

THE ASSYRIAN CASE: THE IMPACT OF THE EUROPEAN UNION ON
TURKEY'S MINORITY RIGHTS CONCEPT

by

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Submitted to the Graduate School of Arts and Social Sciences

in partial fulfillment of

the requirements for the degree of

Master of Arts

Sabanci University

Spring 2014

THE ASSYRIAN CASE: THE IMPACT OF THE EUROPEAN UNION ON
TURKEY'S MINORITY RIGHTS CONCEPT

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DATE OF APPROVAL: July 21st, 2014

To my family...

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European Studies, M.A Thesis, 2014.

Thesis Advisor: Ayşe Parla

Keywords: European Union, minorities, Assyrians, Turkey, Treaty of Lausanne

Abstract

By setting the 'non-Muslim' conditionality in the Treaty of Lausanne as the only criterion to be granted with minority protection, many ethnic groups whose homeland is in Turkey have been excluded from minority protection. The Assyrians, a non-Muslim community inhabiting these territories for 5500 years and who fit the minority definition of the Treaty of Lausanne, have long struggled to gain the same rights granted to the officially recognized minorities, namely Armenians, Greeks, and Jews. Turkey's unwillingness in recognizing Assyrians as a minority group is a clear indication that broadening the minority concept is not preferable by the State. However, only recently, have the Assyrians been granted with broader rights to sustain their culture and tradition. While a court case ruled in favor of Assyrians right to make use of their rights as stated in the Treaty of Lausanne, an official acknowledgement about their recognition has not been made by state officials. Although the court decision is a very recent development and a precedent case, legal and operational shortcomings with regards to protection of Assyrians' rights continue to exist. However, the case is a clear indication that the Turkish government is changing their attitude towards the Assyrians. Acknowledging the alteration in the government's approach, this study analyzes how the European Union (EU) is the actual motivator behind Turkey's changing approach towards the status of Assyrians. The EU influences Turkey's policy by acting as an influential voice for the Assyrians.

SÜRYANİLERİN DURUMU: AZINLIKLIK HAKLARI KAVRAMINA İLİŞKİN AVRUPA BİRLİĞİNİN TÜRKİYE ÜZERİNDEKİ ETKİSİ

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Avrupa Çalışmaları, Yüksek Lisans Tezi, 2014.

Tez Danışmanı: Ayşe Parla

Anahtar Kelimeler: Avrupa Birliği, azınlıklar, Süryaniler, Türkiye, Lozan Antlaşması

Özet

Azınlık korunması elde etmek için Lozan Antlaşması'na göre 'gayri-Müslim' olma şartı tek bir kriter olarak konulmuştur. Bu yüzden birçok etnik grubun vatani olmasına rağmen bu gruplar Türkiye'de azınlık korunmasına dahil edilmemiştir. Bir gayri-Müslim topluluk olarak bu topraklarda 5500 yıldır yaşayan ve Lozan Antlaşması'ndaki azınlık tanımına uyan Süryaniler, azınlık oldukları resmi olarak kabul edilen Ermeniler, Rumlar ve Yahudilerin sahip oldukları haklara sahip olmak için uzun yıllar çaba sarfetmiştir. Türkiye'nin, Süryanileri azınlık olarak tanınması konusundaki isteksizliği Devlet'in azınlık kavramını genişletme taraftarı olmadığına açık bir göstergesidir. Ancak kısa bir süre önce Süryaniler, kültürlerini ve geleneklerini sürdürmek için daha geniş haklara sahip olabilmıştır. Yakın zamanda açılmış olan bir davada, Lozan Antlaşması gereğince haklarından faydalabileceklerine dair Süryanilerin lehine karar verilmişken, kendilerinin azınlık olduğuna dair devlet yetkililerinden henüz resmi bir onaylama gelmemiştir. Mahkeme kararı yeni bir gelişme olup örnek oluşturan bir dava olsa da, Süryanilerin haklarının korunmasına dair hukuki ve işlemsel eksiklikler devam etmektedir. Ancak bu dava, hükümetin Süryanilere olan yaklaşımında değişiklik olduğunun açık bir göstergesidir. Hükümetin yaklaşımında değişim olduğunu kabul etmekle birlikte, bu çalışma Süryanilerin statüsüne dair Türkiye'nin değişen tavrının arkasında Avrupa Birliği (AB)'nin nasıl teşvik edici bir rol üstlendiğini analiz etmektedir. AB, Türkiye'nin politikasını, Süryanileri güçlü bir ses olup destekleyerek etkilemektedir.

