

COUNCIL
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Committee of Ministers
Comité des Ministres

CMD008305



Strasbourg, 10 August 1994

Restricted
CM(94)115

For consideration at the 516th meeting
of the Ministers' Deputies,
B level, item 9.4, September 1994

THE SITUATION OF REGIONAL OR MINORITY LANGUAGES IN EUROPE

Publication of additional contributions

1. The Committee of Ministers, at the 506th bis meeting of the Ministers' Deputies (24 January 1994, item ENV1), decided to authorise the publication of the collection of contributions by the national delegations (CM(93)213) including the contribution of Slovakia and amendments presented by Ireland, Norway, Poland and Sweden, it being understood that the following text will figure on the cover page of the document:

"This document is a compilation of national contributions established under the sole responsibility of the governments concerned, its publication and content engaging neither the Council of Europe nor the governments of the other member States."

During that meeting of the Deputies, it was agreed that any further contribution could be included in an Addendum to the aforementioned document.

2. The document on regional and minority languages has been published under reference DELA(94)1.

3. The Secretariat has subsequently received:

- a contribution from the Turkish Delegation (cf. Appendix 1) on 14 March 1994. This was circulated to all Delegations by the Director of Environment and Local Authorities together with a letter stating that the contribution would appear in an Addendum to the aforementioned document if no Delegation asked that the Deputies be consulted in the matter;
- a contribution from the Greek Delegation (cf. Appendix 2) on 3 May 1994;
- a contribution from the Turkish Delegation (cf. Appendix 3) on 14 June 1994.

4. The Committee of Ministers is invited to consider this question.

APPENDIX I

TRANSLATION

**PERMANENT REPRESENTATIVE OF TURKEY
TO THE COUNCIL OF EUROPE**

14 March 1994

Ref: 104

Sir,

I have the honour to forward herewith the Turkish Government's contribution to document CM(93)213 entitled "The situation of regional or minority languages in Europe".

Yours faithfully,

(signature)

Can Altan

Deputy Permanent Representative

Mr. Ferdinando Albanese
Director of Environment and Local Authorities
Council of Europe
67000 Strasbourg

LINGUISTIC AND CULTURAL SITUATION OF PERSONS BELONGING TO A MINORITY IN TURKEY

General legal framework

In Turkey, the status of persons belonging to a minority is governed by Articles 37-45 of the Treaty of Lausanne on which the Republic of Turkey is founded. These provisions apply chiefly to Turkish citizens of Greek (Orthodox), Armenian and Jewish origin. The relevant treaty provisions constitute a body of legal standards designed to safeguard the cultural identity of persons belonging to the minorities in question. Furthermore, while exercising the rights secured to them under the Treaty of Lausanne, these non-Moslem minorities benefit from the unconditional application of the principle of equality before the law, secularity and all other fundamental rights and freedoms conferred on all Turkish citizens by the Constitution.

It might be noted at this juncture that the protection granted to members of the aforementioned minorities has also been recognised by international bodies of the highest integrity, as in the case of the investiture by His Holiness Pope John Paul II of His Excellency Mr Nevzat Ayaz (then Governor of Istanbul Province and now Minister of National Education) as Commander of the Order of St Gregory on 16 June 1986 in recognition of his open-mindedness and understanding towards the Christian communities.

In past ages, the Ottoman Empire too displayed no assimilative tendency nor above all any spirit of proselytism. This was vitally important for the predominantly Christian regions. In the long run, it was to allow the survival of ethnic identities in the Balkans through the centuries (VEINSTEIN, Gilles, *Les provinces Balkaniques*, in "Histoire de l'Empire Ottoman, ed. Robert Mantran, p. 297).

During the 19th century, Gérard de Nerval stressed in his "Voyage to the East" the Turks' almost total disregard of religious prejudices at the time (Gérard de Nerval, *Voyage en Orient*, Flammarion, 1980, Vol. II p. 224).

Application of the Treaty of Lausanne provisions in linguistic and cultural terms

Turkey's current resident population of persons belonging to non-Moslem minorities comprises an estimated 50,000 persons of Armenian origin, 27,000 of Jewish origin and 4,000 of Greek Orthodox origin.

The substantive effect of the Treaty of Lausanne's provisions in linguistic and cultural terms is described below in separate commentaries for the people of each minority.

