

**NON-MUSLIM MINORITIES IN TURKEY:
PROGRESS AND CHALLENGES ON THE ROAD TO EU ACCESSION**

Turkey's progress towards opening official accession negotiations with the EU has forced the government to confront some of the many anomalies in the state's treatment of its non-Muslim citizens. Since it took power in November 2002, the Justice and Development Party (JDP) has established a dialogue with Turkey's non-Muslim minorities and passed legislation to address some of their grievances. However, much still needs to be done both in terms of ensuring that they are able to enjoy the equality with Muslims that was foreseen in the 1923 Lausanne Treatment and in order to provide them with protection against racial and religious discrimination.

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It is often said that the litmus test of a democracy is not how a state treats the majority of its citizens but its attitude towards its minorities. Turkey's progress towards opening official accession negotiations with the EU has resulted in a battery of legislative reforms to ease restrictions on the expression of non-Turkish ethnic identities. It has also forced the government to confront some of the many anomalies in the Turkish state's treatment of its non-Muslim citizens.

Members of Turkey's non-Muslim communities are unanimous in declaring that, since the ruling Justice and Development Party (JDP) came to power in November 2002, relations with the government have improved considerably¹. The JDP has not only established a dialogue with the minorities but passed legislative amendments to redress problems such as the right of non-Muslim foundations to acquire property. However, many key issues have yet to be addressed. Perhaps equally importantly, Turkey has no effective legislation against racial and religious discrimination², such as those contained in the body of EU law known as the *acquis communautaire*³. While many Turkish officials still refuse even to accept that racial or religious prejudice exists in Turkey⁴.

Rights of Non-Muslim Minorities in Turkey under the 1923 Lausanne Treaty

The official Turkish state policy towards its minorities was established by the Lausanne Peace Treaty of 24 July 1923 which concluded both World War I and the Greco-Turkish War of 1919-22 and laid the foundations for the creation of the Turkish Republic on 29 October 1923⁵. The Treaty effectively defined non-Muslim citizens of Turkey as minorities. Although they were not explicitly named, the Lausanne Treaty has generally been assumed to cover the four largest non-Muslim communities in Turkey at the time, namely: the Armenian, Greek Orthodox and Syriac Christian communities and the Jewish community.

Articles 38-44 of the Lausanne Treaty guaranteed non-Muslim minorities equal rights with Muslims. These included:

- Freedom of movement and emigration (Article 38);
- The same treatment and security in law and in fact as other Turkish nationals (Article 40);

¹ Author interviews with representatives of Turkey's non-Muslim communities, March-April 2004.

² Articles 10 and 14 of the Turkish Constitution promise all Turkish citizens equality before the law regardless of belief. However, the failure to introduce supporting legislation has meant that these principles have not been upheld in practice.

³ Turkey has signed but not ratified the Additional Protocol No. 12 to the European Court of Human Rights on the general prohibition of discrimination by public authorities. It has also yet to transpose and implement the EU anti-discrimination *acquis* based on Article 13 of the EC Treaty.

⁴ In a recent report submitted to the EU, a Turkish official commented that legislation against racial and religious discrimination in Turkey would be as relevant as "a law banning kangaroo hunting".

⁵ The full text of the treaty can be found on the Turkish Ministry of Foreign Affairs website at www.mfa.gov.tr

- An equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein (Article 40);
- The granting by the Turkish Government, in those towns and districts where a considerable proportion of non-Moslem nationals were resident, of adequate facilities for ensuring that in the primary schools the instruction would be given to the children of such Turkish nationals through the medium of their own language (Article 41);
- In towns and districts where there was a considerable proportion of Turkish nationals belonging to non-Moslem minorities, an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes (Article 41).

Article 37 of the Treaty stated that: “Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognized as fundamental laws, and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.”

