

“The importance of Reforms in the Justice System to prevent massive violent acts and support remedies towards victim communities”

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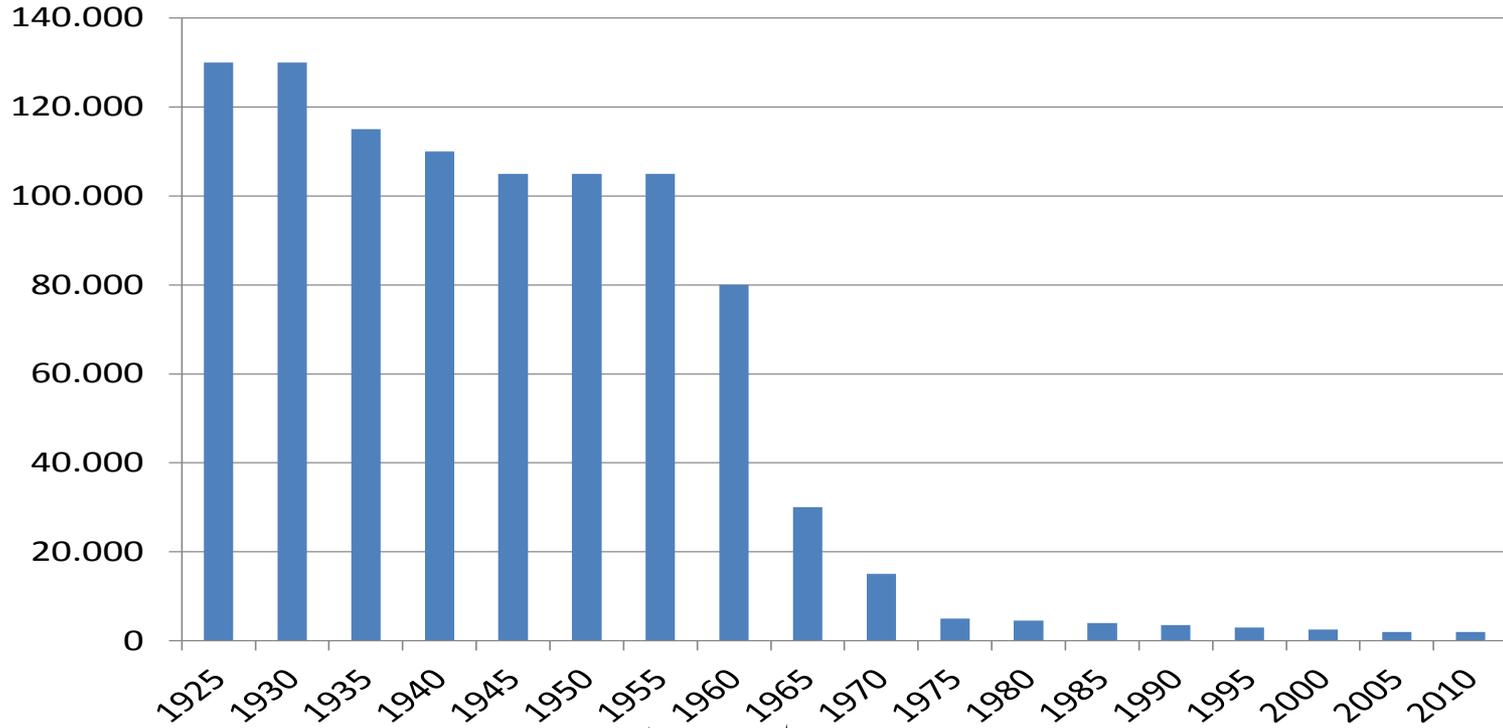
EFC

The unified global body of the expatriated Greek-Orthodox Community of Istanbul

A Short Reference to the History of the
Greek-Orthodox Community of
Istanbul after the Lausanne Treaty of
24 July 1923

The Movie “The Cruel Night” to be
shown provides the historical
reference to this autochthonous
Community

Population of the Greek Minority living in Istanbul 1923-2010



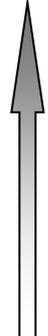
Prohibition of 20 Professions to Greeks

Recruitment of minority men aged 18-45 years to work in forced labour camps

Capital Tax to minorities

Pogrom 6-7/9/1955

Deportation of minority members (3-9/1964)



In post War European History the only community almost completely (98%) expelled is the Greek-Orthodox Community of Istanbul and the islands: Gökçeada/Imbros-Bozcaada/Tenedos

The causes of this unfortunate outcome were:

- Official state policy until the year 2003 seeing the minorities as a potential threat to the State.
- The inability of judicial system to protect human rights of Minorities. Secret decrees discriminating were binding the independence of tribunals and as a result different unpublished laws were used to discriminate minority members citizens.