However, four introductory remarks apply to all three minorities:

- All citizens belonging to each of the three minorities are entitled to use their respective languages freely with no restriction whatsoever;
- All may freely express their ethnic identity;
- In the special schools for minorities, apart from instruction in the Turkish language, history and geography, all lessons are conducted in the language of the minority concerned;
- Pupils belonging to minorities are free to choose the school of the minority to which they belong or to enrol in the Turkish public or private school system under the same conditions as apply to pupils throughout the country.

Turkish citizens of Armenian origin

Most people belonging to this minority reside in Istanbul.

a. Schools

The community formed by citizens of Armenian origin has 48 schools attended by some 4,000 pupils and staffed by 400 teachers. In addition, the Turkish university enrolment includes some 400 students who are Turkish citizens of Armenian origin.

b. Press

The community of citizens of Armenian origin is served by two newspapers, the

Armenian-language "Jamanak" and the Turkish-language "Marmara", both currently published in Istanbul.

c. Religious and charitable institutions

58 churches (49 in Istanbul) and 4 monasteries are run by the Armenian congregation. Istanbul is also the seat of an Armenian Patriarchate.

Seventeen Armenian charity and social welfare associations, 5 hospitals and 2 sports clubs manage community social life and help to ensure that the cultural identity of Turkish citizens of Armenian origin flourishes in Turkey.

Furthermore, rental and other income derived from the 553 properties in Istanbul owned by numerous Armenian foundations goes towards the funding of various cultural and social activities.

Turkish citizens of Jewish origin

Many Jews found refuge in the Ottoman territories after the promulgation of the royal decree on 31 March 1492 expelling them from Spain. Two years ago the fifth centenary of this historical event was fittingly commemorated with the participation of the Turkish authorities and the Jewish communities of various countries. On arrival in Anatolia, the Sephardic Jews were able to live in peace while retaining their religious, linguistic and cultural identity, and also contributed to enriching the country's cultural patchwork.

Even long afterwards, at the onset of the modern brand of antisemitism in Europe and into the twilight of the Ottoman Empire, many Jews suffering or fearing persecution in Russia, Romania and the Balkans continued to seek refuge in Ottoman territory (see LEWIS, Bernard, *Juifs en Terre d'Islam*, Flammarion 1986, p. 196).

This tradition of providing a haven was upheld yet again when Jewish intellectuals were compelled to flee Nazi persecution.

At present there are some 27,000 Turkish citizens of Jewish origin, about 24,000 of whom live in Istanbul, the bulk of the remainder being concentrated in the Izmir area. 96% are of Sephardic origin, but there are also Ashkenazi stemming from Central Europe and Italy, Arabic-speaking Jews whose forebears immigrated last century, and a few "Romaniots". Though small, this non-Moslem minority includes a number of

lecturers working at the Ankara and Istanbul universities, businessmen, industrialists, lawyers, doctors, artists and journalists of note.

Schools

The 3 Jewish schools located in Istanbul (Jewish Mixed Primary School, Beyoglu Jewish Private School) and Izmir (Izmir Jewish Primary School) have a total enrolment of 608 pupils. Turkish is the language of instruction, but Hebrew is also taught (3-5 hours of lessons per week).

Religious institutions

The Jewish community has 74 synagogues in different towns. In Istanbul 13 synagogues hold services all year round, while 3 others are open only in the summer. The most noteworthy include the Arhia synagogue founded in 1430 and recently restored, and the synagogues of Hasköy and Kuzguncuk dating from the 15th and 16th centuries.

The spiritual head of Turkish citizens of Jewish origin is the Chief Rabbi (Hahambaşı), who is assisted by two advisory councils in the performance of his religious and secular functions.

Charities and health services

There are 3 charities and 2 hospitals (the Or-Ahayim Hospital in the Balat district of Istanbul and Karatyaş Jewish Hospital at Izmir) administered by Jewish community leaders. The charitable associations care for the elderly, orphans, students and other groups in need of special assistance.

Jewish press

The two original Jewish newspapers, "La Buena Esperanza" and "La Puerta del Oriente" were first published in 1843 in the Judaeo-Spanish dialect at Izmir. Some 10 years later another Jewish newspaper, "Or Israel" came out in Istanbul. Today the "Shalom" Jewish weekly comprises 11 pages in Turkish, 1 in Judaeo-Spanish, and some pages in French and English. Its current circulation runs to 4,000 copies, 3,500 of which are sold in Istanbul.

Turkish citizens of Greek Orthodox origin

Citizens belonging to the Greek Orthodox minority live in Istanbul, while 70,000

Turkish citizens of the same origin are resident in Greece but maintain their links of citizenship with Turkey.