Religion and perceptions of Turkish identity

Under the Ottoman Empire religious belief was the primary criterion for communal identity. In 1928 Mustafa Kemal Atatürk, the founder of the new republic, enshrined the principle of secularism in the Turkish Constitution. Yet the concept of inclusive, voluntary nationhood as encapsulated in Atatürk’s maxim that “Happy is the one who says I am a Turk”, rapidly gave way to notions of ethnic nationalism, which were strengthened by the state’s ‘Turkification’ policies of the 1930s and 1940s⁶. In the popular perception, residual Ottoman concepts of religious identity combined with ideas of ethnic nationalism to the point where the two became virtually inseparable. Even today, despite the continuing theoretical separation of religion and state, the majority of the Turkish public sees Islam as one of the elements of Turkish identity. In terms of the four main non-Muslim minorities, such attitudes have been reinforced by each community being perceived as having an ethnic and linguistic identity, as well as being distinct in terms of belief. For the Armenian⁷, Greek Orthodox and (since 1948) Jewish communities, such perceptions have been further intensified by their ethnic and religious ties with political entities outside Turkey. As a result, Turkish Muslims rarely refer to members of non-Muslim communities as ‘Turks’ without any qualification. They are usually described as ‘Greek/Armenian/Jewish/Syriac Turkish citizens’. But it is not uncommon to hear them being referred to as simply ‘foreigners’.

Inevitably, such attitudes have often resulted in relations between the four main non-Muslim minorities and both the Turkish state and the Muslim majority being held hostage to perceptions of the actions carried out by – or in the name of – the minorities’

⁶ For example, the Turkish Historical Thesis, the Sun Language Theory, the ‘Speak Turkish’ campaign etc.

⁷ Until 1991 with a member of the Soviet Union and subsequently with an independent state.

coreligionists abroad; whether Greeks/Greek Cypriots, the terrorist Armenian Secret Army for the Liberation of Armenia (ASALA), or, most recently, the reactions of the Israeli government to the second Palestinian *intifada*.

For Turkey's non-Muslim minorities, the result has been a general sense of alienation, characterized by bureaucratic discrimination and occasional psychological or physical trauma. With the exception of the Armenian community in Istanbul, massive emigration has meant that Turkey's non-Muslim minorities have dwindled to a fraction of their former size. Yet, until the late 1990s, it was very difficult to discuss either the legal problems faced by the country's non-Muslims or their experiences in the relatively recent past. Even today, certain taboos remain⁸.

Non-Muslim Minority/State Relations 1923-2003

Despite the guarantees in the Lausanne Treaty and the frequent warm personal relations between non-Muslims and their Muslim neighbors, during most of the Republic's history the attitude of Turkish officialdom towards the country's non-Muslim minorities has usually been characterized by a mixture of suspicion and hostility. During the 1930s the Turkish civil service was purged of the majority of its non-Muslims. Even though no laws were passed banning their employment, in practice most of the civil service—particularly areas related to security—has remained closed to them ever since.

On 11 November 1942 the government introduced a one-off Asset Tax. The ostensible reason was to combat war-profiteering. In reality, the tax was aimed at stripping non-Muslim minorities of their wealth. Official lists were published of how much each individual had to pay. Although a nominal tax was also levied on Muslims, for non-Muslims the amounts were crippling and the time given for payment impossibly short. As a result, assets such as property were sold for a fraction of their real worth and many families were stripped of their wealth almost overnight. 1,400 were still unable to pay and were deported to labor camps in central Anatolia⁹. Although the impact of the Asset Tax was most visible in urban areas in western Turkey, particularly on the Orthodox, Armenian and Jewish communities in Istanbul, it was also applied to the Syrians, most of whom lived in rural areas in south-eastern Turkey. The deported were allowed to return home in December 1943 and the tax officially withdrawn in 1944, but the financial and psychological damage it inflicted on the collective psyche of the non-Muslim minorities was irreparable.

There is also evidence to suggest that the elements within the state connived in anti-minority riots in the 1930s and 1950s. On 3 July 1934, after weeks of virulent anti-Semitic propaganda in the Turkish press, in what appeared to a coordinated operation, mobs attacked Jewish neighborhoods in Thrace, looting Jewish-owned premises and

⁸ For example, the Ottoman expulsion of the Armenians from Anatolia in 1915-16.

⁹ Many of those who were sent to the camps believed that, once they arrived there, they were going to be killed by their guards and were only saved by the intervention of the head of the Turkish armed forces, Field Marshall Fevzi Çakmak who personally guaranteed their safety. Author interviews, March-April 2004.

attacking their owners. Within days, 13,000 of the 15,000 Jews in Thrace had fled to Istanbul. The remainder soon followed¹⁰.

