

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Turkey.

APPENDIX

ECRI wishes to point out that the analysis contained in its second report on Turkey, is dated 15 December 2000, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of Turkey to engage in a process of confidential dialogue with ECRI on its draft text on Turkey and a number of her comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Turkish governmental authorities expressly requested that the following observations on the part of the authorities of Turkey be reproduced as an appendix to ECRI's report.

Observations provided by the Turkish Authorities concerning ECRI'S report on Turkey

"1) The expression "intolerance" contained in line 3 of the first paragraph of Foreword (p.2) should be qualified since it is not any kind of intolerance that ECRI aims to combat; it's "Racism, xenophobia, antisemitism and related intolerance...", as is already made clear within ECRI on various occasions.

Therefore, I believe that the first para. of the Foreword should read (line three) "... antisemitism and related intolerance at ..."

2) Concerning para. 26, there seems to be a misinformation due to lack of time of the ECRI delegation during its rather short visit to Turkey. 1) The contention that there are administrative obstacles to the construction of new Greek Orthodox churches is not logical, since this community counts only 1500-2000 members now, mostly senior citizens, while the number of its churches amounts to 70 in Istanbul; 2) The contention that there is interference in the work of the Advisory Council of the Armenian Church probably stems from the discussions prevalent in the atmosphere of competition between candidates to the office of Patriarch in March 1998, after which Mr. Mutafyan has become Mesrob II by the unanimous vote of the Armenian community of Turkey; 3) The contention that the Greek Orthodox community is also concerned that the number of Greek Orthodox priests is insufficient to meet the needs of this community also is a factual error, already explained in (1) above. The truth lies elsewhere: a- The aging Greek Orthodox community in Turkey is unable to produce youngsters willing to become priests in a globalizing world; b- The Seminar of Theology in Istanbul has been closed by the ruling of the Constitutional Court in 1971 along with all other private institutions of higher education. It is true that private universities are now permitted, but only state higher education institutions are permitted in the fields of religious and military education. This grievance of the Greek Orthodox community (also shared by the Armenian community) is now under consideration by the authorities and a solution is being searched for the re-opening of those non-Muslim theology seminars in the institutional framework of Istanbul University. A solution acceptable both to these communities and to prevailing laws should not be too far.

To avoid these factual errors therefore, I believe that the sentence of para. 26 which read: "There have also been complaints on the existence of legal restrictions affecting the functioning of these foundations as well as of administrative obstacles to the construction of new Greek Orthodox churches and interference in the operation of the Advisory Council of the Armenian Church. Members of the Greek Orthodox community are also concerned that the number of Greek Orthodox priests is insufficient to meet the needs of this community." should be deleted.

3) Concerning para. 29: Some discourses of the Islamic fundamentalist and/or extreme-nationalist groups are in fact the concern of the Turkish State and nation. However, apart from the fact that Turkey, in contradistinction with the situation prevalent in certain European countries, is very far from being a fertile soil for anti-Semitism, this country is now trying hard to liberalize its publication laws on the lines of the European Community; it would therefore be rather contradictory to penalize the publication of ideological material and this would do more harm than good in this particular transitory and reformatory period.

I therefore believe that the content of this para. 29 should be amended by deleting the sentences after: "Recent years have...".

4) Concerning para. 41: There is no doubt that the content of this paragraph is clearly and totally out of ECRI's mandate. Furthermore, this is purely a political question and has nothing to do with discrimination, etc. I therefore strongly believe that this paragraph should in no way be included in this Draft Report.

5) Concerning paras: 43-52: In this particular field which constitutes a grave point of concern for Turkey I believe that some facts should be born in mind: 1) This is a developing country with a multitude of serious problems of various kind, and the State already has tremendous difficulties to create work for its own citizens; 2) A substantial influx of asylum seekers and refugees to the areas newly emerged from the destruction of terror is a new phenomenon in this country; this phenomenon is coupled by over 1.000.000 illegal workers from eastern Europe mostly; 3) In humanitarian matters involving both the citizens and people illegally coming from abroad, new legislation is a painstaking process that can only be deployed after a certain amount of experience has been accumulated.

6) Concerning para. 43: It is a sheer fact that Turkey is not very eager to welcome an influx of refugees; which is even more true for wealthier nations of Europe. But her geographical limitation for non-European refugees does not prevent this country to provide the necessary protection for refugees/asylum seekers coming from non-European countries. Full protection is provided until they are settled into a third country by UNHCR. Even in the case their applications are rejected by this international body, Turkey firmly complies with the "non-refoulement" principle of the 1951 Convention.

7) Concerning para. 44: A time limit of 10 days for registration is essential for separating genuine refugees/asylum seekers from those looking for a better life in Western countries. One can only expect that those belonging to the first category will immediately apply to the relevant authorities. On the other hand, Turkey's relevant authorities have

been showing tolerance for those who applied after the time limit due to health or transportation problems, and all are granted access to the asylum procedure, regardless of whether their entry to the country was legal or not.

Therefore, I believe that this para. 44 should be deleted.

8) Concerning para. 45: Refugees or asylum seekers in Turkey can stay in hotels or houses or they are allowed to stay with Turkish people they know. Those who need special care due to security or social reasons are settled in special guest houses run by the Ministry of Interior. In most countries, reception centers are actually some kind of prison where living conditions are not better.

On the other hand, during this waiting time these people are able to receive allowances from UNHCR and their health and children's education expenses are met as well. One refugee's monthly allowance is around 100 US Dollars. In Turkey under limit of a worker's revenue is hardly 150 US Dollars. Therefore, it would hardly be fair to accuse this country for not providing employment for these people. Actually, for humanitarian reasons, Turkish authorities are closing their eyes on those working without permission, not counting considerable amount of charity funds spent by the Turkish people, charity organizations and province authorities.

Therefore, I believe that this para. 45 should be amended to read, after its first sentence, "ECRI encourages the Turkish authorities to improve the situation of the asylum seekers in the limits of her possibilities so that they are not involved in illegal activities, which would also make them vulnerable to prejudice." "