

Hearing Turkey's Armenians: Issues, Demands and Policy Recommendations

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Contents

PREFACE, 5

INTRODUCTION, 7

SECTION ONE, 11

HISTORICAL AND POLITICAL BACKGROUND, 13

SECTION TWO, 21

THE ARMENIAN IDENTITY AND DISCRIMINATION, 23

Religious Discrimination, 23

The Perception about “Armenian” or Armenian as an “Insult”, 25

Discrimination in Public Employment, 26

Hiding Identity to Avoid Discrimination, 27

Discrimination and the Self-Perception of the Armenians, 28

Relations with State Institutions and Legal Remedy, 29

Evaluation and Recommendations, 30

SECTION THREE, 35

EDUCATION, 37

The Discrepancy between Legal Status and Actual Situation, 37

Vice Principals and Culture Course Teachers, 38

Enrolments, 40

Education and Language, 40

Introduction of 8-Year Compulsory Primary Education and Changes in the Education System, 42

Financial Problems, 42

Teachers’ Education and Investments, 43

Discriminatory Practices in Schools: Textbooks and Other Issues, 43

Bilingual Education, 44

Children from Armenia, 44

Situation in Anatolia, 45

Evaluation and Recommendations, 46

SECTION FOUR, 49

THE ARMENIAN PATRIARCHATE OF ISTANBUL AND THE PATRIARCHAL ELECTIONS, 51

Civic Representational Power and Capacity of the Patriarchate:

Spiritual Leader of the Congregational Community or Head of the Society?, 52

The Patriarchal Election Crisis, 54

Is A Legal Entity Status Necessary?, 58

Evaluation and Recommendations, 59

SECTION FIVE, 61

VIOLATIONS OF FREEDOM OF RELIGION AND RELIGIOUS RIGHTS, 63

Freedom of Religion, Faith and Worship, 65

Destruction of Churches and Cemeteries, 65

Maintenance, Repair and Opening of Churches, 67

Clergy Education, 68

Evaluation and Recommendations, 69

SECTION SIX, 71

**FOUNDATIONS AND ASSOCIATIONS: LEGAL STATUS AND PROBLEMS RELATED TO
PROPERTY OWNERSHIP, ADMINISTRATION AND ORGANIZATION , 73**

- The Legal Status of Community Foundations and their Property Ownership Problems, 75
- Administration of Foundations and Election of Their Directors, 79
- Foundation Elections, 81
- Associations, 82
- Evaluation and Recommendations, 85

SECTION SEVEN, 89

COMING TO TERMS WITH HISTORY, 91

- Understanding of a Sacrosanct History, 91
- Textbooks, 92
- 1915 and Turkish Nation-State, 92
- 1915 and the Property Ownership Issue, 93
- 'Coming to terms with' 1915, 93
- 1915 and the Identity of Turkey's Armenians, 94
- Genocide Commemoration Ceremonies and Apology Campaigns, 95
- Joint History Commission, 96
- Evaluation and Recommendations, 97

SECTION EIGHT, 99

ARMENIA AND DIASPORA, 101

- Armenia, 101
- Border and Protocols, 103
- Armenians from Armenia in Turkey, 103
- Diaspora, 104
- Genocide bills, 105
- Evaluation and Recommendations, 105

SECTION NINE, 107

CONCLUSION: GENERAL EVALUATION AND RECOMMENDATIONS, 109

- Between Lausanne and Contemporary Human and Minority Rights Codes, 109
- Positive Discrimination, 111
- Political and Ideological Attitude, 111
- Initiatives, 112
- From a Community to Citizenship, 113
- Introspective Criticisms and Discussions, 114
- Dialogue and Negotiation for Solution, 114
- Recommendations, 116

LIST OF PERSONS WHO PARTICIPATED INTO THE CLOSED WORKSHOPS, 120

BIBLIOGRAPHY, 122

ABOUT THE AUTHORS, 126

Preface

Özge Genç, TESEV Democratization Program

This report was prepared for publication as part of the TESEV's Democratization Program (DP) Minority Rights studies. It is an outcome of a series of workshops that engaged different groups within the Armenian society in Turkey. During the project, four workshops were organized which brought together journalists, artists, civil society representatives, administrators and directors of the Patriarchate, churches, schools and hospitals, professionals, publishers, academics, students and Armenian migrants in İstanbul, Ankara and Antakya. The aim of this report is not only to introduce the problems that Armenian population have been living with, but it also includes the opinions of the different segments of the Armenian society about the democratization process in Turkey. The next step to reach this aim is to convey the demands and expectations of this community to the related social and political addressees.

“Hearing Turkey’s Armenians: Issues, Demands and Policy Recommendations” focuses on the issues that are mostly ignored by policy makers and society in Turkey such as access to right of education and work; assuring the freedom of faith and religious practices; freedom of intellectual, cultural and artistic expression; elections of the Patriarch and directors of the community foundations, and demands concerning the confiscated property.

This report is a product of a sincere and open effort - with no pre-set limits - undertaken to ‘listen’ and ‘hear’ Armenians of Turkey and give them the opportunity to tell their experiences and perceptions. These issues raised by the participants have then been transformed into policy recommendations at the end of the report. The report is expected to trigger a

process of rethinking amongst decision-makers, academics, media and society at large in terms of the policies and attitudes towards Armenian citizens in particular, and all minority groups in general.

During the public discussions of the systematic massacre and slaughter of Armenians, different sides of the discussion with different motivations are in a state of denial rather than discussing it in detail. It is hard to support the ideas claiming that everything should be left in the past in order to move into a new phase. Moreover, Armenian citizens in Turkey are still experiencing difficulties in maintaining and sustaining their language, culture and religion. Furthermore, they have been exposed to direct and indirect discrimination as well as hate speech. Their freedom of expression has been extorted, their access to public sphere has been restricted and their exercise of religious freedom has been limited. In this report, all these violations are explained in detail under related sections.

As it is also seen from the general evaluation and recommendations section of the report, current democratization and demilitarization processes unfolding in Turkey necessitate the disclosure of the archives by state and administrative authorities with a view to reveal historical facts; reinforcement and assurance of legal and institutional equality; and the sincere inception of a coming to terms with the past at individual and societal level. Throughout this process, it will be a true and positive step for policy makers and public and intellectual opinion leaders to embrace the principle of equal citizenship rather than sympathy or tolerance towards diversity.

Introduction

Views put forward with regard to or in reference to the Armenians in Turkey until recently have appeared, to a large extent, in the debates on the “events of 1915” and, within this context, mostly in the framework of the Turkey-Armenia and Armenian diaspora relations. These views have in general reiterated the theses of the official historiography in Turkey that rejects the genocide allegations. As part of this process, centuries of Armenian residency and presence in this land and the economic/social/cultural roots of Turkey’s Armenians have been ignored, torn away from their historical context, or even “de-historicized”. On the other hand, neither the discriminatory attitudes, pressures and “othering” discourses targeting the Armenian citizens of Turkey, due to their different religious and ethnic identities, nor the practices threatening the survival of their religious, social and cultural institutions have ever been brought on the agenda.

Given the discriminatory mentality and attitude demonstrated in Turkey by the state against non-Muslims in general and Armenians in particular, it is known that public criticism and dissenter opposition against the reproduced forms of this mentality and attitude in the media, political arena and social relations have started to emerge only after mid 1990s. In the background of this phenomenon lies the impact on Turkey of the global discussions on the nation-state model that foresees becoming a nation around the culture of the dominant ethnic group, and the criticism of this model in terms of ethnic/religious minority groups. The launch of the *Agos* newspaper, with Hrant Dink as its editor-in-chief, in 1996, constitutes a milestone, with an on-going effect to date, in terms of resonating the memory of the

existence, history and suffering of the Armenians of Turkey, their request to enjoy equal citizenship and respect to their cultural identities, and a new voice proposing joint civil action for democratization of Turkey within the public domain. *Aras Yayıncılık* [Aras Publishing] also accompanies this process with the literary works and research it publishes on the Armenian history, literature and culture.

Despite exposure to many hindrances and attacks, the conference on “Ottoman Armenians During the Decline of the Empire: Scientific Responsibility and Issues of Democracy” (*İmparatorluğun Çöküş Döneminde Osmanlı Ermenileri: Bilimsel Sorumluluk ve Demokrasi Sorunları*), held on 23-25 September 2005, and attended by many historians, social scientists, writers and researches from Turkey, brought together papers describing and trying to understand the experience of being an Armenian in Turkey, and research findings questioning the official history-writing and discourse regarding the last period of the Ottomans and the “1915 events”.¹ Etyen Mahçupyan’s book covering a multi-dimensional questioning and analysis of the “othering” of Armenians in Turkey was published in 2005.² Family stories shedding light on the tragedies suffered in and after 1915 were also among the books published in 2000’s.³ The study on

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- 1 Aral 2011, *İmparatorluğun Çöküş Döneminde Osmanlı Ermenileri: Bilimsel Sorumluluk ve Demokrasi Sorunları*, Bilgi Üniversitesi Yayınları İstanbul.
 - 2 Mahçupyan 2005, *İçimizdeki Öteki*, İletişim Yayınları, İstanbul.
 - 3 Çetin 2004, *Anneannem*, Metis, İstanbul; Altınay ve Çetin 2009, *Torunlar*, Metis, İstanbul; Neyzi ve Kharatyan-Araqelyan 2010, *Birbirimizle Konuşmak: Türkiye’de ve Ermenistan’da Kişisel Bellek Anlatıları*, Institut für Internationale Zusammenarbeit, Bonn.

“Armenians in Turkey: Community-Individual-Citizen” (*Türkiye’de Ermeniler: Cemaat-Birey-Yurttaş*), continued, based on a research project supported by TESEV and published in 2009, as an extensive study encompassing the history and identity perceptions of Ottoman Armenians/Turkey’s Armenians and their institutions, the social and political phases they have gone through, their role in the Ottoman modernization, the changes they have seen, and the problems they have encountered within the framework of Republican policies.⁴

This study here, which aims to explore the various problems encountered by Turkey’s Armenians in the Republican period, has been prepared in the light of information and views gathered during four workshops held on 23 October 2010, 27 November 2010, 11 December 2010 and 15 January 2011, as well as the discussions among the participants.

The fountainhead for our study was to narrate the problems encountered by Armenian citizens in Turkey in legal, political, societal spheres – based on their experiences and perceptions – from their perspectives. To this end, the study aimed to create a discussion platform bringing together individuals from various segments of the Armenian society in Turkey.

The fountainhead for our study was to narrate the problems encountered by Armenian citizens in Turkey in legal, political, societal spheres – based on their experiences and perceptions – from their perspectives. To this end, the study aimed to create a discussion platform bringing together individuals from various segments of the Armenian society in Turkey, with a view to identify various policy recommendations in line with the demands voiced during the discussions. In this aspect, the report is a unique study.

Understanding the positions of Armenians vis-à-vis the state in Turkey requires an in-depth analysis of both the state-citizen relationship and how the currently existing Armenian institutions function. Hence, it is inevitable that the problems faced by Armenians as individual citizens are addressed together with the problems specific to their communal institutions such as the church, schools and foundations. Therefore, the structure of Armenian institutions and the associated legal arrangements, judicial and governmental decisions and bureaucratic obstacles also provide important input on top of the perceptions and accounts of individuals. In our study, we endeavoured to evaluate subjective and objective data in conjunction.

In understanding the problems of the Armenians of Turkey, touching on the relationship between individual citizenship rights and human and minority rights is inevitable. At this point, it is also important how the “state-community” relations are perceived by the parties and what the position of community (*cemaat*) means for Armenian individuals. On the other hand, the ethno-cultural dimension of the Armenian identity also needs to be addressed as one of the main axes in exploring the problems. Practices that are restricting rights related to freedom of religion, and policies threatening the protection of ethno-cultural identity are among the main themes on which our study focuses. In this context, the study addresses the role of the religious, cultural and social institutions and civil society organizations of the Armenians of Turkey in the reproduction of the Armenian identity, and the barriers encountered. Moreover, the study highlights the discriminatory approaches pointed out by the workshop participants, which are reflected at the society level and which find a place in the media.

Journalists, artists, foundation administrators, association administrators and members, lawyers, teachers, academics and students, civil society activists, and members of the church and businesses, of different political views, representing the Armenian society participated into the workshops. The

4 Özdoğan et al. 2009, *Türkiye’de Ermeniler: Cemaat-Birey-Yurttaş*, Bilgi Üniversitesi Yayınları, İstanbul.

participants are of various age, gender, denomination and family (Istanbulite-Anatolian) groups, with the majority living in Istanbul and a few working outside of Istanbul or still living in Anatolia (e.g. in Vakıflıköyü). Each of the four workshops welcomed a participant group of 25-30 people. Although it was aimed to ensure a broad representation within the Armenian society with the participant scale, in the end it may not be possible to say that all the views held by the Armenians of Turkey found voice in the workshops.

The issues opened to discussion in the workshops were addressed on the basis of following themes in four separate sessions:

1. Education; cultural affairs; media
2. The Patriarchate; community foundations; internal administration and organizational problems
3. Freedom of religion and worship; identity; discrimination
4. Coming to terms with the history; relations with Armenia and diaspora; expectations from “democratic initiatives” (*demokratik açılımlar*) and the new Constitution

This study first of all aimed to convey the issues brought on the agenda during the workshops, and the views and interpretations of the participants along with proposed solutions. The unlawful practices, discriminating policies and mentality patterns that lie in the background of the voiced issues and that target the non-Muslim minorities in general and the Armenians in particular in Turkey were problematized and assessed, and legal arrangements varying from period to period were discussed. In this context, problems encountered in the administration and internal functioning of Armenian institutions were also covered.

The provisions of the Treaty of Lausanne on minority rights, which came to the fore during the workshops, were one of the main axes of our discussion, which

explored violations of individual equal citizenship rights foreseen in the Treaty of Lausanne, and the pressures exerted on educational, social, cultural and religious institutions. On the other hand, an evaluation of the impacts of the harmonization laws coming on the agenda in the course of Turkey’s EU process was also included. Expectations from the process of making the new Constitution were discussed within the framework of both the various positive changes seen recently and the several problems observed in the “initiative” policies. In our study, which also concentrates on the negative prejudices that have become entrenched at the state and society level against the Armenian identity and the problem of perception of Armenians as “foreigners” and “elements of threat”, the unfairness of Turkey’s reluctance to face the trauma created by the genocide of 1915 and the efforts to throw the Armenian history into oblivion are also addressed. In connection with this and the establishment of the Republic of Armenia, the study also touches on the relations with Armenia and Armenian diaspora.

The greatest contribution in the production of this study belongs to our esteemed participants who attended the workshops and freely expressed their thoughts and feelings, who shed light on us with their comments and criticisms, who submitted written information and documents, and who, with patience and devotion, ensured the continuation of the discussions. We owe them our most sincere thanks. We have tried to convey their contributions as best as we could through this study. Still, if and where there are any omissions or issues not mentioned or topics that have lost their sharpness amidst our comments, all responsibility belongs to us.

We extend our thanks to Arus Yumul, Etyen Mahçupyan, Ferhat Kentel and Rober Koptaş, who read the preliminary drafts of the report and who made valuable contributions with their criticisms and suggestions. We are also grateful to Rober Koptaş for his support during the preliminary phase of the study. The Principal of Getronagan High School, Silva

Kuyumcuyan, Attorney Setrak Davuthan and Attorney Sebu Aslangil, who participated in the workshop, also made time to review the final version of our study and offered their feedback. We owe them our special thanks for their additional contributions beyond the workshops.

The proposal to undertake a study aiming to convey the problems of the Armenians of Turkey from their own voices came from Dilek Kurban, Director of the TESEV Democratization Program. We sincerely thank Dilek Kurban, who designed the project for our study and shared her ideas and views with us during the various phases of it. Özge Genç, who coordinated the

study within the framework of the TESEV Democratization Program, not only reached the participants and made the workshops possible, but also pondered and discussed with us in all stages of the study, enriching it with the information and documents she provided on the subject matter, and worked with diligence and devotion on all our writings, from the preliminary report to the final text. We cannot thank her enough. Esra Bakkalbaşoğlu and Mehmet Ekinci, who were the project assistants of the TESEV Democratization Program; we also thank them for handling the workshop organization, for facilitating our access to some sources and the editorial work of the report.

Section One

Historical and Political Background

Although there are various theories on the origins of Armenians, the first written source using the words “Armenian” and “Armenia” is a monument of Darius I, King of Persia, from the 6th century B.C. found in north-western Iran. On this monument, when listing the names of the countries he has conquered, Darius mentions Armenia and the Armenians in the geographic area of today’s Eastern Anatolia. Thereafter, until the beginning of the 20th century, the Armenians lived as one of the Anatolian peoples. Although from time to time they created some independent political structures, in general they maintained a semi-autonomous political life under greater political formations, such as the Roman, the Byzantium, the Persian and the Seljuk Empires. In early 16th century, the Sunni Ottoman Empire and the Shiite Safavid Empire fought for the control of Eastern Anatolia, home to a large Armenian population. The Armenian lands became a battleground. Although the borders were variable, a large section of the region remained in Ottoman hands.⁵

The Ottoman State, applying the *dhimmi* status, derived from the Islamic law, for non-Muslims, granted an internal autonomy to non-Muslims in return for an additional tax (*jizyah*) and limited witness status at courts, along with restrictions on clothing and some specific restrictions regarding the locations of residential structures and houses of prayer⁶, and took them under its protection as long as

they recognized its rule. In the literature, this structure is called the *millet* system, although its scope, framework and origin are still disputed. While some claim that the *millet* system was created and put into practice in the 15th century (following the conquest of Istanbul) with all its institutions and practices, some posit that the *millet* system emerged progressively in the course of time, and that the *millet* system as we understand it is a product of the 18th century.⁷ In short, the state recognized the highest-order religious leader (patriarch, chief rabbi) of each group as the head of *millet*, gave these leaders a place in the state protocol, granted various powers and responsibilities such as collecting taxes or recruiting soldiers from their own community and ensuring public order in the community. Hence, the religious leaders had a governing power over their communities, though the scope and effectiveness of this power varied depending on the conjuncture. The same situation also applied to the Ottoman Armenians – until the early 19th century, when the modern political and philosophical trends also had an impact on Ottoman Armenians. Until that time, besides patriarchs, the *amira* class, high-level Armenian bureaucrats and Armenian goldsmiths with close financial ties to the state as well as the Armenian Patriarchate, maintained their dominance over the Ottoman Armenian society. By the 1830s, the merchant group that had increased its influence and the intellectuals who had received modern education started to question the power of the patriarchs and the *amira*. They demanded the internal administration

5 Panossian 2006, *The Armenians: From Kings and Priests to Merchants and Commissars*, Hurst and Company, London, p. 66, 67.

6 How harsh these restrictions would be implemented varied by period. For example, a tense political atmosphere in the aftermath of a lost battle would cause these restrictions to be implemented more harshly.

7 For a discussion of the *millet* system, please see: Braude 1982, “Foundation Myths of Millet System”, B. Braude and B. Lewis (ed.), *Christians and Jews in the Ottoman Empire*, Holmes&Meier Publishers, New York and London.

of the community to be more democratic, with broader participation from the Ottoman Armenians. After the Royal Edict of Reform (*Islahat Fermanı*) of 1856, the state asked each community to prepare a statute regulating their internal affairs, which was an opportunity for liberal Armenian intellectuals. Consequently, after a series of negotiations between the state and the community, in 1863, a text of considerable detail, called “Constitution” by the Armenians and *Nizamname* [Code of Regulations] by the state and regulating the internal administrative structure of the Ottoman Armenians was adopted.⁸ This text was more secular and democratic compared to the texts prepared by the Ottoman Greeks and the Jews. For example, in the Code of Regulations of the Ottoman Greeks coming into effect in 1862 under the name *Rum Patriklik Nizamı* [Statute of the Greek Patriarchate], the clergy still maintained the control. The Spiritual Council of twelve convened regularly, and the Joint Council at specific occasions. In addition, unlike the Armenian Code, there were no fully civil councils.⁹ Yet according to the Armenian Code, an Armenian National Assembly was to be established with the votes of Ottoman Armenians,¹⁰ which would convene every two years to elect the Spiritual and Civil Councils. These two councils would collaborate to run the affairs of the community. Some commissions were also established under the Civil Council. In addition, the Armenian National Assembly was given the duty to elect the patriarch from among the candidates nominated by the Civil and Spiritual Councils. The Patriarch was subordinated to the Armenian National Assembly, yet maintained his position as the head of all committees, the leader of the community and the intermediary between the Ottoman state and the

Armenian society. Nevertheless, his powers were limited by the code of regulations.

The Constitution/Code of Regulations did not go without problems. The relatively complex administrative structure foreseen in the Constitution also brought some disagreements. In addition, the public interest in the elections failed to reach expected levels. Due to these internal problems to some extent, the state suspended the implementation of this code between 1866 and 1869. The Code of Regulations adopted again in 1869 was implemented relatively smoothly until 1891. In 1891, the Armenian National Assembly was closed down due to tensions in the relations with the state because of the Armenians’ demand for reform in Eastern Anatolia, and the code of regulations became de facto void as of 1891.

In 1890, there were some deaths in the incidents taking place as a result of the police intervention in the demonstrations led by the Hunchakian Party in Kumkapı to protest against the situation of the Anatolian Armenians. This was the first ever protest in the capital against the *Padişah* [Ottoman Sovereign] by his Christian subjects. In addition, hundreds of Armenians were killed in 1895 in the pogrom arising across Istanbul after a demonstration meeting held in *Bâb-ı Âli* [the Sublime Porte] for similar reasons.

Another important development in the 19th century was the recognition of first the Catholic Armenians in 1830 and then the Protestant Armenians in 1850 as separate *millet*s, i.e. separate groups with specific autonomy, by the state. Of course, this meant a relative shrinkage, on the official plane, in the sphere of influence of the Armenian Apostolic¹¹ Patriarchate

8 For a study on this constitution and the process that created it, please see: Artinian 2004, *Osmanlı Devleti’nde Ermeni Anayasasının Doğuşu, 1839-1863*, Aras Yayıncılık, İstanbul.

9 Bozkurt 1996, *Gayrimüslim Osmanlı Vatandaşlarının Hukuki Durumu 1839-1914*, Türk Tarih Kurumu, Ankara, p. 171.

10 It should be noted that there is an unfairness here, as the provincial Armenians, who constituted more than 90% of the Ottoman Armenians, were given only two out of the seven membership seats.

11 This church is called the “Apostolic” as it is believed that the Armenian Church was founded by two apostles of Jesus, namely Bartholomew and Thaddeus. It should also be noted that, in the debate of duophysitism vs. monophysitism with regard to the nature of Christ, the Armenian Church sided with monophysitism and on that ground severed ties with the Byzantine Church, becoming one of the independent East Orthodox churches, which made it the “national church”.

(Gregorian Church). As such, since early 19th century, the patriarchate had been uncomfortable with the activities of Catholic and Protestant missionaries among Ottoman Armenians, and had repeatedly filed complaints to the state. Beyond that, the Apostolic-Catholic division became a significant and painful fault line at the society level.¹² Despite all these, Apostolicism continued to be regarded as the national religion, and the Armenian Apostolic Patriarchate in Constantinople as the national church. In other words, it can easily be said that religion and ethnicity were intertwined in the case of Apostolic Armenians, and the Apostolic Armenian Patriarchate was still regarded as the representative of the Armenian *millet*.

While these were taking place in Istanbul, the situation of the Armenians in Anatolia, especially in the East, was much worse. They were almost completely deprived of security of life and property and of protection against rape. Throughout the 19th century, they were continuously crushed by both the state officials and the local despots; they gave taxes to the state and tribute to the despots. Usurpation of land, extortion of property and even kidnapping of Armenian women had become ordinary occurrences. These crimes committed against the Armenians often remained unpunished. The Anatolian Armenians petitioned the *Bâb-ı Âli* many times for rectification of the situation throughout the 19th century. Yet their demands were either ignored, or they were treated as criminals. Under these conditions, in the second half of the 1880's, some Armenians decided to take the initiative and started establishing organizations, which did not exclude armed struggle. The most well-known of these organizations were the Hunchakian Party established in Geneva in 1887 and

the Tashnag Party (ARF-Armenian Revolutionary Federation), founded in Tbilisi in 1890.¹³

As the state failed to deliver on the administrative reforms promised repeatedly both at local and international platforms, things got worse. In 1894-1896, with the encouragement and guidance of the Hamidian administration, around 100,000 Armenians were killed, in the mass killings taking place in Trabzon, Erzurum, Muş, Bitlis, and the Sason regions.¹⁴

It was not only the Armenians, but also the other Ottoman subjects led by *İttihat ve Terakki Komitesi* [Committee of Union and Progress, CUP] who were not happy about the Abdulhamid regime. Hence, the Armenian parties, and foremost the Tashnags, did not hesitate to cooperate with the Committee of Union and Progress against the Abdulhamid regime. As such, the re-proclamation of the constitution in 1908, resulting to some extent from this concerted action, and the formation of a national assembly following the elections, gave hope to Armenians, just as it did to other peoples who desired a more liberal and democratic country. With this new hope, the Tashnags continued the effort to maintain the cooperation with the CUP.¹⁵ However, within a few years it became clear the CUP found any political model other than one in which the Turks were the ruling nation unacceptable, i.e. *millet-i hâkime*. With the influence of external conditions, the climate of war and chaos that took hold of the country in 1912 put an end to all hopes. The involvement of the Ottoman State in the World War I

12 As such, in the *Akabi Hikâyesi*, which is recognized as the first Turkish novel although written in Armenian letters, the author, Hovsep Vartanyan (Vartan Pasha), writes about the impossible love between two Armenian young people, one from an Apostolic and the other from a Catholic family, much like a contemporary version of Romeo & Juliet.

13 For a more detailed narrative on the situation in Anatolia and these parties, please see: Nalbandian 1963, *Armenian Revolutionary Movement*, University of California Press, Los Angeles; Ter Minassian 1992, *Ermeni Devrimci Hareketinde Milliyetçilik ve Sosyalizm 1887-1912*, İletişim Yayınları, İstanbul.

14 For different death figures and description of the events, see: Kieser 2005, *İskalanmış Barış: Doğu Vilayetlerinde Misyonerlik, Etnik Kimlik ve Devlet 1839-1938*, İletişim Yayınları, İstanbul, p. 210-218.

15 For a source describing the Tashnag-CUP relations, see: Kaligian 2009, *Armenian Organization and Ideology under Ottoman Rule 1908-1914*, Transaction Publishers, New Brunswick and London.

The Tehcir Law (official name “Dispatchment and Settlement Law”) adopted against Armenians in 1915 under the pretext that Armenians were in league with enemy forces, did not only result in the relocation of the Armenians, but also in the massacre of a big majority of the Armenian population.

in alliance with Germany in 1914 was the beginning of the end for Ottoman Armenians. The *Tehcir Law* (official name “Dispatchment and Settlement Law”) adopted against Armenians in 1915 under the pretext that Armenians were in league with enemy forces, did not only result in the relocation of the Armenians, but also in the massacre of a big majority of the Armenian population. The Armenian society received a heavy blow as, on 24 April 1915, the Armenian intelligentsia including MPs, writers and artists were evacuated, first from Istanbul and then from other cities, with many of them subjected to extrajudicial execution. Today, there is a dispute on how these events should be termed. While Armenians describe these events as genocide, the Turkish state do not accepted this. In Article 2 of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, it is adopted that any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group means genocide:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group’s conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.¹⁶

¹⁶ As a result of this definition the word genocide is used in this report to describe the events of 1915. However,

No matter what the events may be called, in the end Armenians were almost totally erased, in terms of their presence and culture from the Anatolian lands on which they had lived for thousands of years. While Armenians made 7% of the overall population in 1914, they were only around 0.5% of the population according to 1927 census data. In addition, it should be also noted that there were numerous Armenians who converted to Islam either by their will due to security concerns or by force. Nowadays, their grandchildren started to be more visible in the public sphere.

While Armenians made 7% of the overall population in 1914, they were only around 0.5% of the population according to 1927 census data.

The Kemalist war of independence emerging in the aftermath of the WWI resulted in the proclamation of the Turkish nation-state in 1923. The Treaty of Lausanne, which is accepted as the Republic’s founding treaty, granted some minority rights to all non-Muslims in general; yet the state of the Republic of Turkey recognized only the Greeks (*Rum*), the Armenians and the Jews as the holders of these rights, excluding in practice the Assyrians and other non-Muslims. Hence, along with these two groups, the Armenians were endowed with both equal citizenship and some positive rights. In other words, while their citizenship status guaranteed equal exercise of legal, civil and political rights without any discrimination throughout the country, they were also entitled to

depending on the context the terms ‘*tehcir*’ (forced deportation) and ‘*kırım*’ (massacre) are also used. To use genocide and deportation for the same event is not necessarily a contradiction because what happened to Armenians was a genocide according to the definition above but at the same time it was a forced deportation. For the text of the UN Convention on the Prevention and Punishment of the Crime of Genocide, please see: <http://treaties.un.org/doc/Publication/UNTS/Volume%2078/volume-78-I-1021-English.pdf>.

some religious, lingual, cultural and economic rights within the framework of positive rights to enable them to maintain their ethno-cultural differences. The foreign countries party to the Treaty of Lausanne had stipulated legal guarantees for some corrective rights regarding the protection of the assets and cultures of the non-Muslims who were severely threatened during the last period of the Ottomans. In this context, the survival and flourishing of the religious, cultural, educational and charitable institutions inherited from the Ottomans were taken under protection. Hence, the minority rights included in the Treaty of Lausanne encompass some specific rights that protect religious, lingual and cultural differences along with equal citizenship rights. In addition, the Treaty of Lausanne also set forth that no law, decree or official act adopted by the Republic could contradict the rights recognized by the Treaty, which introduced some obligations for the state.

It would be appropriate to evaluate the Treaty of Lausanne within the framework of the conditions of the time. The minority rights included in the Treaty were a gain of the new state order aiming to ensure stability in Europe in the aftermath of the WWI, and was under the guarantee of the League of Nations. To put it more elaborately, the first priority of the great nations who were parties to the Treaties signed after the WWI was to institute international peace and stability, and this was the framework in which they were interested in the minority rights. In other words, unless international peace was threatened, the situation of the minorities in a nation-state was of secondary importance to them. Moreover, there was a tendency to regard assimilation as one of the legitimate ways of solving the “minority question”. The changing political conditions of the post-WWII in Europe and in the world resulted in emphasizing human rights, rather than minority rights, coming to fore under the umbrella of the United Nations (UN). That was the reason why the Universal Declaration of Human Rights of 1948 did not put a special emphasis on the term “minority rights” but preferred to address this issue with a new approach. By the beginning of 1990’s, as a result of the ethnic conflicts emerging during the process of founding of the

new nation-states of Europe and due to the threat to the security of the new national minorities, the tendency to regard minority rights as a domestic problem of states was abandoned, and attempts were made to introduce some standards on this matter based on international agreements, some of which we will mention below.¹⁷ Today, with a new understanding, the states are given the duty to collectively protect the existence and cultures of minorities. The uncertainty about whether the minority rights should be exercised at the individual level or at the collective level strengthens the hand of the states that do not accede to recognizing and realizing these rights collectively.¹⁸ In Turkey, an applicant for membership to the European Union (EU), the international standards regarding human rights and minority rights have created a new focus for debates within the framework of the cultural and political demands made by the Kurdish movement, and led to treating the violation of the minority rights recognized to non-Muslims under the Treaty of Lausanne as a more outstanding issue in the political agenda.

Notwithstanding all these international developments, it has become evident that the founding cadres of the Republic of Turkey did not adopt a mentality any different than that of CUP when it came to non-Muslims in general and Armenians in particular. The Ankara Government declared right away in 1922 that it had abolished the arrangements made by the Istanbul government in January 1920 regarding the properties of Armenians sent to exile. In the sittings of the first assembly established in Ankara, it had also been proposed to gather the remaining Armenians and “send them to Yerevan”.¹⁹ The succeeding minority

17 For the emergence and development of the concept of minority rights, see: Preece 1998, *National Minorities and the European Nation-States System*, Oxford University Press, New York.

18 Pentassuglia 2004, “Introduction”, *Mechanisms for the Implementation of Minority Rights*, Strasbourg, Council of Europe, p. 11.

19 Akçam 1999, *İnsan Hakları ve Ermeni Sorunu: İttihat Terakki'den Kurtuluş Savaşı'na*, İmge Yayınları, Ankara, p. 531, 552.

The Armenian population and culture continued to erode throughout the Republican period. This situation also meant the social and economic collapse of centres such as Diyarbakır, Sivas, Yozgat, Malatya, Harput, Bitlis and Adana, where Armenians once lived in large numbers.

policies of the Republic, to put it in the simplest term, were based on intimidation, suppression, oppression, assimilation and domination.²⁰ As such, the 1934 Thracian Events, the 1936 Property Declaration practices, the 1941 Incident of the Twenty Classes, the Wealth Tax of 1942, the events of 6-7 September 1955, and the confiscation of the properties of non-Muslim foundations and many more similar practices were pursued under this policy, as a result of which the non-Muslims and in particular the Armenian population and culture continued to erode throughout the Republican period. This situation also meant the social and economic collapse of centres such as Diyarbakır, Sivas, Yozgat, Malatya, Harput, Bitlis and Adana, where Armenians once lived in large numbers. Today, it is estimated that the Armenian population in Turkey is between 60,000 to 70,000, which is less than 0.1% of the overall population. And it is estimated that of this population, more than 90% live in Istanbul.