Acknowledgements

First and foremost, I would like to express my deepest gratitude and appreciation to my advisor Ayşe Parla for her immense knowledge and patience. Her constructive comments and guidance have been priceless and helped me tremendously throughout my research. I feel privileged to have known her.

My sincere thanks go to Meltem Müftüler-Baç for her contribution in my studies. Her vast knowledge and lectures have helped me greatly in developing my skills.

I would like to thank my committee members, Ateş Altınordu and Bahri Yılmaz for their assessments and suggestions on my thesis.

I would like to acknowledge Member of the parliament of Turkey, Mr. Erol Dora, for taking time out from his tight schedule and accepting my interview request. His broad knowledge and enthusiasm on the topic I have been doing research has been a great asset and an immense contribution to my thesis.

I would also like to mention my dearest friend and my classmate Yasin Bostancı for his motivation and support whenever I was in need of help.

I thank my dearest friend Şebnem Ece Egeli for enduring my stressful times and comforting me. That's what best friends are for while writing thesis!

At last but not least, I thank my beloved family, my mom, dad, and my brother for being there for me and supporting me in every decision I made throughout all my life. I thank my aunt, Fethiye Kaska, who would have wished to see me complete my studies, for her unconditional love. None of them would have been possible without their presence and encouragement. Therefore, I dedicate this thesis to my family for their endless love and support.

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LIST OF SYMBOLS AND ABBREVIATIONS

AMI	Assyrian Media Institute
CoE	Council of Europe
CSCE	Commission on Security and Cooperation in Europe
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EPIA	Exchanging Best Practices in the Integration of Assyrians in Europe
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
HCNM	High Commissioner on National Minorities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
MEP	Member of European Parliament
MP	Member of Parliament
OSCE	Organization for Security and Co- operation in Europe
TEU	Treaty on European Union
UN	United Nations

UNDM	United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities
UNHCR	United Nations High Commissioner for Refugees
WWI	World War I
WWII	World War II

CHAPTER 1

INTRODUCTION

Legal Background of Minority Protection in Turkey

The Helsinki Summit held on December 10-11, 1999 was a turning point for Turkey-EU relations. Ever since its first application to become a member of the European Community in 1959, Turkey had been waiting for approval by the Community in order to start the negotiation talks. With the declaration made in the 1999 in Helsinki Summit, Turkey was officially made a candidate member to the EU and the negotiation talks and started the opening of chapters.

In order to become a full member of the EU, Turkey is required to carry out a number of political and economic reforms to meet the Copenhagen Criteria. With the beginning of the negotiation talks in 2005, Turkey has been undergoing a process to meet the aforementioned criteria. One of the issues controversial both in Turkey and in the EU is the protection of minorities.

For centuries, the Turkish territory has been home to various tribes, societies, and civilizations. Since the establishment of the Ottoman Empire, the land has been home to people with diverse backgrounds, religions, and ethnicities. Aside from the Sunni

Turkish majority, there are officially recognized minorities including Jews, Greeks, and Armenians. Although not officially recognized as minority groups, there are also the Alevis, Kurds, Arab Christians, Laz, Zazas, Bosniacs, Pomaks, Circassians, and Georgians that can be considered as minorities in terms of population (Oran, 2008).

One of the issues discussed during the negotiation process between Turkey and the EU is the definition of the term “minority.” The Turkish definition is limited in scope compared to the EU definition, posing an obstacle during accession talks. On one hand, Turkey sets a minority policy according to the Treaty of Lausanne, which states that only non-Muslims are minorities. The rest of the population is regarded as Muslims and primary components of the Republic of Turkey. The Turkish definition differs from that of the EU’s by only taking religion into consideration when defining a “minority”, whereas most of the EU countries define minorities along national, linguistic, ethnic and religious lines. In order to become a full member, Turkey is required to follow criteria stipulated by the EU. Toktas and Aras (2009-2010) explain Turkey’s resolve in keeping religion the only factor into defining minorities and simultaneously its response to EU demands and criteria as a ‘two-pronged’ policy towards minorities. Toktaş and Aras (2009-2010) also state that this policy is a ‘pseudo-conciliatory’ policy, presenting an image of Turkey as a candidate country who is putting effort in passing reforms in accordance with EU *acquis communautaire*. However in essence, Turkey still insists on keeping its traditional minority regime unchanged.

