

Ecumenical Federation of Constantinopolitans

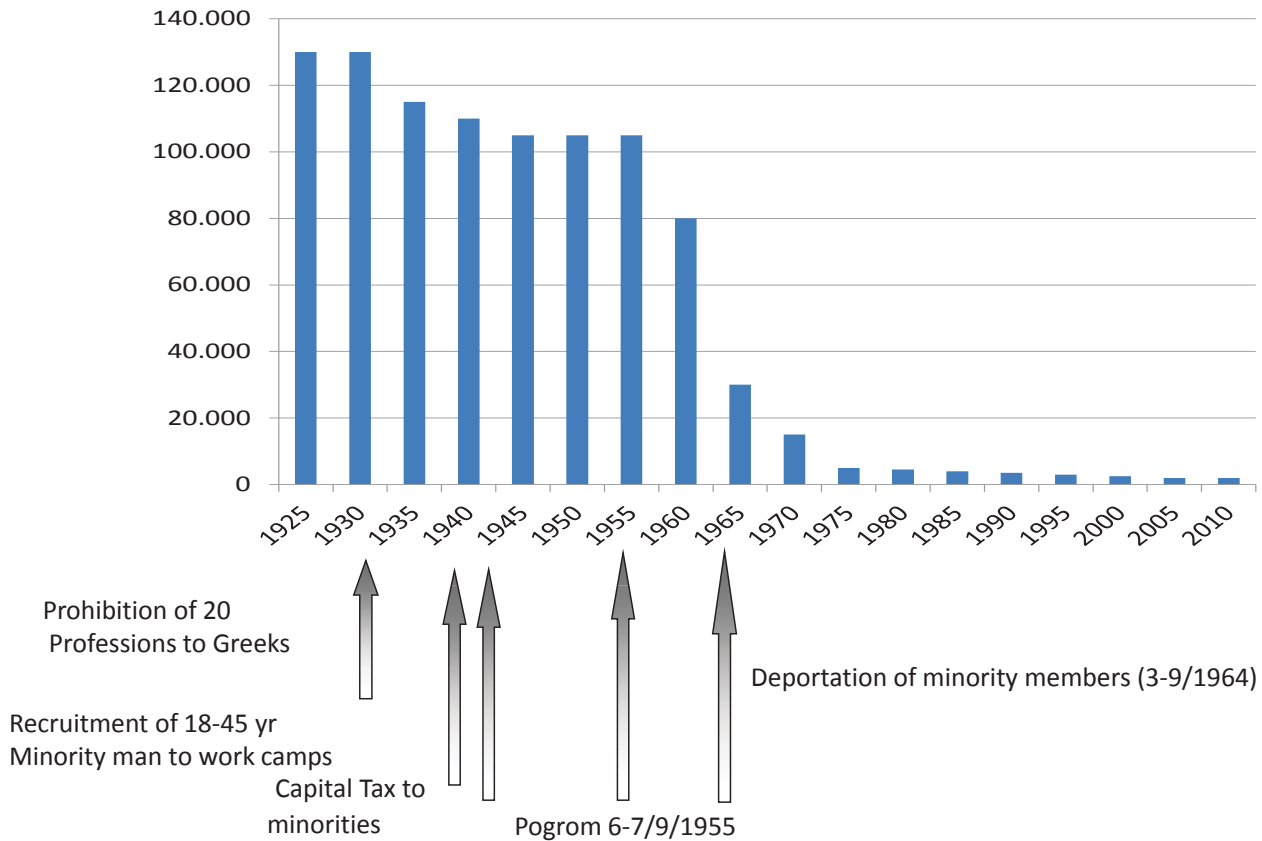
OSCE Contribution to the Protection of
National Minorities
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The History of the Greek-Orthodox Minority of Istanbul after the establishment of its international status by the Lausanne Treaty (24/7/1923) can be presented shortly with the graph given in the following slide.

The Minority living in Istanbul being 120.000 members among 1 Million habitants beginning of 1950's presently is of 2.000 out of 15 Million habitants.