During the mid-1950s communal violence in Cyprus resulted in an abrupt increase in tension between Turkey and Greece. On 6-7 September 1955, mobs attacked non-Muslim –particularly Greek-owned– premises in Istanbul, looting shops and businesses and attacking non-Muslim Turks, several of whom lost their lives¹¹. The ostensible trigger for the attacks was public outrage at the news of a bomb explosion at Atatürk’s birthplace in Thessaloniki, Greece. However, it later became clear that not only had the riots been instigated by elements in the security forces but that the bomb in Thessaloniki had also been planted by Turkish agents.

Other measures remained out of the public eye. In 1962 a ‘Provisional Commission on Minorities’ was secretly established to monitor the activities of non-Muslim minorities. The commission was comprised of members of the National Security Council (NSC), Turkish General Staff (TGS) and National Intelligence Organization (MIT). But it only became public 42 years later when, in February 2004, the government announced that it had been reconstituted two months previously as the ‘Commission to Assess the Problems of Minorities’ and would henceforth be staffed by civilians from the interior, foreign and education ministries.

Nor has it only been the state which has viewed Turkey’s non-Muslim minorities with suspicion. During the 1984-99 war between the Turkish security forces and the separatist Kurdistan Workers’ Party (PKK), the Syriac community in southeastern Turkey came under pressure from both sides. The security forces tended to see the Syriacs as being potentially disloyal because they were not ‘real’ Turks. While the PKK viewed them as suspicious because they were neither Kurds nor Muslims. By the late 1990s, almost all of the Syriac villages in south-eastern Turkey had been either abandoned or forcibly evacuated.

Property Issues

In recent years, non-Muslim communities have also experienced major problems in terms of the acquisition and administration of property. Even though Turkey is officially a secular state, a Directorate for Religious Affairs (DRA), which now operates under the Prime Ministry, was established in 1924. The DRA is theoretically supposed to cater to the religious needs of all of the Turkish population, but in practice it is concerned almost

¹⁰ Nevertheless, members of the Jewish community are often reluctant to complain of discrimination, pointing out that their ancestors were given refuge by the Ottomans in 1492, when the Jews were driven out of Spain, and that such harassment as did occur in the 1930s and 1940s was insignificant compared with what their coreligionists were suffering in most of Europe at the time.

¹¹ The precise death toll remains unclear. Turkish official sources tend to quote single figures, while members of the Greek Orthodox community often claim it was over 30. It should also be noted that a recurrent theme in eyewitness accounts is the help and protection that non-Muslims received from Muslim friends and neighbors, often at considerable risk to the latter. Author interviews, March-April 2004.

exclusively with the needs of the Sunni Muslim majority¹², providing it with mosques, imams, Koranic courses and religious literature¹³. The DRA is the only religious institution which has been accorded an unequivocal legal status¹⁴. As a result, the non-Muslim communities have had to establish foundations in order to administer and finance properties that minister to their educational and religious needs.

The legislative framework for foundations was restructured in 1935. In 1936 all non-Muslim minority foundations were required to submit a declaration to the authorities listing the movable and immovable properties that they owned¹⁵. Between 1936 and 1974 minority foundations acquired property via wills and donations from non-Muslim Turkish citizens. However, in May 1974 the Court of Cassation ruled that the declarations made in 1936 were ‘the acts of the foundations’ and that, as there was no provision in the declarations for new acquisitions, any property acquired after 1936 was illegal. To add insult to injury, the Court of Cassation ruling defined non-Muslim citizens of Turkey as ‘foreigners’ and the foundations established by them as ‘foreign foundations’¹⁶.

The 1974 Court of Cassation ruling was a clear violation of both Turkish Law – the declarations of 1936 were for the purposes of information and registration, not acts of foundation – and Turkey’s obligations under the Lausanne Treaty. Nevertheless, the General Directorate of Foundations, the state body responsible for overseeing foundations in Turkey, applied to the courts for the seizure of property acquired by the non-Muslim foundations since 1936. As a result, ownership of around 200 immovable properties was transferred either to their former owners or to the Turkish Treasury.