Throughout this thesis, I will mention Erol Dora’s (A Member of Parliament of Turkey) opinions concerning EU-Turkey relations and the impact recognizing the Assyrians as a minority. I conducted a face-to-face, semi-structured interview with Erol Dora. Dora’s views on the topic of this work are highly valuable as he is the first MP of the Republic of Turkey with an Assyrian ethnic identity. He was elected with approximately 52,600 votes from Mardin after entering politics as an independent candidate with the support of Labor, Democracy, and Freedom bloc and has been serving as MP of Peace and Democracy Party (BDP). He candidly expresses his opinions on this particular matter after having served as a lawyer for the Assyrian Catholic Foundation after having

acquired an in-depth knowledge on matters concerning the Assyrian communities. His direct dialogue with the Turkish government and the EU officials and the Assyrian Metropolitan enables him to serve as a bridge between the EU and Assyrian communities. As an MP of Turkey he becomes the voice of the Assyrians as well as the supporter of other minority groups.

This paper's sole focus is to explore how Turkey gradually changed its approach towards the Assyrians once the EU became a push factor for Turkey to improve its minority regime. It is crucial to note, in advance, that Assyrians are divided into groups due to religious reasons. Although Nesturi, Chaldean, Melkit, and Syriacs come from the same ethnic origin, they split themselves into various groups due to a difference of opinion. This paper will use the ethnic origin as its base and use the term "Assyrian" throughout the paper to refer to all of the groups. The reasons for separation within the community shall be explained in the upcoming chapters. Before going into detail on the unique case of the Assyrians and why they are deprived of exercising minority rights, the first chapter shall include the definition of minority under international law and thereafter the legal framework and the legal definition of "minority" in the EU and in Turkey, and under what terms both parties have difficulty reaching an agreement.

CHAPTER 2

DEFINITIONS OF MINORITY

2.1 Definition of Minority under International Law

Minorities are defined as group of people who are different in terms of ethnicity, culture, and race within the society they live in. However, this definition needs elaboration and can be considered to be narrow in scope (Öztemiz, 2012). The main problem with regards to minority protection is the fact that there is no consensus on minority definition, which leads to the question of protecting ‘who’.

The definition put forward by Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, in 1977 is as follows,

“A group numerically inferior to the rest of the population, of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language” (Capotorti, 1979).

Capotorti’s suggestion is influenced by a definition made by the League of Nations’ Permanent International Court of Justice as a “group of people that live in a territory

and have a sense of solidarity to protect their race, religion, language, and traditions” (Çavuşoğlu, 2001).

Baskın Oran (2008) gives a broader explanation of the concept of minority by dividing the concept into two:

- 1) Through Broad (Sociological) Perspective: a group of people who are a minority in terms of number, who are not dominant, and have different features than the majority of the people within the society. This is a broad definition of minority and homosexuals¹ can also be included in this category.
- 2) Narrow (Legal) Perspective: A perspective by referring to the suggestion of UN Rapporteur Francesco Capotorti’s definition.

The 1992 United Nations (UN) Declaration on the *Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, reaffirms the protection and respect for human rights, one of which is the protection of minorities. The UN defines minorities based on national, cultural, ethnic, religious, and linguistic identity within their respective territories (United Nations, 1992). However, the United Nations High Commissioner for Human Rights (UNHCR) also recognizes the need to avoid ‘minorities within the minorities,’ where people can be discriminated due to their gender, sexual orientation, and their disabilities while they also belong to the minority group with different racial, linguistic, racial, and cultural features. As a result, they become even more marginalized which will eventually cause even more severe and obvious discrimination (United Nations).

In 1992, the UN Minorities Declaration (resolution 47/135) consisting of nine articles delineates which rights are granted to minorities and, states are entitled to ensure the following:

¹Baskın Oran, the author, here mentions homosexuals only, but and Lesbian, Gay, Bisexual, Transsexual and Intersex (LGBTI) communities can be given as an example to the sociological definition of minority.

- Minorities are protected for their existence as they are with their national, cultural, linguistic, and religious identity (article 1)
- Minorities are granted with rights and freedom to enjoy, profess, and practice their own culture and traditions (article 2)
- Minorities actively participate in decisions regarding minorities at national and regional level (article 2.3)
- Minorities have the right to establish and work with associations (article 2.4)
- No minority is subjected to discrimination and is fully equal before law (article 4.1)
- Conditions are created for them to develop their own culture, language, traditions, religion (article 4.2)
- They learn or to have instruction in their mother tongue
- Minorities are encouraged to learn their own culture, language, tradition, custom, and history (article 4.4)
- Cooperation on matters related to minority protection, exchange information so that mutual understanding can be achieved, and trust can be gained (United Nations, 1992).

Turkey, as a member of the UN, and a signatory of the Declaration is expected to fulfill the obligations in the Declaration as well as other treaty and agreements Turkey signed and ratified concerning minority protection.

