

**Statement of the Ecumenical Federation of Constantinopolitans (EFC)**

United Nations - Human Rights

Forum on Minority Issues -8<sup>th</sup> session-

“Minorities in the Criminal Justice System”

Geneva 24-25 November 2015

Item

Delivered by Dominique Morabito

EFC is the global Federation representing the expatriated Greek-Orthodox Community of Istanbul whose present international status was established by the Lausanne Treaty (24/7/1923) which also defined the protection measures of non-Muslim minorities. Despite these protection measures, the human rights violations of the non-Muslim minorities forced 98% of the 125.000 Greek-Orthodox minority members of Istanbul (Community) to expatriate during the period 1955-2000.

In November 2012, a parliamentary report of the Grand Assembly of Turkey clearly stated that the anti-minority pogrom in Istanbul on 6-7 September 1955 was the starting point of the acts severely damaging democracy in the country. As an example, the immense hate-generating publications on behalf of the press during the period 1950-1990 that also facilitated the massive exodus of the Community. No action was taken by the Criminal Justice System since it was unable to protect the minority and human rights of the Community members. Indeed, anti-minority administrative measures were coordinated by a “Special Minorities Committee” (Azinlik Taali Komisyonu), established in 1962, which powers were superseding all judicial, administrative and legislative authority. This commission was abolished in 2004 leading to noticeable improvement of the attitude towards non-Muslim minorities, despite the fact that many problems remain to be solved.

Lately, anti-discriminatory and hate crime prevention clauses have been introduced to the Criminal Code of Republic of Turkey. However, these are limited in scope and content. Indeed, according to the article 216 of the Criminal Code of Turkey, in order a discriminatory act to be punished, this act should create an immediate danger of public disorder. Also, in the recent (2014) amendment of the Criminal Code of Turkey (art. 122) hate expression acts are criminalized if only aims to prevent a person to have access to specific services such as \*preventing the sale or transfer of personal property or real estate, the performance or enjoyment of a service or who offers employment or refuses employment, \*withholding foodstuffs or \*refusing a service that is available to the public, \*preventing a person from carrying out an ordinary economic activity.

Therefore, strict restrictions are posed in order a discriminatory and hate expression act to be punished by tribunals. Furthermore, a retrospective analysis of the discriminatory attitudes against the Greek-Orthodox minority shows that the present legislation is not enough to prevent future anti-minority acts.

In this respect, the discriminatory acts against the minorities should be considered as pivotal acts to strengthen democratic principles and guaranteeing the minority and human rights in Turkey. The Government and Parliament of the Republic of Turkey is invited to review the present articles of the Criminal Code and reform them according to UN, OESCE and European Council Standards.