The Minority 98% of its population contrary their desire are living as an Expatriated Community. This Community is represented by the Ecumenical Federation of Constantinopolitans

Population of the Greek Minority living in Istanbul 1923-2010



FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES
 Council of Europe

The Only Countries neither signed nor ratified the Framework Convention for the Protection of National Minorities are:

France, Turkey, Monaco and Andorra

Ecumenical Federation of Constantinopolitans strongly believes the necessity of Republic of Turkey to endorse the Framework Convention.

Republic of Turkey has been part of the European Convention of Human Rights among the first countries as early as 1954

The Ljubljana Guidelines on Integration of Diverse Societies The case of Greek-Orthodox Community is reviewed vs. the Guidelines

Guideline 2. Good and democratic governance serves the needs and interests of a State's entire population. While democracy implies majority rule in political decision-making, it also includes safeguards against the abuse of majority power. This is achieved by ensuring the protection and participation of minorities, and by facilitating inclusive processes of governance that involve all members of the population.

Until recently (2004) the non-Muslim minorities were subject to serious violations of their citizenship and minority rights contrary to the whole Section II of the Lausanne Treaty (1923) which is a binding international document for the Republic of Turkey being the founding convention of it. In many cases "secret decrees or regulations" were used to implement the discriminatory policies. Still several discriminatory measures are in force. We strongly suggest Republic of Turkey to be part of the Framework agreement of Protection of National Minorities of Council of Europe and implementing its clauses.

Guideline 3. Non-discrimination and effective equality are not only foundational and cross-cutting principles; they are prerequisites for the effective contribution of all to the common good. The prohibition of discrimination entails equality before the law and equal protection under the law, and that obstacles to effective equality are removed. Ensuring effective equality in law and in fact also implies a positive obligation to adopt targeted policies and, where necessary, special measures.

The last 10 years despite that many "secret decrees" imposing discriminatory administrative measures against the non-Muslim communities were abolished or has been inactive, still on the bureaucratic level are attitudes keeping this wrong tradition. On 14 May 2010 the Prime Minister R.T. Erdogan issued a circular to state officers drawing their attention to the necessity of stopping these behaviors. During the period 1923-2003 the discriminatory attitude were based on the concept that the minority citizens were "foreign compatriots (yabancı vatandaş- Ruling of Higher Court Yargıtay 1974)

Guidelines 4. Respect for human rights and fundamental freedoms, including minority rights, enables diverse societies to fully develop in conditions of security, peace and co-operative relations. International commitments and binding obligations are the minimum standards States have to observe. Positive obligations also entail proactive policies and the promotion of full respect for the rights of all individuals.

In case of the Greek-Orthodox Community of Istanbul as well as the islands Gokceada (Imbros) and Bozcaada (Tenedos) equally important to the respect of his fundamental human rights is the implementation of **REMEDY and REPARATION MEASURES** of injustices of the past. Otherwise there is no meaning to promise the respect of human rights for a Community which presently is obliged to live as an **EXPATRIATE COMMUNITY**.

Guidelines 9. Integration policies should be based on inclusion and should thus strive for a situation in which everyone enjoys full membership in their society, equal access to public goods and services, and equal opportunities. Effective participation on an equal footing by all members of society in social, economic and cultural life and in public affairs should be instreamed. Guideline 38. The process of integration can only be facilitated if opportunities for participation are provided to all members of society. Effective participation in public affairs and all aspects of social, economic and cultural life, including of persons belonging to minorities, is both a right in itself and an essential precondition for equal opportunities in practice.

Guidelines 26. Public administration and the civil service should mainstream diversity in the structures and mechanisms of their work, including by employing persons belonging to minority groups, especially where the delivery of essential services is concerned. They should also mainstream diversity in the substance of their work.

Until recently it was not possible a minority member to be appointed as state officers in the public administration. This practice usually was implemented by administrative orders or circulars. Despite the fact that this practices have been abandoned still there are no state officers in Republic of Turkey belonging to recognized non-Muslim minorities.

