



**THE
CONSTANTINOPOLITAN
SOCIETY**

GREEKS EXPATRIATED FROM ISTANBUL
BY TURKISH COERCION

2019 HUMAN DIMENSION IMPLEMENTATION MEETING

Warsaw, 16 to 27 September 2019

Tuesday, 24 September 2019

Working session 13: Tolerance and non-discrimination II, including:

- Combating racism, xenophobia, and discrimination
- Combating anti-Semitism and intolerance and discrimination against Christians, Muslims and members of other religions

The Ecumenical Patriarchate in Turkey

STATEMENT

Introduction

We thank the OSCE and the Slovakian Chairmanship for the opportunity to contribute to a wider, yet focused dialogue on the rights of the Ecumenical Patriarchate in Istanbul and religious freedom.

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 religious intolerance issues that the Ecumenical Patriarchate in Turkey is still confronted with. A situation that is in contrast with international standards, as well as the EU criteria.

General remarks

Turkey continues its long-standing practice of interfering in the enjoyment of the right to freedom of religion or belief.

The Turkish government has not so far alleviated serious restrictions on religious freedom, including state policies and suffocating regulations that deny legal personality / status to the Ecumenical Patriarchate, its right to own, maintain and manage property, train the religious clergy and offer religious education.

Based on these conditions, the US Commission on International Religious Freedom (USCIRF), in its 2019 Annual Report (April 2019) places once again Turkey on Tier 2 for engaging in or tolerating religious freedom violations that meet at least one of the elements of the “systematic, ongoing, egregious” standard for designation as a “country of particular concern”.

In particular, the Key Findings of the 2019 USCIRF Annual report for Turkey stress that:
“In 2018, the state of religious freedom in Turkey remained deeply troubling, raising serious concerns that the country’s current trajectory will lead to the further deterioration of conditions in the year ahead. The lack of any meaningful progress on the part of the Turkish government to address longstanding religious freedom issues was continued cause for concern. Many serious limitations on the freedom of religion or belief continued, threatening the continued vitality and survival of minority religious communities in the country; in addition, increased demonization and a smear campaign by government entities and progovernment media contributed to a growing climate of fear among religious minority communities”.

Furthermore, the European Parliament resolution of 13 March 2019 on the 2018 Commission Report on Turkey (2018/2150(INI)) *“calls on the Turkish authorities to promote positive and effective reforms in the area of freedom of thought, conscience and religion, by enabling religious communities to obtain legal personality, allowing charitable foundations to elect their governing bodies, eliminating all restrictions on the training, appointment and succession of the clergy, complying with the relevant judgements of the ECtHR and the recommendations of the Venice Commission, and eliminating all forms of discrimination or barriers based on religion; calls on Turkey to respect the distinct character and importance of the Ecumenical Patriarchate and to recognize its legal personality; reiterates the need to allow the reopening of the Halki Seminary and lift all obstacles to its proper functioning; calls for the electoral regulations for non-Muslim foundations to be published”.*

Although we have noted that the Turkish government has made some positive steps to improve religious freedom conditions in Turkey, those initiatives have not taken place through permanent, institutional, or legal reforms. Any rights or privileges have been granted on an *ad hoc* basis, leaving open the possibility that they could be revoked or discontinued at any time.

Persisting shortcomings

Turkey does not accept the Patriarch’s ecumenical status and has been unilaterally trying to restrict his activities, specifically:

- The Turkish government denies the recognition of legal entity to the Ecumenical Patriarchate, having as consequence the deprivation from its property. The lack of legal status to the Ecumenical Patriarchate continues to prevent the community from registering any property in its name. Instead, the Ecumenical Patriarch has been required to register property in his own personal name.
- The government established a process by issuing a decree in 2011 to return some properties or pay compensation when the return is not possible. Unfortunately, the decree’s scope is narrow and does not fully redress the magnitude of the damage inflicted, excluding some important categories of confiscated property.
- The percentage of the expropriated property of the Greek Orthodox foundations does not exceed 23% of the cases that were eligible for restitution; 70% of the cases were dismissed as inadmissible. Petitions from the Ecumenical Patriarchate for the return of historical religious properties from the state also remain pending.
- Despite Turkey's international human rights obligations to protect the right of religious communities to elect their leaders, it is an "established practice" that the state interferes in the way the communities elect their leaders, particularly the Armenian, the Greek Orthodox and the Jewish ones.

Hence, the Turkish government continues to dictate that only Turkish citizens can be members of the Ecumenical Patriarchate's Holy Synod. The government's role in dictating which individuals may be part of the Ecumenical Patriarchate constitutes an unacceptable interference with the internal election process of the Patriarchate.

Since 2013, the Turkish government has blocked the community foundations of the non-Muslim communities, which are protected under the Lausanne Treaty, from holding board member elections because the Vakıflar Genel Müdürlüğü (VGM - General Directorate of Foundations - GDF) has not issued yet new electoral regulations and, consequently, the electoral process has been suspended. Since then, whenever foundations have asked the VGM for permission to hold board elections, the VGM's constant response has been that the Regulation on Foundations is being prepared and that the foundations will have to wait for these specific articles to be drafted.

