



**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 12: Tolerance and non-discrimination II, including address by the OSCE High Commissioner on National Minorities:

– Rights of persons belonging to national minorities

The Greek Minority in Turkey

STATEMENT

Introduction

We thank the OSCE and the Slovakian Chairmanship for the opportunity to address our concerns about the actual implementation of the OSCE human dimension commitments and identify further action which may be taken by Turkey, as participating State, regarding human rights 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 been resolved yet and are in contrast with what is in effect internationally and with the EU criteria regarding the protection of the non - Muslim minorities in Turkey.

General remarks

It is with regret that after the 2016 failed coup attempt, we experienced a serious deterioration of the human rights situation. In the same vein, the situation of minorities in Turkey remains far from European standards.

Over the last decades, the 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 in Turkey, from over 100,000 in the 1950's to less than 2,000 at present.

Despite official reassuring statements, the Turkish government has failed to take any decisive action and implement the necessary institutional and administrative reforms to reverse the repressive conditions that have led to this utterly worrying downward trend of the Greek presence in Turkey. The protection and full respect for fundamental rights, education and culture in accordance with European standards have yet to be achieved.

The European Commission's Turkey 2019 Report, issued on 29.05.2019, clearly states in the Introduction (p. 6) that: *"Serious backsliding remains in terms of human and fundamental rights. While the legal framework includes general guarantees of respect for human and fundamental rights, it still needs to be brought in line with the European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights (ECtHR). There has been serious backsliding in the areas of freedom of expression, assembly, and association and in procedural and property rights."* Furthermore, in Chapter 23: Judiciary and fundamental rights (p.39) it notes: *"Regarding minorities, full respect for and protection of language, religion, culture and fundamental rights in accordance with European standards have yet to be fully achieved."*

The European Parliament resolution of 13 March 2019 on the 2018 Commission Report on Turkey (2018/2150(INI) having regard to its previous resolutions on Turkey and of 8 February 2018 on the current human rights situation in Turkey, in paragraph E, article 11, points out that *"is seriously concerned about the lack of respect for freedom of religion, discrimination against religious minorities, including Christians and Alevis, and violence perpetrated on religious grounds; and "calls on Turkey to protect the fundamental rights of all minorities..."*.

The Turkish government continues to impose significant restrictions and serious limitations on human rights, thereby threatening the sustainable well-being, survival and future of the Greek minority in Turkey. We expect that the return to normalcy in the country will be accompanied by a more human rights-based approach.

Persisting shortcomings

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

Minority Foundations

The property rights of the Greek Minority Foundations continue to be violated. Specifically, the Greek Minority's Foundations have suffered from massive confiscations of their properties. The government established a process by issuing a decree in 2011 to return some properties or pay compensation when return is not possible. Unfortunately, the scope of the decree and its amendments is narrow and do not resolve the tangible and serious problems that foundations have been facing with the ownership and management of their property. There is need for additional legal and administrative interventions for the resolution of those issues that were not anticipated.

It is important to note that the Decree does not address the property of seized community foundations (mazbut vakif).

Further measures / actions would allow for:

- Putting an end to the fragmentation of minority Foundations (67 in number) as a result of the Wakifs system in force; in other words allowing for the unification of the various minority Foundations by establishing a Coordinating Body of Minority Foundations, as a key to their survival, efficiency and cost - effective functioning.
- Returning the archives and the library of 50.000 valuable volumes of the Hellenic Literary Society of Constantinople -which has been illegally confiscated in 1925- to a Greek Minority Foundation in Istanbul. This library represents the intellectual heritage of the Hellenism of Constantinople.

Suspension of the electoral process in minority foundations by the Turkish authorities

Over a period of 5 years (since January 2013), the foundations remain unable to hold elections to renew the membership of their governing boards because the Turkish authorities, despite promises to do so, have still not promulgated new regulations to replace those repealed in 2013

that would have allowed the election of foundation board members.

Since then, whenever foundations have repeatedly and strongly urged the Vakıflar Genel Müdürlüğü (VGM - General Directorate of Foundations - GDF) for permission to hold board elections, the VGM's standard response has been that the Regulation on Foundations is being prepared, and foundations will have to wait for these specific articles to be finished. Recently, VGM issued a circular -without any prior discussion with the representatives of Foundations- that allows foundation board members nominations. This proposal is antidemocratic and indicates that VGM has no intention to issue 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.

Turkey has a positive obligation in international law to ensure that all community foundations can fully exercise the right to freedom of religion and belief and to freedom of association, as the Council of Europe's Venice Commission pointed out in March 2010.

Educational problems

Despite some favorable regulations, Greek Minority schools still face a number of procedural difficulties and bureaucratic obstacles.