The effect of the 1974 Court of Cassation ruling was not only to deprive the non-Muslim foundations of the use of several properties but, more critically, to remove one of their primary sources of income, namely rental revenue from property that had been bequeathed to them. While bureaucratic prejudices meant that applications for permits to restore and renovate even those properties which had been registered in 1936 were usually rejected.

Under pressure from the EU, the coalition government that ruled Turkey from April 1999 to November 2002 drew up draft proposals to rescind the Court of Cassation ruling, but prevaricated over their implementation. It was not until January 2003, after the JDP had taken power, that a Circular was published in the Official Gazette¹⁷ allowing non-Muslim

¹² Thus excluding not only non-Muslims but Turkey’s substantial Alevi minority, which is estimated at comprising 20-25 percent of the country’s total population of 70 million.

¹³ Including financial support for 76,000 mosques and 63,000 mosque personnel.
www.diyamet.gov.tr/turkish

¹⁴ The regulation and conduct of the Christian patriarchates and the Jewish rabbinate are currently implemented by the Ministry of Internal Affairs and do not have any basis in law. Neither the patriarchates nor the rabbinate have the legal right to own property or employ personnel.

¹⁵ Full details of both the Foundations Law No 2762 of 5 June 1935 and Declaration of Property (promulgated in the Foundations’ Regulations of 1 August 1936) can be found in Reyna, Yuna and Ester Moreno Zonana. (2003) *Son Yasal Düzenlemelere Göre*. Istanbul: Gözlem, pp. 311-344.

¹⁶ The full text of the ruling is given in Reyna and Moreno Zonana (2003), pp. 554-557

¹⁷ Official Gazette No. 25003 of 24 January 2003.

foundations to apply to the courts to reclaim their property. Nevertheless, lawyers acting for the non-Muslim foundations report that reclamation of the properties has so far proved problematic, with many of their applications being rejected at the Court of First Instance; although they are confident of success when the cases go to appeal.

However, even if the provisions of the January 2003 Circular are fully implemented, they are only valid for the 160 foundations listed in an annex to the circular –all of which are from the Greek Orthodox, Armenian, Syriac and Jewish communities. The Circular makes no mention of other non-Muslim communities, such as the Protestant, Catholic and Bahai communities, which are currently unable even to establish foundations.

Other Unresolved Issues

In addition to property issues, Turkey's non-Muslim communities also face a number of other legal and administrative problems.

According to Law No. 625 of 1965 on Private Educational Institutions, non-Muslim schools, which are owned by foundations, are classed as private educational institutions. However, the Ministry of National Education assigns every minority school a "Turkish Deputy Head", whose effective authority exceeds that of the Head. However, Article 24 of Law 625 states that such 'Deputy Heads' are only required for schools which are owned by foreigners; something which does not apply to the non-Muslim minority schools. Members of the non-Muslim communities also report that they often experience difficulties in receiving approval for teaching materials and the appointments of staff and for permits for the preservation and repair of school buildings¹⁸.

None of non-Muslim minorities are currently able to train their own clergy. The Greek Orthodox Seminary on the island of Heybeliada, just outside Istanbul, has been closed since 1971 despite vigorous lobbying by the international community for it to be reopened¹⁹. Several of the smaller non-Muslim communities lack the resources to send clergy abroad for training and report that non-Turkish clergy experience considerable difficulties with respect to the granting and renewal of visas and residence permits. While the requirement that the Greek Orthodox Patriarch be a Turkish citizen is creating increasing problems for the Orthodox community given their rapidly dwindling numbers and their inability to train clergy in Turkey.

Demographic changes have also created problems as regards elections to the boards of non-Muslim foundations. Current regulations require an electorate in the catchment area surrounding the property administered by the foundation. But, as has happened in several districts, if electors move to other districts, it is not always possible to hold the elections. If elections are not held in due time, the property is liable to confiscation.

¹⁸ Unlike the Armenian, Greek Orthodox and Jewish communities, Syriacs have so far been unable to open any schools at all.