Another way by which the GDF has restricted the self-management of the Ecumenical Patriarchate foundations has been the practice of seizing foundations when it unilaterally deems them to be "no longer of charitable or practical use". Specifically, 15 foundations owned by the Ecumenical Patriarchate have been illegally seized by the GDF, meaning that the Greek Minority members are actually prevented from electing the administrative boards of those foundations. This de facto abolition on conducting 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 the non-Muslim communities. It also violates the country's laws, namely the latest Foundations Act which provides for the existence of Electoral Rules and for non-Muslim foundations to be run by elected bodies.

- The Greek Orthodox Theological School of Halki, which had been operating since 1844, the only Greek Orthodox educational institution in Turkey for training its religious leadership, remains closed since 1971. The Turkish government closed the seminary using as a pretext a constitutional decision that banned the operation of private institutions of higher learning, a decision that served to effectively force the closure of religious and theological schools in the country. Although the Turkish government and officials have at times expressed support for reopening the seminary, no concrete steps have been taken so far. However, since then, thousands of *imam-hatip* schools have been opened. In addition, what is more alarming is the recent announcement by the Turkish authorities to establish an international Islamic Educational Centre on the island of Halki. Should Turkey decide to carry on with this plan, the Halki Seminary will be forever marginalized, and, most likely, will never operate again. Therefore, the Halki Seminary should be allowed to reopen for the sake of the community's survival as well as for the survival of the Ecumenical Patriarchate itself. It is a matter of respect for the freedom of religion, as well as the protection of minority rights.
- Moreover, the world Christian community has raised concerns over the potential change in the status of the historic church of Hagia Sophia in Istanbul. Despite its legal status as a museum since 1935, included in the UNESCO World Heritage sites, various nationalist Islamic groups continue to advocate transforming the Hagia Sophia museum into a mosque.

On March 27, 2019, the Turkish President Recep Tayyip Erdogan announced that the Hagia Sophia would be converted to a mosque. The United States Commission on International Religious Freedom (USCIRF) immediately reacted and condemned this statement. "*Hagia Sophia bears profound historical and spiritual significance to Muslims and Christians alike, and its status as a museum must be maintained.*" "...President Erdoğan's comments are needlessly provocative and hurtful to Turkey's minority religious communities. Additionally,

the implications of such an action are compounded by the deteriorating landscape for religious freedom, democracy, and human rights in Turkey.”, the USCIRF Chair Tenzin Dorjee stated.

The change of the use of Hagia Sophia, a significant symbol of peaceful coexistence, meaningful dialogue and respect among religions, into a mosque would clearly be a step towards the wrong direction, further polarizing a region which has experienced many dramatic events in the last decades. Furthermore, it will signal a complete violation of Turkey’s UNESCO obligations.

- The three churches of Panayia Kafatiani, Aya Yani and Aya Nikola in the district of Karaköy-Galata in Istanbul, as well as their 50 immovable properties, continue to be illegally and forcibly occupied by the self-declared and nonexistent “Turkish Orthodox Patriarchate (TOP)”. Those three churches and their properties should be immediately returned to their legal owner which is the Ecumenical Patriarchate and be granted full legal status, so as to be able to elect their governing bodies and freely administer and manage its own foundation.
- Additionally, of great concern is the fact that the Turkish authorities decided, in 2016, to suspend the celebrations of the Virgin Mary’s Day (August 15) that had taken place at the Panagia Soumela Historical Monastery in Trabzon since 2010, using as a pretext the need for its restoration. Nevertheless, despite previous reassurances that renovation works would not last longer than a year, the Monastery of Panagia Soumela remains closed without any timeline for its reopening so far.

Closing statement

As a concluding remark, we would like to underline that respect for religious freedoms is the responsibility of 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 common understanding. 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._



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RECOMMENDATIONS TO OSCE / ODIHR

Due to systematic and ongoing violations of religious freedom, OSCE / ODIHR is called upon to urge the Turkish government to bring its laws and practices into compliance with international standards on freedom of religion or belief.

Specifically:

OSCE / ODIHR are called upon to urge Turkey -as OSCE participating State- to:

- Grant full legal personality to the Ecumenical Patriarchate, so that the latter may enjoy, inter alia, ownership rights and exercise property ownership, administration and management.
- Reopen the Halki Seminary for the sake of the community's survival as well as for the survival of the Ecumenical Patriarchate itself.
- End Turkish citizenship requirements for the Ecumenical Patriarch and the Holy Synod of the Greek Orthodox Church, and permit them to select and appoint their leadership and members in accordance with their internal guidelines and beliefs.

- Return immediately the three churches of Panayia Kafatiani, Aya Yani and Aya Nikola in the district of Karakoy - Galata in Istanbul, as well as their immovable properties, which have been illegally and forcibly occupied by the self - declared and nonexistent “Turkish Orthodox Patriarchate (TOP)” to their legal owner, which is the Ecumenical Patriarchate, and grant full legal status so as to be able to elect their governing bodies and freely administer and manage its own foundation.
- Fully comply with ECtHR rulings on freedom of religion or belief.
- Implement the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights by withdrawing reservations that negatively impact religious freedom, and interpret the 1923 Lausanne Treaty so as to provide equal rights to all religious minority communities._