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**THE  
CONSTANTINOPOLITAN  
SOCIETY**GREEKS EXPATRIATED FROM ISTANBUL  
BY TURKISH COERCION**2014 HUMAN DIMENSION IMPLEMENTATION MEETING**

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Working session 11 (specifically selected topic):  
Rights of persons belonging to national minorities**The Greek Minority in Turkey****STATEMENT****Introduction**

We thank the OSCE and the Swiss 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**

Non-Muslim Minorities in Turkey have suffered numerous injustices, as a result of discriminatory and oppressive state policies. With regard to the Greek minority in particular, these policies have led to the dramatic decline of the Greek population of Turkey, from over 100,000 in the 1950's to less than 2,500 at present.

Despite official reassuring statements, the Turkish government has failed to take decisive actions to make the necessary institutional and administrative reforms to reverse these conditions. Full respect for and protection of education, culture and fundamental rights in accordance with European standards have yet to be achieved.

The Turkish government continues to impose significant restrictions and serious limitations on human rights and freedom of religion or belief, thereby threatening the sustainable vitality, survival and future of the Greek minority in Turkey. The situation of the Greek minority has not been changed. It continues to be confronted by discriminatory practices regarding access to education and property rights.

It is worrisome to observe that democratic reforms regarding non-Muslim minorities rights have been suspended or retrograded during the last two years.

In general, 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 establish and operate houses of worship, to train clergy and to resolve property problems not addressed by the Law on Foundations that will enable those communities to function without undue constraints, in line with the principles and the case law of the European Court of Human Rights.

The European Parliament resolution on the 2013 progress report on Turkey, adopted on March 7, 2014 stresses the importance of continuing to provide an appropriate legal framework for the restoration of the property rights of all religious communities; stresses the importance of continuing the process of reform in the area of freedom of thought, conscience and religion by enabling religious communities to obtain legal personality, by eliminating all restrictions on the training, appointment and succession of clergy, by complying with the relevant judgments of the ECtHR and the recommendations of the Venice Commission and by eliminating all forms of discrimination or barriers based on religion, underlines the importance of lifting all obstacles to a speedy reopening of the Halki Seminary and to public use of the ecclesiastical title of the Ecumenical Patriarch.

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 vision.

## **Developments**

- It is with a positive spirit commendable that the Turkish Government has initiated a dialogue with non-Muslim communities. However, this dialogue has not yet yielded any tangible, measurable results.
- The Turkish General Directorate of Foundations (VGM) approved a reactivated foundation for the Greek Minority on the island of Imvros (Gökçeada), allowing the community to re-open an elementary Greek school in September for the first time since

- 1964. However, a commitment to authorize the reopening of the Junior High School and High School for the school year 2014-2015 has not been honored yet.

### **Persisting shortcomings**

The Greek minority in Turkey is faced with persisting difficulties and problems, namely:

### **Minority Foundations**

The property rights of the Greek Minority Foundations continue to be 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 Vakifs, 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 does not address the issue of non – Muslim Foundations that were fused and administered by the Turkish General Directorate of Foundations (VGM) along with their property.

In general, the said Directorate is unduly restrictive in the way it implements the legislative changes, rendering them virtually useless.

In August 28, 2011 the government issued a decree which amends, by means of a transitional provision, the 2008 Turkish Law on Foundations.

Decree's scope is narrow and does not fully redress the magnitude of the damage inflicted, excluding important categories of confiscated property. It is important to note that the Decree does not address the property of seized community foundations (mazbut vakif). Seized foundations are community foundations whose administration was illegally seized by the VGM for various reasons, for example because they were not able to hold board elections for a certain time, or they could no longer fulfill their charitable purpose. The administration of this seized property, and thus the property, may not be given back to community foundations.

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. 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 that they do not have or cannot obtain.

The number of properties seized from Greek community foundations alone is over 900.

Overall, VGM received 1,560 applications for the return of seized properties from 116 minorities foundations. By year's end, VGM had reviewed 1,298 of the applications and returned 307 properties to religious community foundations, made offers of compensation for 21 properties and rejected 970 applications (i.e. 62%).

The implementation of the recommendations of March 2010 of the Council of Europe Venice Commission on the protection of property rights (Council of Europe Resolution 1625 (2008)) on Gökçeada (Imvros) and Bozcaada (Tenedos) islands are still pending.

In conclusion, properties returned since 2008 represent only a small portion of the minorities' properties expropriated by successive Turkish governments over many years.

### ***Suspension of the electoral process in minority foundations by VGM***

Over a period of 21 months (since January 2013), the elections within the minority foundations' administrations cannot be held, because VGM has not yet issued new regulations. 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.

### **Educational problems**

Greek Minority schools still face a number of procedural difficulties and bureaucratic obstacles having to do with students' enrollment restrictions, ie. problems due to the limited number of students (restricted by the law No. 5580 on Private Educational Institutions that they must be from the specific minority), budget shortages, plus discriminatory practices.