Schools

The Greek Orthodox community has 6 upper secondary schools, 5 lower secondary schools and 17 primary schools attended by 297 pupils in all. Their teaching staff, recruited from Greece, provides education of a high standard in Greek.

Religious and charitable institutions

There are 70 churches of the Greek Orthodox rite operating freely and without interference.

Istanbul is also the seat of a Greek Orthodox Patriarchate. The Treaty of Lausanne contains no special provisions regarding the status of the Patriarchate in Istanbul. Like any other Turkish institution, it has full enjoyment of the rights and guarantees secured by Turkish law. In the days of the Ottoman Empire the Greek Orthodox Patriarch was already a high State dignitary who, like all other prelates, could rely on the assistance of the administrative and military authorities in case of need (VEINSTEIN, loc. cit. p. 338).

Also, 80 foundations in Istanbul contribute to the socio-cultural and economic life of citizens of Greek Orthodox origin.

Freedom of the press

Two newspapers are currently published in Greek in Istanbul ("Apoyevmatini" and "Iho").

APPENDIX II

TRANSLATION

**PERMANENT REPRESENTATIVE OF GREECE
TO THE COUNCIL OF EUROPE**

3 May 1994

Mr. Ferdinando Albanese
Director of Environment and Local Authorities
Council of Europe
67000 Strasbourg

Ref: 6719/9/AS838

Sir,

I have the honour to forward herewith the Greek Delegation's comments on the contribution by the Turkish Government to document CM(93)213 entitled "Situation of regional or minority languages in Europe".

These comments are intended to provide some additional particulars which we consider relevant, both on the present situation of the Greek minority in Turkey and on the position regarding the linguistic and cultural rights of members of the Moslem minority in Thrace, particularly in the light of the Turkish Delegation's observations and contribution.

I would be grateful if these comments could be embodied in an Addendum to the digest of contributions from the delegations.

Your faithfully,

(signature)

Antonios EXARCHOS, Ambassador
Permanent Representative

The Greek minority in Istanbul

After the signature of the Lausanne Peace Treaty, 73,000 Greeks acquired Turkish nationality while 30,000 Greek subjects permanently resident in Istanbul remained in Turkey because they were classed as non-exchangeable members of the Greek Orthodox minority under a separate protocol signed on the same date as the Treaty (July 1923).

Considering that the Greeks of Turkish citizenship and the Greeks of Hellenic nationality alike had direct family and business connections with Istanbul, these two groups formed one of its inseparable components.

The Turkish authorities acknowledge their indefeasible right to remain in their birthplace. This situation arose not only from the Treaty of Lausanne but also from the Greco-Turkish Agreements of July and October 1930. It is nonetheless clear that even since the momentous reconciliation of 1930 the Greek minority has been consistently regarded from the Turkish standpoint as an alien element.

This lack of tolerance on the part of the Turks towards minorities becomes still more patent immediately after Ataturk's death. While Greece suffered under the Axis yoke, Turkey drafted all male members of the Greek Orthodox minority aged 20 to 45 into labour camps in Eastern Turkey.

Furthermore, in November 1942 Ankara put into effect a special law on capital, the notorious VARLIK VERGISI applying solely to non-Moslems in Turkey. It should be noted that the Greek minority which formed a mere 0.5% of Turkey's aggregate population, contributed 20% of the total State revenue derived from the wealth tax (VARLIK) in question.

This measure constitutes the gravest breach of the Treaty of Lausanne provisions regarding the protection of minorities, and only the progressive weakening of the Axis saved the Istanbul Greeks from economic and physical annihilation.

It must nevertheless be stated that after a brief respite the minority Greeks entered a further crisis period with the Cyprus affair which sparked anti-Greek riots in Istanbul and Izmir (6-7 September 1955). Overnight, the mobs not only assailed the Istanbul Greeks but also set about destroying the buildings which linked them with their traditions and history.

This unprecedented destruction claimed 1,004 homes, 4,348 shops, 12 hotels, 71 Greek Orthodox churches (of the 80 standing at the time), 26 Greek schools and 5 headquarters of Greek cultural and sports associations.

With no protection whatsoever, the numbers of the Istanbul Greek minority went into a breathtaking decline. The fatal blow was delivered in 1964-65 when Ankara declared void the 1930 Greco-Turkish Agreement on settlement, collectively expelling 12,592 Greek subjects resident in Istanbul and arbitrarily freezing their assets in Turkey.