The discriminatory “minority policies” employed proved that there is a violation of equal citizenship rights for non-Muslims in Turkey. This also indicated that they were not perceived as a natural part of the nation both because of their religious and ethnic differences in sociological terms, and due their being regarded as “elements of threat”. This clearly points out that the non-Muslims have not been accepted as equal citizens. In parallel, they have encountered obstacles regarding the religious, cultural and social minority rights that have legally been ascribed a positive status. Therefore, both at the state and at the society, contrary to what was foreseen in the law, they

have experienced that being a minority corresponds to “second-class” citizenship. While they were exposed to violations of the rights inherent in the equal citizenship principle foreseen by the Treaty of Lausanne, they were also subjected to practices violating the understanding of positive rights oriented to protect the non-Muslim minorities.²¹

The existence of the *Azınlıklar Tali Komisyonu* [Minorities Sub-Commission], which violated the equal citizenship status and which operated only with regard to non-Muslims, is another practice showing that these communities are perceived as threats to national security. The fact that this commission, which was not officially announced since it was established in 1962 by a secret decree²² and confronted the non-Muslims in their relations with the state, was composed of members representing *Milli İstihbarat Teşkilatı* [National Intelligence Organization] and the General Staff, which is significantly enough. The rearrangement of this commission as the *Azınlık Sorunları Değerlendirme Kurulu* [Minority Issues Review Committee] with the order of the Prime Ministry (dated 5.1.2004 and no. 3530) and its subordination to the Directorate General of Provincial Administration in a more civic structure may be considered a positive development. However, the Committee, whose members include the representatives of the Ministry of National Education, the Ministry of Foreign Affairs and the Directorate General of Foundations, and whose purpose is to “protect the rights of our non-Muslim citizens arising from international conventions and primarily from the Treaty of Lausanne, and evaluate any such demand coming from them”, does not conform to democratic norms as it does not include any representative members from the non-Muslim citizens. In addition, the presence of a representative of the Ministry of

²⁰ For the main codes of the Republic’s minority policies, see: Okutan 2004, *Tek Parti Döneminde Azınlık Politikaları*, İstanbul Bilgi Üniversitesi Yayınları, İstanbul.

²¹ Yumul 2005, “Azınlık mı Vatandaş mı?”, *Türkiye’de Çoğunluk ve Azınlık Politikaları: AB Sürecinde Yurttaşlık Tartışmaları* içinde, TESEV, İstanbul.

²² Established with the order of the Prime Ministry dated 7.11.1962 and no 28-4869.

Foreign Affairs, as it was the case in the previous commission, is an indication that the non-Muslim citizens are, with an unlawful interpretation, regarded as “foreigners”.²³

Compared to this depressing picture, it can be said that there have been relatively positive developments in the last fifteen years. In the 1990s, minority rights started to be redesigned on the basis of several conventions in Europe. The Copenhagen Criteria, which also encompass the minority rights and which aim to create a more democratic society, were also adopted by Turkey, who aspired for EU membership, and in parallel, some legislative arrangements were made under the name of the EU harmonization laws. Hence, the minority rights in Turkey became a phenomenon which required consideration not only within the framework of the Treaty of Lausanne but also various international instruments such as the UN Convention on Human Rights and likewise the UN’s “twin conventions”, namely the UN Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, along with the European Convention on Human Rights (ECHR) and, as required under it, the decisions of the European Court of Human Rights (ECtHR); the Copenhagen Criteria encompassing as condition the protection of minority rights in conformity with the EU standards; and the Framework Convention for the Protection of National Minorities, which was signed by the Council of Europe in 1995 and which came into effect in 1998 (Turkey has not yet signed it). Furthermore, when we look at the internal dynamics of Turkey in 1990’s, we can see that the spirit of liberalization spurred by the Kurdish movement, the efforts of the Armenians to make their own voices heard, the initiatives of non-governmental organizations, such as the *İnsan Hakları Derneği* [Human Rights Association, İHD], to draw attention to the violence and discrimination inflicted on the minorities, and the culture and arts activities of

groups such as *Kardeş Türküler*, served a function that broadened the democracy in general and the minority rights in particular.

Hrant Dink, the editor-in-chief of the Agos newspaper, was assassinated in January 2007 as a result of a conspiracy also involving some state officials in a way that left no doubts in anyone’s minds about their involvement.

The harmonization laws adopted in the recent years for democratization purposes in Turkey are positive developments but not sufficient. With regard to Armenians in particular, practices that restrict the functioning of institutions and that are in breach of the minority rights, and deep-rooted prejudices that threaten citizenship rights, attitudes that are socially/politically discriminating, and the hate speech still continue to exist. In fact, perhaps as a result of the change witnessed in Turkey, it can be said that disparate developments have followed one another in the last few years. First, Hrant Dink, the editor-in-chief of the *Agos* newspaper, was assassinated in January 2007 as a result of a conspiracy also involving some state officials in a way that left no doubts in anyone’s minds about their involvement. On the other hand, as if in confirmation, Dink’s funeral was attended by hundreds of thousands of people. Massive participation in the funeral of a non-Muslim was an unprecedented event considering the Ottoman-Turkish history. Just as this was starting to be viewed as a positive development, the racist and hateful speeches of obvious circles and the lack of progress in the *Hrant Dink* case due to almost deliberate stonewalling by the judicial and executive bureaucracy weakened the hopes. Similarly, when genocide bills were included on the political agendas of some countries’ parliaments, the hate speech in Turkey rose to new levels. In the same period, some non-governmental organizations and intellectuals organized events and apology campaigns to commemorate the genocide, to face the history, and

²³ For the Minority Subcommittee and Minority Issues Review Committee, see: http://www.illeridaresi.gov.tr/default_Bo.aspx?content=130.

Although five years have passed since the murder of Hrant Dink, both the investigation undertaken by the prosecutors and the course of the trial process have prevented the exposure, with full clarity, of the persons and institutions taking part in the process that prepared the ground for this murder, or its cause, perpetrators and responsible parties.

start a public debate. Of course it should be noted that these actions with completely opposite intentions were done by different actors. And this difference is a sign that there are various dynamics within Turkey. Looking at all these developments, it is possible to say that the country is going through a critical turning point in which we do not yet know which dynamics will prevail.

On the other hand, although five years have passed since the murder of Hrant Dink, both the investigation undertaken by the prosecutors and the course of the trial process have prevented the exposure, with full clarity, of the persons and institutions taking part in the process that prepared the ground for this murder, or its cause, perpetrators and responsible parties. The identities of the abettors/accomplices were left in the dark, and the evidence was hidden away and tampered with. The responsible security, intelligence and administrative officials were not put on trial, all of which circumvented the pursuit of justice in addition to being unlawful. In this context, the call *Hrant için Adalet için* [Justice for Hrant] is not only a call to protest the course of the case and remind the government and judicial authorities of their responsibilities; it is also a call to curse the racist and discriminating ideologies that stand against democratization and human rights and freedom of thought in Turkey.

Today, the main institutions of the Armenian society in Turkey, the details and problems of which we will address in the subsequent sections, are as follows: the Armenian Patriarchate of Istanbul; community foundations; 16 schools and their alumni associations, all active in Istanbul; more than 40 churches; 2 hospitals in Istanbul (the Surp Pirgiç Armenian Hospital in Yedikule, and the Surp Agop Armenian Hospital in Elmadağ); 2 orphanages, 3 newspapers with 2 dailies in the Armenian language (*Jamanak* and *Nor Marmara*) and 1 weekly in Turkish & Armenian languages (*Agos*). Today, the number of Catholic and Protestant Armenians is quite small and it is no longer possible to say that the Armenians of different denominations in Turkey have a systematically negative view of each other.

It would not be very accurate to describe today's Armenian society of Turkey as a "community" (*cemaat*). For, as you will see in detail in this report, today's Armenians do not demonstrate a trend of expressing themselves foremost through their religious identities. In addition, politically and intellectually, they constitute a very dynamic and very heterogeneous group, something not expected from a community (*cemaat*). In parallel, we have also avoided using the term "community" (*cemaat*) in this report to describe the Armenian society, except when technically necessary (such as in the case of "community foundations"). Instead, we used the term "society" (*toplum*). On the other hand, we cannot say that the term community (*cemaat*) has been completely abandoned by the Armenians. However, it is similarly difficult to say that there is a sociological consciousness behind this usage.

The Armenian Identity and Discrimination

It was frequently emphasized by the participants that there is a general problem of inequality, inherited from the Ottomans, between religious and ethnic groups in Turkey, and that discrimination occurs “as a natural result of” this situation. These are not official inequalities defined by laws. On the contrary, although there may be some other significant shortcomings, the laws occasionally emphasize equality. The real problem lies in the practices and the prevailing mentality. The mentality here refers, for example, to the meaning attributed to an Armenian by those who define themselves as a “Turk”.

Armenophobia has been rendered a definitive and virtually inseparable part of the Turkish identity for long years both by the state and the society. The Turkish identity has taken the form of an identity that is generally authority-oriented, state-centred, in fear of losing the sovereign position within the state and hence demonstrating a hostile attitude towards the “outsiders”, i.e. towards those it regards as “foreigners”, and it has been sustained in that form. In other words, today, in Turkey’s general political and social life, the *millet-i hâkime* [ruling millet, Turks – Sunni Muslims]/*millet-i mahkume* [other millets that are ruled] duality has not yet been completely overcome. In other words, both the state and a large part of the society find it impossible to accept Armenians as citizens with legitimate equal rights. A participant who is an academic diagnoses this situation as follows:

A large portion of Turkish society could engage with Armenians only at the level that they are not equal, and the Left is also included in it. They can build a relationship only from where they are not equal, where the Armenians are the minority. They can empathize

with them, but we go back to 1908 parameters at the slightest show of power, equality, independence and involvement in politics. We are still there [in 1908], and we have not been able to go any further. Equality has not made its entry yet to these lands since 1908; in fact we are still discussing the same things. An Armenian involved in politics and doing it aggressively but under equal conditions is still not liked.

RELIGIOUS DISCRIMINATION

“Turkey is a country with a Muslim population of 99%” is a common phrase repeated by the highest ranking officials of the state and politicians. Some of the participants stated they were put off by the discrimination conveyed by such expressions. From this specific emphasis, it is understood that non-Muslims are ascribed a secondary position.

Even the most prominent people say Turkey is a country with 99% of its population Muslims. Alright, they are Muslims, but what about it? What is the meaning of this emphasis? Why? Because everything takes shape according to that 99%. That is, policy-makers shape everything around that 99%. The remaining minority is not even thought of.

In addition, there is also a serious social pressure on the public visibility of religions other than Sunni Islam. For example, performing the requirements of Christian worship in places other than churches is frowned upon and not seen as legitimate by the society in general. It is interesting that one of the participants showed Syria as a country to be envied, where the symbols and activities of Christianity were freely displayed on Christian holy days. In Turkey, there are pressures, especially on the small Armenian communities in Anatolia, to prevent the public

visibility of their religion. According to the participants, the small number of Armenians living in Anatolia have to worship in secret, even when they worship collectively. As such, they can be subjected to social pressure to change their religion if it is understood that they are Armenian/Christian. This is not always done through brute force but rather through constant prompting. A participant born in Sason describes this situation as follows:

You are tested at least once by every Muslim. Even by “converts”, the Armenians who have changed religion. Wherever I go, when it is known that I am Armenian, I am always told directly that “the religion you believe in is not the correct religion, your book has been altered, come and meet the religion of God [Islam]”.

Moreover, as shown by the example, even if they convert to Islam, they cannot save themselves from being labelled as “converts”. Pricking attitudes may continue in daily life. A participant from a family that has been living with an official Muslim identity for the last couple of generations described this situation by saying, “They did not let us forget our Armenian origin”:

A relentless bombardment to change religion ... “change your religion, change your religion, change your religion ... it will be easier for you”. And when you change your religion, it makes nothing easier. You become a *dönme* [convert]. When someone asks who you are, they name you as “*dönme*”. So, what happened? A hammer comes down on your head every time: “You are a convert, you are not one of us”.

Despite all these difficulties, many people, tired of the pressures, have in time chosen to become a Muslim. According to what one participant said, even half-Christian and half-Muslim families have emerged. It is possible to see families with one of the siblings Muslim and the other Christian.

An important component of religious pressure is the “missionary” phenomenon. Being a missionary has an extremely negative connotation, especially in Anatolia. People who are called missionaries are virtually demonized. Whenever a group of Christians gather to worship, they are described as

“missionaries” and they are directly or indirectly exposed to pressure, even violence, from the state and the society.²⁴ Besides, it is discrimination per se that in a country where propagating Islam is free, mentioning or preaching another religion is exposed to social pressure. Although the answer to why missionaryism is perceived in such a negative way is multi-dimensional and complex, it should be stated that an important factor is that missionaryism has been associated in the mind of the state as “destructive” or “separatist”. The state mechanism has also managed to spread this perception in the society through its instruments (education, media, Presidency of Religious Affairs etc.). This is a phenomenon not limited to the era of Republic of Turkey, as it is known that there was a tense relation between Abdulhamid II government and the missionaries.²⁵

One needs to mention the issues faced by those Armenians, who do not attend Armenian schools, yet take Religious Culture and Ethics classes in other types of schools. It is understood that different practices have been adopted for decades when it comes to whether these students should take the religion course: Sometimes they were not exempted from this course, and sometimes they were completely exempted; sometimes they were exempted in terms of grade points, but were held obliged to be present in the course.²⁶ Some Armenians participating in the

24 The torture and killing of 3 people in a raid to Zirve Yayinevi, a publishing house engaged in missionary activities, in Malatya in April 2007 by individuals who are alleged to be related to various institutions of the state and whose court cases are still ongoing, is one of the most painful examples of this oppression. Similarly, the murder of Catholic Priest Father Santoro in February 2006 in Trabzon is also an indication of where the attitude against Christian “missionary activities” in Anatolia can lead to.

25 For the tension between the Abdulhamid II regime and the missionaries, see: Kılıçdağı 2006, “Abdülhamid Misyonerleri Neden Sevmiyordu?”, *Toplumsal Tarih*, issue 154, p. 62-69.

26 Moreover, since the religious culture and ethics is a course where students usually get/take high marks, there is also the potential problem that a student exempted from the Religious Culture course will have a lower grade point average compared to other students.

workshop had also experienced similar practices in the years they attended public schools. Indoctrinating Muslim students with the idea that another religion is in fact “a lie, fake and distorted” is also an approach that opens the door to religion-based discrimination.

THE PERCEPTION ABOUT “ARMENIAN” OR ARMENIAN AS AN “INSULT”

From a general point of view, it can be said that the Armenians in Turkey are seen as a “foreigner”, and “outsider” elements by both the state and a large section of the society.²⁷ As a continuation of this perception, Armenians are described as “untrustworthy, traitor”. In a survey administered on Turkish people who are not Armenian, 30% of the respondents think “the Armenians living in Turkey today came to Turkey after the disintegration of the Soviet Union”, and another 30% have no idea about “where Armenians come from”.²⁸ Considering that the Armenian existence in Anatolia goes back to at least the 6th century BC or even earlier, the ignorance of this 60% is better understood.

One derivative of discrimination is regarding an Armenian foremost and only as an Armenian, ignoring all his/her other identities. Yet, an Armenian, naturally, has many other identities (such as woman, physician, homosexual, etc.), and may not place his/her Armenian identity on the top of this list; yet, the approach we discuss does not leave them any other choice. And as a reflection or derivative of this, whenever an Armenian

becomes visible in the public domain, he/she is perceived as the collective representative and spokesperson of the Armenians of Turkey or even of all Armenians. For example, an Armenian appearing on a discussion programme on TV is perceived as if speaking on behalf of all Armenians. In fact, this approach has, to some extent, been accepted by the Armenians of Turkey; hence, Armenian individuals take extra care of what they do and what they say, so that “nothing bad is reflected on the Armenians”.

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Another cliché often heard by Armenian individuals when they are first introduced to someone or when they enter a new circle is the phrase “I have lots of Armenian friends”. Although there is no ill intention behind this sentence, it is in reality a “strange”, “abnormal” expression, and is thus perceived by Armenians upon hearing as derogatory. Why would the other person feel the need to express such a thing? That is because “having Armenian friend(s)” is seen as an “extraordinary”, “exceptional” case. The reaction this sentence invokes in Armenians, though they may often choose not to voice it, is “so...what does it have to do with me? If you have lots of Armenian friends, I have lots of Turkish friends”. What is more interesting is that some Armenians perceive this and similar phrases as “be at ease, no harm shall come from me to you”. And the reason for this perception is that the Armenians (and in fact also the other non-Muslims) feel themselves as ‘hostages’ and under constant threat in this country, and the fact that the other person is also aware of this perception.

The Armenians are like an “easily dispensable trump card” in international politics or in the politics pursued by Turkey towards another state. The official policies of the Turkish state regarding its non-Muslim citizens,

27 Many surveys reveal information in the same direction. In the survey by the Foundation for Political, Economic and Social Research (SETA), with results to be announced in May 2011, 73.9% of the respondents have stated having negative opinions on Armenians. This is the highest among the ratio of having negative opinions against other groups. In other words, for the respondents, Armenians are “the least liked” group. Işık 2011, “Türk Halkı Bir Tek Kendini Sever” [Turkish People Only Love Themselves], *Radikal*, 2 May.

28 Cited in Aktaran, Özdoğan et. al. 2009, p. 443. Pages 442-446 in the same book include the statements made by participants of a focus group meeting with some Turks. These citations are quite typical and summative in terms of showing how Armenians are viewed.

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spanning over decades, reinforces this perception about the Armenians. Historical events such as the incidents of 6-7 September²⁹ and approaches such as applying the principle of reciprocity for non-Muslim citizens keep this perception alive.

In addition, it is not an unknown occurrence for the word “Armenian” to be used as an insult from time to time either by bureaucrats and politicians, or by the people. In 1997, during the Government of Tansu Çiller, the Minister of Interior of the time, Meral Akşener of the True Path Party (DYP), used the expression “*Ermeni dölü*” [Armenian spawn] to insult the PKK Leader Abdullah Öcalan, an incident which is still remembered. Likewise, a few years ago, Canan Aritman, the İzmir deputy of the Republican People’s Party (CHP), ‘accused’ President Abdullah Gül of being Armenian. Abdullah Gül did indeed perceive it as an insult and sued Aritman. One example of popular racism is the slogan “Armenian dogs support Beşiktaş” shouted from the Bursaspor stands at the football match between Beşiktaş and Bursaspor played in İstanbul on 5 December 2010. Moreover, the Turkish Football Federation did not initiate any actions regarding this incident. There are also similar expressions on various websites and online forums. And some segments of the daily mainstream media also use this language frequently, having “internalized” and “normalized” it.

At the societal level, although insulting approaches towards Armenians are more common, it is also possible to see appreciative expressions. The

industriousness and craftsmanship of Armenians are mentioned as positive qualities. Sometimes, while being Armenian is perceived negatively on an abstract level, Armenian individuals can be mentioned positively. One participant, whose family has been living as Muslims for the past few generations in Anatolia and who has recently converted to Christianity, described the situation in his city as follows:

In our region, the mode of insult comes from the top, from the state. But we also hear praising words from people ... When you said “Armenian”, they would say “*Haşa*” [God forbid], but when you said tailor Ş..., they would say “they are very respectable people”. They see being Armenian from the filth brought by the system, but try to maintain a decent relationship in their own interactions. But until what point? Until their interests conflict. For example, if there is a pasture to be shared somewhere, they want to get it before the Armenians.

DISCRIMINATION IN PUBLIC EMPLOYMENT

In Article 4 of the Law on Civil Servants dated 1925, being ethnically Turkish was stipulated as a condition for eligibility for recruitment as a public employee. Although the Law on Civil Servants adopted in 1965 changed the stipulation to “being a citizen of the Republic of Turkey” and although there are no provisions preventing the Armenians or other non-Muslims from becoming civil servants, it is not possible to see a non-Muslim in the middle and top tier of the bureaucracy. Although there are no official bans, the bureaucracy resists this implementation in practice. An anecdote shared by a participant is an indication of the extent this unwritten rule has been internalized:

An Armenian citizen of the Republic of Turkey studying at the Faculty of Political Sciences of a university, having shown an outstanding academic performance, earns the right to graduate as the top scoring student of the faculty. Yet, some time before the graduation, the dean of the faculty summons the

²⁹ For example, they were used as a trump card in the Cyprus Question.

student and says they are “embarrassed” and will be able to give him only the honours as the fourth top scoring student and not the first, as the three top scoring students automatically become eligible for the deputy district governor position without having to go through drawing lots, and that this was impossible as he is an Armenian. Although it is not possible to know whether said dean acted in this manner because of a directive or suggestion from higher authorities or entirely on his own initiative, it is clear that the idea that Armenians cannot be employed as middle and top-level state officials is still effective. One of the most recent examples to this approach is the speech made by the Chief of General Staff, Işık Koşaner, on 19 May 2011. Koşaner complained about the “appointment of civil servants from minorities for the purpose of appeasing them”, and called it a dangerous development. Despite the fact that visibly significant numbers of such appointments are not evident, these words by Koşaner clearly demonstrate the mentality and approaches of the military bureaucracy with regard to the appointment of non-Muslims to civil servant positions.³⁰

The civil servant recruitment obstacles are perceived by Armenians as a sign of discrimination, and hence an indication of citizenship inequality. In the workshops, the common opinion was that the symbolic importance of being a civil servant in the eyes of the Armenians of Turkey was considerably higher than its actual importance.³¹

These types of discrimination can be encountered not only in governmental institutions but also in non-governmental organizations, and even in commercial organizations. For example, one of the participants explained how he was faced with some specific challenges and hindrances to his election as the chair of a professional organization, through “suggestion and persuasion” attempts by the members of the same organization. In the end, he was unable to become the chair.

HIDING IDENTITY TO AVOID DISCRIMINATION

The Armenians of Turkey try to render themselves as “invisible” as possible in order to avoid mistreatment and potential stigmatization as a result of the negative Armenian image existing in the rest of the society. In other words, many Armenians do not want to be seen in the public domain with their Armenian identity. Although this tendency has lessened in the recent years, one participant gives the following account:

No Armenian family has ever wanted to raise their children as articulate public figures in Turkish society. The children have always been hidden away. No family wanted their children to go into politics, or engage in employment other than some specific professions.

One of the most tangible and common strategies Armenians have developed to hide their Armenian identity is to use a “Turkish” name instead of their real names in the public domain; they do so because Armenian names are thought to sound unfamiliar and disturb the rest of the society thus exposing their Armenian identity. Especially for most Armenians working in the domain of business and trade – almost all of whom are men – their “Turkish” names are like their second names. One participant said that when naming their children, they take care to make sure that they are names that have a place in both Turkish and Armenian cultures, and that will “not create trauma” or “create difficulty” in the public domain (at university, during military service etc.).

30 *Doğan Haber Ajansı* (2011), “Org. Koşaner’den Şok Tespit” [Striking Observation from Gen. Koşaner], 20 May 2011, http://www.dha.com.tr/org-kosaner-alternatif-tarih-yazilmaya-calisiliyor--son-dakika-haberi_163092.html.

31 One recent development draws attention. In 2010, an Armenian named Leo Süren Halepli was among those passing the test for recruitment of specialists to the Secretary General for EU Affairs of the Prime Ministry. The recruitment did not happen due to an appeal by one of the unsuccessful candidates. As the 11th Chamber of the Council of State reversed the judgement of the local court in early March 2011, there remains no obstacles to recruitment as civil servant for the successful examinees, including Halepli, although they have not yet been officially appointed.

The tangible manifestations of the “invisibility” goal are not limited to this. Other examples include avoiding expressions that will cause exposure of Armenian identity on the street, abstaining from speaking Armenian in the public domain, or giving another name for the school instead of the Armenian name.

When asked which school I attended, I would make up a name, say Kadıköy Merkez Primary Education School, since I was unable to say “Aramyan Uncuyan”.

One of the participants explains what one of his Armenian friends does for the sake of hiding:

When they ask for my ID card, I either show only the photo-bearing part, or I give it in such a way that they cannot see the religion section on the back; or I never take out the ID card and just hand them my driver’s license.

DISCRIMINATION AND THE SELF-PERCEPTION OF THE ARMENIANS

The pressure and discrimination stemming from both the state and the society play an important role in the shaping of the perceptions and feelings of the Armenians about their selves. Many of them describe being an Armenian in Turkey as a “very difficult and arduous” thing. An Armenian of Turkey should not draw attention either to himself as an individual or on the Armenian society of Turkey in general, avoid behaviours that may escalate the negative prejudices on Armenians, moreover be successful in social life despite all difficulties. For the sake of all these, an Armenian of Turkey “must be twice as hard-working, twice as honest, twice as courageous and twice as peace-loving as everyone else.” This opinion was expressed several times by the participants:

Being an Armenian in Turkey means doubling your effort, love and sentimentalism in everything you do. In other words, a Turkish family raises two children with the effort with which an Armenian mother raises one child. This is the same in everything. This is the same when it comes to working. If everyone gets up at six o’clock, we have to get up at five. Instead of

taking pride in what we have done, we have to criticize ourselves and do a better job. In short, if we are to be courageous, we have to be twice as courageous as Turks. If we are to be peaceful, we have to be twice more, five times more peaceful than the Turks.

A reflection of this “twice as much” psychology is also seen in an example given by a participant: An Armenian youth who wanted to take part in the leftist movement during university years explains how he later on gave up on the idea, as the police would likely “beat” his friends for being leftist, but would no doubt beat him twice “for being both leftist and Armenian!”

Some of the participants said they do not prefer to be identified through the concept of “minority”. The alternative concepts proposed were being counted as a “constitutive element” and “equal citizen” as opposed to being a “minority”. Here, “constitutive element” refers to being from this land, being “native” and hence having rights and a voice. A participant expressed the following: “We are not a migrant nation that came to this land at a later stage. We were already here, we had 2000 schools here.” Another participant describes his feelings as follows:

I did my military service here, I studied here, I serve here, I do everything for this place, I am not a minority here; I am the real founding citizen...

At first glance, it may be thought that there is no contrast between being a minority and being an autochthonous element; yet the status of being a minority in Turkey has never been seen as a neutral case and it brings with it a baggage of respective negative connotations such as being a “foreigner”, an “enemy inside” and a “traitor”. Hence, the Armenians tend to reject this minority label to avoid these negative connotations.

There were also some participants who described being an Armenian in Turkey as being “full of contradictions”. For example, one participant said “being Armenian in Turkey means being a skein of contradictions; we have to prove both that we were killed and that we are still alive”. The participant wanted to express that the Armenians “have to prove

“We are not a migrant nation that came to this land at a later stage. We were already here, we had 2000 schools here.”

two things: that they have been subjected to large-scale massacres in the past on these lands, and that they still exist today”; because both the past massacre and their current existence are ignored.

Another reflection of this dilemma for the Armenians is that although they know the “truths” taught to them by state institutions and officials are not actually true, they have to act as if they are. For example, although they think that the history taught at schools is “not what really happened”, they act as if they accept the truth of these teachings. Of course, this places psychological pressure on them. The following anecdote by a participant makes a striking example: An Armenian youth studying at a university in Anatolia answers a question on “Armenian rebellions” as he/she was taught, writing the appropriate answer “with no spirit and much like a robot” to pass the course. After the exam,s/he called his/her mom and cried on the phone.

In addition to these dilemmas, the main dilemma for the Armenians of Turkey is the integration-assimilation dilemma. To elaborate, Turkey’s Armenians demand full and equal citizenship, yet they are also concerned about the possibility of “mixing with the rest of the society and melting away”. For example, one participant expressed his concern by saying “I have to stand apart in order to remain Armenian”. This situation is felt deeply especially by the decreased number of Armenian families remaining in Anatolia. One participant shared his observations on this matter as follows:

You visit an Armenian family in Elazığ; they do not know the Armenian language, they have no church, they celebrate their holy days, but all they know is that they are Christian Armenians. Their speech is no different than an ordinary Elazığ man, nor is their clothing or lifestyle ... Similarly, you look at an

Armenian from Adıyaman; he speaks Kurdish, his speech, clothing and lifestyle is pure Adıyaman with nothing to distinguish him. He is Armenian, we are Armenian. What I want to point out is that if there is no intervention, if they do not migrate to Istanbul, that is, if they do not migrate to somewhere with a church and schools, or if no churches or schools are established where they are, though they may now say “I am Armenian”, after two generations they will say “My grandfather was Armenian”.

RELATIONS WITH STATE INSTITUTIONS AND LEGAL REMEDY

The Armenians of Turkey are hesitant about seeking legal remedies or applying to state institutions for their grievances because of both the psychology of “hiding”, as explained above, and because they do not feel like “first-class citizens”. Their social experiences have shown them that such attempts will not yield good results for them. For example, as much as possible, they want to settle their affairs without police or court involvement, and this makes them ignore the rights violations they encounter from time to time.

The common perception in the larger society is that an Armenian may experience problems in official procedures. One anecdote told during the workshops is particularly interesting: One of the participants established a company with a couple of “Turkish” friends. When the time came to designate an administrative director, these friends told him, “You are Armenian, it might cause problem for us; you should not be the director”. This anecdote indicates the degree to which the negative imagery of the Armenian identity has permeated all layers of the society.

Seeking rights/legal remedy can lead to even bigger problems if it is done on a group level. In other words, fighting collectively for institutional rights is harder than fighting for individual rights. An Armenian individual can get what is his right in the end by fighting and seeking legal remedy; yet it is more devastating when “a few Armenians” come together and fight for their rights, i.e. for institutional rights.

The various problems of the Armenian foundations addressed in this report are the best example to this.

EVALUATION AND RECOMMENDATIONS

A major source of the discrimination existing against Armenians and other groups in Turkey is the current Constitution of the Republic of Turkey. As expressed by the participants, the perspective, language and wording with regard to the people living in these lands in the Constitution and particularly in the citizenship definition reflect a discriminatory mentality. The participants also expressed that the new proposed Constitution should have a more inclusive citizenship definition and language that stands at an equal distance to all ethnic groups. This new Constitution should be a text that is based on fundamental rights and freedoms, that broadens them as much as possible, that does not limit freedoms on grounds such as state security, in contrast to the existing Constitution; that has adopted the principle of “state for the society”, and that takes under guarantee the accountability mechanism against politicians and bureaucrats. Turkey’s multi-cultural social fabric should find its voice in the new Constitution. A legal text which does not correspond to the social reality it aims to represent would not be effective in the name of establishing a just society. In other words, the new Constitution should include provisions that will guarantee the survival and existence of different cultural groups. These do not mean special provisions and arrangements for each ethnic or religious group, but general provisions conforming to universal principles of law and placing the existence of all cultures under the guarantee of the state. In addition to including all these elements, the new Constitution should be “simple”, concise and easy to understand, as much as possible. When preparing the Constitution, special effort should be made to ensure the broadest possible social participation, and the process should include exchange of ideas with NGOs and different social segments.

In addition to the new Constitution, there are other actions that can be implemented by the legislature, the executive and the judiciary. For example, some

effort could be made so that the sensitivity shown for matters such as “Turkishness”, “denigration of the Turkish identity” etc. is also shown in cases of denigration of other identities; a more principled and clear-cut stance can be demonstrated in the identification and punishment of these types of offences; or efforts could be made to raise awareness on the existence of the phenomenon of hate speech. Based on the fact that hate speech against any group is, in principle, wrong, hate crime should be defined and added to the Turkish Penal Code (TPC).

In addition to the amendments to TPC, a special law on prohibition of all forms of discrimination should also be drafted and put into effect.³² As a requirement of various international instruments signed by Turkey such as the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Racial Discrimination, Turkey is obligated to eliminate discrimination. Turkey’s judiciary system lacks the necessary legal framework which would integrate these obligations into its domestic law. In addition to the legal arrangements which aim to eliminate discrimination, it would also be beneficial to set up a semi-official but autonomous institution that will fight against discrimination on case-by-case basis, hear the victims and, where necessary, provide legal support.

During the workshops, another issue that came on the agenda was the introduction of quota-based seats to non-Muslims in the Grand National Assembly of Turkey as a safeguard to prevent discrimination. Some of the participants said this should be done, and that it could be beneficial and effective to have a representative in the parliament to voice the problems on the parliamentary platform. Others said a single deputy would not have enough power to do anything

32 Human Rights Joint Platform (İHOP) 2010, “Ayrımcılığın Önlenmesi ve Ortadan Kaldırılması Taslağı” [Draft Law on Prevention and Elimination of Discrimination], in cooperation by International Minority Rights Group and the Human Rights Joint Platform, 16 March 2010, <http://www.ihop.org.tr/dosya/diger/ayrimcilikyasa.pdf>.

in the parliament and hence the presence of such a representative in the parliament would be nothing but a “make up” or “staving off prohibitions”. Moreover, as mentioned above, having only one Armenian/ non-Muslim representing all Armenians, even in MP status, could be problematic as it would pose a “risk of standardizing the Armenian identity”. On the other hand, having a few non-Muslim deputies in the Parliament is important in a symbolic sense. Hence, at least, the rest of the society could be given the message that the non-Muslims are also “constitutive and legitimate” elements of this society, which can help in shattering the negative image and prejudices of non-Muslims in general and Armenians in particular. A participant from Hatay explains his local experience on this matter as follows:

There is always someone from our community (*cemaat*) at protocols. What does it achieve? You don't see anyone saying “What are these Armenians doing here?” When people see an Armenian in the protocol, when they see Armenian representation, they say “these are our Armenians”, they do not ask “where did they come from?”, and so there is recognition. And I think I need that recognition for my survival there.

All these anecdotes show that the source of discrimination against Armenians and other different identities does not come from only the legislation and the state practices. Though shaped by state policies of decades, the discriminating mentality performed by the social fabric has an important role on its own. As reiterated by some participants, even if the practices of the state are rectified, and if a more democratic and liberal Constitution is instituted, it would be impossible to totally eliminate discrimination as long as this mentality remains unchanged. Therefore, legislative and institutional arrangements are necessary but insufficient for prevention of discrimination. In addition, it is also important to give the society the message that differences are legitimate and they can exist together. Politicians, those with administrative powers and also the NGOs should

work towards creating a social environment where different cultures can live equally and freely. Organizing events and activities which render all cultures of Turkey equally visible would be a remedy against the dominance of the Turkish and Islamic cultures in the public. The legitimacy of the existence of these cultures in Turkey needs to be spread as a public message. It is especially important to underline “introduction” here, because one of the reasons that Armenians are identified as foreigners by a large segment of the society is the lack of adequate knowledge on the Armenian culture and the history of Armenians in Turkey. As the level of knowledge on these matters increases, the Armenian existence will become “normalized” in the eyes of people.