- Turkish authorities continue to impose enrollment restrictions to students of non-Muslim minorities.  
Minority schools are still governed by the Law No. 5580 on Private Educational Institutions, they are treated as private schools and they continue to be listed as foreign schools. This prevents them from enrolling students above a certain quota and they are being deprived of state funds, despite the fact that it is foreseen by the Treaty of Lausanne.
- The registration and attendance of European and other nationalities students to Greek minority schools is only permitted as "guest students", without receiving graduation certificates and, as a consequence, those students are not admitted to Universities etc. This will be only solved by an amendment in the Law on Private Schools Education.
- The management of minority schools, including accountability of both minority Heads and non-minority Deputy Heads, remains an issue, pending an implementing regulation.
- The Ministry of Education continues occasionally denying the appointment of minority teachers in pursuance of the principle of reciprocity.
- 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. While school books do not include information about Greek minority, its history and culture, some of them include discriminatory, xenophobic statements against it. For example, in a geography schoolbook there is the following statement: "Almost everyone living in Turkey is a Turk. Until recently, there were also Rums and Armenians in addition to Turks. Some of these groups have attempted to harm the country when they found the chance to do so." ("Türkiye'de yaşayanların hemen hepsi Türktür. Yakın zamana kadar Türk'ten başka Rum ve Ermeniler de vardı. Bunların bir kısmı fırsat bulunca memlekete zarar vermeye kalkıştı."), M. Besim, C. Arif, Cumhuriyet Çocuklarına Yeni Coğrafya Dersleri.

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

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

### **Denial of succession rights**

Turkey, in the 21<sup>st</sup> century, continues refusing the succession rights of members of the minority with Greek nationality, in particular following application by the Turkish authorities of the amended Land Registry Law, including their interpretation of the provisions on reciprocity. As regards reciprocity, the ECtHR held that there had been a violation of Article 1 of Protocol 1 (peaceful enjoyment of possessions) to the ECHR and ordered either the return of property or financial compensation be paid to the applicants. Implementation of the March 2010 recommendations of the Council of Europe Venice Commission on the protection of property rights is pending. 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.

### ***Restrictions against the Individuals' Property Rights***

In some cases, serious problem faced by the expatriated Greeks of Turkey is the prohibition of inheritance rights based on the principle that the Istanbul Prefecture is considered being a border region. The descendants of expatriated minority Greeks are deprived of their hereditary rights and forced to liquidate or sell their properties.

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.

### **Other issues**

#### **Discriminatory practices**

According to Turkish news reports, which have not officially rebutted, in January 15, 2014, the National Intelligence Organization (MİT), upon instructions from the Prime Minister's Office, sent to all the units of the organization a document called as 'Target Priorities and Planned Requirements for the Year 2014,' in which all religious communities and groups within state institutions, described as “parallel state structures” (PDY), were cited as the main target to be monitored in 2014. The information collected about parallel state structures as a result of the work to be carried out is to be sent to the Head of MİT with the reference number “13113.60000. The MİT document is indicative of an unacceptable systematic profiling of individuals.

All members of non-Muslim minorities continue to be treated by the Turkish authorities as “aliens”. Turkey’s Interior Ministry confirmed that since 1923 non-Muslim minorities are tagged by secret (confidential) “race codes” in official correspondence between State institutions. This illegal profiling based on ethnicity and religion constitutes an unfair, discriminatory practice.

As a consequence, the members belonging to the non-Muslim minorities are excluded from posts in public services, the police forces, the army or the judiciary. Members of the Greek Minority are easily identifiable by their accents and as such can quickly fall prey to insidious discrimination by public officials.

### **Hate crimes**

During 2014, sporadic "hate crimes" have been reported in Turkey originating from racism, nationalism and intolerance.

In March 23, 2014 a group of young people broke into the Sacred Spring in Kazlıçeşme, Istanbul, owned by the foundation of St. Constantine and Helen in Hypsomatheia (Samatya), causing severe damages and committing various thefts.

In July 25, 2014, burglary and sacrilege took place in the Church of St. Demetrios in Tatavla (Kurtuluş), Istanbul. Unknown people caused damages to the church and stole amulets, holy crosses and a holy grail.

Incitements to hatred and violence passed on by the Turkish media, including in TV series and films, exercise psychological pressure to the members of the Greek minority. For instance, certain negative characters, such as prostitutes, traitors and informers are portrayed as Greeks on Turkish TV shows and publications, convinced that an atmosphere similar to that of the 1950s and the 1960s, which was created by the media to vilify the Greek minority, is being repeated. Threats and violence against Greek Orthodox Christians and other non-Muslims create an atmosphere of pressure and diminished freedom. The members of the Greek minority feel targeted, marginalized and face societal suspicion, discrimination and mistrust.

Although many hate crimes committed in Turkey entered the reports of the OSCE, the Turkish State does not investigate and prosecute these crimes. No official data exist in any institution of the Turkish State concerning hate crimes. No bodies were created to deal with hate crimes and there are no activities to prevent them in Turkey. In addition, there are no legal provisions to punish hate crimes.

### **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, 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 EU and international organizations pertaining to human rights and act upon them and make more strenuous efforts to prevent discrimination, intolerance and religiously motivated acts of violence.

Turkey should spare no effort in identifying those shortcomings and reviewing accordingly both the relevant legislation and its implementation, with a view to eliminating discrimination in all areas and raising awareness for human rights in general.

It is therefore expected, also from a moral point of view, that the Turkish government should not only abide fully by its constitutional and international obligations as far as the protection of human and minority rights is concerned, but rather initiate measures and policies of affirmative action that would guarantee the survival, the well-being and the future of the Greek minority. Such an approach, apart from its symbolic value, would prove beneficial for Turkey first and foremost, as it will strengthen its social, ethnic and religious structures and safeguard pluralism and diversity in this country.

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

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

Thank you very much for your attention.\_