In conclusion, the mass exodus of Istanbul Greeks was entirely due to the unbearable conditions under which the Turks compelled them to live. As a result, the large Greek population living in Istanbul in 1930 has now dwindled to a mere 2,500.

The Imbros and Tenedos Greeks

The experience of the Greeks inhabiting the islands of Imbros and Tenedos (now Gockeada and Bozcaada) typifies the most blatant violations of the Treaty of Lausanne provisions.

After some 10 years under Greek administration (1912-23) the two islands were restored to Turkey (September 1923) because of their strategic importance.

The drafters of the Treaty of Lausanne, while appreciating the Turkish argument of strategic importance, and realising the injustice done to the islanders by depriving them of their natural right of self-determination, included in the treaty - apart from Articles 37-44 concerning the rights of minorities - Article 14 conferring local self-government on these Greek-populated islands. The relevant provisions cover the entire range of self-governing privileges together with the organisation of the local police force.

However, Turkey was not only disinclined to apply Article 14 but did everything that it could to rid the islands completely of the Greek element. Except between 1951 and 1963, Ankara prohibited the teaching of Greek on Imbros and Tenedos. Yet the main factor which prompted the Greek residents of both islands to leave their homes was the establishment of an open prison where criminals from the Turkish mainland served their heavy sentences of imprisonment. The upshot was that the Turkish Government expropriated 95% of the arable land to build an open prison and settle Turks originating from Asia Minor.

As a result of this policy, Imbros, which had 8,000 residents of purely Greek origin in 1922, now retains only 300 old people, while Tenedos, where nearly 6,000 persons lived in 1922, today numbers only 88 Greeks (who are Turkish subjects). It is to be observed that the pattern of demographic alienation established at Imbros was applied ten years later in Cyprus using much the same methods.

Real property in Turkey owned by Greek citizens

Following the 1964 Greco-Turkish crisis (arising from the situation in Cyprus) the Turkish Government carried out wholesale expulsions of the Greek citizens who had resided in Istanbul until then under the terms of the Greco-Turkish "Settlement and

Trade" Agreement signed in 1930. Thus 12,500 Greeks were forced to leave Turkey within 24 hours, closely followed by the members of their families (either Greek citizens or Turkish citizens of Greek origin) who - unsure of their future - had no further cause to remain in Turkey.

This unexpected and sudden expulsion meant that the departing Greeks had to abandon a large number of properties on Turkish soil under the strict prohibition of sale imposed by a legislative phenomenon the like of which the world had never seen - the 1964 Secret Decree (the infamous "KARARNAME") which prohibited any transaction involving the aforementioned properties owned by Greek citizens.

This Turkish move led to a serious decrease in the number of Greek-owned buildings, since the Turkish authorities had done their utmost to ensure their forfeiture to the "HAZINE" (State treasury).

In 1988 the Turkish Government was compelled to abolish the 1964 Secret Decree in its eagerness to establish links with the European Community, for which the signature of Greece was an absolute prerequisite. Unfortunately the Turkish administration essentially went back to the previous situation, ie the one imposed by the 1964 Secret Decree. Consequently, Greeks laying claim to real property of high value in Turkey now face many difficulties which frustrate their expectations.

APPENDIX III

TRANSLATION

**PERMANENT REPRESENTATIVE OF TURKEY
TO THE COUNCIL OF EUROPE**

14 June 1994

Ref: 208

Sir,

I have the honour to present you with the observations of the Turkish Government on the Greek Government's contribution in document CM(93)213 entitled "The situation of regional or minority languages in Europe".

I request that you publish in an addendum to the above-named document the observations submitted herewith, which would usefully supplement the information in the Greek contribution regarding the situation of the Turkish minority in Western Thrace.

Yours faithfully,

(signature)

Ismet BIRSEL, Ambassador
Permanent Representative

Mr. Ferdinando Albanese
Director of Environment and Local Authorities
Council of Europe
67000 Strasbourg

Observations on the Greek contribution to document CM(93)213

The Turkish Government appreciates the Greek Government's effort to inform the Council of Europe of the circumstances of the Turkish minority in Western Thrace under the Treaty of Lausanne. The Turkish Government, as the government of a State Party to that treaty, would have wished to be able to endorse and confirm the details and comments contained in document CM(93)213. Regrettably, this is not the case. Turkey is therefore obliged to state its views on the text presented by the Greek Government. Furthermore, many of the questions which will be raised already feature in the proposal made under Rule 63 of the European Parliament's Rules of Procedure by Mr Richard BALFE, MEP.