- The hate publications by part of the press throughout 1950-2000 against the minorities were systematic and unlimited. Not a single hate publication attributing to the minorities was prosecuted and in particular the Greek-Orthodox Minority was being singled out as enemy of the State.
- A “Special Minority Committee” under the office of the Prime minister was active during 1962-2004 with superseding powers to overturn any favorable ruling of judicial or even executive authorities.
- Although the above mentioned mechanisms have been abolished the consequences of the past injustice practices continue to still pose serious problems to minorities such as: administration and property rights of minorities foundations, restitution of private ownerships, restitution of citizenships to minority members.

- In August 2013 it was revealed that the population registry records had a confidential “racial code” in use. Accordingly, since the establishment of the Republic in 1923, the Turkish state profiles its citizens, giving them separate “racial codes”. This was accidentally revealed during the registration of a pupil to a Minority school. According to this revelation, the Greek-Orthodox minority members were coded with 1, Armenians 2 and the Jewish minority 3 and so on.
- In 15 May 2010 the Prime minister of the time Mr. R.T. Erdogan issued a Circular drawing the attention of all state authorities abandoning old practices of discriminatory measures against minority citizens.

Why the past should not be forgotten

Remedy-Reparations towards Injustices of the Past

“Atrocities in the past must be recognized, documented and learned from - but not distorted or misused for political purposes”

Thomas Hammarberg, 2010

Commissioner of Human Rights of Council of Europe

Despite the progress of the respect of human rights based on the landmark of European Convention on Human Rights (1950) the issue of Remedy and Reparations towards the victims of the massive scale violations still remain in a transitional state. This is a serious breach and weakens the whole institution of human rights. The promise of respecting human rights in future is put in doubt if REMEDY and REPARATIONS of the past injustices are not implemented.



United Nations

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/60/509/Add.1)]

**60/147. Basic Principles and Guidelines on the Right
to a Remedy and Reparation for Victims of Gross
Violations of International Human Rights Law and
Serious Violations of International Humanitarian
Law**

Anti - Discriminatory Laws in the Republic of Turkey

- Article 10 of the Constitution with its amendment in 2010 foresees the Equality of Citizens in view of the law independent of their language, race, colour, gender, political thinking, philosophical views, religion and sect or similar to these.
- There are no specific laws governing anti-discrimination measures concerning minorities in the realms of public life or prohibition of ethnic and racial discrimination in all walks of life.

International Treaties

Although the Rep. of Turkey has signed (13/10/1972) and ratified (16/09/2002) the U.N. Convention on the Elimination of All Forms of Racial Discrimination the Courts are reluctant to accept its implementation.

Unfortunately the Rep. of Turkey has neither signed and ratified the Framework Convention for the Protection of National Minorities of European Council.

The Present Legislation

In recent years there have been efforts to introduce anti-discriminatory and hate crime prevention clauses to Criminal Code of the Republic of Turkey. However these are limited in scope and content. According to Article 216 of the Criminal Code of Turkey a discriminatory act in order to be punished should be on the basis that it leads to or creates an immediate danger of public disorder.

Recent Legislation on Hate Expression

According to the recent (2014) amendment of the Criminal Code of Turkey (art. 122) hate expression acts are only criminalized if only aims to prevent a person to have access to specific services are taken place. The following cases are stated:

