



1928

**THE  
CONSTANTINOPOLITAN  
SOCIETY**

GREEKS EXPATRIATED FROM ISTANBUL  
BY TURKISH COERCION

**Supplementary Human Dimension Meeting (SHDM) II  
on Democratic Law-Making: Ensuring Participation  
26 - 27 April 2021**

Day 1, Session II: Open and Inclusive Law-Making

**The Greek Minority and the Ecumenical Patriarchate in Turkey  
Discrimination and unequal treatment on legislation issues**

**STATEMENT**

**Introduction**

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 discrimination and unequal treatment legislation issues that directly affect the Greek Minority and the Ecumenical Patriarchate.

In Turkey, the rule of law regarding minorities often is not respected. By a series of legislative and administrative measures, the Turkish government has engineered the annihilation of the Greek minority by violating not only explicit international treaty obligations but also many of its own domestic laws. For this purpose, it issued plenty of rules and acts of legislation as well as used several tricks in the domain of legislation and its implementation in order to give the impression of a superficial compliance in order to avoid international reactions and widespread condemnation.

The Turkish Grand National Assembly (TGNA) does not follow an inclusive and transparent manner while putting into place new legislation, especially when it affects the rights of its non-Muslim citizens. We have tried again and again to participate in the deliberation process of new legislation but the TGNA has repeatedly rejected the prospect of giving the floor to minority representatives or invite them in parliamentary committee gatherings to share their insight with the rest of the lawmakers. What is more, the governing party AKP chooses to leave unanswered requests for info related to minority issues posed by various parliamentarians. This constitutes an affront to Turkey's non-Muslim citizens.

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

Over a period of 7 years (since January 2013), the foundations remain unable to hold elections to renew the membership of their governing boards in minority foundations

because the Turkish authorities -despite public commitments from President Erdogan himself to do so on 2.3.2021, in the context of the Action Plan on Human Rights - have yet not promulgated new regulations to replace those repealed in 2013 that would have allowed the election of foundation board members.

Additionally, since December 2020, the 7<sup>th</sup> Administrative Court of Ankara has annulled the administrative act No. 38094/11.3.2019 which -at least- permitted the existing boards to replace members in certain cases. Practically speaking, this judgment has left the entire process in institutional and legal limbo with still unforeseen negative repercussions for the sound administration of the charitable foundations.

This *de facto* abolition on conducting of elections in all non-Muslim foundations by the General Directorate of Foundations openly breaches the 1923 Peace 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 and especially, the latest Foundations Act provides for the existence of Electoral Rules and for non-Muslim foundations to be run by elected bodies.

### **Ecumenical Patriarchate - Legal personality**

Turkish government by state policies and suffocating regulations denies the recognition of legal personality to the Ecumenical Patriarchate, having as a consequence the deprivation of its right to own, maintain and manage property, locus standi before domestic courts, train religious clergy and offer religious education, thus securing its continuity as an emblematic reference point for the Eastern Christian Orthodox Church and beyond.

### **Halki Seminary**

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 education; a decision that served to effectively force the closure of religious and theological schools in the country. While the Halki Seminary remains closed, the Turkish authorities have plans to erect an Islamic Religious Foundation very close to it, thus blatantly disregarding the needs of the Christian clergy and the religious sentiment of its non-Muslim citizens.

### **Hagia Sophia - Legal Status**

In 2020, a Turkish court has arbitrarily revoked the Hagia Sophia's legal status as a museum since 1935 and President Recep Tayyip Erdogan immediately issued a decree ordering Hagia Sophia, considered one of the world's greatest Byzantine monuments, included in the UNESCO World Heritage sites, to be converted into a mosque for Muslim prayers. Furthermore, in November 2019, a Turkish Higher Court also issued a decision permitting the Chora (Kariye) Museum, a former Greek Orthodox church, to be converted back into a mosque since 22.8.2020. It should be noted that Turkey violated international laws and more specifically its commitments under the Provisions of the 1972 UNESCO World Heritage Convention. The Turkish authorities adopted those measures without consulting its non-Muslim citizens and without further notice, as obliged, to the World Heritage Committee of UNESCO.

### **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. A new law enforces the sale of property that is inherited, having essentially as a result the annulment of the succession rights.

### **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 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.

### **Legislative issues concerning the Greek Minority Schools**

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 subventions, despite the fact that it is foreseen by the Treaty of Lausanne.

## **RECOMMENDATIONS**

Due to discrimination, significant restrictions and unequal treatment legislation issues which are threatening the sustainable vitality, survival and future of the Greek Minority in Turkey, OSCE / ODHIR are called upon to urge Turkey -as OSCE participating State- to:

- amend, reform or repeal any laws or regulations that applied to violate the rights of the Greek Minority in Turkey
- Issue immediately new regulations for the arbitrarily suspended elections within the minority foundations and permit conduct of elections of board members in all foundations.
- 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.
- We call on the Turkish Grand National Assembly to invite minority representatives so as to actively influence the final provisions of any legislation affecting the rights of its non-Muslim citizens.