

**THE
CONSTANTINOPOLITAN
SOCIETY
Est. 1928**

GREEKS EXPATRIATED FROM ISTANBUL
BY TURKISH COERCION

Non-Governmental Organization

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OSCE / ODIHR Conference

Human Dimension Implementation Meeting,
Warsaw, 28 September 2009 - 9 October 2009

Wednesday, 30 September 2009
Working session 5: Tolerance and non-discrimination I
National minorities

STATEMENT

The Constantinopolitan Society, established in 1928, is a non-governmental, non-profit organization, which over the past decades has been presenting to you both the appalling events of the past and mainly the problems that the Greek Minority and the Ecumenical Patriarchate still face in Turkey and concern the violation of human rights and the non respect of religious freedom, pursuant to the European Convention on Human Rights and other International Treaties.

We will point out, briefly, the basic issues that are related to the human rights, which they have not yet been resolved and are in contrast with what is in effect internationally and with the European criteria for human rights, regarding the protection of the non-Muslim minorities of Turkey.

Prime Minister of Turkey, Mr. Recep Erdogan, in a historic statement on May 23, 2009, acknowledged publicly that Turkey displayed a “fascist approach” in dealing with its minorities in the past. “For years, these things were done in this country. People of other ethnical ethnicities were driven out of the country. Did we win anything because of that? This was a result of a fascist approach”, Mr. Erdogan told during a meeting of his ruling Justice and Development Party.

This statement, although very significant and politically far – reaching, could turn out to be of little value, if no additional, substantial measures to redress or to do away with past injustices - thus building a sense of tolerance and safety within the members of the minority - are adopted and implemented.

Minority Foundations

Over more than fifty years, the Turkish government had used convoluted regulations and undemocratic laws to confiscate hundreds of properties belonging to the Greek Orthodox Community.

In 1936, the Turkish government required all foundations to declare their source of income. In 1974, the Turkish High Court of Appeals ruled that minority foundations had no right to acquire properties other than those listed in 1936 declarations. Since that time, the government has seized control of hundreds of properties acquired after 1936. Religious minority foundations that are recognized by the state can acquire property, but previously expropriated property cannot be reclaimed, nor is there any compensation provided by the state for expropriated properties. These government actions are not subject to appeal. Greek minority’s members are also been subjected to limitations on the maintenance of religious and cultural sites, due to bureaucratic obstacles in gaining the required official documents.

According to Turkey 2008 Progress Report of the Commission of the European Communities, issued on November 11, 2008, “the Greek minority continues to encounter problems with education and property rights...Overall, Turkey has made no progress on ensuring cultural diversity and promoting respect for and protection of minorities in accordance with European standards.”

According to the Report of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, issued on April 21, 2009, the Law 5737 / 2008 (Law on Foundations) in no way settles the question of the return of property lost since 1974 to the Directorate General of Foundations, or provides for compensation where property cannot be returned.

The new Law fails to address a number of issues, such as the return of properties: a) belonged to the “*mazbut*” (occupied) non – Muslim Foundations and b) those which have been re-sold to a third party after their confiscation in 1974.

The rapporteur is concerned about the provision to the effect that new foundations must be set up in accordance with the Turkish Civil Law. Article

101 (4) of this Code prohibits the setting up of foundations with the view to supporting a group of a specific origin or a community. In practice, this is liable to prevent the setting up of new foundations by minority groups. A great deal will also depend on how the new provisions are applied in administrative and judicial practice.

Furthermore, additional measures should be taken in order to deal with other problems that are not addressed by the aforementioned Law (e.g. allow non-Muslim foundations to engage in international activities and abandon the principle of reciprocity).

Turning to a previous legislative amendment of September 2004 – that means prior to Law 5737 / 2008 – is to be noted that this allows the non-Muslim community's foundations to organize freely their elections and to enlarge their electoral constituency.