The media should be considered as a key component of the future social campaigns organized against discrimination. As mentioned before, the media has played a big role in establishing and normalizing the discriminatory language.³³ Media-focused works should be carried out to eliminate this negative role of the media. Studies such as media literacy or identification of hate speech in the media can set examples. It may also be beneficial to make

33 In addition to the media, the role of some Muslim clergymen in the establishment of the discriminatory language should also be mentioned. These people have been seen to use anti-Christian/Armenian expressions like “Do not befriend Christians”, “Do not do business with Armenians” etc. The most recent example to this also came on the public agenda. An individual, known as Cüppeli Ahmet Hoca, in his *vaaz* [sermon] in April 2011, said it is “infidelity” to say that Christians and Jews will also go to the same heaven, and that the so-called dialogue between religions is nothing but “trouble”. The mentalities and approaches of those who encounter such individuals during their daily prayers or in the printed and visual media are also likely to take shape in line with these expressions. Hence, in addition to the education provided in schools, the *vaaz* [sermons] given in mosques should also be addressed, and use of discriminating and hate speech in these places should be prevented. For said speech by Cüppeli Ahmet Hoca, please see; *Milliyet* [online web site] 2011, <http://video.milliyet.com.tr/video-izle/Cubbeli---Dansoz-izleyin-daha-iyi---D34md4IQrbn2.html>.

legal arrangements and conduct trainings that will stop media organs from using this hate speech. For example, both the relevant state institutions (Ministry of National Education, Ministry of Culture and Radio and Television Supreme Council) and the non-governmental organizations can administer trainings and organize workshops on hate speech and discriminatory expressions for reporters and journalists. In this way, there can be more awareness amongst the members of media against this negative language and approach.³⁴ In addition, recalling what we have said above with regard to the lack of recognition and visibility of the cultures, religions and lifestyles of the “others”, media organs can be used to introduce and increase the visibility of the histories of different cultures.

Besides discrimination, assimilation is also a serious problem for the Armenians of Turkey. In addition to the state practices, sociological dynamics such as modernization, individualization and globalization also work for the total destruction of the Armenian culture and identity in Turkey. What the government and the bureaucracy should do in order to eliminate these concerns is put equal citizenship into practice with all its institutions and rules, and to make a conscious effort in the domain of both the legislature and the executive. Giving material support to Armenian schools and cultural institutions (theatres, periodicals etc.), preparing projects to raise Armenian language teachers in cooperation with Armenian schools, and fully eliminating the obstacles that prevent foundations from acquiring property and engaging in international cooperation can be examples of such efforts. In fact, the existence and protection of all languages, cultures and lifestyles of a

country should be among the primary duties of the state. On the other hand, in the case of cultures in “danger of clear and imminent threat of extinction”, like the Armenian identity and culture in Turkey, it should not be seen as abnormal for the state to give “urgent” support, through “positive discrimination” if necessary. As such, from the Armenian perspective, such positive discrimination practices would be partial reparations for the destruction caused by the state in the past.

Through additional channels, Armenians can fight against the discrimination they are exposed to. Besides seeking legal remedy, it is also important to be incorporated into the general struggle of democracy going on in the country. This includes taking part in, contacting, or engaging in dialogue with political parties or non-governmental organizations (*İnsan Hakları Derneği* (Human Rights Foundation, İHD), *“İrkçılığa ve Milliyetçiliğe Dur! De” Girişimi* [“Say Stop to Racism and Nationalism” Initiative], *Genç Siviller* [Young Civilians] etc.) and fighting for broadening the domain of rights and freedoms in Turkey. The Armenian society should not be a ‘closed’ community; it should explain itself to the rest of the society and should also listen to the other social groups which face similar problems of discrimination.

Armenians’ participation into the struggle for democracy would not be sufficient on its own. It is crucial that the democratic circles of Turkey should pay attention and be involved in the problems that Turkish-Armenians have been living with in Turkey for decades. One participant emphasizes this necessity as follows:

We are talking among ourselves, but the academicians or the prominent intellectuals of the country, whoever they might be, should also discuss these topics; they should inform the public, explain them the fact that the Armenians are not bad people. I do not see any movement to erase this perception. In deed I want this to happen ... Sometimes we are left with no power to encourage us...

34 For a study of this type, please see: International Hrant Dink Foundation 2010, *Nefret Suçları ve Nefret Söylemi* [Hate Crimes and Hate Speech]. Also, the “hate speech” website of the Foundation (www.nefretsoylemi.org) periodically scans the media for articles and news stories containing discrimination and hostility in the national press, and publishes them. İHD’s studies with İstanbul Bilgi University Sociology and Education Studies Unit (www.secbir.org) may also provide guidance.

NOT TOLERANCE BUT RIGHTS

When fighting against discrimination, one thing that should never be applied but which we frequently hear is the concept of “tolerance” in reference to the Ottoman history and with the thesis that different religions and cultures have lived “side by side in peace” for centuries on these lands. Moreover, it is equally hurtful and humiliating to be considered as a group under “custodianship” as a continuation of the approach that regarded non-Muslims as *dhimmi*. Although they may be applied with good intentions, these concepts themselves imply particular hierarchies and reinforce the pre-existing inequalities among different social groups. The act of tolerance goes together with the attitude of condescension and for the tolerant party “being tolerant towards others” should be blessed as a gift. Moreover, in the case of being Armenian or Christian, what is tolerated is the existence of different religions and cultures; yet, by definition, tolerance is shown towards people or

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situations that make you uncomfortable. When Armenians are shown tolerance, it is implicitly accepted that even their existence is an annoyance. A discourse aiming to prevent discrimination should be built on universal concepts such as equal citizenship, justice, freedom and human rights.

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Section Three

Education

Currently, the Turkey's Armenians have 16 schools, all in Istanbul. Two of them provide only secondary (high school) education, while 3 provide both primary and secondary education, and eleven are strictly primary education schools. In all these schools, the total number of students in the 2010-2011 school year were 2965, with 1393 boys and 1572 girls. A comparison can be made to see how things changed over time: in the 1972-1973 school year there were 32 schools with 7366 students; roughly ten years ago, i.e. in the 1999-2000 school year, there were 18 schools with 3786 students. In the last 40 years, there has been roughly a 50% decrease in the number of schools and 60% decrease in the number of students. This is a total devastation. This image is the result of many political, sociological and economic factors. In the following pages, we will discuss the factors that have a direct impact on the education process, such as legal gaps and irregularities, difficulties in finding Armenian language teachers and procuring textbooks, and financial difficulties.

THE DISCREPANCY BETWEEN LEGAL STATUS AND ACTUAL SITUATION

Armenian (minority) schools have no laws specific to them. These schools are accepted as institutions operating under the Lausanne Treaty; yet on the other hand they are subject to the Fundamental Law on National Education no. 1739, which regulates the education in general, and to the Law no 5580 of 2007 on Private Education Institutions and the related MNE Regulation on Private Educational Institutions. However, there are serious differences between how private schools and Armenian schools operate. While private schools were opened for profit-making

purposes, it is not possible for Armenian schools to pursue such a goal, considering the circumstances surrounding them and the functions they are obligated to fulfil –such as the cultural continuity of the Armenian society in Turkey. Because of their social and cultural roles, these schools cannot turn down a student who wants to enrol. The children of families who are unable to cover the education costs or who can contribute only partially are also accepted. Since it is not possible to turn down any of the students, much like a public (state) school, they have a considerably heterogeneous student group, in all aspects (socioeconomic level, intelligence and skill levels etc.).

Furthermore, it is difficult for these schools to meet the building standards required for private schools. It causes problems when the state uses the same standards, which are used when inspecting for-profit private education institutions, in inspections of Armenian schools. For example, the number of students that private schools can register is regulated in the Directive on Standards for Private Schools put into effect in 1985, and a higher limit has been introduced to the number of students per square meter. Being subjected to this directive, it is not possible for Armenian schools to enrol more students than the number based on its square meter. Again according to the same directive, it is mandatory for private schools to have laboratories, physician's room, school counsellor room, and art and music workshops etc. These regulatory arrangements, which can indeed be called necessary and appropriate, can be problematic for Armenian schools, most of which were constructed either in the 19th century or in early 20th century. Subjecting these buildings to inspections

based on the same conditions with newly built private school buildings creates difficulties in practice.

To put it briefly, in practice, these schools operate much like public schools, though they are not accepted as such by the state. In truth, Article 5/c of Law no. 5580 says, “the matters particular³⁵ to these schools [minority schools] related to Articles 40 and 41 of the treaty [Lausanne] under Law no.340 dated 23/8/1923 shall be determined with regulations”, which means an acceptance of the fact that Armenian and other non-Muslim schools have characteristics and requirements that differ from other foreign and private schools. As a reflection thereof, despite all their inadequacies and adversities, the state adopted two regulations concerning the Armenian schools in 1976: Regulation on Private Greek and Armenian Minority Primary Schools, and Regulation on Private Armenian High Schools and Secondary Schools.³⁶ However, both of these regulations are today effectively defunct; for they have become too distanced from the general changes taking place in the education system, and they are behind the modern times in terms of human rights and freedom concepts. What needs to be done is for the state to recognize that these schools have some particularities, as accepted with the above-mentioned expressions, and settle this issue on a permanent legal ground with a comprehensive law specific to these schools and written with a modern perspective of human rights and freedoms.

VICE PRINCIPALS AND CULTURE COURSE TEACHERS

All Armenian schools have a vice principal appointed by the MNE. In 1937, the Education Ministry decided to appoint a ‘vice-principal to minority primary schools and a vice-principal to high schools’. The aim

of these appointments is to closely supervise the programmes, and administrative and financial transactions of these schools. This practice was abandoned in the school year of 1948-1949, but reintroduced with circular no. 5887 in 1962.

Today, in addition to these positions, courses such as History, Geography, Turkish Language and Literature, Sociology,³⁷ (Social Sciences in primary schools) are also taught by teachers appointed by the Ministry. With the Law no. 6581 adopted on 27 May 1955, it was specified that these courses, called “Turkish [language] and Turkish Culture lessons” be instructed by teachers who have civil servant status and who are appointed by the Ministry. With an amendment made on 15 December 2010 in the Regulation on Private Education Institutions, Armenian schools were granted the right to advise the Ministry regarding the teachers who would be teaching these courses. This is no doubt a positive step; however, the prerequisite of civil servant status for the teachers they suggest makes things difficult for Armenian schools. In addition, as appointments cannot be made during the summer season due to the internal calendar of the bureaucracy, it is common to see culture courses being free time for students [as there are no teachers appointed yet] or instructed inefficiently [by substitute teachers] in the beginning of the academic year.

Currently, the concept and practice of the vice-principal position causes a problem of “duality”. A situation arises in which the culture course teachers led by the vice-principal, and the contract-based teachers led by the principal (headmaster) are two separate groups. This situation also becomes a cause for tension. With a regulatory arrangement, school

35 Emphases and parentheses belong to the writer.

36 These regulations were prepared by the principals of minority schools; yet considering the conditions of those days, in truth the state had dictated its own demands through the principals.

37 The sociology course has a “special” position. Although it is included in the philosophy cluster and although the schools can select the teachers who will give the courses included under this cluster, such as logic, philosophy and psychology, the Ministry appoints the sociology teachers. Hence it is understood that sociology is also seen under the category of courses that “may pose risks” and hence the instruction of which “cannot be left to just anyone”, similar to courses such as history, geography etc.

principals were made the highest ranking chief³⁸ (*sicil amiri*) - with power to score performance on personnel record - of the culture course teachers in schools, too. Although, there were various uncertainties and reservations about how the school principal, who is not a civil servant, can give performance scores to culture course teachers, who are civil servants. Despite the resistance by vice principals and culture teachers to this arrangement, this could have a positive impact. However, with a new regulation of 3 articles published on 24 April 2011 in the *Official Gazette*, the MNE Regulation on Personnel Chiefs (*Milli Eğitim Bakanlığı Sicil Amirleri Yönetmeliği*) was rescinded. Thus, an uncertainty arose about how to do the performance scoring, and school principals lost their power over culture course teachers.

The inability to select the vice principals and the culture course teachers freely also brings a quality issue with regard to these courses. Since schools do not select and recruit these teachers based on its own conditions and criteria, they have to suffice with the teacher appointed by the Ministry although it may be based on the suggestion submitted by the school. The final solution would be to give full freedom to all school administrations to select their own vice-principals and culture course teachers, with their salaries still paid by the state.

Another situation that causes problems in regard to vice-principals is as follows: These people are identified by higher authorities as the “Turkish” vice-principal, and this emphasis is sometimes repeated by the vice-principal him/herself, which is a reflection of the ethnic view of the state and perceived as an indication of discrimination. Vice-principals can sometimes behave “like the representatives of the owners of the homeland among the Armenians who are seen as untrustworthy elements” at schools, as expressed by one participant. In other words, this

The vice-principal position causes a problem of “duality” in Armenian schools. A situation arises in which the culture course teachers led by the vice-principal, and the contract-based teachers led by the principal (headmaster) are two separate groups.

practice gives way to the impression that Armenians are not the citizens of this country and that it is necessary to put them under the charge of a “pure Turk” who is the owner of this country. Even when the vice principals take a leave for one or another reason, only one of the “Turk” teachers instructing culture courses in the school or the vice-principal of another minority school can replace them. On the other hand, when the principal takes a leave, his position is deputized to either the vice-principal or someone of his choosing. This situation leads to the belief that the state cannot trust “Armenian” teachers even for a short duration of time.

Here is an anecdote that may be helpful in understanding the role attributed to vice-principals by the state: On 27 January 1995, Naci Akay, then Provincial Education Director of Istanbul, addressed the vice-principals in a meeting where both Armenian principals and vice-principals were present:

You represent the state of Republic of Turkey in these schools. As you know, the principals of these schools are elected and appointed not by us but by the minority community. But you are selected by us ... You are our eyes and ears in these schools. It is your duty to keep track of them and inform us about the happenings in these schools.

These words show that these people are virtually given the duty of “policing” or “snitching”. He continues with “We will never leave you alone. We trust you”,³⁹ Akay acted as if he was sending them on a “campaign”. This role given to vice-principals puts the

³⁸ The reports written by the *sicil amiri* for each teacher are taken into account in all appointments, promotions and other professional transactions of that teacher, and hence it may be considered an important position.

³⁹ Dink 2004, “Bu Zihniyet Değişmedikçe” [As Long As This Mentality Does Not Change], *Birgün*, 22 November (cited by Özdoğan et. al. 2009, p. 197).

principals, who are expected to be the real administrators of the school, in a position in which the principal is accountable to his/her subordinate and is unable to do anything without the subordinate's approval.

The duality mentioned above causes two types of teachers to emerge at school level. While the culture course teachers that are assigned by the state work like in the status of civil servants, the other teachers work as if they are employed in a private institution. To give an example from the weekly course hours, let us say that the weekly work hours foreseen for Turkish classroom teachers in public schools is 30 hours; so, it is not possible to make the Turkish language teachers working in Armenian schools (and having civil servant status) stay at the school and participate in extracurricular activities oriented to improve education in excess of these hours, whereas the teachers of other courses work on contract and hence may have more weekly course and working hours. As a consequence, two different statuses emerge between teachers. It is possible to solve this problem with a circular on overtime work issued by the Ministry.

ENROLMENTS

When making these schools subject to the law on private schools, the state shies away from giving them some of the specific opportunities granted to other private schools, such as enrolling the students of their choice. Until recently, the students who would be enrolling in Armenian schools had to get a document verifying their eligibility for enrolment by applying to the commissions set up by the MNE. Whether this document would be issued depends on the examination of the student's population logs by the commission. Children registered as citizens of the Republic of Turkey but whose fathers were not Armenian had to "prove" their "Armenianness" in order to enrol to an Armenian school. For example, if a member of the child's family had converted to Islam and converted back to Christianity in the past, this could create some serious problems at the enrolment stage. This mentality and practice still continue; the

only change is that now, being born from an Armenian mother is also accepted as sufficient reason for enrolment, as a result of the provision "the spouses shall manage the household together" in Article 186 of the new Civil Code no.4721 of 2001, replacing the provision "the husband is the head of the household" of the former civil code. In the past, only the father's "descent" was important for enrolment purposes in the case of mixed marriages, while now it is enough to have an Armenian mother.

Furthermore, the job of population log inquiry has been taken from the commissions and given to the vice-principals in Armenian schools. The principals can make the initial enrolments of the students only upon an "enrolment order" from the vice-principals. Of course, the vice-principal is able to ask higher authorities whether the applying student is a "real and pure" Armenian of Turkish nationality. These changes might be considered as signs of progress if we take into account that it is difficult and bureaucratically arduous to proceed with the commissions and that the existence of an Armenian mother is now deemed sufficient ground for enrolment – something that may be interpreted as broadening the scope of rights; nevertheless the mentality, which constitutes the essence of the real problem, still continue.

If we look at the past, we see there were no obstacles to non-Armenians enrolling in and attending Armenian schools until the 1940s (a well-known example is Münir Özkul, who went to an Armenian primary school). The state should remove the existing restrictions and make it possible for anyone to attend Armenian schools. Besides, inquiring into "breed, descent, origin" is a highly inappropriate practice for modern, democratic states governed by the rule of law.

EDUCATION AND LANGUAGE

The essential role formal education plays in teaching the language and conveying it to future generations is known. Parallel to the decline of the Armenian

language in social life, the Armenian language teaching in Armenian schools is also declining day by day. Armenian [language] has stopped being a means of social communication, and has become a “textbook language”. Children perceive Armenian merely as “a language they will only use when speaking to their teachers”, and prefer using Turkish when communicating and interacting with each other. From this point of view, it is incorrect to wait for the child to reach the school age to teach and improve Armenian. Lack of books is also a serious problem in Armenian language teaching. There is a need for a up-to-date “Armenian Language and Literature” book that can be used for teaching Armenian language at both primary education and secondary education levels, and coherent with contemporary pedagogical methods. However, the process of preparing these books is a difficult one, and the bureaucratic phases involved are quite difficult to overcome. Even if we assume that such a book was successfully prepared, its content would have to go through an investigation because of the suspicious approach of the state, and at the end it would probably take long years for the book to be introduced into the system. As such, previous initiatives on this subject have dragged on for years due to prolonged bureaucratic processes, and have finally failed in coming to fruition. The textbook problem is not only applicable for the Armenian language course but also for all the courses other than the culture courses that are mandatorily instructed in the Turkish language.⁴⁰

Another reflection of the suspicious approach of the state is the prohibition of having Armenian-language books published abroad in schools. These restrictions

For each and every Armenian-language activity organized at the school, the Armenian texts have to be translated into Turkish and then submitted to the higher authorities of the education bureaucracy at district or province level for authorization.

have been so internalized that no one remembers exactly the official basis of this prohibition. The MNE should remove this prohibition with either a circular or another similar administrative act, or should emphasize that there is currently not such a ban, and therefore should open the door to using course materials originating from abroad for Armenian teaching.

Another similar factor preventing the usage of Armenian in schools and hence its development is the authorization/permission process required of regulations for any Armenian activity in the school. For each and every Armenian-language activity organized at the school, the Armenian texts have to be translated into Turkish and then submitted to the higher authorities of the education bureaucracy at district or province level for authorization. On the other hand, such an authorization process is not required for activities in other non-Turkish languages – for example English cultural activities – in the education bureaucracy; and this is a clear indication of how the state regards the Armenians and the Armenian language. Under these conditions, obtaining all the permissions required for organizing an activity in the Armenian language can sometimes take more than a month. Even the Armenian opening speeches made and poems read at the ceremony for the opening of the school year are subjected to this arrangement. The moral pressure and the feeling of discrimination caused by this situation, combined with the practical difficulties, can be a deterrent for teachers and school administrators, and make them reluctant to organize any events in the Armenian language. This prohibition can sometimes be used as an instrument of political pressure on school

⁴⁰ The Ministry of National Education (MNE) had the mathematics and science textbooks of the first three years of primary education translated into Armenian and distributed them in the beginning of the 2010-2011 school year to Armenian schools free of charge, as it did with other public schools. Despite some justified criticisms such as the long and arduous process it required and the failure to include Armenian names in the books, this should be considered as a positive step. The Ministry should continue projects of this type while taking into account the criticisms.

administrators, by tightening or loosening the ban conditions depending on the political conditions of the status quo. As such, in the past, there have been teachers and school administrators against whom investigations were initiated on the grounds of violation of this rule. According to the statements by school administrators, this arrangement is still in practice. Teachers and school administrators should not be left to the mercy of the bureaucracy “that changes according to current conditions”; necessary amendments should be made to the legislation, and this requirement to obtain permission should be officially removed.

INTRODUCTION OF 8-YEAR COMPULSORY PRIMARY EDUCATION AND CHANGES IN THE EDUCATION SYSTEM

The introduction of 8-year compulsory primary education [increased from 5 years] had a negative impact on Armenian schools, although indirectly. Before this practice, parents tended to prefer sending their children to Armenian schools for primary education (five years), and then to a private school or college for secondary education. According to the parents, through this way their children could learn Armenian in primary school, and increase their chances of entering a university through secondary education in private schools. However, when compulsory primary education was raised to 8 years, parents, thinking that the remaining 3 years would not be enough to secure entering university, began to stop sending their children to Armenian primary education schools. This has become a factor contributing to a rapid loss of identity.

This situation is an indication of how weak and vulnerable the Armenian schools are, due to their sensitive positions, vis-à-vis the macro arrangements made in the education system. The frequent changes made in the education system have the potential to affect Armenian schools more adversely than other schools, as they have to a large extent lost their adaptation capacities and operational capabilities.

FINANCIAL PROBLEMS

Day-to-day, the Armenian society in Turkey finds it increasingly difficult to shoulder the financial burden of their schools. As mentioned above, the fact that Armenian schools have to admit students who are unable to meet, fully or partially, the education expenses and costs results in large budget deficits for schools. Although the Armenian society in Turkey tries to close these deficits by its own means, this is becoming harder. At this point, there is an urgent need for direct state support. Until the Cyprus issue emerged in 1970s, the state previously helped Armenian schools even if with symbolic amounts, as per Article 41 of the Treaty of Lausanne⁴¹. In view of the current situation, this practice should be re-introduced on the basis of a meaningful amount. For example, the salaries of teachers in Armenian schools can be paid by the state regardless of whether they were appointed by the community or the MNE. The additional burden this would add on the public expenses would be so small as to be called insignificant. Today, MNE employs around 800,000 teachers, including those working under temporary contracts. In Armenian schools, there are only 368 teachers other than the culture course teachers whose salaries are already being paid by the Ministry. In other words, if this scheme is put into practice, only 368 new teachers will be added to the 800,000 teachers who currently receive their salaries from the Ministry.

⁴¹ This article reads as follows: “In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Muslim minorities, these minorities shall be assured 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. The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.” The shares allocated from the state budget for schools were paid to school administrations in 1950s; after 1960, the payments became entirely symbolic, and were completely abandoned after 1974: Döşemeciyan, Özuzun and Bebiroğlu 2011, “Müslüman Olmayan Azınlıklar Raporu” [Report on Non-Muslim Minorities], <http://hyetert.blogspot.com/2011/02/musluman-olmayan-azinliklar-raporu-2011.html>.

TEACHERS' EDUCATION AND INVESTMENTS

Armenian schools face serious problems when it comes to training teachers and making educational investments conforming to the requirements of the modern times. In particular, there is a serious shortage of classroom teachers. The business of raising teachers should be carried out as a state project, as Armenian institutions do not have the means to execute such projects. Another issue is the need to increase the attractiveness of the teacher profession, which currently holds too low an appeal. For example, the support of the state is needed with regard to the insufficient teacher salaries, which can be a deterrent factor.

Training Armenian language teachers is another problem. Today, although they may have been graduated from Armenian secondary education schools, the Armenian language skills of the teachers in Armenian schools can sometimes be inadequate for an educator.

There is a need for university education to train Armenian teachers in adequate numbers and qualifications; yet today, the departments of Armenian Language and Literature in the universities of Turkey are insufficient in terms of quality and quantity. There is a Department of Armenian Language and Literature under the Department of Caucasian Languages and Cultures at the Faculty of Language, History and Geography at Ankara University, yet its academic staff consists only of the department head and one research assistant. Likewise, the Department of Armenian Language and Literature established under the Faculty of Foreign Languages at Trakya University lacks an adequate academic cadre. The quality and quantity of such departments should be improved in terms of human resources and materials, which can also be achieved by having resort to various sources abroad.

DISCRIMINATORY PRACTICES IN SCHOOLS: TEXTBOOKS AND OTHER ISSUES

The textbooks instructed in primary and secondary education do not include any information on the history and culture of Turkey's minorities. Turkish students are not sufficiently informed on the historical existence of different cultures and social communities that have always been a part of these lands.

Armenians and other minority groups are generally mentioned in negative contexts with denigrating adjectives. In other words, textbooks include discriminatory expressions targeting the non-Muslims in general and the Armenian identity in particular.⁴² It is not surprising that individuals receiving this education feel hatred and hostility against non-Muslims and other minority groups even though they have no knowledge about them.

Especially for Armenian students who do not attend Armenian schools, encountering such expressions among their other friends and teachers creates a very difficult situation. Besides, it should be noted that such expressions may give rise to hate speech and developing a hate discourse against the "other" is harmful for all children, be it Armenian or not. Revision of textbooks such as History, Geography and National Security from this perspective and eliminating discriminatory and insulting language should be put on the agenda as a project.

Apart from the textbooks, from time to time, with regard to the "Armenian Question", the *Sarı Gelin* documentary, which is about Armenian gangs raiding Muslim settlements and committing massacres and tortures before 1915 and which was produced with the purpose of "refuting the Armenian allegations" are used along with some other visual materials at

⁴² For some examples of such expressions in textbooks, see: Kaya 2009, *Unutmak mı Asimilasyon mu? Türkiye'nin Eğitim Sisteminde Azınlıklar* [Forgetting or Assimilating? Minorities as Subjects of Turkey's Education System], *Uluslararası Azınlık Hakları Grubu*, İstanbul, p. 28.

schools –most probably with an aim to instil ‘political awareness’. Similarly, primary and secondary education students can be asked to write an essay on “Armenian Insurgency During the World War I”, as was instructed in the MNE circular of 14 April 2003.

When we look at the discriminatory practices outside the classrooms in schools, we see “Our Pledge” (*Andımız*) which is an obligatory oath to be repeated collectively every morning by primary school students of Turkey, and the ways of which it reproduces discrimination with its ideological content. One participant expressed how the Pledge disturbed him. For example, the expression “let my entire existence be a gift to the Turkish existence” in the Pledge is quite problematic. The discriminatory approach is not limited to “Our Pledge” and can occur anywhere at any time. For example, during the Language Week activities, the school billboards can be covered with slogans such as “Turkish is the most beautiful language”. This mentality establishes a hierarchy between languages which holds one language superior to the others based on its nature. Apart from creating tensions and containing cultural racism, this can also dampen the interest of the Armenian students in the Armenian language and cause them to feel that their mother tongues and hence themselves are being degraded.

BILINGUAL EDUCATION

The educational experiences in different countries have shown that students receiving bilingual education through the correct methods earn higher academic achievements.⁴³ However, a different perception is widespread especially among parents who send their children to Armenian schools. It is thought that learning Armenian will cause their children to lag behind in other lessons, primarily in Turkish, and result in their failure in entrance exams to

secondary or tertiary education institutions. Studies should be done to correct this misguided perception. In addition, the state plays a negative and prohibitive role in maintenance of native languages (mother tongues) other than Turkish in Turkey. In that regard, the experiences of education in Armenian schools in the native language can be a useful reference in the current public debate on the Kurdish demand for education in the Kurdish language. These experiences offer a chance to study these examples to avoid similar problems in the future.

CHILDREN FROM ARMENIA

The children who are citizens of the Republic of Armenia living in Turkey, were unable to enroll in Armenian schools in Turkey, both due to their “illegal” status and the provision of the Law on Private Education Institutions, which specified that only “members of a minority group who are nationals of the Republic of Turkey” could receive education in Armenian schools in Turkey. The changes made to the Public Act on Private Education by the ministry of Education in February 2011, rendered it possible for Armenian children to continue their education in Armenian schools under the status of “guest students”; nevertheless, the act held that it would not be possible to give these children diplomas. It must be noted here that this is a positive adjustment compared to earlier situation. On the other hand, some deficiencies and uncertainties still exist. For example, will these children, most of whom do not know sufficient Turkish, be exempt from having to attend the Turkish culture classes? Will they be required to attend official ceremonies? Furthermore, it may be considered that these children take up additional classes to compensate for the differences in the curricula in case they return to their countries, and the ministry has to make the necessary arrangements for this. For example, there is a certain demand for Russian classes, because Russian is a compulsory class in schools in Armenia and this may prove itself to be a serious problem if they return. Moreover, there are ones who say that it is the most appropriate

43 For a discussion on bilingual education, see: Ayan ve Kocabaş 2009, “Çift Dillilik ve Eğitim” [Bilinguality and Education], *Eğitim Reformu Grubu*, <www.egitimdehaklar.org/pdf/6.pdf>.

solution to gather these students together in one school in which they would study under a different curriculum, and that a school as such, just like its precedents, could be given the status of a “foreign school” that has Turkish classes as well. The possibility of some students – especially relatively older ones – facing difficulties due to the differences between West Armenian and East Armenian in terms of dialect is another reason for such demands.

The number of Armenian children who have enrolled in Armenian schools as guest students in the 2011-2012 academic term is 48, plus there are 82 students at the Gedikpaşa Protestant Church, which has been helping in providing for Armenian students’ educational needs for eight years⁴⁴. For example, the number of this kind of students between the ages of 4 and 12 at Kumkapı Bezciyan School, fell down from 22 in the beginning of the 2011-2012 term to 13 later on. On the other hand, the number in the beginning of the term at Feriköy Merametçiyan School, which was 8, went up to 12 afterwards. While exact data on the total number of Armenian children living in Turkey does not exist, it is possible to say that there is a large number of Armenian children who do not continue attending official Armenian schools due to the said uncertainties and hesitations. The administration is expected to not accept this constructive step forward as an ultimate end, but rather, in consultation with educators of Armenian schools and the parents of children who attend them, to display a will for further improvements. The conceptual and legal framework for these improvements are available in the UN Convention on the Rights of the Child, to which Turkey is a signatory. Besides, granting primary school-age children the right to education (get educated?) and its improvement, regardless of whether they are citizens or not, is accepted as an international necessity in the free world. For example, Article 3(e) of the UNESCO Convention against Discrimination in Education, which Turkey remains reluctant to sign, foresees the

provision of the same access to education for foreign nationals residing within a country’s territories, as that made available to a particular group.

Even though the current Turkish government has signalled that these children are not exactly considered that way, it is suitable to note here that considering them as “irregular migrants” is not the right perspective. Just like one of our participants said:

The term ‘irregular migrant’ is totally irrelevant; they are school-age children, and a school-age child is a school-age child everywhere in the world. Their status as irregular migrants is another issue. It does not concern any teacher or school principal.

The subjection of these children to inadequate education and their deprivation from the accumulation of certain knowledge and skills, is not only a detriment that puts their futures in danger/risk, but it is also against public interest, for it may direct them towards anti-social behaviours, or even crime in their future life.

“Positive discrimination is the antidote of the poison of discrimination that has been injected for years.”

SITUATION IN ANATOLIA

Although the number of people living in Anatolia with an Armenian identity has considerably decreased, the Vakıflı village in Hatay continues to exist as an Armenian village.⁴⁵ In addition, there are Armenian communities of few hundreds living in Anatolian cities. Lack of schools is an important problem of Anatolian Armenians, especially for those in the village of Vakıflı, which makes it difficult for the children there to learn

44 Agos 2011, “Velilerde sevinç ve kaygı hakim”, 30 September.

45 We should correct here a mistake that is often made in the printed and visual media and on various other platforms. The village of Vakıflı [Köyü] is mentioned as the only Armenian village in the world outside of Armenia. Yet, there are other Armenian villages both in Syria and in Iran.

Armenian. An anecdote told by a participant from the Vakıflı village should be repeated here, as it is a good example illustrating the consequences of this problem:

I went to university in Elazığ. During my university years, there were 20 Armenian families there. None of them could read Armenian. They received a calendar (datebook) from the Patriarchate and checked it to see when the holy days or lent were; but the calendar was in Armenian. Every week, someone would invite me to their home and asked me to read and tell when we are celebrating the Zadik (Easter). I would read them the dates from the calendar. My fear is that the Vakıflı Village will also find itself in the same situation in the future.

EVALUATION AND RECOMMENDATIONS

As with many other problems for the Armenians, one of the main reasons behind the education problems is the lack of legal arrangements based on legal equality. At this point, it seems like the state is stuck between the Treaty of Lausanne and the UN Conventions, which are based on contemporary human rights, and also the EU standards. As such, Turkey signed on 15 August 2000 the Covenant on Civil and Political Rights, which was adopted by the UN General Assembly in 1966 and which came into force in 1976. However, with reservations to Article 27, which makes reference to minority rights, by declaring it reserves the right to interpret and apply the provisions of Article 27 in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne. Similarly, Turkey ratified the UN Convention on the Rights of the Child reserving the right to interpret and apply Articles 17, 29 and 30 according to the letter and spirit of the Constitution of the Republic of Turkey and those of the Treaty of Lausanne. The possible motivation behind these reservations is the willingness to prevent any demands for rights on the basis of the identities of minorities. Apart from these, there are also conventions that Turkey has not signed, such as the UNESCO Convention against Discrimination in

Education or the Council of Europe Framework Convention on the Protection of National Minorities. A country that desires to catch up with the contemporary standards in regards to human rights should conform to the norms achieved by the international community, by lifting all reservations and signing all the conventions remaining unsigned.