Guideline 11. Integration policies should include measures that encourage cross-community dialogue and interaction based on tolerance and mutual respect. This covers a broad range of initiatives in various fields, including education, media and language policy. When possible, it is preferable to use positive incentives to ensure compliance rather than punitive measures.

Guideline 44. Education policies should be formulated in line with and as part of integration policies. In this way, they can better provide the basis for the integration of society and foster knowledge, interaction and understanding between pupils of different communities.

Guideline 18. Legislative frameworks, including constitutional law, should be inclusive and should explicitly recognize the diversity within plural societies and guarantee its protection and promotion.

Guideline 19. Promotion and protection of the human rights and fundamental freedoms of all individuals without discrimination should be entrenched in the constitution and translated into concrete norms and mechanisms. Minority rights are an integral part of human rights. Comprehensive minority rights legislation should be put in place.

The last 5 years has been noticeable effort by the Ministry of Education of Republic of Turkey to erase negative references against the minorities in the framework of historical references. However still negative references exists referring to minority schools and Ecumenical Patriarchate in the history books. The contribution of minorities to the economic, cultural, democratic and state administration developments in history of Turkey and in the past of the Ottoman Empire, are completely ignored in the teaching books published by Ministry of Education.

Despite many efforts during the last 5 years the establishing a new Constitution in Republic of Turkey has been unfortunately not successfully yet. The key issue has been the definition of "citizenship". The present Constitution of 1982 defines all citizens being apriori Turk. The weakness of this definition has been recognized by many experts within Turkey. The minority Communities were invited and submitted proposals for the new Constitution. EFC has also submitted proposals.

Guideline 21. Legislation should provide for clear and effective remedies. Full access to these remedies should be ensured.

The issue of effective remedies towards the Greek-Orthodox Minority and other Minorities of Turkey is the most important issue highly related to the deepening of democratic principles and rule of law in the Republic of Turkey. The U.N. General Assembly Resolution 60/147 on the Remedies and Reparations towards the victim communities is very important tool to achieve this task and many times has been submitted to Government Officials by the Ecumenical Federation of Constantinopolitans.

Guideline 23. Implementing integration policies is a process requiring the active engagement of multiple stakeholders from the public and private sectors. Policy planning and documents should take the various actors and their respective responsibilities into account.

Ecumenical Federation of Constantinopolitans, during the last 4 years, has submitted detailed proposals to Government of Turkey on the issues to be solved along the remedy of past injustices. There has been limited progress which needs to be accelerated.

A discriminatory attitude of the administration is related to the rights recognized to ex-citizens of Turkey in case of Greek-Orthodox minority. In case of a citizen resigned, with the approval of State, a "blue card" status is given to an ex-citizen of Turkey which guarantees most of the civil rights to him/her as being citizen. Minority members are exempted from this beneficiary measure in absence of an restrictive legislation.

Guideline 29. Civil-society actors play an important role by providing input on integration policies based on grassroots experience. They are also potential actors in implementing policies and plans.

Ecumenical Federation of Constantinopolitans after the year 2010 is being accepted to discuss, on the highest Government level, to produce solutions of pending problems of the expatriated Greek-Orthodox Community of Istanbul. However the application of the Federation to establish a representation in Turkey is pending the last 12 months.

Guideline 30. When developing comprehensive anti-discrimination policy and legislation, States should create mechanisms for effective implementation. Proactive policies should be put in place to identify and remove barriers to equal opportunities. Legal remedies in cases of discrimination should include effective, proportional and dissuasive sanctions, adequate compensation and, where necessary, remedial action.

The absence in the Republic of Turkey of an authority to be responsible on minority issues is resulting the efforts for long standing minority problems to be addressed in a diverse way to many authorities and this creates many difficulties even to approach the solution the problems rather than solving them. A serious problem in the context of many pending issues are the real estate ownership problems of expatriated minority members. EFC has proposed many times the necessity of establishment of a Service Authority under the Ombudsman to support the victims trying to reacquire their ownerships.