However, potential candidates for the election of foundations governing boards must reside in the district where the foundation has its headquarters. This possibility is subject to prior authorization by the Istanbul Prefecture. In fact, several foundations have come up against serious obstacles when requesting such authorization. Additionally, in certain cases of minority members that were elected lawfully, the authorities did not allow them to take office because their names were included in a minority members list which prohibited them to participate to the elections conducted in 1991.

Educational Issues

According to the Turkey 2008 Progress Report of the Commission of the European Communities, issued on November 11, 2008, "the Greek minority continues to encounter problems with education rights... Overall, Turkey has made no progress on ensuring cultural diversity and promoting respect for and protection of minorities in accordance with European standards".

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.

The authorities continue occasionally denying the appointment of minority teachers in pursuance of the principle of reciprocity.

Moreover, regulations dating back to the 1980's have made it more difficult for Greek Minority children to register and attend their community schools. School registration must be carried out in the presence of inspectors from the Ministry of National Education, who reportedly ensure that the child's father is from the Minority – thereby limiting the fundamental right of free access to education and leading to the graduate disappearance of the community schools protected under Lausanne.

Turkish identity and nationalism are promoted as fundamental values in the education system, while minority culture is ignored. The oath read in primary schools every morning makes children feel scared and confused. The oath

says: I am a Turk, I am correct, I am hardworking... My presence is a present to the presence of Turks. Happy is the person who says "I'm a Turk."

All school children are obliged to attend classes on religious culture and ethics, based on the principles of the Sunni sect of Islam, instead of general teachings on the history of religions. Only Christians and Jews are permitted to opt out, on condition of providing an attestation to their faith, in contradiction to the main principle of the Turkish Constitution, which prohibits the forceful disclosure of religion.

Denial of succession rights

Turkey continues in 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 the country, 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 loss of their citizenship following the harsh administrative measures taken during the period 1960 – 1990.

Security problems and exercise of psychological pressure

Over the last year, provoking actions or acts of vandalism that cause concerns for the security of religious places and members of the Minority as well have been observed. Specifically, incitements to hatred and violence passed on by the Turkish media exercise psychological pressure to the members of minority.

Inter alia, in July 2008, two attacks and destructions in the Holy Fountain of Aghia Fotini in the island of Kinaliada (Proti) were recorded.

On May 5, 2009, a person attacked pilgrims and tourists in the Holy Fountain of Panayia Vlaherna, Istanbul, insulting them and shouting "down with infidels". Then, he destroyed the surroundings.

Recently, on September 2-3, 2009, ninety (90) tombs were desecrated by vandals at Baloukli Greek Orthodox Cemetery, in Istanbul, bringing to mind the appalling pogrom against the Greek community in September 1955.

Ombudsman

The establishment of the Ombudsman has been outstanding since 2006, following the application of former President Sezer to the Constitutional Court for the annulment of some provisions of the Law. The Constitutional Court suspended the entry into force of the Law pending its final ruling. The establishment of the Ombudsman office would strengthen the rule of law, justice and the protection of individual rights of the minorities.

Conclusion and Recommendation

As I have reported to you in brief, combined with the past actions against the Greek Minority on the part of the Turkish state, specifically the pogrom of the

6/7 September 1955 and the overnight forced expulsion in 1964, have resulted in a steep decline of the Greek population in Turkey. Before 1920, the Greek population in Istanbul was 350,000 people. Today, the Greek population is less than 4,000 people. As far as the islands of Gokceada (Imvros) and Bozcaada (Tenedos) are concerned, there were about 7,000 Greek people in the 60's, while there are hardly 200 people left now.

In the spirit of Resolution 1625 (2008), adopted by the Parliamentary Assembly of the Council of Europe on the Greek minority on the islands of Gokceada (Imvros) and Bozcaada (Tenedos), that calls for preserving the bicultural character of the two islands as a model for cooperation between Turkey and Greece, the Turkish State is invited to redress all current injustices, provide strong support and take initiatives to facilitate the return of Greeks of Turkey that have been forced to leave their native land.

Thank you for your attention.