- 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 totally deprived of government subsidies, 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.
- 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.

All these measures are leading to the gradual disappearance of the Greek Minority schools protected under the Treaty of Lausanne (Art. 40 & 41).

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 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.

Restrictions against the Individuals' Property Rights

Turkey denies de facto to Greek citizens the right to inherit property in Turkey.

The Turkish administration, by means of arbitrary and deliberate actions and/or omissions has been and still is expropriating the real estate of the Greek minority. Ignores or interprets at will the amended legislation on property acquisition, whereas it does not confer any real estate property rights to ethnic Greeks and hinders access of interested persons or their legal representatives to the cadastral registries. The descendants of expatriated minority Greeks are deprived of their hereditary rights and forced to liquidate or sell their properties.

In this context, not only the restitution of the Turkish Republic citizenship to Greek minority members living abroad should be facilitated, but Turkish authorities should primarily issue permanent residence and work permit to those who are willing to live in Turkey.

Turkey should ensure that Greek citizens are able to fully enjoy their rights over inherited 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 - Hate speech

In 2010, the ECtHR ruled that a mandatory listing of religious affiliation on Turkish identity cards violated the European Convention. Thereafter, the Turkish parliament passed a law removing the requirement from the front of the cards. The new identity cards, which went into effect on January 2, 2017, do not show the holders' religious identification, although it is a non-required biodata point on the card's microchip. Concerns remain that microchips on national identification cards may contain information regarding the holder's religious identity, which could lead to discrimination in the workplace and other places where the microchip can be read.

Minority communities remain concerned that a biodata field on religious affiliation could lead to discrimination if the field is left blank or lists a faith other than Islam.

All members of non-Muslim minorities continue to be treated by the Turkish authorities as "aliens". As a consequence, the members belonging to the non-Muslim minorities are excluded from posts in public sector and services, the police forces, the army or the judiciary.

Hate speech and threats directed against Greek Minority remain a serious problem. Attacks or acts of vandalism on minority worship places continued and need to be investigated.

Closing statement

This was 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).

As a participating state in OSCE, Turkey has obligations under Article VII of the Helsinki Accords to guarantee and protect the rights of national minorities.

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 and intolerance.

The Turkish government should not only fully abide by its constitutional and international obligations, as far as the protection of human and minority rights is concerned, but also initiate measures and policies of affirmative action that would guarantee the survival, the well-being and the future of the Greek Minority.

As a concluding remark, we would like to underline that respect for human and minority rights 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. _



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RECOMMENDATIONS TO OSCE / ODIHR

Due to significant restrictions and serious limitations on human rights which are threatening the sustainable vitality, survival and future of the Greek Minority in Turkey, OSCE / ODIHR are called upon to urge Turkey -as OSCE participating State- to:

Property rights

- Issue immediately new regulations for the arbitrarily suspended elections within the minority foundations and permit conduct of elections of board members in all foundations.
- Terminate the fragmentation of minority Foundations (65 in number), thus allowing for the unification of the various minority Foundations by establishing a Body of Coordination of minority Foundations, as a key to their survival, efficiency and cost - effective functioning.
- Put an end to the expropriation of the real estate of the Greek minority.
- Solve the question of property that was seized and sold to third parties.
- Return the archives and the library of 50,000 valuable volumes of the Hellenic Literary Society of Constantinople- which has been illegally confiscated in 1925- to a Greek Minority Foundation in Istanbul. This library represents the intellectual heritage of the Hellenism of Constantinople.

- Ensure that Greek citizens are able to fully enjoy their rights over inherited patrimonial property, by implementing as of March 2010 recommendations of the Council of Europe Venice Commission on the protection of property rights. Turkey should conform to the relevant rulings of the European Court for Human Rights.

Educational rights

- Amend the Law No. 5580 on Private Schools Educational Institutions, so as the diplomas of European and other nationalities students are officially recognized and validated for their admittance in Turkish Universities etc.
- Subsidize Greek minority schools, as it is foreseen by the 1923 Lausanne Treaty.
- Delete all anti-minority references from schoolbooks used for teaching in Turkey, as it forges historic realities, fosters discriminatory behavior against members of the minority and incites hate actions.

Human rights, non-discrimination issues

- Ensure that Greek citizens are able to fully enjoy their rights over inherited patrimonial property.
- Restitute Turkish Republic citizenship to Greek minority members living abroad and issue permanent residence and work permit to those who are willing to return to Turkey.
- Fully implement the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and interpret the 1923 Lausanne Treaty so as to provide equal rights to the Greek Minority in Turkey.

Overall, Turkey is called upon to take seriously into consideration the recommendations by EU and international organizations pertaining to minorities human rights and act upon them and make more strenuous efforts to prevent discrimination and intolerance._