Guidelines 31. Policies that include special measures to combat the effects of past or systematic discrimination of a particular group should not be considered discriminatory. The possibility to adopt such measures should be foreseen in law.

There is no law in Turkey to foresee measures combating the results of injustices of the past. The only recognized legal entities being Minority Welfare Foundations the only laws passed after 2004 has been the return of real estate ownerships to Minority of Welfare Foundations. The results of implementation of 3 laws passed has provided limited results of remedy. **Furthermore the prohibition of the elections in the Minority Welfare Foundations is overturning any positive results of achieved in this context.**

Guideline 32. An inclusive and non-discriminatory citizenship policy is an important aspect of integration policy. In addition, citizenship also has a symbolic value as a signal of common belonging on the part of both the holder and the granter of citizenship.

Guidelines 33. Citizenship is in the competence of the State and should be based on a genuine link of the individual to the State. Nevertheless, contemporary developments set clear and increasing limits to States' discretion in formulating policies regarding access to and stripping of citizenship, including prohibiting discrimination when conferring citizenship.

Guidelines 34. Citizenship is a human right and everyone has the right to a citizenship. In particular, laws should not generate statelessness at birth, regardless of the source of statelessness.

The policy of discarding – stripping citizenships from members of Greek-Orthodox minority, which was implemented during 1963-2003 has been stopped the last 10 years while citizenships are being reinstated. However still numerous problems remain to be tackled such as the acquisition of citizenship from mother side to children. The necessity of taking temporary legal measures is evident. Since in Turkey there is no age limit in military service many ex-citizens of Greek-Orthodox members as old as 65 have to serve their military service or to pay 6000 Euro as redemption. Since the expatriated member of the Minority were not able to serve their military duties because of the expatriation policies of past Governments or Turkey it is necessary to find a just solution to this problem. Although several times the Ministry of Foreign Affairs of Turkey has promised the reduction or redemption for aged members this has to be realized yet.

Guideline 41. States should create the conditions for persons belonging to minorities to effectively participate in the cultural life of their own community and of wider society. Freedom of religion and belief, and opportunities for voluntary participation in the religious life of a community, should be ensured, including through mutual accommodation, as appropriate.

The continuing prohibition of education in the Heybeliada - Chalki Theological School from 1971 is a very serious violation of religious rights together with the non-recognition of legal status of 17th Century old Ecumenical Patriarchate of Constantinople. Moreover the use sometimes by Government officials of Turkey the Theological School as being a bilateral problem between Greece and Turkey, referred wrongly as “reciprocity” is an unacceptable anachronistic attitude.

Guideline 47. States should, as a matter of priority, assess the situation with regard to access to justice and develop a comprehensive strategy and policies aiming to guarantee effective access to justice for all. Equal access to effective and impartial justice is essential for the integration of society.

Despite the fact that after 2003 numerous discriminatory measures in the judicial system in Turkey has been abolished still in bureaucratic level are many obstacles in case of minority members claiming their ownership properties exits. The processes of reacquire ownership rights usually faces very long delays and exhaustive attitudes of public authorities causing excessive delays in delivering justice.

Guideline 48. State policies should aim to promote and facilitate the capacity and awareness of the media to reflect and respond to the diversity within their societies, including by promoting inter-cultural exchange and by challenging negative stereotypes and prejudices and in other ways countering intolerance.

Still part (less compared to past decades) of media continues hate expression against the minority communities. The law on hate crimes passed in Dec. 2013 do not include provisions for those targeted because of their ethnic identity. The present legislation is far being compatible to OSCE standards and must be reformed.

Conclusions

The review of Lublijiana Guidelines of OSCE concerning the rights of the Greek-Orthodox Minority of Istanbul shows very serious deficiencies which must be tackled by the Republic of Turkey. Ecumenical Federation of Constantinopolitans during the last 5 years has proposed specific remedy measures of the past mass scale injustices were implemented against the Greek-Orthodox minority of Turkey.

The most important issue is the necessity Republic of Turkey to sign and ratify the Framework Convention for the Protection of National Minorities of Council of Europe.