As a requirement of these norms, the Armenian schools, as well as the other minority schools, should be given a permanent special status by virtue of law. In the final analysis, these schools are, as put by a participant who works as a teacher, “not private schools but schools with particularities” and should be evaluated within that framework. Solution to the problems of these schools should not be tied to the changing conditions of the day or to the macro politics, leaving them to uncertainty and instability, but should be addressed within a legal framework. Moreover, such law should be shaped on the basis of positive discrimination for the survival of these institutions. Granting some rights and freedoms to Armenian schools by the state today will not be enough, so the state should also provide operational and financial support in order to bring these rights to fruition. For example, it should provide direct and practical assistance in the preparation of school books, in the training of teachers, and in closing the budget deficits. In line with these goals, it would also be beneficial to establish a dedicated unit under the MNE. This unit can prepare, and coordinate all the textbooks and other educational materials in the Armenian language. Some people may raise objections and say taking these steps would create some inequalities in favour of minority schools. However, considering that the state policies implemented for decades played a significant role for such a weakening and underachievement of the Armenian society in Turkey in general and the Armenian schools in particular, this would be, in a sense, “a compensation or reparation of the past”. In the words of one participant, “positive discrimination is the antidote of the poison of discrimination that has been injected for years”. In addition, the international

standards of advanced democracies also accept the protection of minority languages and cultures through positive discrimination measures as a norm.

The principle of reciprocity that is practiced by the state on the basis of the Treaty of Lausanne lies at the heart of some of the problems mentioned above (as in the example of the vice-principal position).

Reciprocity, which is foreseen as a practice of one state towards the citizens of another state, is practiced by the Republic of Turkey towards its own citizens. Whenever a positive step is going to be taken towards Turkey's non-Muslim citizens, parallelism with the practices of Greece towards its Muslim Turkish minority is observed, or even laid as a condition. The education policies that concern the minorities are also directly affected from this general view. As such, in Article 5 of the Law no. 5580 on Private Education Institutions, it is stated that any regulations concerning the minority schools "shall be prepared in consideration of the reciprocal legislations

and practices of the relevant countries on these matters". In the advanced democracies of today that are based on human rights, a state treating its own citizens on the basis of a principle such as "reciprocity" is, in its mildest expression, an incorrect approach. What is most important is citizenship rights and moreover, human rights. Besides, if we look at this issue from the perspective of Armenians of Turkey, the following question will have to be asked: What kind of a tie is assumed between the Armenians of Turkey and the country of Greece, along with the other states parties to Lausanne, that reciprocity with the Muslim Turks in those countries is sought in any political and administrative decision that concern them?

If the measures mentioned above are accomplished, the general quality of education in Armenian schools will rise. Furthermore, the ratio of students entering universities, which is currently found too small by parents, will rise in time, which will contribute to an increase in the number of students.

Section Four

The Armenian Patriarchate of Istanbul and the Patriarchal Elections

The Armenian Patriarchate of İstanbul, celebrating its 550th year, has the central position as the spiritual leadership of the Apostolic Armenians in Turkey. Workshop participants also expressed that the Patriarchate is an “umbrella organization”. Today, this institution, which was introduced by Mehmet II in 1461 as the Armenian Patriarchate of İstanbul, is religiously and spiritually attached to 41 churches, many of which are located in İstanbul.

During the Ottoman times, the *millet* system was created for the administration of non-Muslim religious communities and granted a specific domain of autonomy to them within the scope of their own customs and traditions. The patriarchs were the head of their *millets* and assumed the duty of not only the spiritual leadership of their communities, but also the duty of civic representation and leadership covering many areas of the everyday life. Civil functions such as protecting and furthering the cultural lives of Ottoman Armenians were mostly made possible with the initiatives of the Church. As stated before, the secularization and modernization emerging in late 18th century is called the “enlightenment” movement, or the *zartonk*, meaning “awakening” in the history-writing of the Armenians.⁴⁶ The broadening of the secular domain vis-à-vis the Church and the legitimization of lay participation in the community government was endorsed with the Code of Regulations of 1863. The struggle waged by the intellectuals and merchants against the state, the Patriarchate administration, and the *amira* class for a more democratic internal government was decisive in

Secularization and modernization emerging in late 18th century is called the “enlightenment” movement, or the zartonk, meaning “awakening” in the history-writing of the Armenians. The broadening of the secular domain vis-à-vis the Church and the legitimization of lay participation in the community government was endorsed with the Code of Regulations of 1863.

this process. While the civil representational power of the patriarch was limited to a large extent in favour of elected councils, the administration of community (*cemaat*) institutions such as churches, schools, hospitals and orphanages were left to the commissions supervised by the Civil Council.

Although the Code of Regulations was not officially repealed in the Republican period, it was abandoned in practice. While the Treaty of Lausanne contained a general guarantee that the religious, cultural and charitable institutions of non-Muslims would be protected within the framework of minority rights, it did not codify any specific provisions regarding the administration of the institutions inherited from the Ottoman period. Since the founding of the Republic of Turkey, the Patriarchate does not have legal entity (legal entity status)⁴⁷; and there is no new bylaw or statute introduced for patriarchal elections. Historical institutions such as churches, schools, hospitals and orphanages were gathered under the community foundations (*vakıf*) and lost their autonomous structures of the Ottoman era as their operations

⁴⁶ Zekiyan 2001, *Ermeniler ve Modernite*, çev. Altuğ Yılmaz, Aras Yayıncılık, İstanbul.

⁴⁷ “Legal/juristic person/entity” is the definition used in domestic law for assets arising from a collection of many people or properties and treated as if it were a person.

The ambiguous relations amongst the institutions and the limited nature of the institutional organization creates confusion in the Armenian society. This causes the Patriarchate to have a supra-institutional status while conveying the common problems of the institutions to official authorities.

became subject to the newly adopted Republican laws. In other words, the model of autonomous organization and collective operation of all institutions, which was endorsed by the *Nizamname* (Code of Regulations), lost its validity. The administration and operations of Armenian institutions other than the Patriarchate were regulated by the general laws adopted during the Republican period. In addition to this change, on the grounds of ensuring equal application of the Civil Code for all citizens, waiver from the specific rights (such as marriage, inheritance, bequest) granted to non-Muslims in the area of customary law in paragraphs 1 and 2 of Article 42 of the Treaty of Lausanne in the last months of 1925 was ensured when preparing the law, as a result of the state pressure on Armenian and Greek Patriarchates and the Chief Rabbi of the Jews. Since the commissions established under the Code were made defunct, the patriarchs assigned special advisors to fill that gap themselves. The Spiritual Council charged with clerical duties is the only lasting organ surviving to date within the scope of the Code of Regulations of 1863. On the other hand, although the inter-community autonomous organization model has been abolished, the general state view of non-Muslims in general, and Armenians in particular, perceives these groups as “communities” that are members of different religions, and wants their representation to be through their spiritual leaderships. This contradictory situation creates confusion in the Armenian society due to the ambiguous relations amongst the institutions and the limited nature of the institutional organization. This causes the Patriarchate to have a supra-institutional status while conveying the common problems of the institutions to official authorities.

CIVIC REPRESENTATIONAL POWER AND CAPACITY OF THE PATRIARCHATE: SPIRITUAL LEADER OF THE CONGREGATIONAL COMMUNITY OR HEAD OF THE SOCIETY?

Although the authority of the patriarchate in the civilian domain was largely limited in the Code of Regulations of 1863, his status as the *ethnarch* (political as well as religious head) within its own community (*cemaat*) and vis-à-vis the state continued before the Republic. There are many practices exemplifying that the state officials accept and prefer the representational position of the patriarch in the relations of the Armenian society with the state and in official protocols during the Republican era. It is not rare to see initiatives of patriarchs where they undertook the responsibility of conveying the problems of the community foundations to the state. At times of political turmoil and pressure when seclusive communal reflexes become stronger, the majority of people in the Armenian society thought gathering under the protective umbrella of the church and patriarch, and relying on his representational power, was the best method. However, in early 2000's, the civil representational power and responsibility held *de facto* by Armenian patriarchs started to be debated.

On the one hand this debate which was unfolding with the *Agos* newspaper at the heart of the discussion was raising on the agenda the difficulties caused by non-recognition of a legal entity status to the Patriarchate and on the other hand, it was questioning the authority - assumed by the Patriarch Mesrob II on his own initiative in the civilian⁴⁸ domain and acknowledged by the state. The criticisms mainly focused on the interpretation that in cases involving the common interests of the “community consisting of the members of the Church, all institutions of the community have the obligation to implement the

⁴⁸ Within the context of separation of spiritual and temporal domains, the terms “civil” and “civilian” are used to mean “lay” and “non-clerical”.

decisions of the patriarchal seat”,⁴⁹ and hence on the argument that the patriarchate wanted “to keep all the socio-cultural and social domains of the community under his exclusive control” as a power.⁵⁰ Criticisms directed against the attitude of both the Patriarchate and the state showed strengthened demands within the Armenian society favouring secularization against a monotonic, centrally administered communal life.

The demands for secularization were gathered under two axes. The first emphasised the need for a civil representation and administration based on the argument that the civilian domain and the spiritual domain must be completely separated from each other, while the second demand argued that the problems should be addressed on the basis of equal citizenship rights and the demands should be brought on the agenda through joint civic initiatives in the Turkish society.⁵¹ The demands for secularization is gaining a stronger voice against the “communal approach” that preferred a communal life centred around the Patriarchate. This showed on the one hand that the discussion was not only about limiting the jurisdiction of the patriarch but also about a search for a new model for the administration of Armenian institutions. On the other hand that importance was given to participation in civic initiatives and individually seeking legal remedies against violation of citizenship rights. In this section, we will only address the debates on the patriarch’s representational capacity and the limits thereof; the discussion initiated by the secularization demands with regard to the administration of foundations and alternative forms of organizing will be addressed in subsequent chapters.

In the discussions taking place during the workshops, it was observed that there is a consensus that the patriarchs have been acting as *de facto* civilian leaders during the Republican period, particularly after 1950 and throughout the time when Patriarch Mesrob II was actively in office. There were also some participants who made the following comment within a broader historical perspective:

The Patriarchate institution was introduced by Mehmed II; the Ottoman system gave the patriarch the title and power of *milletbaşı* (head of the *millet*); and today the state accepts the patriarch as its interlocutor.

However, today, varying views have emerged as to whether the patriarch should only be a religious “community” leader or should also act as the *milletbaşı* representing the Armenian society in the civilian sphere. The first point that became clear in the discussion was that the Patriarch of the Armenians in Turkey was the religious leader of only the Apostolic Armenians, and that such a representation would not be valid in religious terms for some members of the Armenian society who are members of different denominations, or who are Muslims or atheists:

Armenians are a nation with Apostolics, Catholics, and Protestants as its sub-communities. There are Armenians who have become Muslims, and even atheist Armenians. Being Armenian is not based solely on religion and denomination.

On the other hand, it was expressed in clear terms that for Apostolic Armenians, who make up the greater majority of the society, the patriarch is “the Spiritual leader and the highest authority for spiritual matters”. Moreover, the dominant view was that in this country where there is a Presidency of Religious Affairs (*Diyanet İşleri Başkanlığı* – highest Islamic religious authority in Turkey), the different religions and denominations of non-Muslims should also have their religious institutions represented (“If there is a *Diyanet*, then there will/must also be a Patriarchate”) and that this is not against the principle of laicism.

49 See: *Agos* 2004, “*İraper’de* Yayınlanan Patriklik Divan Bildirisi ve Yorumu” [Patriarchate’s Press Release in *İraper* and its Interpretation].

50 Dink 2005, “Biz ve Sivilleşme” [Us and Civilianization], *Agos*, 4 March.

51 Özdoğan et al. 2009, p. 172-178.

The workshop participants stated that there is a historical reason for the role played by the patriarchate on temporal matters, and that the Armenians have exalted the church as a uniting and protective institution for the long centuries during which there were no separate state. A similar protective stewardship has also continued on the personal initiatives of the patriarchs in the Republican period. It was also mentioned that despite having no institutional representational capacity; the Patriarch Karekin I Khachadourian in 1950s and the Patriarch Shenork I Kaloustian in 1966 provided many opportunities for the collective immigration of families from Anatolia to Istanbul following the earthquake of Varto-Muş. On the other hand, some participants held that such a protection was no longer necessary today.

In the discussion on the patriarch's representative status in the civilian domain and his intervention in temporal affairs, the view that "the Patriarch should not be political; he should not interfere in anything not related to religion" was more prevailing. To put it more clearly, the "Patriarch and the Spiritual Council should only deal with religious affairs". "If the *milletbaşı* position includes also the lay domain, it would be against laicism," said a participant, and stated that it would also run counter to the gains earned by the lay people in the past against the power of the patriarch in the internal administration of the community.

Among the supporters of this view, there were also some who expressed the need for a "civilian position" outside of the Patriarchate representing the Armenian society. Their rationale was that Patriarchs interfering in the administration of foundations and activities of schools and cultural organizations in the past have violated the distinction between the spiritual domain and the temporal domain. Many people believe it was not right for patriarchs to use their "power" originating from being the religious "community" leader also in the temporal domain and "for those dealing with clerical affairs to meddle in temporal affairs". In the past, patriarchs have tried to solve the problems of the Armenian society through "personal friendship" relations built with "well-intentioned"

heads of state, and have sometimes succeeded; however, as expressed by one participant "in this era, a civilian leader is needed". This position would also be more acceptable to groups who "do not go to church" or who do not have a strong sense of religious belonging, regardless of their denominations. This need had been expressed before. During the prime ministry of Bülent Ecevit, a group of Armenian intellectuals delivered to the state a report detailing the problems experienced and their demand for "civilian representation", yet they had received no response from the state.

It would be incorrect to say that there was a consensus among the participants regarding the pursuit for a "civilian leader" or a "a position for civilian representation". Some participants said there was no need for such a position and that they preferred to execute their relations with the state at the individual level, within the framework of the state-citizen relation, like everyone else. However, they emphasized that it was of fundamental importance to take action in joint civic platforms across Turkey to enable enjoyment of equal citizenship rights with no hindrances or discrimination. This would thereby put an end to the anti-democratic practices seen at the state level, in the bureaucracy and in the judiciary.

THE PATRIARCHAL ELECTION CRISIS

From a historical perspective, it is seen that the Armenian Church is traditionally open to the participation of the public and that lay individuals play a role in the patriarchal elections. The same tradition was generally maintained during the Ottoman period, and the determinant power of lay people in the internal administration of the Church and in patriarchal elections gained official legitimacy with the Code of Regulations.⁵² Barring special circumstances, this tradition was basically continued in patriarchal elections during the Republican period. However, as

52 Yumul 1999-2000, "Osmanlı'nın İlk Anayasası", *Toplum ve Bilim*, p. 338-351; Artinian 2004, p. 33-42.

the Code of 1863 fell into disuse in the political sense, a legal loophole emerged with regard to patriarchal elections.

During the Republican period, patriarchal elections were conducted in general according to the rules set forth in the Code. The election in 1951 was conducted pursuant to a special decree issued by the Democrat Party (DP) government, while the election in 1961 was done on the bases of the Patriarchal Election Directive annexed to said governmental decree. According to the decree, this is not a permanent directive and it has no legally binding power over any future elections. However, the patriarchal elections of 1990 and 1998 were also done in accordance with this directive due to the decision of the government. According to this election directive, arranged within the framework of the 1863 Code, the patriarchal elections are done in two phases. In the first phase, the electorates in the endorsed constituency of each church elect the lay delegates, and the Spiritual Council designates the spiritual delegates. As specified in the Code, the assembly of delegates, consisting mostly of civilian people (6/7), elects the Patriarch and the members of the Spiritual Council from among these candidates.

An article published on 13 March 2001 in the *Lraper Church Bulletin* makes a striking criticism about the lack of legal arrangements for patriarchal elections: “Since this document is inadequate and obscure, confusions are experienced before and after the elections, and the elections themselves are delayed, which disturbs the peace of our community and negatively affects our social and spiritual life.”⁵³

As Patriarch Mesrob II Mutafyan, who was elected in 1998, became ill by the end of 2007 and as it became clear that he was suffering from an illness which prevented him from performing his duties, a difficult process started for the Apostolic Armenians. The discussion circulating within the Armenian society for a solution to the matter of designation and

appointment of a new patriarch in line with traditional customs turned into a crisis when the government refused to give permission for election of a new patriarch. The problem started to be discussed by the public also within the context of Turkey’s democratization process.

On 14 January 2010, the Patriarchal Election Initiating Committee petitioned the Ministry of Interior through the Governorate of Istanbul. The silence that ensued as no response was given to the petition for a long time, led to an unrest and frustration in the Armenian society. Meanwhile, the petition to hold elections for a co-patriarch, submitted to the Governorate of Istanbul by the Spiritual Council on 3 December 2009 before the establishment of the Patriarchal Election Initiating Committee, took the state more than 6 months to reply, and the state’s response created a serious crisis.

The Governorate of Istanbul, with its letter (no. 31941) dated 29 June 2010 to the Armenian Patriarchate of Turkey, stated that permission was not given for patriarchal or co-patriarchal elections, that there was “no legal basis to the establishment of an initiating committee for the purpose of electing a new patriarch or a co-patriarch”, and that the appropriate procedure was for the Spiritual Council to elect a “deputy of the patriarch”. After raising no objections to this decision, The Spiritual Council held a Spiritual General Assembly meeting with the participation of the members of the Spiritual Council and some other spiritual members of the church on 1 July 2010, and announced the election of Archbishop Aram Ateşyan as the “General Deputy of the Patriarch”. While the refusal of permission for patriarchal election from the Ministry of Interior shocked the society, the decision of the Spiritual Council⁵⁴ received a huge reaction for ignoring the customary practice that gave importance to the will of the civilian people in patriarchal elections

53 Özdoğan et. al., p.274-276.

54 For the announcement of the Spiritual Council on 2 August 2010 including the decision and rationale, please see: *Ağos* 2010b.

of the Armenian Church and for introducing in a de facto manner the position of the deputy of the patriarch, which has no place in the customary practice. One point that the protestors agreed on was that giving proxy could only be possible if the patriarch appointed a spiritual name while still holding office, and that any proxy or representation without the free will of the patriarch and with someone's appointment or imposition could not be accepted as legitimate.

A few days later, the reaction to the decision of the Ministry of Interior and the acceptance thereof with no objection by the Spiritual Council took solid shape with the creation of a civic platform named *Patriğimizi Seçmek İstiyoruz İnisiyatifi* [We Want To Elect Our Own Patriarch Initiative] in the first week of July. Thousands of people from various segments of the Armenian society in Turkey participated in the signature campaign launched by the initiative, with the demand to have the right to elect their own patriarch returned to them.⁵⁵ The initiative also was sent Prime Minister Erdoğan a letter on 1 December 2010, demanding that “the natural patriarchal election process that will end the unrest of the Armenian society begin”. On the other hand, the Armenian society organized public information and discussion meetings with the participation of representatives from the Patriarchal Election Initiating Committee, to end the crisis. The purpose of the meetings was to enable the members of the society to come together and collectively find a “common ground” for overcoming the bottleneck in the patriarchal elections.⁵⁶ The committee visited the Interior Minister Beşir Atalay on 29 July 2010 and informed him that the practice of having a deputy of the patriarch did not remove the election expectations of the Armenian society, and demanded that the situation be reviewed. The committee also initiated

lawsuits at the İstanbul Administrative Court against the Ministry of Interior's decision to not permit patriarchal elections and for the cancellation of the appointment of deputy patriarch general, thereby referring the problem to the judiciary.⁵⁷

In the public meeting held last March by the “We Want To Elect Our Own Patriarch Initiative”, Attorney Setrak Davuthan from the Patriarchal Election Initiating Committee expressed that they were utilizing the principles laid down in the Code of 1863 as a reference. Since they had no authority to make any new or additional arrangements to this Code, it would not be right to hold an election for a “co-patriarch” office, which is not included in the Code, and that the Committee could only be set up for patriarchal elections. Speaking on behalf of the Initiative, Harut Özer also defended that introducing a title such as “deputy of the patriarch” in line with an “instruction” conveyed through the governor's office has no legal or customary basis. Another interesting point made in the meeting was that the responsibility for the negative response from the Governor's Office and the imposition of a “deputy of the patriarch” does not rest entirely on the majority, and that the guidance of the officials of the patriarchate should also be held responsible. Furthermore, a certain group in the patriarchal circle and some spirituals were trying to impose a candidate of their choice on the society and that the society was justifiably reacting to this situation.⁵⁸ Apart from these two initiatives, the Nor Zartonk (New Awakening) initiative started by a group of the young segment of the Armenian society in 2007 criticized both the government for not authorizing the patriarchal election and also the Patriarchal circle for accepting the “usurpation of rights”, with a statement they published on their website.⁵⁹ It should be noted that there are also groups who do not share the sentiments of these initiatives among the Armenian

55 As of 18 January 2011, a total of 5392 had been collected, which roughly corresponds to one fifth of the initial electorate electing the lay delegates; see: “Patriğimizi Seçmek İstiyoruz!” [We want to elect our Patriarch!] signature campaign, <http://patrigimizisecmekistiyoruz.blogspot.com>.

56 *Agos*, 2011c.

57 *Agos* 2010c; *Radikal* 2010.

58 *Agos* 2011c.

59 See: *Nor Zartonk* 2010, “Bozuk Düzendeki Sağlam Çark Olmaz” [Wrong Life Cannot Be Lived Rightly], <http://www.norzartonk.org/?p=3434>.

society which is seeking a solution to the patriarchal election crisis that has been on Turkey's agenda for the last two years. In addition to those who support the Spiritual Council which accepted without any objections the decision of the Governor's Office that did not permit a new election, and which introduced the position of "General Deputy of the Patriarch", there are also those who believe that if any election is to take place while the patriarch is still alive, it can only be an election of a co-patriarch, and also those who criticize the initiatives of the Election Initiating Committee.⁶⁰

We have attempted to describe the painful process which started with the unfortunate illness of Patriarch Mesrob II Mutaftyan which made it clear that he would not be able to perform his duties. There was another interesting aspect to the discussions mentioned by the various groups in the Armenian society and that were also occasionally reverberated in the Turkish public. During this process, unlike the previous experiences of the Armenian society, the civic and individual segments came together outside of the domain of their spiritual lives and they exchanged ideas. Beyond that, it should also be noted as an important development that the spokespersons of these initiatives wanted to bring the matter to the notice of the Turkish public opinion with various statements in the press and broadcast media. It is not only a problem "specific to the community" about who will administer the Patriarchate of a non-Muslim community living in Turkey; on the one hand, it is a legal issue that must be addressed within the framework of the Treaty of Lausanne that takes under protection the religious institutions of non-Muslim Turkish citizens, and on the other hand it is about the political attitude that prevents the implementation of

democratic norms in the face of the demands of these citizens for the right to elect.

When making reference to the customary practices of the Apostolic Armenian Church, the participants have approached the matter from both a legal and a political perspective. It was expressed that the uncertainty experienced in the matter of Patriarchal elections was caused first because the patriarchate had no permanent election statutes or any similar legal arrangement due to non-recognition of a legal activity status to the Patriarchate. However, the Apostolic Armenian society "has not abandoned the customary practice of several centuries that requires civic participation in the patriarchal elections in the light of the Code of 1863". Although the patriarch's role as a spiritual leader will continue, the role of civilian leadership is currently under debate in the society because the representative power vested in him by the state increases the importance of the elections for this position. The petitions made for a permanent statute for patriarchal elections in order to curb the bureaucratic obstacles and problems experienced with the authorities at every election period were either not accepted, or left unanswered. The jurists among the participants complain that the drafts they have prepared for the patriarchal election by-law and submitted to relevant authorities never were accepted by the state. In addition, in 2006, an organization model based on a patriarchate with legal entity was also submitted as a draft, but no response was received for this proposal either. One point that is emphasized with regard to the legal aspect of the matter is also noteworthy:

Acquisition of legal entity can only be possible through law, from which an electoral by-law can also

Although the patriarch's role as a spiritual leader will continue, the role of civilian leadership is currently under debate in the society because the representative power vested in him by the state increases the importance of the elections for this position.

⁶⁰ For the article in which Murat Bebiroğlu who argues that co-patriarchal elections would be more appropriate than patriarchal elections and who criticized the Election Committee, see: Bebiroğlu, "2011'e Girerken Patriklik ve Patrik Seçimi" [Patriarchate and Patriarch Elections on the eve of 2011], <http://hyetert.blogspot.com/2011/01/2011e-girerken-patriklik-ve-patrik.html>.

be derived; in normative terms an election by-law might imply legal entity, however it cannot provide the legal grounds for this purpose. .

This strengthens the view that it is essential to make a basic legal arrangement regulating the situations in which patriarchal elections can be held, who can participate, and through what kind of a legal process such an election can go through.

The Ministry of Interior's decision to introduce a brand-new "General Deputy of the Patriarch" instead of a patriarchal election and again the ministerial discretion to have this deputy of the patriarch elected only by the spirituals is perceived as an imposition. The common judgement is that "the government has made a de facto appointment of a patriarch". It was emphasized that this situation does not conform to the patriarchal election criteria envisaged either in the customary practices or their endorsed version, the Code of Regulations. It was expressed that the Code sets forth that a new patriarch shall be elected in the event of death or resignation or under other circumstances, which allows the election of a new patriarch in the place of Mesrob II. The acceptance of "resignation" as a legitimate ground for election invalidates the interpretation that a patriarch is "the patriarch till death"; and hence the deputy of the patriarch could only be appointed for situations where the patriarch is unable to perform office on his own will, and that therefore the procedure imposed today was "irregular". Another opinion that was voiced during this discussion was that it would provide a more democratic practice to hold the patriarchal elections in one phase instead of two phases in the future.

IS A LEGAL ENTITY STATUS NECESSARY?

When addressing the problems created by the lack of any permanent legal arrangements for patriarchal elections, we mentioned above that the patriarchate's lack of legal entity status was a more fundamental issue. The presence of no legal entity status and thus no recognition of its legal competence makes the

patriarchate seen as a personal seat. This results in the Patriarchate's not being recognized as the property owner of the church building and not being able to open a bank account since there are no economic income or immovable property to be declared, and thus it prevents the Patriarchate from having recourse to the judiciary.

Workshop participants have pointed out that the ambiguous status of the patriarchate during the Republican period has caused many other problems in addition to the difficulties associated with the patriarchal elections. These problems are related to both the administrative and financial administration of the Patriarchate, and the exercise of freedom of religion. The main problems that come to the forefront in this regard are the prevention of worship in historical churches, which are recently being restored, other than during the opening ceremonies. Also, the Patriarchate has no say regarding these churches; and refused to undertake clerical education in a higher education institution under its supervision.

As pointed out by the participants, the non-recognition of this authority as a legal entity by the state also created some "difficulties" in daily life. Utility bills such as electricity, water etc. are invoiced "on the Patriarch's name, not the Patriarchate". Any repair and maintenance work in the Patriarchate, i.e. the Patriarchate's Church, is subject to special authorization. The Patriarchate cannot publish anything other than the *Lraper* news bulletin, which is an internal publication. Moreover, the counsellors working at the Patriarchate "are the counsellors of the Patriarch and not the Patriarchate". Commissions set up to research a specific subject in social and cultural areas are "ad hoc commissions, not standing". In

The presence of no legal entity status and thus no recognition of its legal competence makes the Patriarchate seen as a personal seat.

short, the state recognizes not the patriarchate as an *institution* but the patriarch as a *person*. However, when representational power is needed (abroad and especially for a positive promotion of Turkey in the Armenian diaspora, or so as to “intimidate” Turkey’s Armenians during times of political tension), the person of the patriarch is addressed as the patriarchate.

EVALUATION AND RECOMMENDATIONS

It is a contradiction in itself that a historical institution with a history of 550 years cannot legally exist. The administration of the patriarchate, which has no legal entity and which cannot get the support of an institutional structure, is limited to the individual skills, capabilities and initiatives of the patriarchs. If the legal entity status of the Patriarchate is recognized, the scope of such status, its potential benefits, and the organizational structure of the Patriarchate are all matters that must be first discussed and decided among the Armenian society. The adaptation of the legal status granted to the Patriarchate in the Code of 1863 is a matter that concerns an internal organization issue, which we will discuss later in relation to the problems of community foundations, and that should be addressed together with the country’s “laicism” approach and model.

In the criticism and suggestions made in European Commission’s Progress Reports and in the reports of the Venice Commission with regard to protection of human rights and non-Muslim minorities in Turkey, it is interpreted as a fundamental violation of rights that the Jewish Chief Rabbinate and all Christian Patriarchates, and hence the Armenian Patriarchate of Istanbul and the Armenian Catholic Archbishopric do not have legal entity status.⁶¹

We have already expressed that the participants stressed importance to having the legal entity status

granted to the Patriarchate in a way that will provide a perpetual legal ground for the Patriarchate’s administration and for patriarchal elections. However, arrangement of this legal status in a way that will encompass not only the Patriarchate but also the Armenian society’s education, health and charity affairs, the administration of foundations, and their property ownership and the right of disposition might result in leaving civilian affairs directly to the jurisdiction of a religious institution; and we should remember that most participants are against such an arrangement. Those who favour civilian participation and secularization in the Armenian society do not accept such a solution. According to them, solving the problems of the Armenian society in the civilian domain requires first making the necessary legal arrangements regarding the operations of the society’s foundations, associations and educational institutions (as we have already addressed in this report), and abandoning the restrictive legislation that is currently in force. On the other hand, a brand new civil organizational model has to be designed to increase the effectiveness of the currently existing institutions in the internal administration of the temporal affairs of the Armenian society. Those who approach secularization/civic participation from a different perspective mostly stress participating in the collective democratization movement in the Turkish society. There are also those who think these two different secularization/civic participation processes should run hand-in-hand.

The government’s refusal to allow election of a patriarch (or co-patriarch) and instead introducing the position of “the general deputy of the patriarch” with the suggestion of the Spiritual Council has caused the already problematic patriarchal election process of the last two years to turn into an all-out crisis. Despite the objections raised through the judiciary and the government by the Election Initiating Committee and the “We Want To Elect Our Own Patriarch Initiative”, the government’s decision did not change. On the contrary, it is understood that Archbishop Aram Ateşyan, who was elected as the general deputy of

⁶¹ European Commission for Democracy through Law (aka: Venice Commission) 2010, “Opinion on the Legal Status of Religious Communities in Turkey”, Venice.

the patriarch by the Spiritual Council, was given the permission to wear religious attire (vestments) outside places of worship with the Decree of the Council of Ministers dated 18 August 2010.⁶² The fact that the permission to wear religious vestments in the public domain, which had only been granted to patriarchs so far, was also given to the general deputy of the patriarch⁶³ shows that the government holds the general deputy of the patriarch equal to the patriarch, and therefore ignores the petitions for the election of a new patriarch.

It is obvious that the initiatives, acting on the basis of the theory that patriarchal election is a vested right, were brought on the agenda by members of various different segments including professional and age groups, and by administrators of foundations, garnering a substantial support within the Apostolic Armenian society. On the other hand, it is anti-democratic of the government to decide the matter according to only the preferences of the Spiritual Council, and ignore the demands of Armenian citizens to elect their own patriarch in line with the traditional practices of the Church and in a common spirit of sensitivity. The government's claim that the reason for Archbishop Aram Ateşyan's appointment as the general deputy of the patriarch was –according to a statement by Egemen Bağış– because he was a “close friend” of Patriarch Mesrob II Mutaşyan does not conform to the principles of democratic state

government. The unwillingness to listen to the collective initiative of the Armenian society in the election of the spiritual figure who will head the Patriarchate shows that the democratic will of the society is disregarded.

The lack of a permanent by-law regulating patriarchal elections will continue to raise problems in the future. The lack of a permanent by-law, as seen today, will cause the problems of the next patriarchal elections to once again be addressed as a unique case, leaving it to the initiative of the political will and the bureaucracy, and allowing the variables such as political positions and characters of those involved in the solution of the problem to step in. It should be viewed as a democratic guarantee for the patriarchate to have legal status and for the Armenian society to have an election by-law with which to conduct healthy patriarchal elections.

62 For the announcement of the Patriarchal Elections Initiating Committee dated 3 May 2011 and including information about the Decree and criticism about how the Decree was kept confidential, see: *Ağos* 2011e.

63 According to Law no 2596 “Concerning the Prohibition of Wearing of Certain Garments”, only one spiritual leader is allowed to wear religious vestments outside places of worship and outside mass. As such, the Ministry of Interior recalled this law when stating that the Spiritual Council could elect a general deputy of the patriarch in its letter to the Patriarchate dated 30 June 200 and sent via the Governor's Office of Istanbul; the letter stated that this permission could not be given to a second spiritual figure as Patriarch Mesrob II was still alive. It is also interesting how the letter of the Ministry of Interior dated June 2010 contradicts the Decree of the Council of Ministers dated August 2010. See: *Ağos* 2011e.

Section Five

Violations of Freedom of Religion and Religious Rights

The freedom of religion and worship is not limited only to collective participation in masses, religious feasts, funerals or wedding ceremonies, or freedom of individual worship. It also covers the matters of the protection, maintenance and repair of places of worship and cemeteries, and opening of new places of worship or burial grounds in line with the existing needs. In these areas, the extent of social respect towards different religions has as much effect as the applicable legislation.

Receiving religious education and training clergy for religious education, ensuring freedom in the administration of churches, ensuring the Patriarchate's freedom of spiritual supervision over its churches, and election/appointment of the patriarchs and ecclesiastics in accordance with the customary functions of the Church are also included within the realm of freedom of religion and worship. The protection of this realm requires institutional and legal arrangements. Whether it is necessary to have an institutional umbrella organization for protection of freedom of religion, and whether such organization should be attached to the state or have an autonomous structure are all related to the state's approach to laicism and constitute a topic of political debate.

