



**THE  
CONSTANTINOPOLITAN  
SOCIETY**

GREEKS EXPATRIATED FROM ISTANBUL  
BY TURKISH COERCION

**2011 HUMAN DIMENSION IMPLEMENTATION MEETING  
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National Minorities

## **The Greek Minority in Turkey**

### **STATEMENT**

#### **Introduction**

We thank the OSCE and its current Chairmanship for the opportunity to address our serious concerns about the actual implementation of OSCE human dimension commitments by Turkey and identify further action which may be taken by Turkey, as participating State, regarding human rights and religious freedoms 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**

The Turkey government continues to impose and / or tolerate significant restrictions and serious limitations on human rights and freedom of religion or belief, thereby threatening the sustainable vitality, survival and vibrant future of the Greek minority in Turkey. Despite good intentions and symbolic gestures, the government has failed to take decisive action to

correct the climate of impunity as for minority members and to make the necessary institutional and administrative reforms to reverse these conditions. For instance, Turkey continues to intervene in the internal governance and education affairs of the Greek minority. Due to these concerns, the United States Commission on International Religious Freedom (USCIRF) continues to place Turkey on its "Watch List" in 2011. Turkey was first placed on the USCIRF Watch List in 2009, and the Commission notes with concern that conditions have deteriorated further since then, underscoring the need for continued vigilance in monitoring.

Furthermore, the European Parliament's Resolution of March 9, 2011 on Turkey's 2010 Progress Report underlines its disappointment that *"only limited progress has been made on the legal framework for the functioning of religious communities, notably as regards their ability to obtain legal personality, to open and operate houses of worship, to train clergy and to resolve property problems not addressed by the Law on Foundations, while noting the prevailing delays and procedural problems for an effective and continued effort on implementation of the Law on Foundations, which must enable the religious communities to function without undue constraints, in line with the ECHR and the case law of the European Court of Human Rights"*.

The European Commission in its Turkey 2010 Progress Report, issued in November 9, 2010, regarding human rights and the protection of minorities, underscores that:

*"the number of rulings of the European Court of Human Rights (ECtHR) finding that Turkey has violated the ECtHR continued to increase...As of September 2010, 16,093 cases were pending before the ECtHR regarding Turkey"*. The majority of them concern the right to a fair trial and the protection of property rights. *"Amendments to the Law on enforcement of judgments address shortcomings in the judicial process that were identified in several ECtHR rulings against Turkey. However, some rulings have not been followed up by Turkey for several years. The government's announcement that it would address these issues was not followed by action"*.

As a country that aspires to become an EU member-state, Turkey is in a unique position to adhere to the values and principles of the EU. It should be noted that any effort Turkey makes in meeting EU standards and criteria on issues of human and minority rights and religious freedoms is a step closer to fulfilling its own goals.

## **Developments**

- It is with a positive spirit commendable that the Turkish Government has already initiated a dialogue with non - Muslim communities. However, this dialogue has not yet yielded any tangible, measurable results.
- The approval of constitutional reforms in the referendum in Turkey, in September 12, 2010, is considered to be a step in the right direction, as these reforms address a number of long-standing priorities in Turkey's efforts towards fully complying with the E.U. accession criteria. Although the constitutional amendments are mostly an improvement, they are not enough to turn Turkey into a fully functioning pluralistic

society, as human rights and minority issues are not directly addressed. In the scope of the Judicial Reform Strategy, the establishment of the Ombudsman Office - yet pending - along with the civil society authorized to deal with questions of discrimination, would be a significant progress.

- Another positive development was the issuing by the Prime Minister Erdogan, in May 2010, of a circular noting that all non-Muslim minorities have the “*right to enjoy and maintain their own identities and cultures in parallel to the national identity and culture of Turkey*”. We hoped that this step was not going to be a mere addition to a long list of similar circulars that were issued in the past in order to address, with little or no success, persisting injustices against non – Muslim minorities in Turkey. At least, the circular acknowledges that the Turkish authorities have been and still are reluctant to implement legislation in favour of non – Muslim communities / minorities, with recourse to behaviours and practices clearly showing that respect for religious, human and minority rights do not yet prevail in the country.
- In August 28, 2011 the government issued a decree which amends, by means of a transitional provision, the 2008 Turkish Law on Foundations. As this transitional provision inter alia stipulates: (a) properties, including cemeteries, declared in 1936 by non – Muslim Foundations but registered in the name of the Turkish treasury, the Turkish Directorate General of Foundations, municipal authorities and the Turkish administration on the islands of Imvros (Gokceada) and Tenedos (Bozcaada) are expected to be returned to their rightful owners (b) compensation expected to be paid for properties confiscated from 1936 onwards by the Turkish state and later sold to third parties. Even this step does not fully redress the magnitude of the damage inflicted, not to mention that it will be judged in due time in terms of the results it may or may not have.
- Also, the issuing by the Turkish State of a circular revising the status of the Vice Director in minority schools as compared to that of Director who is a member of the minority. Despite this circular, school registration and admittance continue to be approved by the Vice President. We will follow-up on the strict implementation of this circular.

