



**THE
CONSTANTINOPOLITAN
SOCIETY**

GREEKS EXPATRIATED FROM ISTANBUL
BY TURKISH COERCION

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**OSCE HIGH-LEVEL CONFERENCE ON
TOLERANCE AND NON-DISCRIMINATION**

Astana, Tuesday, 29 June 2010

Part 1. Forms of intolerance and discrimination

Session 3: Combating racism, xenophobia and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions

The Ecumenical Patriarchate and the Greek Minority in Turkey

Introductory remarks:

- We thank the OSCE and its current Chairmanship for the opportunity to contribute to a wider, yet focused dialogue on human rights, rights of minorities and religious freedoms, within the framework of its tolerance and non-discrimination agenda.
- I represent the Constantinopolitan Society, a non-governmental organization, established in 1928. This is a body representing the expatriated Greek minority of Istanbul.
- Therefore, my intervention will focus on the latest developments in the situation of human and minority rights and religious freedoms in Turkey, as seen through the Greek minority's perspective. **This would include both identifying shortcomings and offering insight and recommendations.**

General points:

- 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 European community. This, however, requires adjusting and streamlining its policies along the way in accordance with the EU acquis.
- Initiating and successfully completing a demanding reform agenda has been an indispensable part of this process for almost every country that is now an EU member-state. Tolerance and non-discrimination, human and minority rights and religious freedoms issues are high on this agenda.
- Any effort that Turkey makes in meeting EU standards and criteria on these issues is a step closer to fulfilling its *own* goals. Indeed, it is a step closer to Turkey's instilling – *where there are not* – and enhancing – *where there exist* – non-discriminatory treatment; equality before the law for all people and institutions; freedom of worship for non-Muslim religious communities; protection of human rights and the rights of the minorities.

Positive Developments:

- There were some positive, recent developments in this field that are worth-mentioning.
- For instance, the Turkish Government has initiated, since the end of 2009, a dialogue with non – Muslim communities. Albeit an encouraging step in the right direction, this dialogue has not yielded any tangible, measurable results.
- Furthermore, it lacks the characteristics of a well-structured and consistent approach in the sense that it is being carried out, on behalf of the Turkish Government, by a different each time official interlocutor. This has as a result sending mixed signals and fostering discontinuity of effort. These are symptomatic of an approach designed, it seems, not to offer solutions to real and ever present problems but rather to appeal to the public opinion within Turkey and abroad.
- Another positive development was the issuing, on May 13th, of a circular, signed by the Turkish Prime Minister, on the situation of non-Muslim minorities in Turkey. This is to be added 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.
- The circular will be judged in due time in terms of the results and the impact it may or may not have. However, it constitutes a development worth mentioning, if not only for the simple fact that it formally acknowledges that the Turkish authorities are reluctant to implement legislation in force in favor of non-Muslim communities, with recourse to behaviors and practices clearly showing that respect for religious, human and minority rights do not yet prevail in the country.

Persisting shortfalls with regard to the Greek minority and its Foundations, namely their property and inheritance rights, in Turkey -and recommendations:

- The Greek minority in Turkey – once thriving, now unfortunately declining, from both a demographic and an economic point of view – is faced with persisting difficulties and challenges as a result of its different ethnic and religious background.
- 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 in the right direction. However, it soon became evident that this law does not address all issues pertaining to non-Muslim Foundations and their property.
- For instance, the aforementioned Law does not address the issue of the property of the Greek-Orthodox Foundations that was seized and sold to third parties.
- Similarly, it does not address the issue of non-Muslim Foundations that was fused and administered by the Turkish General Directorate for Religious Affairs along with their property.
- To successfully address these issues, the Law on non-Muslim Welfare Foundations should be amended in such a way that would allow for, among others:
 - ***Putting an end to*** the fragmentation of minority Foundations as a result of the Wakifs system in force; allowing for the unification of the various minority Foundations is key to their survival and efficient as well as cost-effective functioning.
 - ***Returning*** those (24) fused Greek-Orthodox Foundations to their lawful owner,