Attitudes and practices that undermine the freedom of religion include exposure of members of different religions to discrimination due to their religious faiths in the society, their collective and individual exposure to hatred and hate speech, and the denigration of their faith system. If people, for the sake of avoiding such treatments, attempt to hide their religion, refrain from openly practicing it, or are forced to convert, this is an

indication that their right to freedom of religion is being restricted. As we have mentioned previously, the coercions encountered in religious courses instructed at schools are also a part of this discrimination. Inability to exercise equal political, cultural, social, and economic rights in a country where one is a citizen but a member of a different religion than the religion practiced by the majority also indicates that freedom of religious belongingness is not well established in that country. In the section on "Armenian Identity and Discrimination", we have already discussed the effects of discrimination and hate speech targeting the religious and ethnic Armenian identity. In this section, we will address the practices and attitudes that directly restrict the freedom of faith and religion.

According to the Treaty of Lausanne (Article 38), "All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief [...]". According to Article 42/c of the Treaty of Lausanne, the Turkish Government has decided to grant "full protection to the churches, synagogues, cemeteries, and other religious establishments" of the non-Muslim minorities, to "grant all facilities and authorization to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey", and "not to refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature". Furthermore, Article 41/2 foresees the non-Muslim minorities receive a share from the municipal and other budgets for educational, religious or charitable purposes. Article 40 also gives non-Muslim minorities equal rights to establish, manage

While the Treaty of Lausanne calls for the obligation to protect religious rights and freedoms as equal individual rights, it also envisages a series of positive rights for non-Muslim minorities for the protection and maintenance of their religious institutions, assets and any social, educational and charitable institutions to support the former, and also to introduce similar new institutions for these same purposes.

and control at their own expense any charitable, religious and social institutions. Therefore, while the Treaty of Lausanne calls for the obligation to protect religious rights and freedoms as equal individual rights, it also envisages a series of positive rights for non-Muslim minorities for the protection and maintenance of their religious institutions, assets and any social, educational and charitable institutions to support the former, and also to introduce similar new institutions for these same purposes.⁶⁴ Provisions protecting the freedom of religion were not limited to the Treaty of Lausanne, and the provision that “Everyone has the right to freedom of thought, conscience and religion” was introduced in accordance with the international human rights regime instituted under the umbrella of the UN following the Second World War.⁶⁵ Universal and regional international law instruments signed by Turkey, such as the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the UN General Assembly in 1993, and the European Convention on Human Rights (ECHR) also include articles on freedom of religion.

Since 1923, non-Muslim minorities have been deprived of many of the rights guaranteed to them in the area of freedom of religion and worship, and have been

exposed to practices restricting these rights, with very limited institutional support for their exercise of these rights. Although it has equal power as the Constitution, the minority rights enshrined in the Treaty of Lausanne have never been fully implemented. The latest amendments made to Article 10 of the 1982 constitution with the Constitutional Referendum of 12 September 2010 stipulated that affirmative action does not contradict the principle of equality; yet the affirmative action provision failed to cover the non-Muslim minorities. The amendments lagged behind the universal norms expected for religious freedom in international law instruments, and the area of institutional freedom was kept as narrow as possible. Despite the increasing hate speech, and attacks targeting non-Muslims in the recent years, no deterrent sanctions have yet been introduced. In short, the freedom of religion of the non-Muslims in Turkey is limited to the right to worship in churches and synagogues, and the area allowed by the “tolerance” shown to religious ceremonies and masses.

Nevertheless, the fact that a solution was introduced, to a certain extent, for the problems of church foundations through the harmonization laws adopted in the EU accession process, and the observance of equality between buildings used for religious purposes with the amendment made in the Building Code of 2003 (adopting the word “place of worship” instead of “mosque”)⁶⁶, the support by the state and by local governments for the restoration of the historical Armenian churches and monasteries in Anatolia in the recent years, and the gains made thanks to the ECtHR judgments in favour of community foundations in various cases, have all given a hope for a change in the positive direction. Despite these positive developments, the widespread violations of religious rights and the extent of restrictions on religious freedom continue to be reflected in EU progress reports, in the publications of the US Secretary of

64 İçduygu and Soner 2006, “Turkish Minority Rights Regime: Between Difference and Equality”, *Middle Eastern Studies*, volume 42, issue 3, May, Routledge, Taylor & Francis Group, p. 447-486.

65 “The Universal Declaration of Human Rights”, Article 18, <http://www.belgenet.com/arsiv/sozlesme/iheb.html>.

66 Reyna and Zonano, 2003, *Son Yasal Düzenlemelere Göre Cemaat Vatıfları*, Gözlem Yayınları, İstanbul, p. 144-146.

State, and in the monitoring reports by human rights platforms.⁶⁷

FREEDOM OF RELIGION, FAITH AND WORSHIP

The participants expressed that they have no problems or concerns in regard to performing Sunday or ferial masses, religious ceremonies or daily worship practices: “We have spiritual safety in churches.” Yet, uneasiness is experienced on the street, at work places, in state departments, or in situations where religious identity is revealed in places other than one’s private domain. Social pressure can easily create a need to hide one’s religion, or an anxiety over being treated as “foreign” when religious identity is revealed. It is emphasized that freedom is necessary in order to be able to manifest religious identity: “Religion does not mean only worship or attending mass in the church.”

The fact that there are no churches in the relatively new settlement areas of Armenians migrating from Anatolia, such as Alibeyköy and Küçükçekmece in İstanbul, and the fact that no permission is granted for the construction of new churches is a clear restriction of freedom of worship. Churches are not only places of worship but also places where members of the community socialize, get to know each other, and create an environment of solidarity; hence such a restriction tends to be seen as “deliberate”. It is expressed that whether pious or not, being close to the church and also living in a neighbourhood where there is an established church, seeing the bell tower, and hearing the bell chime gives some Armenian individuals and families a social sense of security.

Although very small in numbers, Armenian families living in Eastern and Southeastern Anatolia are unable to perform religious practices such as baptisms, funerals, masses etc. since they have no churches –other than very special occasions when a minister comes from İstanbul– or they have to go to other Christian churches if there are any in the vicinity (for example, the Assyrian Church in Elazığ). However, pious Armenians in Anatolia want to have “their own ministers and local spiritual leaders”. It is expressed that similar problems were also experienced in 1950’s and 1960’s before the massive migration from Anatolia to İstanbul in some places where the Armenian population was relatively small, and that in villages where Armenians live together with Muslims, they “secretly” go to other villages for baptisms. Describing their lives in East Anatolian villages before migrating to İstanbul, participants expressed that for them, their Armenian identity was mostly a religion-based identity, and that the oppression they suffered originated from the religious differences. Participants explained that they were “invited to the right religion” by their Muslim neighbours, that sometimes a “sheikh” would act as a “Muslim missionary” when visiting Armenian families, and people who were converted to Islam through such efforts were later on treated as *dönme* [converts] and denigrated.

DESTRUCTION OF CHURCHES AND CEMETERIES

In the process starting in 1915, destruction of Armenian churches and cemeteries became a routine practice. Moreover, this has not been limited to the “remote” places of Anatolia. The Krikor Lusavoriç Church, one of the oldest Armenian churches located in Karaköy, at the heart of İstanbul, was expropriated in 1950s. Damage done to the structures as a result of the expropriation was not taken seriously by administrators, which is still remembered as an example of “cultural massacre” and a behaviour violating the freedom of worship. There were 2200 churches and monasteries in Ottoman territories and registered in the Ottoman archives in 1912; however

67 European Commission 2010; US Department of State 2010, “Turkey: Bureau of Democracy, Human Rights, and Labor-International Religious Freedom Report”, <http://www.state.gov/g/drl/rls/irf/2010/148991.htm>; Association of Protestant Churches (Turkey) Committee for Religious Freedom and Legal Affairs 2010, “Report on Human Rights Violations of 2010”, http://www.protestankiliseler.org/index.php?option=com_content&view=article&id=1150.

It is a well-known fact that beginning from the early periods of the Republican era all Christian churches, which were left without a community due to forced deportations, population exchanges and migration to Istanbul, have suffered large-scale destruction and even used as stables.

today the number of the surviving churches and monasteries is minimal, demonstrating the dimensions of the “cultural massacre” and raising serious doubts about the sincerity of “religious tolerance”.

It is a well-known fact that beginning from the early periods of the Republican era all Christian churches, which were left without a community due to forced deportations, population exchanges and migration to Istanbul, have suffered large-scale destruction and even used as stables. The destruction started in 1915 when many Armenian churches in Anatolia were set on fire and continued in various forms during the Republican era. In 1930s, churches were torn down as a retaliation when Armenian citizens did not (could not) pay for the road building tax in Yozgat, which is a clear indication that punitive practices have been directly linked to religious identity. Although the churches were active in Istanbul where the Armenian “community” lived in a more close-knit relationship, and the Patriarchate continued its guardianship as an “umbrella organization”, it has not been possible to repair the churches that have managed to more or less survive in Anatolia.

There have been some positive developments witnessed in the recent years that drew attention. In Diyarbakır, where currently 10 Armenian families live, the restoration of the Surp Giragos Church, one of the largest Armenian churches in the Middle East dating back to the 16th century, a few months ago with the contribution of the Metropolitan Municipality of Diyarbakır is the next prominent step following the restoration of the Church of the Holy Cross (*Surp Haç*) in Akhtamar, Van. In the Çavuşoğlu neighbourhood of

Malatya, where a few Armenian families live and where Hrant Dink was also born, the eagerness of the local Muslim community to support the restoration of the 250 year-old Taş Horan (*Surp Asdvadzadzin*) Church (with its ownership shared between the Malatya Municipality, the DG Foundations and the DG National Estate)⁶⁸ was promising as an expression that the Armenians’ places of worship and cultural heritage in Anatolia are respected, even rarely so.

It is also recalled ruefully how the local governments and administrations have condoned the destruction of historical Armenian structures and the attempts to search for treasures in these historical buildings. It is not only the churches and monasteries, but also the cemeteries that face destruction or even total wipe-out, something that causes great pain. To give some examples from İstanbul, the cemetery in Yeşilköy was converted into a “public bazaar”, the cemetery in Topkapı was totally destroyed, and the cemetery in Kuruçeşme had its burial licence abolished. In places in Anatolia where no Armenian cemeteries remain in the vicinity, the feeling that “we have no place left to be buried” causes “torment”. In particular, the practice of erecting governmental buildings, such as Police Schools, on old Armenian cemeteries, and the deployment of military units on the church and monastery lands in Sivas as an example of “black humour” are described as the proof of the existence of “downright oppression”:

The destruction of the cemeteries where our ancestors and family elders are buried is not simply disrespect or indifference. Destruction of sacred places such as cemeteries is a conscious attempt to wipe away the traces of our ancient religion from Anatolia.

In 1932 in Yozgat, churches were torn down with the approval of the governor’s office; the lands of those

68 *Armenian on web Forum* 2009b, “Malatya-Merkez-Surp Asdvadzadzin Taş Horan Ermeni Kilisesi” [Malatya-Surp Asdvadzadzin Taş Horan Armenian Church], <<http://team-aow.discuforum.info/t3200-Malatya-Tas-Horan-Ermeni-Kilisesi.htm>>.

escaping to İstanbul were distributed among the local people and the cemeteries were destroyed. In October 2010, the “reopening” of the Armenian cemetery and the mass held at the cemetery in the village of Burunkışla with the support of the district governor, and the start of repairs are a step, albeit small, towards “repairing the injustice” done in the past.

MAINTENANCE, REPAIR AND OPENING OF CHURCHES

It is expressed that the provision of Article 41 of the Treaty of Lausanne that “in towns and districts where there is considerable proportion of Turkish citizens belonging to non-Muslim minorities, these minorities shall be guaranteed 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” was implemented partially and only until 1974 (in 1950s, the shares from the State budget were channelled only to school administrations). In short, the institutions of non-Muslim minorities have enjoyed the material support of the state and the municipalities only intermittently and in very minuscule amounts. Requirements such as maintenance and repair of churches are to a large extent funded by community foundations and donations. Although it is a positive development that in the recent years the electricity bills of churches are being paid by the Presidency of Religious Affairs – in the same way it is done for mosques – it is suggested that shares be allocated to Patriarchates and Chief Rabbinate from the budget of the Presidency of Religious Affairs in order to ensure “equality”.⁶⁹

Until recently there were also serious problems due to legal restrictions and bureaucratic obstacles with regard to the repair of churches designated as historical monuments. According to a practice remaining from 1936, authorization from the Directorate General of Foundations (DGF) was

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required for the repair of immovable properties of foundations that could not be accomplished with the tiny amounts specified in the Foundations By-Law. Obtaining this permit was subject to a long procedure and went beyond the inspection and supervision duties and powers of the DGF, and therefore it became a deterrent factor for community foundations that wanted to have their immovable properties repaired. DGF announced discontinuing the implementation of these articles of the Foundations By-Law in 1999, and thereby removed the requirement for community foundations to obtain permission for maintenance and repair of their immovable properties, regardless of the associated cost.⁷⁰ However, the participants said the problems concerning church repairs have not disappeared and that they still encounter bureaucratic difficulties since the regulation does not include any procedures directly related to church repairs:

Church repairs should not be subjected to different treatment than mosque repairs. When you do that, church repairs stop being a normal citizenship demand. It creates pressure to have the repairs tied to the will of the bureaucracy and the personal relations of foundation administrators with bureaucrats every time. For the sake of laicism and equality, it should be completely free to take necessary measures for the conservation of churches.

After the completion of the restoration of the Church of the Holy Cross (*Surp Haç*) in Akhtamar, Van, the

69 Döşemeciyan et. al. 2011.

70 Reyna and Zonano 2003, p. 91-92.

events of the official opening ceremony held on 19 September 2010 created some conflicting sentiments. The repair of this religious monument⁷¹, which was lying in ruins and dated back to one of the oldest and brightest periods of the Armenian history in Anatolia, the Armenian Kingdom of Artzruni (915) that ruled the area in the 10th and 11th centuries in the vicinity of Van, was an important development in terms of remembering the ancient Armenian presence in the region. However, the refusal to mount the cross on the church for the inauguration ceremony raised some doubts about the “sincerity” of the state. The mass led by Archbishop Aram Ateşyan at the ceremony was the second religious ceremony held in the great historical Christian temples of Anatolia following the mass led by Greek Orthodox Patriarch Bartholomeos at the Sümela Monastery in August 2010. However, not opening the Akhtamar Church of the Holy Cross (Surp Haç) for worship and not allowing the Armenian visitors the subsequent days to worship were restrictions that breached the freedom of religion. Similarly, praying was prohibited to the visitors of the Surp Pirgiç Church in the historical Armenian settlement of Ani. The event of a group of protesters from the Nationalist Movement Party (MHP) practicing their Friday salah at the Ebu’l Manucehr Mosque in Ani, which is converted from an old Armenian church and whose restoration works have not yet been finished, in “retaliation” of the inauguration of the church on the Akhtamar island, was a striking example of not only the unequal exercise of the right to freedom of religion but also of the harsh reaction of the Turkish nationalism to the remembrance of the Armenian history in Anatolia.

CLERGY EDUCATION

Prevention of clergy education, one of the important components of the freedom of religion and worship, is one of the fundamental problems faced by the Armenian society. These obstacles originate from the

legislation with regard to education of the clergy, who will provide religious service to the community, and for teachers who will teach the religion course in Armenian schools. The Republican laws do not allow private higher education on religion for non-Muslim communities, thus the restrictions on clergy education become a problem.

Although private universities were allowed in Turkey at a later stage, no permission has been issued for the reopening of Surp Haç Tibrevank Clergy School. Furthermore Christian clergymen, who are not Turkish citizens and who have been educated in monasteries and faculties of divinity outside of Turkey, are not allowed to serve in Turkey. This situation has prevented the Armenian society from catering to their demands for the clergymen and increasing their number.

The classroom opened under the Surp Haç Church in Üsküdar to provide religious education in the 17th century was later expanded and instituted as the Surp Haç School in late 18th century, serving until it was shut down in 1932. In 1954, as a result of the personal initiative of Patriarch Karekin I Haçaduryan, a new institution was opened in the same place under the name *Surp Haç Tibrevank Ruhban Okulu* to train clergy with the permission of the DP government. However, this Armenian clergy school, which had the status of a higher education school, was closed down in 1967 with a decision of the Ministry of National Education on the grounds that there were not enough students and that the school was “not working to its full capacity”⁷². Although private universities were allowed in Turkey at a later stage, no permission has been issued for the reopening of this school. Furthermore Christian

71 Redgate 2000, *The Armenians*, Blackwell, Oxford, p. 205-207.

72 As known, *Heybeliada Ruhban Okulu* [The Halki Seminary] of the Greek Orthodox Patriarchate was closed down in 1971 together with other private universities.

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In 2003, spiritual representatives of Christian minorities wrote a letter to the Grand National Assembly of Turkey Parliamentary Committee on Human Rights Review; amongst others the demands in the letter included “allowing legal implementation of clergy education, which is essential for the survival of the Christian religion and for serving all the Christians across the country”. Another demand related to clergy education was that “Turkish citizenship or residence permit be given to clergymen invited and/or to be invited from abroad so as to cater to the religious needs of the Christians”.⁷³

Participants raised the issue of the closure of the Surp Haç Tibrevank Seminary in Üsküdar. They also referred to the requirement that obliges the clergymen to have their place of birth in Turkey to be able to serve in the country as an instrument being used for preventing clergy education and for putting “pressure”. The lack of seminaries in Turkey and the birthplace requirement for the clergymen who want to serve in Turkey result in a failure to train senior clerics who could serve in the Spiritual Council. Accordingly, participants also expressed that since qualified clergymen could not be found in Turkey, those who are at *vardapet* level (more senior clerics under oath not to marry according to Church rules) have to study abroad (for example in the seminaries in Eçmiadzin and Jerusalem). Only a very small number of clerics studying abroad will come back, which creates difficulties. Istanbul does not have enough clergymen to serve about 30 churches that are currently located in the city. Vakıflı Village in Samandağ, Hatay, is the only Armenian village surviving in Anatolia. It has no ministers for a long time, and has to summon

ministers from Istanbul for funerals, and they cannot baptise their newborns. Under these circumstances, given the low number of ministerial candidates in the Armenian society, sometimes married individuals who no longer perform their own professions are trained in the church to serve as non-*vardapet* clergy (*kahana*).

EVALUATIONS AND RECOMMENDATIONS

Despite the Treaty of Lausanne and the provisions of the other human rights instruments ratified by Turkey, the restrictions and obstacles encountered by non-Muslim citizens and religious institutions in Turkey are mentioned as violations of the freedom of religion in various international documents and primarily in the reports of the Council of Europe and the European Commission. While some of these violations stem from the legal restrictions in the domestic law, some originate from the discriminatory practices and behaviours encountered at the state or society level. Freedom of religious worship is not restricted in churches, but there are a series of coercions and hindrances that breach the freedom of religion in the wider area.

The destruction and clearing of Armenian churches and cemeteries in Anatolia is “a blow on the psychological dimension of the Armenian identity” and it results in the “de-historicization” of the Armenians on their ancient lands. These adversities (for example excavations to find treasure, cemeteries demolished to erect buildings upon them) should be followed by administrative authorities through pertinent investigations, and penal measures should be taken within the framework of laws. In addition, the government and the administration should take initiatives to repair the destruction wrought in the past.

Both the bureaucratic processes and the limited means of the communities make it difficult to open new places of worship. According to the provisions of the Treaty of Lausanne, allocation of shares from state and local government budgets will provide some financial facilities while also ensuring that the

principle of equality is observed. Within the same framework, the state and local governments should also consider contributing to maintenance and repair of churches and cemeteries. Although the restoration of some ancient Anatolian Christian churches and monasteries in the recent years is noted as a positive development, it is evident that these works have mostly been possible through the contributions of the community, donations, and some European funding. Moreover, only allowing official ceremonies in places of worship implies a continuation of the inequality. Government initiatives for new arrangements ensuring that the Armenian society has a say and discretion over the restoration of ancient Armenian churches and monasteries - currently in ruins or under repair - will be an important step in repairing the destruction wrought with the genocide.

Restrictions on clergy education, an important component of the freedom of religion and faith, constitute one of the main problems faced by the Armenian society. As the Theology Department of the Surp Haç Tibrevank Seminary remained closed, in 2008 the Patriarch Mesrob II Mutafyan proposed the opening of a university department for clergy education, which was not taken into consideration. On the other hand, it is understood that reopening the tertiary department of the Tibrevank Seminary will be the ultimate solution to the problem of training clergy who are citizens of the Republic of Turkey.

The assertion that all religious groups in Turkey receive equal treatment within the framework of laicism is false in practice. There is a Presidency of Religious Affairs (*Diyanet İşleri Başkanlığı*), which is a state organ despite not being a legal entity. It oversees the administration of wide range of fields, from the education of clergy to the construction and maintenance of places of worship, which illustrates that there is a fundamental inequality in treatment between Muslims and non-Muslims.

The sentences used in a speech a few months ago by former President of Religious Affairs, Ali Bardakoğlu, as an assurance of the freedom of religion of Christians in Turkey illustrates the mentality used to

legitimize this inequality: “It is an example of our magnanimity that Christians in Turkey are able to worship in their own churches. We see it as a part of our tradition and a requirement of our religion.”⁷⁴ In Turkey, where the freedom of religion of non-Muslims is under legal protection within the framework of the Treaty of Lausanne and the Constitution (Article 24), asserting such a mentality of “indebtedness” inherited from the Ottoman times, as a guarantee of religious freedom, and talking about the “tolerance” and “benevolence” of the Muslims who have a higher status, are completely against the principle of equal citizenship and the rule of law. We have already mentioned in the section “Armenian Identity and Discrimination” how this mentality of “protection”, structured on a religion-based “tolerance” in breach of equality, is also adopted at the society level and how it causes various discriminatory attitudes. Bardakoğlu’s statement in that same speech asserting that the Presidency of Religious Affairs was “the presidency of the 72 million people in our country” is also an assertion against laicism and a denial of the existence of different religions and denominations. Considering that the Presidency of Religious Affairs, which operates with direct earmarked allocations from the state budget, has never had a budget dedicated to religious services for those other than the adherents of the Sunni-Hanefi faith, it is obvious that the asserted “embracing nature” does not have any tangible basis. The existence of this state department that serves only as the *Diyanet* of Sunni-Hanefi Muslims already shows that the state is not at equal distance to all religions. As long as a Presidency of Religious Affairs in its current structure remains in existence, there will have to be new legislative arrangements to eliminate the practices that restrict the freedom of religion of non-Muslim communities and to provide material-financial support from the state to the religious institutions of these non-Muslim communities in order to institute laicism in reality.

74 Bardakoğlu, “İmam Sosyal Hayata Karışmalı” [Imam Should Interfere Into Daily Life Order], <http://tumgazeteler.com/?a=6386937>.

Section Six

Foundations and Associations: Legal Status and Problems Related to Property Ownership, Administration, and Organization

Community foundations are the organisations that oversee the administration of institutions such as churches, monasteries, cemeteries, schools, hospitals and orphanages that belong to non-Muslims. These institutions, inherited from the Ottoman times, are of vital importance for the continuation of the religious, educational and cultural lives, and charitable and health institutions of today's Armenian society. Today, there are 51 foundations belonging to Apostolic, Catholic and Protestant Armenians, and 46 of them are based in Istanbul. While a big majority of them operate directly as church foundations, some function as church and school or church and cemetery foundations. Among the foundations located in Istanbul, there are also two hospital (*Surp Pırgıç* and *Surp Agop*) and two orphanage (*Karagözyan* and *Kalfayan*) foundations. There are only two foundations established after the adoption of the Civil Code (1926): *TEAO-Türkiye Ermenileri Azınlık Okulları Öğretmenleri Yardımlaşma Vakfı* [Benevolent Society of Minority School Teachers' of Armenians in Turkey], 1965 and *SEV-Sağlık, Eğitim, Kültür ve Sosyal Yardım Vakfı* [The Foundation for Health, Education, Culture and Social Assistance], 1997.

Unlike the Islamic foundations, the community foundations which have survived since the Ottoman times and mostly via imperial orders, have no approved charters (foundation certificates), as they were established as anonymous institutions acting as charitable institutions rather than foundations. They acquired their land and immovable properties

only through allocation by the sultan himself. To be able to generate income, these charitable institutions usually had their immovable properties registered in the name of either some trustworthy members of the community (*nam-ı müstear*), or a patron or patroness saint (*nam-ı mevhum*) since the laws of the time did not allow them title deeds. For the Apostolic Armenian Church, the administration of the foundations was undertaken by the Patriarchate until the Code of 1863, and afterwards by commissions set up by spiritual and civilian assemblies. With a law adopted in 1912 (1328), the religious, charitable and educational foundations of the community acquired legal entity, granting them the right and opportunity to register their immovable properties on the title deed in their own names.⁷⁵

With Articles 40, 41 and 42(3) of the Treaty of Lausanne, the religious, social and educational institutions of non-Muslim minorities and their rights were taken under protection within the scope of positive obligations of the state, community foundations were granted autonomy, and the "inviolability of these rights was also guaranteed with a supremacy clause [Article 37]".⁷⁶ However, various laws adopted during the Republican period have introduced some restrictions in breach of the Treaty of

⁷⁵ Kurban and Hatemi, 2009, "*The Story of an Alien(ation): Real Estate Ownership Problems of Non-Muslim Foundations and Communities in Turkey*", TESEV Publications, İstanbul, p. 9-10.

⁷⁶ *A.g.e.*, p.11.

Lausanne. First, the Civil Code (1926) endorsed establishment of new foundations, but excluded community foundations from this scope. The transfer of cemeteries to municipalities with the Municipal Law of 1930 did also apply to community foundations, and the Foundations Law no 2762 of 1935 brought community foundations under the tutelage of the DGF (Directorate General of Foundations). While the Foundations Law subjected all existing foundations to the supervision of DGF, it exceptionally limited the legal entity rights of community foundations, which it defined as *mülhak vakıf* [annexed foundation] and introduced provisions that facilitate their seizure. Although they lost their “annexed foundation” status through an amendment made in the law in 1949, their legal entity competencies were left limited in terms of the supervisory powers granted to the DGF.

The 1936 Declaration, an act introduced on the grounds of title registry of the immovable properties of foundations, resulted in contradictory decisions which later on took the form of unlawful decisions.

The 1936 Declaration, an act introduced on the grounds of title registry of the immovable properties of foundations, resulted in contradictory decisions which later on took the form of unlawful decisions. The Declaration demanded that foundations should prepare and submit property declarations listing the immovable properties they held. However, since some of the properties of the community foundations, which had no charters, registered their declarations in the name of saints (*nam-ı mevhum*) or community members (*nam-ı müstear*), the Foundations Administration did not allow title registry of these properties in the name of the foundations. The ownership of these properties was transferred, in the course of time, to either the Foundations Administration or the Treasury, on various grounds. Some foundation properties acquired after the 1936 Declaration were seized through court decisions on

the grounds that there was no clarity on acquisition of immovable property in the declarations. The Assembly of Civil Chambers of the Court of Cassation also verified this conduct with a decision dated 1974, ruling that property acquisitions by community foundations had a dimension threatening the state as it described the community foundations as “foreign” legal entities.

Although some relative improvements have been made with the new foundations and associations acts adopted within the framework of the harmonization laws that came on the agenda in the EU accession process in 2000’s, it is seen that the room for association and organization is still kept very restricted when compared to the requirements of our modern times. Only a partial solution has been reached with regard to the real estate ownership problems of foundations. Some positive arrangements in the new Foundations Law no. 5737 coming into effect in February 2008, and the Regulation issued under said Law in September 2008 are in the nature of a continuation of the partial initiative starting in Turkey with the positive approach to Turkey’s EU membership in the 1999 Helsinki Summit. Nevertheless, a series of obstacles are encountered in solving the problems of community foundations due to the inadequacy and vagueness of the legal arrangements regarding their legal status, property ownership rights, internal administration and election of administrators, as well as the inconsistent practices and decisions by the executive and the judiciary. It appears as a fundamental problem that foundations cannot be managed with full autonomy and that their field of activity is restricted, all in connection with the attitudes of state authorities, legislators and political circles. On the other hand, the troubles in the internal administration of foundations, practices that prevent broad democratic participation, and discriminating attitudes that come on the agenda within the Armenian society also negatively affect the effective operation of these institutions.

THE LEGAL STATUS OF COMMUNITY FOUNDATIONS AND THEIR PROPERTY OWNERSHIP PROBLEMS

The Foundations Law no. 2762 of 1935⁷⁷ and the subsequent 1936 Declaration requirement, which was put into effect in 1970s, have constituted the main source of the fundamental problems faced by Armenian “community” foundations together with other non-Muslim foundations.

With the decision of the Assembly of Civil Chambers of the Court of Cassation dated 1974, the declarations submitted in 1936 were accepted as foundation charters/statutes, which grabbed community foundations by the throat. With an unlawful interpretation, the Assembly of Civil Chambers of the Court of Cassation approved seizure of all properties acquired through purchase, bequest, donation and testament after the submission of the 1936 Declaration to the DG Foundations, although there were no provisions setting forth that community foundations could not acquire any immovable property after 1936. With this practice, immovable properties were transferred either to their former owners or inheritors when possible. Where there were no owners or inheritors, the DG Foundations and the Treasury of the DG National Real Estate acquired the property without making any payment whatsoever to community foundations. In this context, *Balıklı Rum Hastanesi Vakfı* [the Foundation of the Balıklı Greek Hospital] filed a lawsuit against the Treasury for registry of a real estate donated by a philanthropist in the name of the foundation; the file was transferred to the Court of Cassation which ruled a striking final judgment in 1974. The wording used in the rationale of the unanimous decision of the Assembly of Civil Chambers of the Court of Cassation dated 8 May 1974

is a clear acknowledgment that the provisions of the Treaty of Lausanne and the Constitution are not observed and that there is ethnic discrimination among citizens:

[...] Legal entities established by non-Turkish individuals are prohibited from acquiring immovable properties. This is because legal entities are more powerful than natural persons, and therefore it is clear that the state may face certain dangers and various problems may occur if their right to acquire immovable properties is not restricted [...]. Although foreign natural persons were also given the right to own property in Turkey during the Ottoman Empire [...], foreign legal entities have been excluded from that scope.⁷⁸

Participants interpret the seizure of the deeded immovable properties of community foundations by the Foundations Administration and their return to original owners by court orders as an indication of a deliberate policy pursued against non-Muslims:

The State does not consider non-Muslims as its citizens; it does not give non-Muslims the rights it gives to Muslims; it considers their acquisition of property dangerous; it wants to control the foundations which are of vital importance for survival of non-Muslim institutions; its restriction of economic power diminishes survivability.

The reparation of the unlawful practice, which became more visible following the 1974 decision of the Court of Cassation, began, to an extent, through the reforms launched after the announcement of Turkey’s EU candidacy status at the 1999 Helsinki Summit.

Some improvements were made with the Law no.4778, which was included in the 4th EU Harmonization Package of 2 January 2003. However, this time the acquisition of immovable properties was tied to authorization by the DGF, and the restrictions introduced with the Regulation on Foundations,

⁷⁷ For the Foundations Law no. 2762 and dated 5 June 1935, see: *Official Gazette* No. 3027, 13 June 1935. For papers and discussions on the Foundations Law and the 1936 Declaration, see: İstanbul Barosu İnsan Hakları Merkezi Azınlık Hakları Çalışma Grubu 2002, *Cemaat Vakıfları: Bugünkü Sorunları ve Çözüm Önerileri*, İstanbul Barosu Yayınları.

⁷⁸ İstanbul Barosu İnsan Hakları Merkezi Azınlık Hakları Çalışma Grubu [İstanbul Bar Association, Human Rights Centre, Minority Rights Working Group] 2002, p. 87.

issued on 24 January 2004, caused some new problems. Giving the mandate to the DGF as the institution to grant permission to the acquisition of immovable properties means an endorsement of the previous repressive practices and rights violations of the former Foundations' Administration. On the other hand, the Regulation imposes a requirement that is not demanded from other foundations, providing that decisions regarding property acquisition and disposal of community foundations be made "upon the receipt of opinion from the relevant ministries, public institutions and organizations when necessary".⁷⁹ According to Baskın Oran, these unnamed public institutions and organizations are the security and intelligence organizations, and the Minorities Sub-Commission.⁸⁰ In the end, of all the applications filed between 2003 and 2004 for the return of approximately 2250 seized properties, those resulted in registry did not exceed 20% due to bureaucratic obstacles. A positive response has been received for only 10% of the applications made to the DG Foundations as of November 2008 under provisional Article 7 of the Law on Foundations, by the Armenian foundations for the return of 262 immovable properties which had been seized within the framework of the 1936 Declaration practices.⁸¹ During this process, it became clear that the bureaucracy resisted the new legal reforms, as the Foundations' Administration refused to return the properties that belonged to community foundations but that had been seized by the state or placed under the control of the DG Foundations, and insisted that recovery of properties that have become the private property of third persons would in no way be possible.

This resistance is not only limited to bureaucracy. When the Bill on Foundations Law no. 5555 was being discussed at the Parliament in 2006, deputies of the

Republican People's Party (CHP) claimed that the bill was a return to the Treaty of Sevres and that it offered Turkey to "foreigners" as a "safe heaven of foundations". CHP leader Deniz Baykal even argued that the bill was a "breach" of Lausanne as well as the principle of equality. An additional aspect that drew attention in Baykal's argument was that it also violated the principle of "reciprocity" on the basis of the oppression inflicted on the Muslim-Turkish minority in Greece.⁸²

The argument that Article 45 of the Treaty of Lausanne, which sets forth that the rights conferred on non-Muslims in Turkey will also be conferred on the Muslim minority in Greece as a parallel obligation, has provided the basis for the violation of rights is completely unfounded. It is obvious that, in view of the modern international law, human rights and minority rights cannot be subjected to such restrictions.⁸³

All the articles vetoed by President Ahmet Necdet Sezer include some positive arrangements oriented to eliminate discriminatory practices and repair the previous violations of rights in favour of community foundations (property acquisition and rights of disposition, ability to engage in international activities, capacity to establish economic enterprises). Sezer's reason for vetoing relied, in sum, on the argument that the community foundations, established long ago, would gain new rights and privileges that would enable them to acquire economic and social power, despite no changes in their former statuses, in violation of the Lausanne and the Constitution.⁸⁴

79 For Law no. 4771, Law no. 4772 and the Regulation of 2003, see: Reyna, Y., E.M.Zonano, 2003, p. 127-146.

80 Oran 2004, s. 125-126.

81 Information compiled from oral interviews with Attorney Setrak Davuthan and Attorney Sebu Aslangil.

82 *Radikal* 2006a, "CHP'nin İtirazı: Karşılıklılık İlkesi Yok Sayıldı, İhanet!" [CHP's Objection: The Principle of Reciprocity Has Been Ignored, Betrayal!], 22 September.