¹⁹ One reason for the state's opposition to the reopening of the seminary appears to be the fear that extremist Islamic groups would then also demand the right to train their own Muslim clergy.

Turkish legislation also makes no provision for the emergence of new non-Muslim communities. For example, though still relatively small, the non-Armenian Protestant community has grown rapidly over the last 30 years, mainly through conversions as the result of missionary activity. But the refusal of the authorities to grant the community a legal status has made it impossible for it to acquire property for use as a place of worship. While communities such as the country's 10,000 Bahais are not only prevented from establishing foundations but, since the early 1990s, have not even been allowed to have their religion written on their identity cards²⁰.

Conclusion

In the decade that followed the signing of the Lausanne Treaty in 1923, non-Muslims still formed a sizeable proportion of the population of western Turkish cities such as Istanbul and some rural areas in the southeast of the country. In the years that followed, some communities such as the Yezidis²¹— have almost completely disappeared, while others have dwindled to a fraction of their former size. The number of Jews in Turkey has fallen from an estimated 100,000 in the 1940s to around 20,000 today²². Approximately 100,000 Syriacs are believed to have fled Turkey in the last 30 years, leaving a population of just 15,000, of whom around 3,000 still live in their traditional heartlands in the southeast of the country. For the Greek Orthodox community, the decline has been even more dramatic. A little over 2,000 still remain in Turkey, down from over 100,000 in the 1930s. Only the Armenian community has managed to preserve something close to its former numbers with around 70,000 members.

Nevertheless, in recent years there have been some encouraging signs. In the village of Elbeyendi in southeast Turkey work is underway to rebuild houses prior to the expected return from exile in western Europe of around a dozen Syriac families in late 2004 or early 2005. More significantly, members of the minority communities report that, for the first time, government officials have not only established a dialogue and begun to listen to their complaints, but are introducing measures in parliament to try to redress them.

Yet there is little doubt that much remains to be done, both in terms of legislative changes to enable both the Lausanne Treaty and the EU *acquis* to be applied in practice and in order to protect the non-Muslim minorities against racial and religious prejudice and discrimination.

In April 2003 the Ministry of Education issued a circular requiring schools – including those of the non-Muslim minorities— to organize conferences and essay competitions to support the official Turkish state view that the Armenians, Pontic Greeks and Syriacs

²⁰ By law, all Turkish citizens must carry an identity card, which includes details of their religion. But members of a faith, such as the Bahais, not included on the official Ministry of the Interior list are given the choice between 'Islam' and 'Atheism'.

²¹ Without any foreign advocates and with an erroneous public reputation for devil-worship, the Yezidis have probably suffered more than any other minority in modern Turkey. Only a handful of mostly elderly Yezidis remain in Turkey, almost all in villages in the south-east of the country.

²² These and all other figures for the minority populations have been provided by members of their respective communities. Author interviews, March-April 2004.

were the perpetrators rather than the victims of atrocities conducted during the final years of the Ottoman Empire²³.

The circular was subsequently withdrawn and work is currently under way to revise school textbooks to remove demeaning or inflammatory remarks about Turkey's non-Muslim minorities or the country's neighbors. However, it would be pointless to deny that many Turks still regard the country's non-Muslim minorities as 'foreigners' or worse.

In February 2004, *Agos*, the Armenian community's weekly newspaper, published an article claiming that the late Sabiha Gökçen, an adopted daughter of Atatürk and Turkey's first female pilot, had been an Armenian. The article triggered a furore in the Turkish media. Although some commentators reacted positively²⁴, the majority supported the views expressed by the Turkish Aeronautical Association, which described the suggestion that Gökçen was Armenian as "an insult" to her and Atatürk's memory²⁵. Without adequate measures to address such prejudices, implementation of both the Lausanne Treaty and the EU *acquis* is likely to remain problematic.

²³ Particularly, of course, events surrounding the deportation of the Armenians from most of Anatolia during 1915-16.

²⁴ And not just commentators. Gen. Hurşit Tolon, commander of 3rd Army, commented that the claim, if true, would be pleasing not disappointing as it proved that Atatürk's concept of Turkish nationalism was not based on race.

²⁵ Press Bulletin 210-232 of 22 February 2004: www.thk.org.tr