### **Persisting shortcomings**

The Greek minority in Turkey - once thriving, now critically shrinking - is faced with persisting difficulties and problems.

### **Minority Foundations**

The Greek Minority and its Foundations property rights were, and continue to be, seriously violated. The Greek minority’s Foundations, in particular, have suffered from massive confiscations of their properties. When voted, the Law 5737/2008 concerning the Welfare Foundations - or Wakifs as they are also called - was welcomed as a step to the right direction. However, it soon became evident that this law did not address all issues pertaining

to non – Muslim Foundations and their property. Mainly, it did - as it happens with the recent decree mentioned above - not address the issue of non - Muslim Foundations that were fused and administered by the Turkish Directorate General of Foundations along with their property.

In general, the said Directorate is unduly restrictive in the way it implements the legislative changes, rendering them virtually useless. Also, 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. It is worth to point out that only 96 applications out of 1410 were initially accepted. 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. The government should closely monitor key bureaucratic institutions such as the VGM and the land registry offices to ensure that they abide by the instructions of the Prime Ministry's relevant circular of May 13, 2010. The Prime Ministry should issue a follow - up circular specifically calling on the VGM and land registry offices not to require foundations to produce documents they do not have or cannot obtain.

It is obvious that the Law 5737/2008 has not been fully implemented and consequently there is an urgent need for action by the Turkish government. As regards the recently issued aforementioned decree, it remains to be seen how the authorities will also implement this new regulation.

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.*

*-Returning 24 fused Greek - Orthodox Foundations and their immovables registered to them, as well as the management, to their lawful owners.*

*-Recognizing the equality of the minority Foundations and all other Foundations, thus terminating discriminatory practices against them.*

### **Denial of succession rights**

Turkey, in the 21<sup>st</sup> century, continues refusing the succession rights of members of the minority with Greek citizenship. 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. In this context, the restitution of the Turkish Republic citizenship to Greek minority members should be facilitated, taking into account the massive deprivation of their citizenship following the harsh administrative measures taken so far.

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.

## **Educational problems**

The Greek minority continues to encounter serious problems with education rights.

Greek minority schools face also administrative difficulties.

There is a dual headship system for minority schools. The headmaster is appointed by the minority whereas the deputy head is a Muslim appointed by the State's National Education Directorate. In practice, only the deputy head has any real decision-making power, as it is required to approve any decisions of the headmaster.

Turkish authorities impose enrollment restrictions to students of minority.

Furthermore, they prohibit the registration and attendance of European and other nationality students to Greek minority schools. Also, they continue occasionally denying the appointment of minority teachers in pursuance of the principle of reciprocity.

These measures are limiting the fundamental right of free access to education and thus leading to the graduate disappearance of the minority schools protected under Lausanne Treaty.

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.

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

## **Other issues**

### **Discriminatory practices**

In Turkey, the members belonging to the Greek minority are not admitted to posts in the administration, the police forces, the army or the judiciary. Taking also into consideration the relevant point 19.8 of the Council of Europe's PACE Resolution 1704(2010), Turkish government should put an end to this injustice and discriminatory behavior, including by introducing a quota for admission of minority's members to the civil service.

### **Security problems and hate crimes**

During the last years, there have been reported a number of attacks (acts of defamation and vandalism) against places of worship.

The Panaghia Greek Orthodox cemetery on the island of Imvros was extensively vandalized on 29 October 2010, and 78 graves were totally destroyed. It should be noted that this is not the first time that such outrageous acts of large-scale vandalism have occurred in cemeteries belonging to the Greek minority in Turkey. Two years ago, the cemetery of Balikli in Istanbul suffered extensive damage. These provoking actions cause serious concerns for the security of religious places.

Furthermore, incitements to hatred and violence passed on by the Turkish media exercise psychological pressure to the members of the minority.

## **Closing statement**

These were 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, the territorial applicability 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 international fora pertaining to human rights and act upon them. Turkey should spare no effort in identifying those shortcomings and reviewing accordingly both the relevant legislation and its implementation, with a view to eliminating racial discrimination in all areas and raising awareness for human rights in general.

Regarding the legal personality issue, and more, the most recent EU Common Position, following the 48<sup>th</sup> EU-Turkey Association Council meeting (held in Brussels May 2010) is also clear: *"Turkey needs to ensure that they (i.e. non-Muslim communities) can acquire legal personality, exercise their property rights ...The EU calls on the Turkish authorities to make more strenuous efforts to prevent discrimination, intolerance and religiously motivated acts of violence. In light of the above, the EU invites Turkey to take also into account the opinion of the Venice Commission of the Council of Europe delivered on March 15, 2010"*.

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 circulars and statements of good intentions alone can address. It calls for firm will, constructive dialogue and continuity of effort. 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.

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

Thank you very much for your attention.