83 Kurban and Tsitselikis 2010, *A Tale of Reciprocity: Minority Foundations in Greece and Turkey*, TESEV Publications, İstanbul, p. 10.

84 *Radikal* 2006b, "Vakıf Reformu Köşke Takıldı" [The Foundations Reform Got Stopped In the Presidential House], 30 November.

Participants heavily criticize the objections of CHP and Sezer to the bill:

The state and the opposition parties misread the Lausanne and seek shelter in the discourse that there are legal obstacles. Yet, the positive arrangements included in the bill concerning the community foundations should in fact be interpreted as the institution of the positive obligations of the state as foreseen in the Treaty of Lausanne.

The concept of reciprocity is against the principle of equal citizenship and it shows that we are not perceived as citizens but as foreigners.

Sezer's veto grounds show that the survival struggles of non-Muslims is still perceived as a threat.

The use of the reciprocity argument in the media also causes this alien perception to be reinforced at the society level.

As President Abdullah Gül approved the Law with no changes in the articles previously vetoed by Sezer, the Law no. 5737 on Foundations came into effect in February 2008, and the associated Regulation in September 2008. The application by opposition parties, namely CHP and MHP, for the cancellation of the law was rejected by the Constitutional Court in June 2010. In sum, the new law gives community foundations the right to acquire and dispose property (Article 12), receive in-cash and in-kind donations from organizations in Turkey and abroad provided that the DG Foundations is notified (Article 25), and set up economic enterprises and companies (Article 26). It was also a positive development that the law introduces, for the first time in history, a member elected by community foundations to sit in the Foundations' Assembly, which is the supreme organ of the DGF (Article 41). In addition, it envisages the return of some of the properties of community foundations that were seized from 1960's to recent years (Provisional Article 7).⁸⁵ However, as pointed out by jurist participants, this is a limited arrangement

and enables the return of only a portion of the seized properties. Return of properties acquired by third parties after seizure remains impossible, and compensation for these properties is not anticipated. In addition, the ambiguous expressions in Provisional Article 7 are also problematic. The condition that properties declared in the 1936 Declaration registered with a title deed and seized must still be "under the disposal of" community foundations has created an extremely contradictory arrangement. While the law was expected to introduce a clearer provision on the return of immovable properties that have been removed from the disposal of the foundations, it stipulates the condition of "being under the disposal of" the foundations, which shows that in reality, the positive arrangements are indirectly being restricted. Under these circumstances, the law foresees the return of only some of the properties that have been transferred to the DGF or the Treasury with the 1974 decision of the Court of Cassation. The law also does not enable the return of properties that have been removed from the disposal of foundations due to reasons and practices other than the 1974 decision of the Court of Cassation (such as properties returned to former owners of DGF of the Treasury as a result of removal of the properties from the title registries with court order, or properties that were left to a trustee where former owner could not be found and which were later on registered in the name of the Treasury or the DGF). Hence, as expressed by the participants, "constitutional guarantee should be ensured not only for reparation of the unjust practices of post-1974, but also for preventing a return to the mentality of 1974".

Another point emphasized at the workshops was the limitations concerning the establishment of new community foundations stipulated by the Foundations Law no. 5737 of February 2008, in a similar fashion to the previous law. Article 5/2 introduces a final limitation in reference to the provision of the Civil Code (Article 101/4), which states that "formation of a foundation with the aim of supporting a distinctive race or community is restricted" (Article 101/4). Furthermore, in Article 25 concerning international

⁸⁵ For the Foundations Law of 20.2.2008 no. 5737, please see *Official Gazette* no 26800 and dated 27.2.2008.

“Constitutional guarantee should be ensured not only for reparation of the unjust practices of post-1974, but also for preventing a return to the mentality of 1974”.

activities, any international activity or cooperation by foundations is tied to the requirement of having such activity or cooperation specified in their “foundation statutes”, which creates a serious obstacle for community foundations. As mentioned before, since community foundations from Ottoman times have no foundation statutes, participants are disappointed that they have been deprived of an opportunity that would in fact widen the area of activity of their foundations in line with the foundations’ needs and the requirements of our times. This includes “opening branches and representations abroad, establishing higher organizations, and becoming a member of organizations abroad”, all of which are included under the scope of international activities. At this point, “the freedom of activity” has been restricted. Participants complain that although they proposed consultations with foundation administrators before the new law was enacted, and although they submitted to relevant authorities a number of suggestions for comprehensive revisions in the draft law, most of these suggestions were ignored. They expressed frustration about the fact that ways of possible cooperation and solidarity with social and cultural foundations in Armenia are also blocked.

A final matter emphasized during the workshop is that the law “reserves the principle of international reciprocity in the implementation of the law” (Article 2). As addressed above, this mentality, which violates human rights and the equality of the citizens of the country, was included as a determining criterion in the implementation of the new law which contains some positive developments. Furthermore, this shows that the lawmakers in Turkey are still under the influence of old mentality patterns.

The participants emphasized that despite some positive developments the EU reforms were

insufficient. They also noted that the applications made to the ECtHR – once all domestic remedies were exhausted for the return of the seized properties following the 1974 judgment of the Court of Cassation – marked a new process. As a result of these applications cases initiated at the ECtHR by Armenian foundations including the Foundation of Surp Pırgiç Hospital, and the Foundation of the Armenian Church, School and Cemetery of Samatya Surp Kevork, ended either with government ceding to return the seized properties to the relevant foundations as an amicable solution, or the government ceding to pay compensation for the properties owned by third parties – whenever the judgment was against Turkey. As known, the title deed of the orphanage building of the Greek Patriarchate of Istanbul in Büyükağa was also returned to the Patriarchate upon a ECtHR judgment.⁸⁶ Participants were in consensus that this new legal process promises hope for community foundations. They said that more and more foundations should take up legal struggle and seek legal remedies and insist on having recourse to domestic remedies. Though limited in scope, the procedure offered the new Foundations Law gains as well as the positive decisions taken by the Foundations’ Assembly – including the decision to return 7 out of 19 real estate properties back to Surp Pırgiç Hospital – already indicate that acquisition can also be possible through domestic remedy. The legal struggle of the foundations in İstanbul has also encouraged the administrators of church foundations in Kayseri and Diyarbakır to undertake similar initiatives for the return of their seized immovable properties.

According to the participants, apart from the legal restrictions, some of the problems stem from the “inconsistency of the administration”. For example, the widely differing practices of the State Ministry in charge of the Foundations’ Administration and the Ministry of Public Works and Settlement in charge of

⁸⁶ Radikal, “Patrikhane’de Çifte Bayram” [Double Rejoice at the Patriarchate], 30 November 2010.

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the Land Registry Administration can sometimes cause a stalemate. Even if a positive decision is issued by the Foundations’ Assembly concerning the registry of the immovable, some difficulties come to the surface one way or another when it comes to registering these properties to the title system.

Since the law’s wording is not sufficiently clear and since no “governing provisions” are specified to stipulate “with no further conditions whatsoever”, the arising ambiguity in the law plays into the hands of the bureaucracy”. Such situations strengthen the scepticism that there is a “deliberate” intention that goes beyond simple “incompetence in law-drafting”.

ADMINISTRATION OF FOUNDATIONS AND ELECTION OF THEIR DIRECTORS

The problems encountered in the administration of foundations and in the election of their directors are two-folded. The first stems from legal restrictions and gaps, and the second is the result of outdated attitudes that prevent broad participation. When considered from a wider perspective, it is seen that the problems originate from a tight organization model imposed both by the legal arrangements and the usual practices of the internal administration of the Armenian society. The developments witnessed with regard to the administration of foundations in the recent years, and the discussion carried out by the participants on that basis, show that there is a search for a new model for organization. One dimension of this research which brings to the fore the coordination

between Armenian community foundations in particular and the adoption of different laws tailored for the specific circumstances of community foundations in general cuts across with demands for secularization in “community” administration.

The Foundations Law published in 1935 and the amendments made thereto in 1938 envisaged the administration of “community foundations” of non-Muslims by a “single trustee” directly appointed by the Foundations’ Administration instead of an elected board of trustees. During that period, in the wake of increasing pressures from the state, first the Civil Committee (1934) and then the Administrative Committee (1938) were dissolved, depriving the Armenian society from an autonomous executive organ of elected individuals.

Furthermore, the discriminatory practices that took place before the World War II and remained in effect during the war - in the form of the Wealth Tax (*Varlık Vergisi*) and the recruitment of non-Muslims into non-ordinary military service executed as forced labor (*20 kura*) - were somewhat relaxed after the war in line with the democratization efforts by Turkey with the hope of gaining the respect of the liberal Western world. With another amendment in 1949 to the Foundations Law no. 2762 of 1935, it was stipulated that “the foundations of communities and tradesmen shall be administered by persons and committees elected within that given community” and “shall be audited by relevant authorities and the DG Foundations”. Hence, a kind of autonomy in administration was granted to “community foundations” in accordance with their legal entity status.

In 1954, the Democrat Party (DP) government allowed the establishment of a “central board of trustees” composed of 14 elected members to ensure coordination between the committees undertaking the administration of Armenian foundations. The board continued to serve with the approval of official authorities until its term of office expired in 1956. However, the central board of trustees, which served

on the basis of a special authorization by the government without any new legal arrangements, was disbanded on the orders of Refik Tulga, Military Governor of Istanbul, in the aftermath of the military coup of 27 May 1960. Therefore, each foundation is managed separately and coordination cannot be ensured, a practice that continues to this date.⁸⁷

Some participants emphasized that legal arrangements were necessary to establish a joint executive board similar to the “central board of trustees” of the past with the purpose of ensuring coordination between foundations. However, all the suggestions submitted so far to the state have been rejected. Their suggestion, which came during the drafting phase of the Foundations Law in 2008, to include a provision in the law that enables the establishment of an “umbrella organization” was also refused

Moreover, there are some fundamental problems in the internal administration of foundations that run independently from each other. It has been expressed that consolidation of institutions having entirely different functions, such as schools and churches, under the roof of the same foundation, creates risks, causes a “concentration of power” as very often it is the same people sitting in the board of directors. It has also been noted that the administration is not “transparent”. As a solution, some participants suggested the establishment of an executive board consisting of professionals, or even employing well-equipped, well-educated managerial cadres of any ethnic origin to work on salary. The participants, some of whom did also serve as foundation directors earlier, have criticized themselves - noting that young people and women have often been excluded from participation in foundation administrations to date. Some participants who criticized foundation administrations for not being open to broader participation, pointed out a class-based discrimination. They noted that in order to take action

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against such a discriminatory practice it is necessary to break the influence of the “amira” type “aristocratic” foundation directors, who are assumingly supported by the Patriarchate circles.

One of the most pressing problems encountered by Armenian community foundations is the inadequacy of financial sources. In particular, the Foundations owning schools with very limited financial means (for example, school foundations of Merametçiyân in Feriköy and Levon Vartuhyan in Topkapı) have budget deficits. As expressed by participants, the survival of these strained foundations, which can “barely stand on their own feet” without state support, is only possible through donations collected at *siro seğân* [tables of love] or at *madağ* [sacrifice] since sacrificial meat is distributed during the event, and through the contributions of the “affluent benefactors of the community”. The creation of a “joint financial pool”, which is being debated for some time within the Armenian society of Turkey, can be an important structure to overcome these types of financial problems and, in other words, to transfer the resources of well-off foundations to struggling foundations. It was noted that the creation of a joint pool was necessary, while it would be wrong to only address the problems of the foundations on a material basis:

Even if our properties and possessions increase, even if we manage more savings, the problem of mismanagement of the foundations will not end. Common

87 Bakar 2001, p. 265-268.

needs and the improving the situation of the poor should be brought to the forefront. We need democratic administrations that are based on broad participation with no class-based discrimination. It is also necessary to wage a democratic struggle for this matter within the Armenian society.

Although it has no legal basis, this strategy might become functional by earning the trust of the Armenian society once a “fair and transparent” working method is adopted. Such kind of an initiative can also reinforce secularization and civic participation efforts by making the patriarchate’s interference in temporal matters insignificant.⁸⁸

The new Foundations Law that came into effect in 2008 includes the provision (Article 25/2) that foundations, including community foundations, “can receive in-kind and in-cash donations and gratuity from persons, institutions and organizations at home and abroad”, and “can give in-kind and in-cash donations and gratuity to foundations and associations established for similar purposes at home and abroad”. This legal basis has cleared the path to establish a “joint pool”. After lengthy discussions, consensus was reached to establish *Vakıflararası Dayanışma Platformu* [the InterFoundation Solidarity and Dialogue Platform, VADİP] in April 2009 “for the purpose of maximizing the material and spiritual assets of the community through joint coordination and organized endeavor to this end” among Armenian community foundations. A coordination committee of 10 has been set up for VADİP, in which 45 of the 47 foundations participated, including the Catholic Armenian foundation. The committee decided to start working on developing social and cultural projects, creating a joint accounting system and increasing the quality of education.⁸⁹

FOUNDATION ELECTIONS

Another problem in foundation administration concerns the election of the foundation’s administration. Although the Foundations Law has changed several times, an applicable secondary regulation had not been issued until recently. Since there were no certain arrangements about how the elections should be held, who would determine the qualities of the electors and the elected, the constituency and the powers of the elected committees; a legal loophole occurred which was later on filled with either “police orders” or “secret decisions”, depending on the situation.

With the amendment made in 1949, the Law introduced the provision that community foundations “shall be managed by committees elected by their members”, yet with no clarity as to how these elections would be carried out. Consequently, foundation administration elections were held according to the rules based on the practice of elections every 4 year, and any member of the Armenian community living in Istanbul, regardless of whether they lived close to the foundation or not, had the right to become a member of the board of directors. However after 1972, a new practice was introduced which held that members of the community not living in the vicinity of the foundation should not be elected for the foundation administration. This practice resulted in an inability to find enough foundation directors since there were fewer and fewer people living in the vicinity of the foundations, which left the foundation administrations in quite a difficult situation.⁹⁰

⁸⁸ For an analysis regarding the joint pool, please see: Koptaş 2008, “Sorunların Kaynağı Güvensizlik ve Samimiyetsizlik”, Agos, 19 September.

⁸⁹ Agos 2009a, “VADİP’in Kuruluş Amacı, Üyeleri ve Basın Bildirisi” [VADİP’s Founding Aim, Its Members and Press Release].

⁹⁰ For this statement by Attorney Setrak Davuthan, see: İstanbul Barosu İnsan Hakları Merkezi Azınlık Hakları Çalışma Grubu 2002, p. 21. This practice started with the order of the Ministry of Interior of 1972 on “Election Principles and Procedures Applicable for Foundation Elections”, which recognized each church vicinity as a constituency and brought the requirement of residence in the foundation’s constituency for foundation directors.

Article 29 of the Foundations Regulation came into force in September 2008 and based on the Foundations Law no. 5737 (February 2008), enables declaring a wider constituency in İstanbul and Anatolia:

The district where community foundation's charitable structures are located is deemed as the foundation's constituency. However, upon the application of the foundation and in accordance with the results of the survey carried out by the regional directorate, in cases where the community in the district of the foundation is not big enough, the Directorate General may declare the foundation's constituency as the province where the foundation is located. Or if the community in the municipal territories of the province where the foundation is located is not big enough, the Directorate General may declare the foundation's constituency as the province that has the largest community.⁹¹

In such cases, directors of community foundations can apply to regional directorates for declaration of a wider constituency, on their own initiatives. The requirement of "being a resident in the constituency" in order to be elected as foundation director (Article 31) can also be interpreted in a flexible manner in the event of declaration of a wider constituency, and those residing outside the district where the foundation is located can also run for elections.

The promulgation of the above-mentioned regulation has brought, in a sense, clarity and legal basis. In this line, foundation directors will have to apply to have province-wide elections for the board of directors of the foundation. Some participants underlined the following points:

The board of directors also acts as the election board and becomes the "referee of the match". By not filing these applications, the foundation directors are in fact shooting the Armenian society in the leg.

Those approaching the matter from a legal perspective said that it could be petitioned to make the entirety of İstanbul the direct constituency, by amending the provision that defines constituency on a district basis but enables declaration of a wider constituency with the permission of the DGF. At this point, some participants suggested setting up a "central election board" instead of conducting separate elections for each foundation, and holding all foundation elections (including those in Anatolia) simultaneously under the control of this board. However, they added that a previous suggestion to the state level for a legal arrangement that would enable such a structure was refused, and the new regulation did not allow it. When asked why this suggestion was not considered, some participants commented that "the state wants the community to quarrel".

ASSOCIATIONS

The Armenians of Turkey have some cultural organizations that aim to protect their social and cultural lives and ensure solidarity inside their society. The alumni associations of Armenian schools have an important place among these groups. These associations, based on a tradition starting in the late Ottoman period and established during the Republican period first by the alumni of the Esayan, Pangaltı Mikhitarian and Getronagan schools in 1947, became widespread in 1950s and 1960s. With the abolishment of the ban on Armenian theatres in 1946, some of these associations performed plays on the stage. Today, there are 14 active alumni associations in the Armenian society. Individuals who participated in these associations have played an effective role in the founding of various Armenian music and dance companies and ensembles.

The Benevolent Society of Minority School Teachers' of Armenians in Turkey, founded in 1961, aimed to "ensure all kinds of scientific, professional, spiritual and material assistance", unlike the traditional alumni associations, and some of the members of the

⁹¹ For the Foundations Regulation, see: http://www.DGF.gov.tr/001_Menu/02_Mevzuat/VakiflarYonetmeligi.cfm.

Association later on established a foundation with the same name in 1965. The Vakıflı Village Association, founded in late 2000 in İstanbul by Armenians from Vakıflı, the one and only remaining Armenian village in Anatolia today in the Samandağ District of Hatay, is based on “local compatriotism”. More recently, some new associations were established by architects and art historians and Armenians from Sason, Malatya and Dersim. The civic formations led by the younger generation shows that a new model of organization is starting to be adopted in the Armenian society.⁹²

The associations’ laws put into force in various periods of the Republican era and the oppressive political mentality that caused these laws have acted as a deterrent against association-type organizing for many years. The new Associations Law no. 5253 published on 4 December 2004 within the scope of the EU process marked the beginning of a new era where organization within the civil society became relatively free.

To summarize briefly, the Associations Law of 1938 put the whole society under “disciplinary control”. In the associations’ laws issued after the military intervention both in 1972 and in 1983, the prohibition of associations based on or using the name of a religion, denomination, sect, congregation, or race was broadly interpreted, and it was stipulated that foundations could not be established for purposes that can potentially create privileges for a region, race, class, religion or denomination’s members. The law of 1983 clarified these “risky purposes”, prohibiting the establishment of foundations for the purpose of “putting forward the proposition that there are minorities within the Turkish Republic based on differences of race, religion, denomination, culture or language, or creating minorities by protecting, promoting or spreading languages or cultures

separate from the Turkish Language and culture”.⁹³ Although it may be said that this prohibitive mentality, which gained strength with military interventions, was originally aimed at repressing the assembly and association of the Kurdish movement and the large segments of the left wing in Turkey and it did not directly target the non-Muslim minorities, the prohibition of founding of associations by non-Muslims to protect their own cultures is clearly against the provisions of the Treaty of Lausanne.

Participants recall exposure to authorities who permitted coercive and police-related measures due to the arbitrary attitude of the “minorities desk” of the Istanbul Police Department after 1983. They also expressed that this discriminatory treatment was reinforced since the “minorities desk” was intertwined with the “foreigners desk”. As such, the facts revealed in the *Ergenekon* trials and through *Balyoz Planı* [the Sledgehammer Coup Plan] trials addressed in a military seminar meeting in 2003 show that some non-Muslim organizations, including some alumni associations and the Benevolent Society of Minority School Teachers’ of Armenians in Turkey were declared as targets to be subdued. This illustrates how strong the perception of minorities as “elements of threat” is in the mentality of the military wing of the state.⁹⁴

The Associations Law no. 2908 adopted in 2004 allows more liberal association opportunities compared to the previous laws. In the new law, “natural persons and legal entities with capacity to act” were granted the “right to found associations without prior notice” (article 3). With the new law, it also became easier to associate as civil society organizations. Another change that is particularly significant for non-Muslim citizens is that the new law

92 Apart from these, sports clubs engaged solely in sports activities and setting up teams in various sports branches have been operating actively since the first years of the Republic.

93 Aslandaş 1996, “1980 Sonrası Dernekler”, *Cumhuriyet Dönemi Türkiye Ansiklopedisi*, vol 12, İstanbul, İletişim Yayınları, p. 307-306.

94 “Orak Azınlık Eylem Planı” [Orak Action Plan for Minorities], <<http://www.stratejikboyut.com/haber/orak-azinlik-eylem-planı--32908.html>>.

does not include the provisions of the old law that prohibited founding associations on the basis of religion, denomination, language and culture. Being equipped with rights such as engaging in international activity or cooperation, opening representations or branches abroad, joining associations or foundations founded abroad for similar purposes (article 5), receiving assistance from associations, political parties, trade unions and professional organizations founded for similar purposes (article 10), receiving in-cash and in-kind aid from agencies and organizations abroad provided that the state administration units are notified in advance (article 21) and purchasing and selling immovable properties (article 22) also gives the opportunity to widen the area of activity of associations and increase their impact potential.

The Vakıflı Village Association founded in İstanbul at the end of 2000 was the first association established by Anatolian Armenians in İstanbul. Moreover, as a sign of the adoption of a new model of organization in the Armenian society in the recent years, three new associations founded for different purposes were mentioned. One of them is HAY-CAR, a Solidarity Association of Architects and Engineers for Reviving and Researching Charities, which was organized as a professional association among the Armenians of Turkey; the association participated in many engineering and architecture projects in Turkey and organized many events to improve professional knowledge.

The Malatya Philanthropist Armenians Association (Malatya Hay-Der), founded in August 2010 by the Armenians of Malatya living in Istanbul, may look like an association of local compatriots at first glance, whereas it differs from the example of the Vakıflı Village Association. Association administrators have declared their mission as bringing together the Armenians of Malatya living in Turkey and abroad, increasing social/cultural solidarity between them, and ensuring social exchanges, in addition to “protecting, promoting and conveying to future

generations the values of the minorities who have rendered great services to social life, which is one of the main building blocks of the social structure of our country, and continuing to contribute to the country’s culture”.

The Faith and Social Solidarity Association of the Armenians of Dersim, founded in October 2010 in İstanbul, signals a new type of organization. In the workshops where the founder of the association was also present, it was expressed that a group consisting of the grandchildren of the many Armenians who converted to Alevism in 1915 in Dersim now want to openly recognise their Armenian identities. The participant, explaining how he changed his name by applying to the courts and how he had his religion change recorded on his identification card (from Muslim to Christian), expressed that the Armenians in his crowded clan were never forgotten and until recently they had to live in secret. One participant explains that he chose to exist in the Armenian cultural life as an adult in reaction to witnessing how the Armenian gravestones were torn off and churches were dug by administrative authorities in Tunceli so that “the Armenian identity ends and its culture disappears”. The participant also says one of the founding purposes of the association is to call others sharing the same fate to acknowledge their Armenian culture. Nevertheless, he pointed out that there were also those who did not want to recognize them in the Armenian society and those who discriminated against them by questioning their Christianity. Expressing that the association, founded to promote solidarity among not only the Armenians of Dersim but also the Armenian society in İstanbul has faced exclusion, the participant explained how their difficulties have doubled since the Armenian Apostolic Church of Istanbul stipulated a specific period of religious education in the Church before accepting the Armenian families of Dersim who have relatively recently immigrated to Istanbul. The voice of the “Muslimized” Armenians, whom we encounter in growing numbers day by day, reveals a long-hidden dimension of the destruction, coercion and

devastation created by 1915. However, it is understood that the choice of these people to continue their existences with their Armenian identities creates uneasiness in some segments of the Armenian society. This uneasiness is mostly caused by the concern that this may fuel the discriminating attitudes demonstrated against Armenians by political and bureaucratic authorities in Turkey.

Before the founding of these relatively new associations, some civic activist groups started to raise their voices through various activities beginning in the second half of 1990s. One of these groups is the Hay-Gin platform, founded in 2001 by young generation Armenian women of Istanbul and focusing on gender equality, gender-based role models and the woman identity and problems.⁹⁵ Another group is Nor Zartonk (New Awakening), a civic organisation formed by an activist group of young Armenians citizens after the brutal murder of Hrant Dink in January 2007. Its purposes include “carrying out activities with a view to strengthen the intellectual capacities of all peoples of Turkey, starting from the Armenian Society of Turkey”. The group carries out a wide range of activities, from conducting surveys including the one entitled “Being Minority in Turkey” (*Türkiye’de Azınlık Olmak*), to political and cultural panel meetings on democratization, secularization, civic participation and human rights in Turkey, the authentic cultural richness of the peoples of Turkey, and to radio broadcasting on the internet.

The International Hrant Dink Foundation, founded in 2007 in Istanbul with the purpose of “keeping alive the dreams, the cause, the language and the heart of Hrant Dink” and with “a demand for democracy for everyone and for all ethnic, religious, cultural and sexual differences within a transparent social

structure consisting of individuals with citizenship awareness” has a very special position and function. The Foundation works towards continuing Hrant Dink’s struggle to promote all the different cultures of Turkey and to convey it to next generations, primarily the Armenian culture, without severing their ties with the history; ensuring Turkey’s democratization in all areas; normalization of relations between Turkey and Armenia; and building dialogue between the diaspora and Armenia at the society level. Aiming to raise awareness against hate speech, support studies on history freed from nationalism and racism, increasing dialogue between different cultural groups so as to eliminate all forms of discrimination and prejudices, and protecting the common historical/cultural heritage, the Foundation has put its signature under many activities that created tremendous impact towards these purposes. The Foundation also has wide influence through cooperation with various media and civil society organizations, universities, and educational institutions in Turkey and abroad.⁹⁶

EVALUATION AND RECOMMENDATIONS

The majority of the institutions that play a central role in the preservation of the religious, social and cultural lives of the Armenians of Turkey in the Republic of Turkey are “community foundations” established during the Ottoman times. Community foundations, established in accordance with the norms of the Islamic law and the practices of the *millet* system of the Ottoman rule, were taken under protection with the minority rights clauses of the Treaty of Lausanne during the establishment of the Republic. Despite the obligation placed on governments by this international treaty, which has supremacy over domestic law, the laws adopted and discriminatory policies implemented during the Republican era have generally introduced restrictions in breach of the equal citizenship status and positive rights stipulated

95 For the information regarding Armenian feminism in Ottoman-Turkey, please see: Ekmekçioğlu 2006, *Bir Adalet Feryadı: Osmanlı’dan Türkiye’ye Beş Ermeni Feminist Yazar*, Aras Yayıncılık; for the activities of Hay-Gin, please see: a.g.e. p. 334-335; and Özdoğan et al. 2009, p. 382-384.

96 For the funding purpose, objectives and activities of the foundation, please see: Hrant Dink Vakfı [Hrant Dink Foundation], <http://www.hrantdink.org>.

in the Treaty of Lausanne. The Republican regime, dictating a centralized and homogenous nation-state model against religious and ethnical differences, has created conditions that made it very difficult for Armenian community foundations to survive.

The primary practice threatening the material existence of community foundations is the seizure of the existing properties of these foundations, even when they were deeded in their names, by the Foundations' Administration through the obstacles introduced to registration of the immovable properties at the disposal of foundations with unlawful administrative decisions as well as stipulations within the framework of the Foundations Law. The long-term restriction of the property ownership rights of community foundations, despite their legal status, resulted in the foundations' limited exercise of ownership rights. The culmination point in the violation of property ownership rights was the unlawful decision given by the Court of Cassation in 1974 with a totally political and ideological reflex, to the effect that "foreign" legal entities could not own immovable properties. From 1960 until recently, the Armenian community foundations have fought Turkey in courts for return and indemnification of their seized immovable property, and this struggle has continued in the recent years at the ECtHR.

Although adoption of new laws to compensate for the past immovable properties of all community foundations within the framework of the reforms coming on the agenda of Turkey, which has entered a EU process, has resulted in positive developments, the lack of any special provisions or arrangements that take into consideration the special cases of the foundations established in the Ottoman period without a foundation statute and later (1935) registered as community foundation, and that will allow free and broad exercise of the positive rights conferred within the framework of the Treaty of Lausanne, is identified as the main shortcoming that is also criticized by the participants. The hindrances stemming from the discriminatory attitude and

administrative inconsistencies of the Foundations Administration also makes survival of community foundations difficult. It becomes continuously more difficult to seek rights and wage a legal struggle in the face of the mentality that classifies non-Muslim "minorities" as "foreigners", that hides behind "reciprocity", and that is based on "threat perception", be it in the law-making process or at the executive and judiciary levels. Nevertheless, a considerable majority of the participants called not to abandon the "legal struggle", voicing their "normal citizenship rights" despite "abnormal" conditions and "making their demands known" through "democratic" methods. Although this call is specific to community foundations, we should note that it is based on a wider demand within the scope of "Turkey's democratization" and that it is for the participation of all citizens.

It is obvious that a "tight dress" has been cut for the community foundations, as put by one participant. These institutions were granted legal entity status, but their "autonomous capacity" was rather limited. Considering all non-Muslim institutions, the fact that none have legal entity status other than the community foundations signifies that the non-Muslim citizens in general have not been given the freedom of association since the very beginning. Furthermore, the community foundations, which are of vital importance for the non-Muslim citizens to protect and reproduce their assets, were granted a very little room for association. The recent reforms do not directly allow a broadening the scope of the freedom for association. The positive rights granted in the Treaty of Lausanne must be taken under legal protection by re-interpreting them in accordance with the contemporary international conventions that address "minority rights" with a broader meaning. The political circles and the state level in Turkey refrain from producing any policies in this line, hiding behind the argument that the "Treaty of Lausanne would be violated". It is obvious that the 'ideological baggage' behind this argument contains a "paranoia" about minority rights. However, the Copenhagen criteria and

other international conventions, to which Turkey is a party, in fact require not only the fulfilment of the obligations concerning minority rights in the Treaty of Lausanne, but also the enforcement of new arrangements beyond the Lausanne Treaty.

Although coordination in the administration of community foundations is not defined by law, there are new civic groups that have emerged for solving financial problems, identifying and taking under protection the properties, ensuring solidarity between the foundations, and sharing information and experiences. The recent legal arrangement allowing financial solidarity between foundations was the driving force behind these new formations. On the other hand, the search for a civil structure for the coordination of the foundations and for civilian representation started in the Armenian society in late 1990s. The discussion, which first began with the questioning of the temporal representation capacity of the patriarch in the Armenian society, continued with analyses of whether “intra-communal administration” requires a separate civilian leadership. Two different positions materialized among the participants in the discussions about foundation administrations; these two stances did not exclude each other if we leave aside the reservation that a higher civil structure with no legal basis could not be effective. The first stance favours establishing a joint administration committee, such as an elected “central board of trustees”, which had already previously been created, and the second stance favours joint participation in “democratic struggle” based on equal citizenship in the Turkish society, in addition to an intra-communal organization, by bringing individual rights to the forefront. Those interpreting secularization and civic participation as something entirely outside of the “community” and as something that refers to the participation of all Armenian citizens in initiatives where they act together with other citizens of all ethnicities and religious beliefs adopt a cautious approach towards formations such as VADİP. Those favouring a civilian supra structure criticized VADİP, and said that the

reason why this platform has failed to be as effective as expected is because it has no sanction power and because of the intra-communal factors such as insincerity of powerful foundations about cooperation and “joint pool”.

Those attaching importance to civilian groups for ensuring coordination in the administration of foundations have emphasized that providing the legal basis allowing them to be more effective is in fact a requirement of “positive discrimination”. Those defending a common struggle for democracy on the basis of equal citizenship have argued that positive discrimination, which they objected to on the grounds that it reinforces the “victim” status of the non-Muslim minorities, it makes them passive and ultimately it turns them into individuals who expect everything from the state.

In Turkey, where the obligations to protect minority rights have, to a large extent, not been fulfilled since the promulgation of the Republic and where discriminatory policies in violation of the equal citizenship status have been in place, it should not be surprising that “positive rights” have been left devoid of substance and have lost their meaning. Yet, it is inevitable for community foundations, with a history going back to centuries, to demand positive rights for their institutional structures, parallel to individual equal citizenship rights, in order to have more liberal administration by civilians. In order to be able to protect and improve their existence and assets, the foundations should have the freedom to organize in a manner conforming to universal norms of law in a wide area extending from the rights of disposal on foundation’s immovable properties, to the election of foundation directors, development of individual or joint projects, and effective cooperation with similar foundations in Turkey and abroad. The logic of “positive rights” offers a sound basis for demanding legal arrangements that will allow a new institutional structure.

Despite the rights granted in the Treaty of Lausanne, no allocation was made to foundations from the state

or local government budgets; moreover, they were also prevented from raising money with their own efforts. However, there are some examples of positive developments in the recent years. For example, the local government's contribution to the restoration of the Surp Giragos Church in Diyarbakır; the support given by the Bakırköy Municipality of Istanbul for the construction of a modern school building in the garden of the Dadyan School; the initiatives of Prime Minister Erdoğan in the realization of the project prepared for the construction of a building that would bring rental income to Karagözyan Orphanage Foundation in Şişli – the construction to take place on a plot of land owned by the Foundation which was first seized by third persons and then restored back to the Foundation – are all encouraging developments, although they are inadequate.⁹⁷ These and similar supports are expected to be perpetual and continuous. At this point, it has become necessary to demand the AKP government to leave aside the discourse of “religious tolerance” and approach the issues for a solution within the framework of the norms of law and respect to “ethnic identity”.

