopening of the Theological School of Halki would strengthen Turkey's credibility in terms of its respect for fundamental human rights and freedom of religion.

- The world Christian community has raised concerns about a potential change in the status of the historic Hagia Sophia in Istanbul. Despite its legal status as a museum since 1935, included in UNESCO World Heritage sites, some Muslims, including members of the Turkish Parliament, have called for it to be opened as a mosque. During Ramadan in June-July 2016, Turkish state radio and television aired a Presidency of Religious Affairs-produced series from the Hagia Sophia that included readings of the Qur'an, and the Muslim call to prayer was broadcast for the first time in 85 years from the minarets of the museum.

Also, in the first semester of 2017 there have been several Muslim calls for prayer in Hagia Sophia.

On May 13, 2017, pro-government Muslim Organizations prayed outside the Hagia Sophia and demanded that historic monument of Orthodoxy should be turned into a mosque.

Turkish authorities arbitrarily appointed a permanent imam to Hagia Sophia and decided that he will lead all daily prayers.

Opening Hagia Sophia as a mosque would clearly be a provocative move against Christianity.

- The three churches of Panayia Kafatiani, Aya Yani and Aya Nikola in the district of Karaköy-Galata in Istanbul, as well as their 72 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.
- The Turkish government continues to require that only Turkish citizens can be members of the Greek Orthodox Church's Holy Synod. The government's role in deciding which individuals may be part of the Ecumenical Patriarchate represents severe interference and control in its internal affairs and beliefs.

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._



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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.
- 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.
- Reopen without any delay and prerequisite the Theological School of Halki with exactly the same status it held before 1971 to offer religious education and permit students to enroll from both within and outside Turkey.
- Terminate any move towards conversion of Hagia Sophia Museum into a mosque.

- 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.
- Comply with decisions made by the European Court of Human Rights by removing the space listing religious affiliation on official identification cards.
- Fully 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._