- ***Solving the question*** of property that was seized and sold to third parties, including by provide for proper compensations.
- Recognizing the equality of the minority Foundations and all other Foundations, thus terminating discriminatory practices against them.
- ***Resolving*** the issue of minority cemeteries and recognize their ownership by the minority communities (as clearly stated in Art. 42 of the Treaty of Lausanne).
- Turkey should also ensure that Greek citizens are able to fully enjoy their rights over inherited patrimonial property. Turkey should conform to the relevant rulings (i.e. Fokas vs Turkey, 31206/2002) of the European Court for Human Rights and implement its own Registry Law.
- On the educational front, we welcome the issuing by the Turkish state of a recent circular revising the status of the Vice Director in minority schools as compared to that of Director that is a member of the minority. We will follow-up on the implementation of this circular.
- On the same front, we ask Turkey to eliminate all anti-minority references in schoolbooks used for teaching in Turkey, as it forges historic realities, fosters discriminatory behavior against members of the minority and incites hate actions.
- On a more general note, Turkey should take specific measures to facilitate the return of the Greeks of Istanbul that have been forced to leave the country following a systematic persecution and violations of their human rights.
- We ask Turkey to take seriously into consideration recommendations by international fora pertaining to human rights and act upon them. For instance, on March 2009, the Committee on the elimination of Racial Discrimination, although welcoming the extensive legislative reforms carried out by Turkey, noted many areas that are falling short of the desired level for protecting and promoting human rights.
- 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.
- 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, are causes for concern.

The situation of non-Muslim communities in Turkey and the challenges they are still faced with:

- In the EU Commission's own wording, as included in its 2009 Progress Report on Turkey: "*Non-Muslim communities (in Turkey) – as organized structures of religious groups – still face problems due to lack of legal personality*".
- On the same matter, i.e. the legal personality issue, and more, the most recent EU Common Position, following the 48th EU-Turkey Association Council meeting (held in Brussels May 2010) was also clear: "*Turkey needs to ensure that they (i.e. non-Muslim communities) can acquire legal personality, exercise their property rights and train their clergy...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”.

- The European Parliament, on its resolution adopted on February 10th, 2010 emphasized *“freedom of religion as a universal fundamental value and calls on Turkey to safeguard it for all;”*. In the same resolution, the European Parliament *“underlines in particular the need for all religious communities to be granted legal personality”*.
- The legal personality question of non-Muslim communities in Turkey is extensively covered in the opinion of the Venice Commission of the Council of Europe. In its conclusions, the Venice Commission makes reference to Article 9, in conjunction with Article 11, of the European Convention on Human Rights as allowing for the possibility for religious communities as such to obtain legal personality. The opinion clearly states that *“the Venice Commission can see no justification ...for not granting such rights to the non-Muslim religious communities”* and *“encourages the Turkish authorities to...introduce legislation making it possible for all non-Muslim religious communities as such to acquire legal personality”*.
- Another latest development of key importance is the judgment, issued on June 15, 2010, by the European Court for Human Rights on the case of the Prinkipos Orphanage (Buyukada Orphanage). The Court has ruled in favor of the return, the restitution of the Orphanage to the Ecumenical Patriarchate as its rightful owner. This is a most important decision by the ECtHR that sets a clear precedent.
- There is also the issue of the Patriarchate’s right to use the title “ecumenical”. The Venice Commission’s opinion also refers to this issue. On that matter, the Commission, in its opinion, holds that *“any interference with this right (i.e. to use the title ecumenical), would constitute a violation of the autonomy of the Orthodox Church under Article 9 of European Convention of Human Rights”*.
- During the last three years, there have been reported a number of attacks (acts of defamation and vandalism) against places of worship in Turkey. Incidents of desecration have also occurred against non – Muslim religious Institutions or communities’ cemeteries.
- Finally, the reopening of the Theological School of Halki (Heybeliada) is also pending. The Faculty in question is an important part of the Ecumenical Patriarchate’s religious history and tradition, and a school for its clergy. The Faculty remains closed since 1971. Despite assurances as to its reopening, the Turkish authorities have yet to proceed to such a move.

Closing statement:

- These were an indicative overview of some of the challenges that the Greek minority and the Ecumenical Patriarchate 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.
- As a concluding remark, I 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 the country.
- At the end of day, every process is judged by the real and measurable outcome it brings to a challenging situation.

Thank you for your attention._