It is clear that alumni associations, founded with a status different than foundations, have assumed an important function for long years in the protection of the Armenian identity and culture, despite various legal restrictions and oppressive practices. In the recent years, as participation from younger generations dwindled, it has become necessary to revive these associations through use of modern communication opportunities and cultural environments.

⁹⁷ About the Dadyan School, please see: *Agos* 2010d; About the Karagözyan Orphanage, please see: *Hürriyet* 2011.

Section Seven

Coming to Terms with History

It is impossible to solve neither today's problems pertaining to freedom and democracy nor the problems faced by Turkey's Armenians which are derivatives of the former, unless we take a broader view on the distant and recent history of this land, and unless we can feed our historical knowledge from different sources. Therefore, it is very possible that some of the measures to be taken to improve the situation of the Armenians of Turkey will be met with resistance from both the state and the society, due to a narrow-minded approach to history and due to lack of historical knowledge. For example, we have mentioned that under certain circumstances the state could apply positive discrimination for Armenians. Presently, positive discrimination involves introduction of some special legislative arrangements by the public authority for social segments that have been treated unfairly and constantly victimized, especially as a result of the practices of the state; in other words, it is, in one sense, reparation of the past. Today it is very difficult for the public in general who adopted and widely accepted the Ottoman/Turkish history, taught at schools, and supported by the media, to accept the fact that the Armenians are a group that has been, in its mildest term, treated unjustly in this land. Moreover, the state's and society's depiction of Armenians as "traitorous and unreliable" stems from the same nationalistic understanding of history. It is difficult to correct the approach to Armenians at the state and society level unless these judgments are broken.

In Turkey, coming to terms with the history is not only limited to what happened to the Armenians; it encompasses all the elements of the myth of Turkish history narrated starting from the migration of Turks

from Central Asia, to the mothers of the Ottoman sultans, and to the Committee of Union and Progress. Hence, an important step towards "democratization" in Turkey is facing the history.

So, what does "coming to terms with history" mean? As stated by a participant, it does not mean "let's forget everything and start from the beginning". On the contrary, it means remembering; it means accepting that everything can be talked about; and it means a type of acknowledgement.

UNDERSTANDING OF A SACROSANCT HISTORY

It can be said that the framework of the Turkish history narrative, as dictated by the state, is seen almost as a sacrosanct, inviolable phenomenon in Turkey. Once history is written and adopted by the powerholders, even the smallest assertion or comment that contradicts that written history has the potential to cause public indignation, and can be perceived as an insult to "Turkishness". History has been turned into an almost religious phenomenon, and an example of the saying "*kendi yapar kendi tapar*" [mankind makes its own idols to worship]. Everything, from the place and date of birth of the Ottoman State to the character of Atatürk, can be the subject of this inviolability. This man-made halo of inviolability prevents people from looking at history without restrictions and hence learning all aspects of what happened in the past. It is obvious that this is not a mentality that facilitates a situation conducive to healthy discussion, and that it should therefore be abandoned.

It is necessary to eliminate all the taboos and accounts associated with history, crush the pressure of the nationalistic view on history-writing, and ensure that history is not written according to the current political interests of any one state. This should be considered as progressive. One of the turning points that should first be mentioned enabling the progress in the process of normalization through broadening the area of discussion in Turkey is Taner Akçam's book *Türk Ulusal Kimliği ve Ermeni Sorunu* (Turkish National Identity and Armenian Question), published in early 1990s. Akçam's book played an iconoclastic role at the time, and opened the path to normalization. Similarly, the Belge Publications, managed by Ayşegül and Ragıp Zarakolu, has also published, and continues to publish, many books on the tragedies suffered by the Armenians. The conference "Ottoman Armenians During the Collapse of the Empire: Scientific Responsibility and Issues of Democracy", held in 2005 at the Bilgi University after surmounting the court ban and the pressures⁹⁸ was also a milestone and a symbol in free discussion of the question "What happened to Armenians?".

TEXTBOOKS

One of the most important vehicles that convey an inaccurate historical account from generation to generation and that feed the enmity towards the "others" are the school books, or textbooks. As expressed by Mutlu Öztürk, "fair Turks and ungrateful others" is a theme seen frequently in the high school history books; and it is always emphasized that Armenians are a "cruel" nation with a tendency for "treason".⁹⁹ All these approaches result in high school students harbouring a general enmity against

Armenians. The figures given by Öztürk in reference to a survey held among high school students gives us a clear picture: The respondents were asked what was the first thing that came to their minds when they heard the word "Armenian"; 30.42% said "treason" or "treachery", 16.25% said "ungrateful", and 8.33% said "enemy".¹⁰⁰ Hence, one of the most important steps towards democratization requires addressing these school books and re-writing them from a new perspective. When preparing the new textbooks, it is absolutely necessary to consult academics and jurists specializing in human rights and discrimination.

1915 AND TURKISH NATION-STATE

It is possible to say that the participants were in consensus that the events of 1915 are one of the underlying phenomena of the Republic and hence occupy a very important place in the founding of the Turkish Republic. Moreover, according to one participant, "successful" elimination of the Armenians has signalled that a new state could be established in Anatolia:

What established this state is the consciousness of being able to commit that genocide. That is, since success was gained there, a sense of the possibility of a Turkish state emerged. They simply thought "If it is possible to annihilate a whole nation here, it should also be possible to create a new one".

As such, as voiced from time to time by high-level statesmen, erasing the Armenians (and the Greeks) from Anatolia was one of the most important phases of creating the demographic foundation for the establishment of the Turkish nation-state. This

98 The papers presented at the conference were compiled in a book under the same name and published in March 2011 by İstanbul Bilgi Üniversitesi Yayınları: Aral 2011.

99 Öztürk 2009, "Tarih Ders Kitapları ve İnsan Haklarına Dair: Bazı Satırbaşları", *Tarih Vakfı "Ders Kitaplarında İnsan Hakları Projesi"* [Human Rights Project on History Textbooks], p. 262, 264, <<http://www.tarihvakfi.org.tr/dkih/download/mutlu%20ozturk.pdf>>

100 Metin 2007, *Lise Türkiye Cumhuriyeti İnkılap Tarihi ve Atatürkçülük Derslerinde Ermeni Meselesinin Öğretimi: Çağdaş Yayınlar, Mevcut Ders Kitapları, Öğretmen ve Öğrenci Görüşleri Işığında Yeni bir Ünite Tasarımı*, Yüksek Lisans Tezi, Gazi Üniversitesi Eğitim Bilimleri Enstitüsü, Tarih Eğitimi Anabilim Dalı, Ankara, p. 49 (Cited in Öztürk, 2009, p. 266). The survey was administered on 240 high school students from six different high schools in Çankırı for a graduate thesis in Gazi University. Although the sample may not represent the whole of Turkey, the percentages are striking.

intertwinement of the 1915 massacres and the founding of the Republic of Turkey is a factor that makes it difficult to talk about this topic in Turkey; for, to repeat the words of one of the participants, “discussing 1915 means discussing the existence of this state”. At least, this is the perception nurtured by many Turks; discussions of the events of 1915 are seen as a threat against the very existence of the state. One participant even said the Turks who believe that what was done to Armenians in 1915 was, genocide by definition, could never accept this as it would mean the end of the state. Hence, it is considerably difficult to create a free environment for discussion and discuss the history without severing this mental link between the need to face history and the existence of the state.

1915 AND THE PROPERTY OWNERSHIP ISSUE

In addition, as frequently underlined by participants though rarely finding voice in the public opinion, the properties forcibly taken by from Armenians constitute one of main sources for the Republican economy to capitalize upon. Those who confiscated these movable and immovable properties were generally either the local civil administrators or the notables of the residential area. This is one of the most important and challenging issues that must be faced today, because it requires to question the origin of certain wealth, which will very likely be met with some strong resistance. The state was adamant in its unwillingness to allow this property issue to be researched or “touched”. Many examples can be given in this regard. Here is what one of the participants said on the matter:

If you look from a historical perspective, there are no population registry offices or land registry offices that have not caught fire, especially in 1935s, and especially where the Armenian population lived; they always get burned, have always been burned down [...] Then, we see the population registries strangely change. Especially in places where minorities live, the population logs have seen several fixes, I mean they were re-written. And every time they are re-written,

some information is always missing. Hence, when you look back, you always encounter a problem [...] In that regard, there is a huge problem [...] It is difficult to reach old records; it is like people were born when they received their surnames.

In the letter sent to the Directorate General of Land Registry and Cadastre in 2005, the National Security Council (MGK) stated that transferring the Title Deed Registry Logs from the Ottoman period into digital media and handing them over to the Directorate General of State Archives would be risky in its potential to create a suitable environment for “ethnic and political abuse”, which is another example of this attitude still fresh in the minds.¹⁰¹

‘COMING TO TERMS WITH’ 1915

‘Coming to terms with’ 1915 is necessary, but not easy, because it means acknowledging that most of what we have believed so far is not actually true or at least does not correspond to the whole truth, and it requires an honest questioning. Moreover, it is not only a few individuals who must go through this process or come to terms with the past; it is an entire society, who have long been made to believe in completely distorted historical knowledge. Especially in Turkey, the history that has to be faced is a history which is rather bloody and full of agonies. Yet, the way to clear the social conscience and lay the groundwork for a healthier political and social structure is through talking openly about the ugly and the evil. For example, the popular perception in Turkey is that the people in the Ottoman territories used to live in constant peace and harmony. In order to “come to terms with” 1915, it is necessary to see the fact that it was not always like that everywhere. As one of our participants said:

Romanticism is loved in Turkey; they say neighbours were like this and like that [...] no, they were not so. If the neighbours had been like that, then things would

¹⁰¹ *Hürriyet* 2006, “Tapu Arşivlerini ‘Sınırlı’ Kullanın” [Use the Real Estate Property Archives in a ‘Limited’ base], 16 Eylül, <<http://www.hurriyet.com.tr/gundem/5109117.p.asp>>

not have gotten to this level. As if the Ottoman land was the most integrated place in the world, [...] there was no co-existence in the east; it was segregated, they led separate lives [...] there were purely Turkish and purely Armenian villages, and they raided each other [...] Armenian women were kidnapped [...] That is the kind of history we come from, and you are deceiving yourself if you are thinking that talking about such a history will be a walk in the sun.

Because it is a very bloody topic and we have not yet heard about that blood, because we keep avoiding the topic.

Despite all these challenges, ‘coming to terms with’ and thus ‘overcoming’ 1915 will, in general, be a positive contribution to Turkey’s political culture, because unfortunately the political and intellectual circles today in Turkey have still not purged itself from the logic of extermination of the other. Throughout her history, after 1915, Turkey continued to witness massacres – such as the massacres of Dersim, Maraş, Çorum and so on. As one of the participants said, since there was no coming to terms with the “biggest” incident, “smaller” ones followed it.

The events of 1915 were an act of exterminating what was different; legitimizing or turning a blind eye to this act today will mean acknowledging the extermination of what is different by the powerful and taking it as something ordinary. Within the framework of democratization, ‘coming to terms with’ 1915 will clear the pathway for Turkey and will contribute to its evolution into a more peaceful, democratic and free country.

The question of who were the perpetrators and culprits of the genocide of Armenians in 1915-1922 is an important part of coming to terms with history. Some participants said “something of this scale cannot happen without neighbours massacring neighbours; this is not only an ideology of the state; it serves as a legitimizing agent”, and argued that some segments of the society, civilians, did also participate in this acts of killing and plundering, while adding that the perpetrators should not be named as “Turks”, and that it would not be right to say “Turks did this”. The

view arguing that the responsibility concerning the way Armenians were treated lies with the rulers of the time who turned a segment of the ordinary people into their accomplice is widely supported. On the other hand, it was also expressed by participants that using the terms “mutual killing” (*mukatele*) or “a war between brothers” (*kardeş kavgası*) to describe the events of 1915 would not be correct either, since the 1915 events were not a struggle between two equal and official parties. On the one side, there is the state mechanism and its apparatus, and on the other side there are people –Armenians– who are citizens of that state and who are deprived of such instruments.

1915 AND THE IDENTITY OF TURKEY’S ARMENIANS

Although Turkey’s Armenians did not turn 1915 into a cement to construct their ethnic identities, 1915 is a source of trauma for them.¹⁰² They are hardly able to raise a discussion on the events of 1915, compared to the Diasporan Armenians, since they continued to live with the “Turks” and with the state oppression, and they were deprived of the opportunity to even mourn for the events of 1915. Hence, the recognition of the genocide carries a moral value for them. For example, one participant said:

What will happen if the genocide is recognized? Personally, my pride will be restored. Personally, I will get the answer to why, all of a sudden, my grandmother became Emine, I will get that answer. So, “justice will be done” to what my ancestors have gone through.

The events of 1915 are not only the annihilation of masses, but the embezzlement of a nation’s future and the imprisonment of that nation’s past. To put it in more tangible words, it is clear that 1915 is the root cause of why Armenians today are scattered in the four corners of the world, why Armenia today is a poor

¹⁰² On this subject, please see: Bilal 2004, *The Lost Lullaby and Other Stories About Being Armenian in Turkey*, unpublished master thesis, Boğaziçi University; Koçoğlu 2001, *Azınlık Gençleri Anlatıyor*, Metis Yayınları, İstanbul.

country, why the number of Armenians in Turkey is so low today, and why their culture has been destroyed. For, the Armenians did not only lose their people in these events, but along with them, they have also lost all their accumulated knowledge, all their educated manpower, their arts and their intellectual wealth. Understandably, this enormous loss made 1915 a focal point for them. One participant expressed this situation as “we are a nation that takes shelter in the past; we have nothing else to do”. Despite these words, both the destruction wrought with 1915 and the state oppression, and the restrictions imposed on the courses that can be taught with regard to the Armenian history in the Armenian schools in Turkey, it is not possible to say that the Armenians of Turkey know their history today. This situation has brought with it a diminishing of the social memory and the alienation of the Armenians from their own identities. One participant, who is also a journalist, explains this situation as follows:

The community has become so alienated in this environment of identity erosion that it has forgotten its own past, its own roots and its own opinions. When the Code of Regulations of the Armenian Millet was adopted in 1863, it actually represented a very advanced mentality given the conditions of those days. Yet, today, this memory has become lost [...] As the Armenian question halts to be a taboo in Turkey, people can search for alternative information. For example, they can go and ask their Armenian neighbours about it. They assume that Armenians have a great command over their history, that they are well-equipped with the knowledge of their history; but this is not the case. Today, the Armenians in Turkey do not have the opportunity to learn about their own history. Such an opportunity does not exist in the community's schools.

Additionally, the attitude demonstrated and the policy pursued by the Republic with regards to both 1915 and the Armenians has also not left 1915 back in 1915. Instead of pursuing a policy and mentality that acknowledges the sorrows, sees the injustices, and respects the dead, the state launched a campaign to prove that the real villain was actually the victim. For

Armenians, this is as wounding as the 1915 itself. In other words, with its policies of denial, oppression, and annihilation, the state has never given the Armenians a chance to overcome the trauma of 1915.

GENOCIDE COMMEMORATION CEREMONIES AND APOLOGY CAMPAIGNS

Participants think that 1915 should be discussed in entirety first –but not only– in Turkey, and that this event should be settled where it happened. As a reflection or extension of this thought, the participants have stated that it is necessary to allow the people to freely commemorate the victims of the genocide in Turkey. İHD (Human Rights Association) has played a leading role in this respect with its genocide commemoration events since 2005. It has also been possible to commemorate the victims with a public ceremony in Turkey, at the Taksim Square and the Sirkeci Train Station in 2010. Similar commemoration ceremonies were also held in 2011. The commemorations taking place on the streets have succeeded in creating a certain level of reverberation in the public opinion due to their high visibility.

One participant who attended similar commemorations abroad and who was also present at the commemoration last year, said he was very moved with the commemoration in Turkey, while he “felt nothing” in the commemorations he participated in abroad. According to the same participant, what really matters is the attitude of the people of Turkey:

For the first time, I found the opportunity to light a candle for my ancestors. I had the chance to shed a tear there. Sharing this sorrow with friends from Turkey was more important than what the US President said.

On the other hand, when holding the genocide commemorations, it is not a justified and politically fruitful attitude to keep the Armenian diaspora completely out of this affair. It should be remembered that a large part of the Armenians who are called

“Diaspora” today are the victims of the genocide of 1915 and have their roots in Anatolia.

The recent “Apology” campaigns led by some intellectuals and civil society actors were also on the workshop agenda. Although these campaigns are generally welcomed and appreciated, some participants said they had concerns or reservations at certain points. Their concerns stem from the political instrumentalization of these campaigns by pushing the issue’s moral and conscience dimension aside, or, in other words, being treated as pawns in a game which will portray these as actions as manoeuvres that would “ease Turkey’s hand” in international politics, which has given rise to doubts about the sincerity of these campaigns. In addition, some participants claimed that “an authoritarian tone of language, a language that comes from a higher source”, attempting to determine what to say in which manner and how to refer to 1915, was used in these campaigns. One participant criticizes the apology text¹⁰³ as follows:

Why did you choose this sterile word [Great Catastrophe]? We called it “*çart*”. “*Çart*” is a terrible word, it literally means “cutting”. Can you use this word? You don’t use it. And do you achieve anything by beautifying this? No, you don’t. Because instead of coping with it, you choose something aesthetic from the literature and cut and paste it here.

On the other hand, there were also some participants who expressed that some progress had been made in these campaigns compared to previous years and hence that they should be supported:

Take a look at the progress in Turkey, look at how things stood 15-20 years ago, and compare it with how things are going now. There is something that touched the conscience of people now. Why did those two-three hundred thousand people march at Hrant’s funeral? Today there is something that touches people’s conscience. So, is this how the

state, how the authorities look at things? No. So how will we change it? The dynamics of the society are enough to change this view. These people have organized an apology campaign. Do they have shortcomings. Yes, they do. But, at least, they have done something. They have done something in their own way. [...] These efforts should not be rejected.

JOINT HISTORY COMMISSION

Currently, one of the main solutions offered by the Turkish state and the current AKP government with regard to 1915 is to set up a commission of historians from Turkey, Armenia and third-party countries to analyze the facts and findings regarding the events of 1915. It was observed that participants had doubts about how legitimate such a joint history commission would be. The reason for these doubts is the potential political pressures that the commission will face. Instead, they expressed that it could be more beneficial to have an international commission formed, where Turks and Armenians would not have any decisive say and they would be involved only as observers and as information providers. Furthermore, there is also the impression that such a commission is sort of a “stalling tactic”. In other words, it is believed that the proposal for a joint history commission is nothing but a tactical move to block any possible initiatives by giving the impression of “doing something”, and then dragging out the issue, rather than settling the matter: “If you do not want to resolve the matter, you refer it to a commission”. It was also observed that some Armenians, approaching the matter more sentimentally, were against a commission which would openly discuss the sufferings of their ancestors. Will this commission have a sanction power, will it be binding, and if so, how? Will such a commission have the “final word” about whether there was a genocide or not? Is this ever possible? Who will prevent some historians, who are not on the commission, from asserting opinions that are contrary to the views of the commission?

103 For the text, please see: “Özür Diliyorum” [I Apologize] imza kampanyası. <<http://www.ozurdiliyoruz.com>>

EVALUATION AND RECOMMENDATIONS

Coming to terms with the history should not be seen as something that falls only on statesmen, politicians and academics. The society can and should also become an actor, as much as the state in facing the history. In other words, maybe the best way for coming to terms with the history is to open the path and prepare the ground for dialogue between societies.

One participant gives an interesting answer when asked how this should happen:

First, we should come to terms with our own family history and ourselves. Only then I think we can witness a coming to terms with the past in a larger-scale. In the same way we learn reading by first deciphering the alphabet, the easiest way [to face the history] is to first face the history of our own family and our own self. I think the first step to be taken for a peaceful relation between these two societies is very valuable. I arrived at this conclusion from the example of my own family. When drawing my own family tree, I realized there were Muslims in my own family. So then, how can I nurture hostile feelings against my Muslim cousins? [...] I want people to read the book written [told] by their own grandfathers before opening the history book.

The singular and smaller-scale acts of coming to terms with history mentioned in the quote above can lead to larger-scale ones in time. For example, when family histories and family trees are examined, it will be seen that those with or without Armenian descent are more intertwined than previously believed.¹⁰⁴ Seeing and accepting this may make it easier to talk about issues that are potentially high-tension. The oral history studies, as we see a growing number of examples in the recent years, can be considered as a good method of coming to terms with the history on a family basis. Increasing the number of such studies and expanding them over a larger geography would be helpful in terms of facing the history. In a sense, this

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suggestion can be perceived as dividing the solution into small parts. “Progressing with baby steps” and “dividing the solution into small units” can indeed be considered as a method on its own. Facing the family history may be the best way to do it, yet other ways can also be found. For example, instead of starting from the biggest and toughest question, i.e. whether the events of 1915 were genocide or not, it may open a broader horizon to try to increase the accumulation of knowledge available about the pre-1915 period with more micro-level studies.

The writing of recent history has not been completed yet. Historians continue to write the history in the light of new findings; and they will continue to do so. What falls on the public authority here is to clear the path for these people and their academic studies. Clearing the path implies providing the opportunities and facilities for researches, not putting any ideological limits on these studies, and preventing any such limitative interventions that may come from other foci. When Armenians are in question, coming to terms with the history should not be limited only to 1915. There is a vast gap in what is known about the culture, history, arts, literature and lifestyles of Armenians in Turkey; because information have so far been destroyed and ignored by the state. Coming to terms with the history also covers supporting all kinds of studies that will close this information gap. Today, Aras Publishing and the International Hrant Dink Foundation must be mentioned as two leading organizations working to remedy the lack of knowledge on the Armenian society. The state can, through the Ministry of Culture, support the institutions that are working to promote the Armenians’ history and culture.

¹⁰⁴ For such studies done in the recent years, see: Çetin 2004; Altınay and Çetin 2009; Neyzi and Kharatyan 2010.



Section Eight

Armenia and Diaspora

It is known that Armenians are a group of people spread over a very large geographic setting. Although the origins of the Armenian diaspora date back to the 11th century, their transformation into a global diaspora occurred mostly in the 20th century. In the last 10 years of this century, except for a very short time of instability between 1918-1920, an independent Armenian state did come into being with the disintegration of the Soviet Union. At this point, the Republic of Armenia and the Armenian Diaspora, which have a fluctuating relationship with ups and downs, are important actors of the global Armenian politics. The large majority of the Armenian diaspora in the world have their roots in Anatolia, and the Armenians of Turkey have kinship with diasporan Armenians. It is not always easy to define who is the “Diasporan Armenian”, who is the “Armenian of Armenia”, and who is the “Armenian of Turkey”. At the same time, we see that the policies of the diasporan Armenian institutions and the Armenian state have the potential to effect, even if indirectly, the general situation of the Armenians of Turkey. At this point, when discussing the Armenians of Turkey, it is important to learn their view of the diaspora and Armenia, and what they think about the diaspora/Armenia/Turkey triangle.

ARMENIA

Among the participants, there were some who had visited Armenia at least once. These people have disclosed a variety of feelings and thoughts about Armenia. Some said “Armenia does not mean anything for them”. One participant described what she felt upon visiting Armenia:

It was strange to hear people speaking Armenian around me, and it also felt strange to be able to stroll around at night as a woman [but] I never got the feeling that I was from there, and I do not think I will ever feel that way [...] I do not think that any Armenian must have an investment related to Armenia. Not every Armenian must have a future in Armenia.

It was strange to hear people speaking Armenian around me, and it also felt strange to be able to stroll around at night as a woman [but] I never got the feeling that I was from there, and I do not think I will ever feel that way [...] I do not think that any Armenian must have an investment related to Armenia. Not every Armenian must have a future in Armenia.

Another participant also took a similar approach, and said:

I am the man of this country [Turkey]. Armenia does not give me the feeling of “my country” [...] And I do not think Armenia gives a fig about the Armenians of Turkey. Hence, as the Armenians of Turkey, we are alone under the Armenian identity here.

Unlike this approach, there were also some participants who said they saw Armenia as their “homeland” and that they felt close to Armenia in the cultural sense. Unlike Turkey, Armenia is where being Armenian is “normal”, and this gives the Armenians of Turkey who go there a sense of ease that they have never felt in Turkey. In addition, since bad memories are still fresh, there are also some who see Armenia as “a place to go and take shelter” in the event of any adversity or pressure. An example of those who feel

Can I go to Pamukova, where [once] my grandfather lived? It is right next to Istanbul, but they would never leave me alive there. Neither in my mother's hometown. What is there to tie me to Turkey? Istanbul, I love Istanbul very much, and that's about it [...] I also love Armenia very much; I am comfortable there [...] It has an atmosphere of comfort and beauty. And if, one day, I have to leave this place, Armenia will be my destination.

this way is a participant whose son is studying in Yerevan and who has also went to Armenia many times:

Armenia is a home, a place I can go and find shelter. This took shape over time. Slowly, I understood that the only thing that ties me to Turkey is Istanbul. It was Turkey who made me feel this way. It was not like I all of a sudden developed these feelings. I thought, can I go to Pamukova, where [once] my grandfather lived? It is right next to Istanbul, but they would never leave me alive there. Neither in my mother's hometown. What is there to tie me to Turkey? Istanbul, I love Istanbul very much, and that's about it [...] I also love Armenia very much; I am comfortable there [...] It has an atmosphere of comfort and beauty. Until the beginning of this summer, I had never thought of leaving Turkey [...] My son is studying in Armenia; this is his fourth year there. When he comes, out of my longing, I always try to take him here or there or buy him this or that food. Let me take you to Kadıköy or Eminönü, I say... And he always said no. One day, he said, "If I am coming here, I am coming because I miss you; it is not because I miss this place. I am so happy there!" This kid is living there under very difficult financial conditions, so why should he be happy? I asked him what makes him happy there. "There, I have learned what freedom is. I have learned how to breathe without worry, and how to live like a human being. Without the obligation to give account to anyone, without the obligation to answer anything, why I am there or why my name is that." In that moment, I understood my son would never be coming back. And if, one day, I have to leave this place, Armenia will be my destination.

Although their feelings and thoughts about Armenia may be different, it was evident that some participants were uncomfortable about being perceived as a political extension of Armenia. It was expressed that the political preferences and priorities of Armenians of Armenia, Armenians of Turkey and diasporan Armenians could be different. An important point underlined by a participant is that in Turkey, Armenia as a country is sometimes used as an instrument to alienate the Armenians of Turkey. The general perception in Turkey is that every Armenian must have a connection or link to Armenia in one way or another. For example, one of the questions frequently asked to Armenians is, "Have you ever been to Armenia?", "When did you arrive from Armenia?" etc. According to this mentality, Armenia is the motherland of all Armenians, and Armenians are an organic extension of Armenia. This perception was disturbing for some participants, while it was not a problem for some others.

Leaving all these aside, the emergence of Armenia as a neighbouring country has an important role in breaking the Armenian taboo in Turkey. Until early 1990s, the "Armenia" concept was nothing more than an abstract image for most people in Turkey. The emergence of Armenia gave a body to this image. A participant analyses this process as follows:

As far as I am concerned, the first time when the Armenian issue ceased to be a taboo in Turkey was the time Armenia regained its independence and appeared there, right next to us, as a neighbour that was very close to eyes but very far from hearts. Because, in the end, before that time, Turkey was unable to find a counterpart state with whom she could settle this Armenian question on a global scale, and since this issue was perceived, interpreted and analyzed by the Turkish society under the domination of the state, when the new state emerged, they said, "ok, let the process flow with its own pace".

The most important aspect of Armenia for the Armenians of Turkey (and in fact for a large part of the Armenians of the diaspora) is that Armenia is a "readily available source of language and culture".

All our values in the sense of preserving our identity are directly connected to Armenia. Hence, Armenia is the guarantee of the survival of all our values in terms of both our identity and our culture. This is also true for all the Armenians around the world.

This source can be used to protect the identity, as put by one participant:

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To further expand this statement, we had already mentioned in previous chapters that Armenian had lost its quality as a living language in the social sense in Turkey. Of course, there is no such situation in Armenia; there, Armenian is a language that lives in literature and in all areas of the daily life (even if with a different dialect). The Armenians of Turkey can benefit from this living source to revive their language, in various ways, such as visits, joint culture and arts activities, teacher exchanges, etc. These activities should be regarded as activities that will be carried out by the Armenians of Turkey to protect their identities.

BORDER AND PROTOCOLS

Although Turkey was one of the first countries to officially recognize Armenia as a state, there is no direct or permanent diplomatic relations between the two countries, and the border between the countries was closed by Turkey. Turkey's official rationale for sealing the borders is Armenia's occupation of some parts of the Azerbaijani territory due to the conflict between Armenia and Azerbaijan over Karabagh. Tying its own hands with this rationale, since then, Turkey has to a large extent based its Armenian policy on Azerbaijan. According to some participants, Turkey has used the Karabagh issue as a pretext to avoid facing Armenians and Armenia, and hence the problems such an encounter may give rise to:

When the Soviet Union disintegrated and later on Armenia declared its independence, Turkey was faced with a surprise. Since it had no Armenia policy, it was caught unprepared. It recognized Armenia's independence, but then found itself facing a dilemma. The Karabagh issue was a lifesaver for Turkey, because thanks to the Karabagh issue, Turkey was forced to take a stance. And that stance would of course be negative. Thus, it was relieved from going through all that coming to terms with the past.

It is a commonly held view among participants that the borders between the two countries should be opened and that open borders would contribute to the solution of the problem. On the other hand, some participants who have visited Armenia more than once, have put forward that Armenia has learned how to live with closed borders, and hence it will not allow the borders to be opened "at whatever cost". This expression should be understood as follows: It would not yield any results to propose Armenia to forget about the genocide or leave Karabagh in return for opening borders.

In October 2009, two protocols were signed for initiation of diplomatic relations between Turkey and Armenia, yet these protocols did not come into practice because they required parliamentary ratification. In the parliaments of both countries, the protocols were not sent to the Plenary Assembly for various reasons. Participants support steps like this to institute a normal diplomatic relationship between any two countries, yet mentioned that perception of the protocols as a bribe for Armenia to forget about the past or the projection of such an image had an important role in the process coming to an end.

ARMENIANS FROM ARMENIA IN TURKEY

Although their exact number is unknown, it is a commonly accepted fact that there are Armenian citizens living and working in Turkey without any residence or work permits. The situation of these people does not directly constitute a subject of this report, although considering the difficult conditions

under which they live,¹⁰⁵ it becomes necessary to briefly address this matter. Words signalling that the political authority sees these people as a political trump card to be used when necessary are uttered from time to time by higher authorities. Yet, this matter should be approached from a human rights perspective –as done in all migration and migrant issues. These people have, in the end, come to Turkey with a hope for a better life. Hence, it is desirable that Turkey reshapes its general migration and immigrant policy with a more humane view. Although this is true for all immigrants, those coming from Armenia have a slightly different position compared to other immigrants when it comes to their relationship with Turkey. We should not forget that the families of most of those who have come from Armenia to live here today are originally from Sivas, Malatya, Maraş, Adana, Bursa or Trabzon. When viewed from this perspective, these people should be seen as “fellow compatriots who have come back”.

DIASPORA

Although the formation of the Armenian diaspora did not begin in 1915, the *raison d’être* of the diaspora in its current form (in terms of size and prevalence) is the genocide of 1915. Hence, understandably, 1915 has an important place in the collective memory of the diaspora. Although the narratives of 1915 may lose its impact as generations come and go, it is still a part of the cultural and political identity of the diasporan Armenians. Each and every identity has its unique meaning in the eyes of the holders of that identity, and the diasporan Armenians attempt to preserve that meaning. From this perspective, although “Turk and Turkey” are the inevitable actors of genocide narratives, it is wrong to interpret each and every

In the USA, where groups of people with many different cultural identities and backgrounds live together, it is also a domestic issue for the USA to teach the genocide at schools without marring the harmony between groups and without fanning enmity, as pointed out by a participant.

activity of the diasporan Armenian institutions concerning 1915 as acts of “Turcophobia or Turkey-phobia”. The activities of the diaspora should be seen in relation to their own existence as well as the political and social dynamics of the countries they live in. For example, in the USA, where groups of people with many different cultural identities and backgrounds live together, it is also a domestic issue for the USA to teach the genocide at schools without marring the harmony between groups and without fanning enmity, as pointed out by a participant.¹⁰⁶ A participant who has been living in the USA for long years shared the following observations:

I do not think that the acts of the people in the diaspora are understood well here [...] the problems out there and the problems here are in fact very similar. It is not only a matter of survival; the children of these people there also go to schools; there are also history books there; comparative genocide is a topic taught in the curriculum. Whether this will enter the textbooks in there is also a matter of public debate, because both Turks and Armenians are going to the same classrooms. Hence, the legislator also has to think about this. But here, nobody knows about this issue ...

¹⁰⁵ Low wages, long working hours, poor accommodation conditions, and having to stay away from their families for years can be given as examples to these conditions. For more detailed information on the Armenians from Armenia in Turkey, see: Ozinain 2009, *Identifying the State of Armenian Migrants in Turkey*, Eurasia Partnership Foundation, Istanbul.

¹⁰⁶ It has long been said that genocide is a part of the identity of the Armenian diaspora, and hence that working towards recognition of the genocide is working towards the protection of their identity. For the Turkish diaspora that is growing day by day in the USA, working for the denial and rejection of the genocide can become a tool of protecting their identities, as they start to encounter similar identity problems.

It should be understood in Turkey that the issue that is called as the “Armenian Question” or as the “events of 1915” cannot be solved by excluding, marginalizing or “demonizing” the Armenian diaspora. If we consider that the Armenian diaspora consists of individuals and groups who have been affected from the events of 1915 and who are in fact a result of those events, it can be seen that their involvement as a party to the debate and as a part of the solution is indeed legitimate. In other words, it is truly natural that these groups have a say in the matter.