In so doing, the Turkish Government's sole intention is to promote constructive dialogue and enhance the stability of the region, this being a fundamental concept of the Balladur Plan. If any preventive diplomatic initiative to avert conflict is to have prospects of success, conflicts which may arise from minority problems between countries lying outside the European Union should not be the sole consideration. It is imperative that the Balladur Plan should also apply to disputes over minorities by the European Union member countries with countries outside.

- First and foremost, it must be pointed out that the minority in Western Thrace which is discussed in the Greek contribution is **Turkish and Moslem by its own definition**. Moreover, it is a general principle to allow minorities freedom to designate themselves as they choose. In this connection, the statement of the former Greek Prime Minister Mr Mitsotakis concerning Albanian citizens of Greek origin should be highlighted: "**The Albanian Government must cease all interference with the right of Albanian citizens to claim whichever ethnic identity they desire, in accordance with the principles of international law ...**". The application of this principle in Western Thrace would be fully consistent with the Treaty of Lausanne. Indeed, the Greek, Armenian and Jewish minorities in Turkey are free to use the adjectives denoting their ethnic identity. It must also be recalled that one of the

appendices, namely the agreement on exchange of populations, forming an integral part of the Treaty of Lausanne, clearly refers to ethnic origin. The Greek stance is contradictory in that it invokes the right to an ethnic identity for the Greek minority in Albania and withholds the same right from the Turkish minority in Western Thrace.

- Article 19 of the Greek Nationality Code establishes a form of ethnic discrimination between citizens of Hellenic and non-Hellenic origin. By virtue of this provision, many members of the Turkish minority have been stripped of their Greek nationality by administrative decree, without court proceedings and with no other available remedy. This practice contravenes the principles of present-day international law (prohibition of discrimination on grounds of religion, race or ethnic origin; right to a fair trial) as well as the Treaty of Lausanne provisions.

- The designation of large areas of restricted or prohibited access surrounding villages inhabited by the Turkish minority (who may not travel more than 30 kilometres from these enclosures even with special permits), open to foreigners or non-resident members of the minority only on issue of special permits, is another outdated practice, to say the least.

- The Greek authorities's consistent refusal to issue members of the Turkish minority with driving licences for cars and even tractors and to let them buy or sell real property on the same terms as Greek citizens of Hellenic origin are other wrongful practices.

- The religious freedom mentioned in the Greek contribution is not truly

operative, considering that since 1990 the Turkish minority has been deprived of its right to elect its spiritual leader, the Mufti, who is now appointed by the Greek Government. Such a procedure is not in accordance with the 1913 Athens Agreement, or with the Greek law No. 2345 dating from 1920 which incorporated the relevant provisions of that Agreement.

- The Turkish minority's political rights are also restricted: the recently introduced disqualification of candidates polling under 3% of votes, being applicable even to independent candidates, has precluded the election of a Turkish contender to the Greek Parliament for the first time since 1923.

- Nor should the cultural and linguistic rights listed in the Greek contribution be considered in isolation from certain disheartening realities:

Whereas primary education in Greek schools lasts 9 years, the duration in schools of the Turkish minority is 6 years, which constitutes serious discrimination as regards the quality of the teaching provided;

An order of the Greek Ministry of Education dating from June 1993 provides that Turkish pupils will be promoted from the 6th to the 7th grade by lot instead of by examination, which is liable to place deserving pupils at a severe disadvantage;

The 10,000 Turkish primary school pupils are largely excluded from the two secondary schools of the Turkish minority by admission quotas of 60 at the Comotini secondary school and 30 at the Xanthi secondary school;

The fact that there are only 2 Turkish students in the entire Greek university system also speaks volumes;

Freedom of the press is confined to publication of a few information sheets printed on both sides, the sale of Turkish newspapers imported from

Turkey being prohibited in Western Thrace.

- The "Comotini Union of Turkish Youth", the "Xanthi Turkish Union" and the "Union of Turkish Teachers of Thrace" were disbanded by court order because of the term "Turkish" appearing in their registered names. Freedom of association is not as described in the Greek contribution.

In conclusion, it is plain that all the above practices applied by the Greek authorities are seriously at variance with the claims made in the Greek contribution to document CM(93)213 entitled "Situation of regional or minority languages in Europe". In making these remarks, the Turkish Government's sole intention is to help resolve through constructive dialogue the conflict situations which threaten the human rights of members of the Turkish minority in Western Thrace.