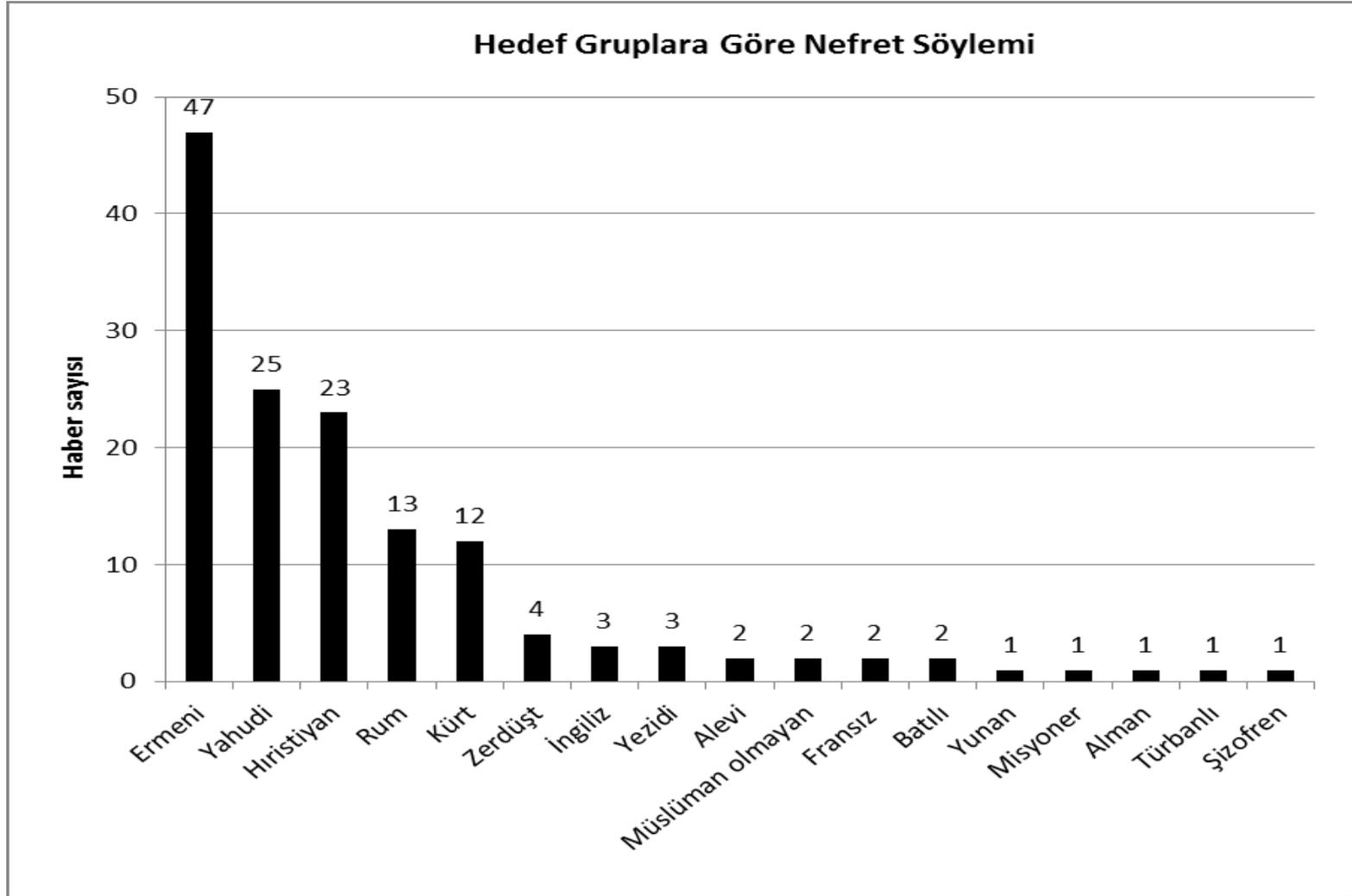
- preventing the sale or transfer of personal property or real estate
- the performance or enjoyment of a service or who offers employment or refuses employment
- withholding foodstuffs or refusing a service that is available to the public
- preventing a person from carrying out an ordinary economic activity.

A retrospective analysis of the persecutions and discriminatory attitudes subjected by the minorities during the past decades shows the inefficiency of the present legislation to prevent future anti-minority acts. In this respect the discriminatory acts against the minorities should be considered as pivotal acts against the strengthening of democratic principles as it is stated clearly in the Parliamentarian Commission Report published in November 2012 on military interventions during the period 1960-1998. In this Report the essential role of the anti-minority Pogrom in Istanbul on 6-7 September 1955 of severely damaging democracy in the Country is stated. In the framework of the Conference, specific reform proposals to Criminal Code in this field will be proposed.

Anti-minority derogatory remarks are still present

- In various newspapers presenting minorities as collaborators of foreign powers.
- In numerous films and TV series still minorities are shown as being source of corruption and decadency. The Association Greek-Orthodox Foundation in January 2012 protested for the TV serial “Ustura Kemal”, shown in nationwide channel, where the minority members were shown being traitors, prostitutes, thieves.
- There is no possibility the Criminal Code clauses to prevent this hate expressions.

Distribution of Hate Expressions depending on Target Groups (January-April 2013) Hrant Dink Foundation



Degrading of minorities in school books

- Despite the fact that there has been a significant improvement in taking out negative references for the minority communities in school books still elimination of unsubstantiated references to minorities should be removed.
- Example: History Book 1st Year of Lyceum. Minority and Foreign Schools (p.271): Schools belonging to Greek-Orthodox. The most important schools were of Phanar and Clergy School in Heybeliada...The School were directly under the administration of Patriarch... Science and Theoretical subjects were taught... These schools under the guidance of Russians became centers of subversive actions...
- In the same book it mentions that the issue of permit Patriarchate to establish a council or representatives resulted into development of irredentist tendencies.

All the above statements are completely result of fabrications trying to condemn minorities.

Recommendations to the Government of Rep. Turkey

- The Legislation aiming to protect minority rights must be reformed based on the recommendation of Council of Europe and OSCE.
- The art. 122 of the Criminal Code should be reconsidered and freed of the conditional implementation as is today.
- The same sensitivity should be shown in case of insulting any ethnicity and not only to Turkish ethnicity. The relevant law should be changed.
- The legislation should be reformed in a such way that any intentional discriminatory act must be punishable. In order this law to be effectively implemented the new law should be prepared taking into account the views of targeted groups to serve their urgent needs in every day life.
- Although there has been a condemnation of hate crime based on the present article 216/1 of the Criminal Code as already U.N. recommended the condition of applying the law under the condition of “public danger or immediate danger to occur” should be removed.
- The newly established Human Rights Establishment should be supported and become administratively independent from executive power to carry out its mission.