Most of the negative opinions about the Armenian diaspora do generally stem from a lack of information, lack of knowing them in person and also from false images. It should not be forgotten that the Armenian diaspora is a combination of highly heterogeneous groups spread across many countries. In Turkey, the common opinion about the Armenian diaspora is that they are people who live in extremely comfortable conditions in their countries, and who dedicate all their energy to anti-Turkish activities. Yet, many diaspora communities are busy with their own daily problems and their struggle for their cultural survival.

GENOCIDE BILLS

Every now and then the bills/motions drafted for the purpose of recognizing the genocide committed against the Ottoman Armenians during the period starting with 1915, are brought to the agenda of parliaments in different countries, in particular in the USA, through the efforts of various diasporan institutions. When we asked our participants what they thought about it, one participant said:

Genocide bills do not concern me. What would be the consequence of a passed or failed genocide bill on the Armenians of Turkey? No consequence whatsoever. This is a matter of international politics.

On the other hand, some felt the need to express that these bills ensure that the treatment done to the Armenians in 1915 is not forgotten; otherwise no one in

Some felt the need to express that these bills ensure that the treatment done to the Armenians in 1915 is not forgotten; otherwise no one in Turkey would care about this matter anyway.

Turkey would care about this matter anyway. One participant used the following expression: “in fact, it is good that the bills are not passed, because [in this way] they always remain on the agenda”. Based on this comment, it can be said that Turkey does not have the initiative in this matter. In other words, since Turkey does not see 1915 as its own problem and since it does not take the ownership of the problem, other countries are filling this gap with their own initiatives. In fact, a “domestic” problem, which Turkey has to solve with its own people (including the diaspora, as a large portion of communities are in fact from Turkey) is now put forward before the country as an “international” issue.

EVALUATION AND RECOMMENDATIONS

While solving the issue which is called as the ‘Armenian Question’ in Turkey, it is important to talk with the diaspora, Armenia and the Armenians of Turkey on equal conditions and listen to and try to understand the other side. The Armenians of Turkey are already citizens; dialogue with them means keeping open channels of communication with the institutional (school, foundation, association, church) representatives. However, this dialogue should not be limited to several visits designed purely for show purposes; it should be continuous and effective, and most of all, it should be institutionalized. Dialogue with Armenia should be continued both at the state/government level and at the civil society level. And the most important platform for inter-state dialogue is, undoubtedly, diplomatic relations. The lack of any such official relations between Turkey and Armenia makes dialogue difficult as well. Moreover, Turkey has insufficient dialogue with the Armenian diaspora. Here the various

institutions¹⁰⁷ established by the diasporan Armenians might be chosen as dialogue partners by the Turkish state/government.

The political attempt to place the Armenians of Armenia, of the diaspora and of Turkey against each other is not the correct strategy. Of course there are differences and differing views among them, yet this does not mean that they are the antithesis of each other. The steps taken by Turkey to show these three elements in conflict are identified by the Armenians as “separatist” policies and “cheap tactics”, and shown as a sign of Turkey’s “ill intent”. A journalist participant who is familiar with the Armenian internal affairs explains it as follows:

This [Turkey’s attempts to show the diaspora, Armenia and the Armenians of Turkey as the opponents of each other], serves the nationalists on the Armenian side. There is this situation we witness in Turkey. Among Armenians, the issue of genocide is perhaps one of the two issues on which they have consensus. Now, Turkey is trying, through her own politics, to create a crack between Armenians in this atmosphere of consensus. And Turkey is doing it by distinguishing between Armenia and the diaspora. And what happens? The nationalists of the other side are saying “look, they are trying to divide us in our national cause”, so it plays into their hands. There is no other consequence that comes out of this.

Besides, even if we assume that Turkey solves all her problems with Armenia, as long as the Armenian diaspora is excluded from the process, the “Armenian Question” will not end for Turkey in the international arena. Therefore, Turkey should also seek ways to engage in dialogue with the diaspora.

107 Diaspora institutions have a high number and diversity. How and with whom dialogue will be engaged should be addressed within the framework of a project. Among the institutions in the USA; where the Armenian diaspora appears to be the most organized, we can mention the Armenian Assembly of America and the Armenian National Committee of America.

Section Nine

Conclusion: General Evaluation and Recommendations

The problems faced by the Armenians of Turkey can be addressed on two main axes: legal and political-ideological. While some pieces of legislation adopted in the Republican period restricted the exercise of the positive minority rights provided for in the Treaty of Lausanne, no legal arrangements have been made that directly take these rights under guarantee. Miscellaneous government decisions and bureaucratic obstacles stemming from political and ideological-based discrimination led to practices that violated equal citizenship rights, while the discriminatory mentality pattern was re-produced within the oppressive practices in the social and daily life. Although the corrections started with the adoption of the Copenhagen Criteria in 1999 as a condition for Turkey's membership to the EU were reparative, they remained partial, and they did not lead to the adoption of comprehensive basic legal arrangements conforming to the norms of contemporary democracy and concerning the problems encountered by Armenian institutions and citizens. Today, Armenian institutions are deprived of a legal basis that will enable them to establish an effective internal administration. On the other hand, the signs of a new process in the Armenian society are witnessed in the struggle waged at the judicial level for the property ownership rights of foundations, as well as in the increasing participation rate in civil society initiatives for the exercise of citizenship rights and for the democratization of Turkey. This process, which goes beyond confinement to a religious identity and in a communal shelter, is accompanied by a call to the Turkish society and the government officials to come to terms with the great devastation encountered by the historical Armenian existence and culture in

Turkey in and after 1915, and which is also participated by the social segments that criticize the official history-writing in Turkey. One other way to take into consideration the demands of the Armenian society and the proposed solutions is for the government and administrative circles to enable a consultation and negotiation method and a set of practices, as a requirement of contemporary democracy.

BETWEEN LAUSANNE AND CONTEMPORARY HUMAN AND MINORITY RIGHTS CODES

One of the main determinants of legal problems stems, no doubt, from the implementation of the Treaty of Lausanne, which is accepted as the founding treaty and year zero of the Republic. Laws passed in Turkey in line with the centralist and homogenizing nation-state model of the Republican regime made it impossible for Armenian institutions to continue the practice of autonomous administration inherited from the Ottoman time. While within the framework of the minority rights conferred on non-Muslims in the Treaty of Lausanne, the existence of institutions such as churches, schools, hospitals and orphanages, and the foundations undertaking the maintenance are recognized, the positive rights envisaged in the Treaty of Lausanne for the protection and furtherance of their survival were, to a large extent, suspended. The laws adopted and the legislation introduced did not take into consideration the central importance and characteristics of minority schools and foundations in conserving the Armenian culture and identity, and did not grant a legal entity status to the Armenian Patriarchate of Istanbul. Minority foundations with legal entity were made subject to the Foundations

Law with a separate classification as “community foundations”. Since they did not have foundation statutes, the registry and disposal of the existing immovable properties and the acquisition of new immovable properties by these foundations were, to a large extent, prevented by way of accepting the 1936 property declarations of the foundations as their foundation statutes, and pressure was exerted on the maintenance of their material assets. In addition, despite some legal guarantees, the negative approach of the administration, bureaucratic obstacles and unlawful judicial decisions also reinforced the oppression and resulted in violation of equal citizenship rights.

New legal arrangements to ensure expansion of freedom of association through foundations, associations and similar institutions by non-Muslim minorities are not against the Treaty of Lausanne as asserted by some official circles. In fact, the state does not duly implement the Treaty of Lausanne when it comes to arrangements related to minorities. On the other hand, it adopts an attitude that somehow continues the *millet* system, by accepting the Armenian Patriarch as the representative of the Armenians of Turkey. If the Republic of Turkey were to implement the relevant articles of the Treaty of Lausanne, it would be able to solve certain problems related to the schools and foundations of Armenians. In other words, some solutions can be drawn out from the Lausanne; on the other hand, it should not be forgotten that Lausanne is far behind the contemporary understanding of minority and human rights. The new regime of minority rights coming on the agenda as of 1990s in Europe has a more comprehensive context than the minority rights envisaged in international treaties signed after the WWI, such as the Treaty of Lausanne. The view that not only the civil, political and social but also the cultural aspects of citizenship rights should be taken under guarantee has become an indispensable part of the contemporary minority governance. In this context, Turkey should ratify and adhere to treaties and conventions on minority and human rights to

which it is a party (such as the UN Convention on the Rights of the Child), should lift its reservations (such as those pertaining to the Covenant on Civil and Political Rights), and should become a party to those international conventions related to the subject, to which it is not yet a party (such as the UNESCO Convention against Discrimination, and the Council of Europe Framework Convention on the Protection of National Minorities). Turkey’s target of full membership to the EU, anyhow, necessitates such actions.

On the other hand, as pointed out by the participants, the ethno-cultural identity implication ascribed to the definition of citizenship in Turkey (Constitutional Article 66: “Everyone bound to the Turkish state through the bond of citizenship is a Turk”) allows a discriminating mentality that is against rights-based inclusiveness and equality. Recognizing citizenship as a constitutional status in terms of full exercise of rights regardless of any differences based on ethnicity, religion and faith, or in other words, without making references to any ethnocultural identities, would provide a fundamental constitutional assurance to “the minorities” regardless of the status of their recognition by the state as such. On the other hand, as envisaged in the concept of contemporary minority rights, there is a need to make legal arrangements for recognition and protection of cultural diversity and differences. Assuring the rights contained in the Treaty of Lausanne in the new Constitution, as

Recognizing citizenship as a constitutional status in terms of full exercise of rights regardless of any differences based on ethnicity, religion and faith, or in other words, without making references to any ethnocultural identities, would provide a fundamental constitutional assurance to “the minorities” regardless of the status of their recognition by the state as such.

suggested by some participants, will also clear the path for legal arrangements that will strengthen the exercise of these rights.

POSITIVE DISCRIMINATION

The participants had different perspectives on whether the Armenians of Turkey should be subjected to positive discrimination with regard to protection of ethno-cultural identities. Some did not find it favourable as they perceived being subjected to positive discrimination as an indicator of a second-class citizenship, and even advocated that putting such positive discrimination applications into laws would strengthen the mentality that already perceives non-Muslims as “entrusted subjects”. One participant, thinking that positive discrimination would be discriminating, said:

If you want positive discrimination for yourself, then it means you are already regarding yourself as different. Yet, I do not want to see myself as different. Alright, I am Armenian and you are Turk, and the other is Kurd and yet the other is Alevi. I do not want to see myself as different here. I want to feel that I am a part of the society.

According to this group, a fully practiced understanding of equal citizenship, and the furtherance of the country’s democracy would suffice for solving the problems of the Armenians. On the other hand, there were also some participants who argued for the necessity of positive discrimination on account of the fact that the current disadvantageous position of Armenians in Turkey precludes their existence without state assistance .. In other words, it is no longer sufficient for the government to limit itself to remove the barriers that make it difficult for Armenians to keep their identities and cultures alive, or that restrict educational opportunities. Direct support of the government is needed for the survival of the Armenian education and culture. One participant, stressing that positive discrimination practices have the quality of being a “reparation of the past”, advocated the necessity for positive

Understanding of equal citizenship, and the furtherance of the country’s democracy would suffice for solving the problems of the Armenians. On the other hand, there were also some participants who argued for the necessity of positive discrimination on account of the fact that the current disadvantageous position of Armenians in Turkey precludes their existence without state assistance.

discrimination on the basis of the dispossession of the Armenians in the historical process:

Dispossession is something that affects many generations. For example, we would have had many more scholarship systems and we would have been able to fund the schooling of many more children and we would have had many more schools and many more cultural centres [if we had not been subjected to dispossession]. We do not have them now. And without them, the new generations could not benefit from such opportunities. Hence, something must be done to repair the past.

POLITICAL AND IDEOLOGICAL ATTITUDE

It is clear that the main reason for the current legal arrangements and the reluctance of the legislators to adopt more comprehensive and fair legislative arrangements is the political and ideological deadlock at the state level in Turkey. The non-Muslims in general and the Armenians in particular are perceived and positioned as “elements of threat” and “strangers”. It has become a constant political reflex for the administrators in Turkey to address them in terms of a “security issue”. The history of the Republic is full of examples showing that “minorities” are not considered as equal citizens and are subjected to discriminating policies. The denial of being a part of the historical existence of this country and the voluntarily adopted citizenship of the Republic of Turkey, by reducing them to religious and ethnic difference, and the perception of Armenians as “strangers” in their own “homes and lands”, are the

most highlighted common denominator of the problems encountered by the Armenians of Turkey. Discriminating attitudes encountered in the daily life and the “racist-ethnic nationalistic” discourse echoed in the media show that the same mentality is also accepted at the society level.

INITIATIVES

It is accepted by almost all the participants that the reforms that have come on the agenda with the introduction of the EU harmonization laws have brought some initiatives, and that some positive changes are occurring. However, there are also some reservations and criticisms regarding this process. For example, some of the criticisms include that the initiatives are superficial, that they are done just to “pull the wool over Europe’s eyes” or “increase the potential votes of AKP”, and that the whole process was excessively dependent on the will and personality of PM Erdoğan.

The assessment of the initiatives reveals an underlying problem of confidence. It is a widespread perception among the participants that the state is not sincere in its approach to the problems of the Armenians of Turkey, that it is pursuing a “stalling tactic”, or that it is “pretending”. Moreover, it was expressed that this situation is not specific to today, and that the steps taken by the rulers so as to institute equal citizenship have, since the “*Tanzimat*”, been superficial and ostensible. There is the impression that the state or the government is taking

an interest in these problems “not so as to do something good and right” but only because of some political calculations. The fact that the rights accorded by the state are presented as “bestowments” further reinforces this perception. The non-restitution of the historical Armenian church on the Akhtamar Island to the Armenian Patriarchate of Turkey; permitting worship for only one day a year, and the refusal to mount the cross on the church roof until the inauguration day were all considered as the latest examples of this approach. As an example, the following words of a participant on the Akhtamar Church are noteworthy:

I will believe that the state has done this to do a good deed only if and when it gives the church to the use of my community. Then I will say ‘well done, the state did what it should’. But, I believe currently they are just being restored for touristic return, and as a make-up for the EU.

Hence, an important step in the solution of the problems will be for the state to take concrete steps that will break this perception, which dates back to the 19th century. Returning the foundation properties or providing a meaningful financial support of foundation schools can be examples to these concrete steps. A simple but determined political will shall be enough to surmount some of the problems. The way to realize a more inclusive democratization is through a “mentality change”. What is expected of the administrators is to produce “sincere” policies in conformity with the international law norms and independently from the concern over Turkey’s “image outside”.

The Armenians’ caution about the initiatives can be explained in terms of their historical experiences. Whenever they are hopeful, whenever they feel confidence, they are always disappointed; hence, their attitude towards the initiatives is simply a “once burned twice shy” reaction. Just like it is never easy to regain the trust of a child who has long been exposed to violence, it may not be easy to gain the trust of Armenian society that have long seen violence on

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these lands. Besides, inconsistent and solicitous policies and the “one step forward, two steps back” progress are far from instilling confidence in any segment of the society, let alone the Armenians. With regard to the initiatives, what is expected from the state and the government is clear and more confident steps and practices.

On the other hand, the religion-based “tolerance” approach that sometimes comes to fore at either the state level or the society level is not an approach that can be the foundation for the initiatives, as it ignores equality before laws and re-produces the hierarchical relationship between societies/religions. As a requirement of laicism, in order to protect the freedom of religion, the state should be at an equal distance to all religions and should include legal guarantees for religious rights. In any case, regarding the Armenians of Turkey as “religion-based communities” means denying both their ethnic identities and cultures, and their status as individual citizens. Moreover; treating Armenians as one of many different religious groups in Turkey merely on the basis of their present day lives infers their dehistoricization; and ignorance of their historical existence in this country as well as the devastating effects of the 1915 genocide; the Republican political and ideological discrimination against them, and the legitimate political, societal and cultural counter-demands of Armenian citizens.

Despite all these criticisms and cautious approaches, some participants also expressed praise to the progress made in the recent years. It is accepted that, in the recent years there is a relaxation and liberalization incomparable to previous years:

I think none of the works done should be denied. Yes, it may not be as we may have wished, or it may not be implemented in the way we had thought, yet this does not mean refusing at once all that has been done. Of course, we have to make our own thoughts known as to how all these can evolve into a better process.

It is emphasized that there is still a long road ahead towards democracy, and there are doubts about

whether the gains achieved will be permanent or not. Thus, legal arrangements that will render these gains permanent should be created immediately.

FROM A COMMUNITY TO CITIZENSHIP

In this study, we purposefully avoided describing the Armenians living in Turkey as a “*cemaat*” (community), as this word points at a concept that is fairly loaded in the sociological sense. In short, the term “*cemaat*” is used for groups which are homogenous in all aspects, strictly devoted to their common values and, as a result, in which religion is the dominant factor and which does not demonstrate a wide diversity of ideas within itself. Yet, during the workshops, we saw that the Armenians of Turkey have some characteristics that make it impossible to describe them as a community, even though they constitute a small group. For example, the participants did not have the tightly closed, reserved nature that is generally attributed to communities. The participants have freely voiced their thoughts on various issues with no hesitation.¹⁰⁸ In addition, it was observed that they have a diversity of ideas and views, which is unexpected of members of a community. The participants have voiced opposite views on some topics. And beyond that, the participants expressed that diversity of ideas was normal and even necessary, confirming the multivocality of the Armenian society.

When we take a general look beyond the workshops, the positions taken and demands made by the Armenians of Turkey in the last five to ten years can be interpreted as the indicators of the transition from a “*cemaat*” to equal citizenship. The Armenian society avoided an “Armenian identity” based visibility and opted for self-enclosure within the “*cemaat*” (community) for a long time throughout the Republican era because of discriminatory policies and attitudes. They have finally started to make

¹⁰⁸ It can be said that both confidence in the institution (TESEV) organizing this study and the progress made by the country towards liberalization in the last 10 years contributed to this.

themselves heard since mid 1990's; their call for equal citizenship and respect for the Armenian identity have reverberated in the democratization process starting in 2000s. In addition, the Armenian society did not shy away from fighting in courts against administrative practices and judicial decisions that violated the property ownership rights of Armenian foundations, and some cases were referred to the ECtHR after all domestic remedies were exhausted.

INTROSPECTIVE CRITICISMS AND DISCUSSIONS

On the other hand, despite all these court cases, many of the participants did not find the struggle enough and described the Armenian society of Turkey as passive, and the idea that this passivity is not sufficiently questioned by the Armenian society gained weight. It was expressed that a more aggressive attitude focusing on seeking rights through legal remedies should be adopted. However, it was also expressed by the participants that state authorities create difficulties and obstacles to Armenian institutions that apply to legal remedies. They have even witnessed being threatened by state officials that their "transaction would not be handled" unless they withdrew the court case filed against the state.

It was expressed as a continuation of the initiative oriented approach that not everything should be expected from the Patriarchate, and that it would be the right thing for the civilians and not only the spiritual circles to take responsibility to solve the problems of the society; and as such that the Patriarchate was far from being able to meet all needs. On the other hand, there were also some participants who argued that the Patriarchate should remain the "number one" institution. In addition, it was observed that there was no clarity or consensus on the definition of civilian administration and how it should be reflected into practice.

Another self-criticism was that the Armenian society's internal dialogue channels were not sufficiently open.

Interestingly, the four workshops held for this study revealed visibly this shortage of dialogue between different segments and groups: Many participants expressed having listened to the discussions at the workshop "with curiosity and interest" and having "learned a lot of new things thanks to this occasion". In the end, the participants thanked for "such an opportunity" and left the workshops thinking that, as the Armenians of Turkey, they need to talk more frequently with each other and that this is vital for the resolution of the problems.

One of the most controversial topics of self-critical assessments was the position that the Armenian society would take towards the Muslimized individuals who have disclosed their Armenian roots and who want to protect that identity. This topic opens to discussion some "big" questions such as "Who is an Armenian? What are the components of the Armenian identity? Could a non-Christian be an Armenian?" It was understood that the opinions on this subject were contrary to each other, far from reaching a consensus. For some, Christianity was an inseparable part of the Armenian identity, while for others; Christianity is "only a religion" and is not a *sine qua non* of being Armenian. In short, for those in the second group, an Armenian can very well be a Muslim too. In addition, those included in this group complain about the isolationist attitude displayed by the other group towards these "crypto" Armenians who have become Muslimized and who have only recently started to express themselves.

DIALOGUE AND NEGOTIATION FOR SOLUTION

Before passing on to some more concrete recommendations, a general principle must be mentioned in the solution of the problems of the Armenians of Turkey, which is dialogue and negotiation. To put it more clearly, the state bodies of the Republic of Turkey must mind the personal views of Armenians with regard to the solutions of their problems, must ensure the involvement of Armenians

of all social segments and political positions within a negotiation process, and prioritize their solution suggestions. In other words, Armenians should be able to have the first say in the solution of their own problems. With regard to how they want to elect their patriarchs, negotiations should be organized including not only the spiritual dignitaries but also the segments demonstrating civic initiative. State officials

should not regard the initiatives launched by the Armenians or policymaking in consultation with Armenians as “compromising” or “losing position”. In contemporary democracies, one of the main requirements of the state-citizen relationship is this sort of a negotiation. Besides, a contemporary, democratic state must give priority to the requests of its citizens and try to meet their demands.

Recommendations

TO THE PARLIAMENT, POLITICAL PARTIES, GOVERNMENTS AND BUREAUCRACY

- The new Constitution should contain a more inclusive **citizenship definition** that stands at an equal distance to all ethnic groups. In this view, no references should be made on the basis of ethnic identities.
- Recognition of and respect to cultural diversity and difference should be adopted as a **constitutional** principle.
- **The new Constitution** should be based on fundamental rights and freedoms, which should not be limited on grounds such as “security of the state”. The principle of “state for the society” should be adopted.
- **In order to comply with contemporary standards**, Turkey should withdraw its reservations on the UN Covenant on Civil and Political Rights and the Convention on the Rights of the Child; Turkey should sign the UNESCO Convention Against Discrimination in Education and the Council of Europe Framework Convention on the Protection of National Minorities.
- The application of “**reciprocity**”, which is unlawful and against contemporary human rights, and which causes the suspension of minority rights in many areas ranging from education to the fields of activity of foundations should be abandoned.
- Necessary **legislative arrangements** should be made to integrate into domestic law the obligations concerning the elimination of discrimination, as stipulated in international conventions signed by Turkey, such as the Universal Declaration of Human Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination.
- Article 216 of the Turkish Penal Code (TCK) should be rearranged to deter and punish **hate speech**; **hate crime** should be addressed not only as an act that threatens “public order” or “public peace”, but as something that is wrong in principle.
- The sensitivity shown with regard to “insulting the Turkish identity” should apply to all **ethnic and religious identities** and the currently effective law article should be amended to that effect. However, while preventing denigration of the Turkish identity or another identity, care should be taken to ensure that said arrangement does not limit the individual freedom of speech.
- Articles to prevent usage of denigrating and discriminatory language should be added to the Media Law and the Radio and Television Supreme Council Law (*Radyo Televizyon Üst Kurulu Kanunu*) to deter and punish broadcasts and publications of media organs containing **hate speech** and **denigration of any and all identities**.
- All organs of the government and the bureaucracy should implement **equal citizenship** with all its institutions and rules; obligations arising from the Treaty of Lausanne should be fulfilled.
- The legislative arrangement opened to debate for “**prevention and elimination of discrimination**” in a way that will enable legal prosecution of all forms of discrimination should be made more inclusive; in order to ensure effective implementation of the law, a board with supervisory and

sanction power should be established, for which the groups and individuals who are systematically exposed to discrimination in Turkey should be consulted and their needs should be assessed.

- With an understanding of the equality of differences, **the existence and protection of all languages, cultures and lifestyles** in Turkey should be accepted among the primary duties of the state. Specifically for the Armenians of Turkey, the state should provide support, in the manner of positive discrimination as envisaged in the Treaty of Lausanne, against the danger of the erosion of the Armenian identity and culture.
- The **Armenian schools**, together with other minority schools, should be granted a permanent special status in accordance with their particularities. The legislative arrangement on this matter should observe the principle of positive discrimination.
- Together with such legislative arrangements, the government should provide financial support in the preparation of textbooks, training teachers, payment of teacher salaries and closing of budget deficits for **Armenian schools**.
- A sufficient number of Departments of Armenian Language and Culture should be established in universities in order to keep alive the **Armenian Language and the Armenian Culture**; support should be given to Armenian radio broadcasts and Armenian drama activities.
- In addition to Armenian language courses, courses that teach Armenian history and culture should be enabled in **Armenian schools**.
- Legislative arrangements pursuant to the principles of the UN Convention on the Rights of the Child should be adopted so that **children from Armenia can receive education in their native languages**.
- Narratives which contain “hatred and hostility” and discriminatory discourse against Armenians should be removed from history textbooks.
- Equality with Muslims should be observed in many domains ranging from opening and maintaining **places of worship to clergy education**.
- Shares from the state and local government budgets should be allocated, as per the provisions of the Treaty of Lausanne, for maintenance and repairment of **churches and cemeteries**.
- **Historical Armenian churches** that have gone through restoration should be opened to worship and their administration should be handed over to the Armenian Patriarchate.
- In order to enable the **clergy education**, opening the clergy education section of the Surp Haç Tibrevank School should be allowed.
- The government should stand behind the circular (of 13 May 2010) published by PM Recep Tayyip Erdoğan with regard to elimination of the problems encountered by the non-Muslim minorities, and **negative and restrictive practices of the administration** should be investigated.
- **The Armenian Patriarchate of Istanbul** should be granted **legal entity**. In Turkey, where there is a Presidency of Religious Affairs as a governmental body, it is the requirement of laicism to give the patriarchate an official status with legal entity. Granting legal entity status to the Patriarchate will not be against the Treaty of Lausanne, and it will be an act already inherent in the positive rights foreseen for the protection of institutional existence.
- The government should allow the patriarchal elections demanded from the government, so that civilian participation is determinative in line with the traditional practices in **patriarchal elections**.
- Instead of subjecting each **patriarchal election** to authorization from the government, it should be possible to have an official and permanent election bylaw.
- The new laws that are oriented to compensate for the legal restrictions and practices that violate the property ownership rights of “**community**”

foundations” as of 2000s, can only provide partial rectification. All immovable properties seized from the foundations and transferred to the disposal of the state should be returned, and compensation should be paid for those that have passed over to third parties.

- Unlawful rationales such as the 1936 Declaration, which aim to prevent acquisition of property by **community foundations** should be abandoned.
- Constitutional guarantee should be ensured in to block judicial decisions that violate the principle of equal citizenship, such as the 1974 Ruling of the Court of Cassation with regard to the property ownership of **community foundations**.
- **Community foundations** should be given a new status in view of their historical characteristics and the distinctive ways through which they were found, and their operations and administrations should be regulated with a separate law.
- As a method that may contribute to the solution of the problems encountered by **community foundations**, an official advisory board that will enable participation of non-Muslim representatives should be established.
- **Non-Muslim representatives** should be included in the Minority Issues Review Board, and/or a “**Minorities Department**” which will address the problems of the non-Muslim minorities should be established.
- The government should take responsibility in the elimination of the administrative barriers and inconsistencies encountered in the compensation and exercise of the property ownership rights of **foundations**.
- Legislative arrangements should be made to ensure coordination in the administration of the **foundations** and joint election of foundation administrators.
- The state and local governments should provide material and moral support to facilitate the maintenance of **foundations** within the framework of the Treaty of Lausanne.
- Law provisions that restrict the areas of activity of **foundations** in the national and international arena should be abolished.
- The government and the administration should take initiatives to carry out **negotiations** with participants representing different segments of the Armenian society, in order to analyse the problems and produce solutions.
- The public authority should prepare the environment for removing the **ideological boundaries in history-writing**, should clear the path for academic studies, and should remove the potential penal obstacles put in front of activities such as translation/publishing of foreign-language publications in/to Turkish.
- Putting into effect the protocols signed for the opening of borders between **Turkey and Armenia** will contribute to normalization of the relations between the two countries; bringing to life the concept of “zero problem with neighbours” should not be indexed to the Karabagh issue or the genocide discussions.
- The parliamentary investigation of the **Hrant Dink murder** should be deepened so as to expose all perpetrators and responsible individuals; relevant material evidence should be submitted to the judiciary; the government should take responsibility for investigating the state officials who have committed a crime.

TO CIVIL SOCIETY ORGANIZATIONS, MEDIA AND UNIVERSITIES

- In addition to legislative arrangements, the media has to develop a sense of mission with regard to raising awareness against **discrimination and hate speech** and imparting sufficient knowledge to the public about the **Armenian culture and the history of Armenians on these lands**. In this regard, civil society organizations are expected to

issue the necessary notifications to the media and initiate educational activities.

- The intellectuals, civil society organizations and initiatives in Turkey should persist on their democratic struggle against **hate speech, discriminatory policies and practices**.
- **Facing 1915** will make positive contributions to Turkey's democratization and co-existence of different ideas and cultures. It is a moral debt to expose in all clarity the perpetrators and culprits of these events and to explain them to the public. It is the matter of coming to terms with the dark phenomenon that led to the mass annihilation of Armenians in the last period of the Ottoman history. Tangible steps should be taken not only to reveal the facts but also to repair and indemnify what has happened.
- The people can be and should be an actor, in equal measure to the state, in **facing history**. Family histories, which we have witnessed recently with some impressive examples, and imparting of information on the pre-1915 period, and micro studies, such as oral history, should be encouraged.
- One dimension of **coming to terms with the history** is gaining awareness about the history and culture of the Armenians in this country. Studies on this topic should be encouraged in Turkey, and publications from abroad should be made use of.

TO THE ARMENIAN SOCIETY OF TURKEY

- The Armenians of Turkey should be incorporated into the **overarching struggle for democracy against discrimination and for the protection of their culture**.
- The struggle in domestic courts and the applications to the ECtHR for the seized properties of the **foundations** should be continued.
- If it is thought that the **Patriarchate** is responsible only for spiritual matters and that the Armenian

society needs a civilian representation, consensus should be reached on this matter.

- Instead of accepting a passive position within the "community" and instead of sufficing with the mediation of the Patriarchate, voicing the problems in the public realm and spreading **civil society initiatives** would be effective in reaching a solution.
- As another aspect of **civic participation**, it is a positive development that links are being established with the wider society and association activities are being diversified with regard to reminding the Turkish society about the Armenian presence in Turkey and its cultural heritage, and protection of the Armenian culture and works of art; there is benefit in tapping into this potential.
- The **Armenian society of Turkey** should establish healthy, perpetual and democratic **dialogue** channels to ensure exchange of information and ideas among **its own members**.

List Of Persons Who Participated into the Closed Workshops

Four closed workshops were organized on 23 October 2010, 27 November 2010, 11 December 2010 and 15 January 2011, under the auspices of the TESEV Democratization Program. The viewpoints in this report belong to the authors, and they may not necessarily concur partially or wholly with the workshop participants' viewpoints. Names mentioned below contributed into this study within their areas of specialization and experience, personally. Viewpoints quoted by the participants do not necessarily represent the institutions they are part of. The list below does not include all the workshop participants.

Table 1 – List of Workshop Participants	
Participant's Names	Institution / Profession
Alin Ozinian	Writer, Researcher
Ara Koçunyan	<i>Jamanak</i> Newspaper, Editor-in Chief
Aris Nalçı	<i>Agos</i> Newspaper, IMC TV
Arusyak Koç Monnet	Private Karagözyan Armenian Preschool – School Principal
Ayda Gutsuz	Dentist
Belinda Mumcu	Graduate of Sociology
Besse Kabak	
Cem Çapar	Veterinary Surgeon
Cem Ercin	Armenian Protestant Church, Associate Pastor
Dença Kartun	Galatasaray University Student
Esra Bakkalbaşıoğlu	TESEV Democratization Program
Etesiya Tırtır	Electrical Engineer
Garo Paylan	Yeşilköy Armenian Elementary School
Günay Göksu Özdoğan	Author of the report, Marmara University
Heriknaz Avagyan	Teacher
Hosrov Köletavitoğlu	Malatya HAYDER
Kayuş Çalıkman Gavrilof	Equality and Democracy Party (EDP) Member – Sayat Nova Choir Member

Kirkor Ağabaloğlu	Armenian Protestant Church, Pastor
Luiz Bakar	Lawyer
Manuel Çıtak	Photographer
Mariam Drameryan	Marmara Newspaper
Melisa Akan	Bogazici University Student
Melkon Karaköse	Surp Kevork Church Foundation
Miran Pırğıç Gültekin	President of Association of the Armenians of Dersim (<i>Dersimli Ermeniler Derneği</i>)
Misak Hergel	Vakıflı Village Development and Solidarity Association (<i>Vakıflı Köyü Kalkındırma ve Dayanışma Derneği</i>)
Natali Bağdat	Private Getronagan High School
Nayat Muratyan	Media and Press Consultant
Nazar Büyüm	Adam Publishing House, Publisher
Nora Mildanoğlu	Hrant Dink Foundation, Project Coordinator
Ohannes Kılıçdağı	Author of the report, Istanbul Bilgi University
Özge Genç	TESEV Democratization Program
Pakrat Estukyan	<i>Agos</i> Newspaper
Rafi Hermon Araks	Writer, Researcher
Rafi Bilal	Mechanical Engineer, Former Vice President of Social Democrat People's Party (<i>SHP</i>)
Sarkis Arık	Surp Haç Tibrevank Alumni Association (<i>Surp Haç Tibrevanktan Yetişenler Derneği</i>)
Sarven Sıradağ	Software Engineer
Sayat Tekir	Nor Zartonk Initiative Member
Setrak Davuthan	Lawyer
Sevan Değirmenci	<i>Jamanak</i> Newspaper
Silva Kuyumcuyan	Private Getronagan Armenian High School, Principal
Şuşan Özoğlu	School Principle, Retired
Takuhi Tovmasyan Zaman	Aras Publishing House (<i>Aras Yayınevi</i>)
Tatyos Bebek	Dentist
Yetvart Tomasyan	Publisher
Zakarya Mildanoğlu	Architect, <i>Agos</i> Newspaper, Writer

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