2.2 Minority Concept According to the European Union Standards

In addition to the international agreements regarding the concept of minorities, Europe sets its own standards through legal instruments such as framework conventions, declarations, and legal documents. At the European level, standardization of the concept of minorities is divided into two: Council of Europe (CoE) and the EU.

CoE, which consists of 47 European member states, adopted the Framework Convention for the Protection of Minorities (FCNM) in 1994 and has been in force since 1998. The Convention bears an importance of being the first legally binding document concerning minority protection and standardization. Out of 47 member states, 25 have both signed and ratified the Convention, 8 did not proceed with the ratification process, and the remaining 14 member states have not signed and ratified the Convention (Council of Europe, 1992).

The other CoE legal document regarding minority protection is related to protection of regional and minority languages. The European Charter for the Regional or Minority Languages can be considered as a follow-up of FCNM and it also reaffirms the commitment to the FCNM. Therefore, the signatories and the approving member states are the same as in FCNM. As stated in 1.a of the Charter, the Charter applies on languages that are:

“i.) traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State’s population and ii.) different from the official language(s) of that State. It does not include either dialects of the official language(s) of the State or the languages of migrant.”

The State Parties of the Charter have to promote the regional and minority languages that are delineated minorities in the Charter. These languages should be promoted everywhere in public life, e.g. in education, media, courts, economic and social life, and culture. Going beyond protection, the Charter assures the promotion of the rights and language of minorities (Council of Europe, 2014).

The Organization for Security and Cooperation in Europe (OSCE) has 56 members and is the first intergovernmental organization aimed at providing security at the European level through cooperation as its name suggests. The OSCE also safeguards the protection of minorities. Following its establishment in 1975, the OSCE sets out standards on the rule of law, basic human rights, and protection of persons belonging to minorities. The standards were set in the 1990 Document (“Copenhagen Document”)

named after the meeting held on humanitarian issues in Copenhagen. The Document is not a treaty however bears a significant political influence as it was unanimously adopted. Two years after the introduction of the Document, the OSCE High Commissioner on National Minorities (HCNM) was established due to the need to protect minorities in Europe that emerged especially following the fragmentation of Yugoslavia and the emergence of ethnic conflict. Ever since, the HCNM has served to prevent conflict.

The EU, on the other hand, lacks a standard policy on minority protection. The authority rests with states at the national level to determine how to define and protect the rights of minorities. While the *equality for all* or *unity in diversity* can be associated with tolerance and anti-discrimination, the protection of minorities was not explicitly mentioned in any legal texts. Even within the EU itself, divergence exists when it comes to minorities. The FCNM and the Charter for the Regional or Minority Languages have not been signed or ratified by some of the EU member states. While Belgium, Greece and Luxembourg have not ratified either, France has neither signed nor ratified. As candidate member, Iceland has not yet ratified the Convention, while Turkey as another candidate member has neither signed nor ratified the Convention (Council of Europe, 2008).

The first explicit mention of the protection of minorities was made in the political criteria section of the Copenhagen criteria in 1993. The criteria include the protection of minorities, the addition of which coincides with EU enlargement (European Union Agency for Fundamental Rights, 2010). Until the Lisbon Treaty's entry into force in 2009, the EU did not refer to minorities in its legal documents. As a primary law of the EU, Article 2 of the revised version of the Treaty introduced a reference to minorities (European Union Agency for Fundamental Rights, 2010).

Discrepancy within the EU itself exists as well. While the EU has not made a concrete step towards explicitly defining and protecting minorities within its borders until the Lisbon Treaty, the Copenhagen criteria lays down the principles of 'protection of minorities' for candidate states. The discrepancy received arrows of criticism due to the

fact that the EU did not make such an effort within its borders, however set a criterion for candidate countries. The criticism on this matter forced the EU to question itself and a report written by Claude Moraes was adopted in April 2005 by the European Parliament (Taşdemir & Saraçlı, 2007). This report on ‘the protection of minorities in an enlarged Europe’ drew attention to the need to put minority protection on the agenda as well as to make policies on both minority protection and anti-discrimination. Hence, MEPs asked for an establishment of policy and setting of common objectives for minority protection. Due to the lack of a common definition on minorities, the Committee decided to define minorities according to CoE FCNM (European Parliament, 2005). In the same vein, it should be noted that while the FCNM, as is evident from its name refers only to ‘national minorities,’ the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) features a broader definition.

The EU perpetuates its dynamism in protecting minorities through institutions such as the OSCE, CoE, and UN. While keeping the minority protection as a moral concern in member states, higher standards are set to the candidate members as conditions to enter into the EU (Toktas & Aras, 2009-10). The EU still lacks a comprehensible and common legal framework on the protection of minorities applied only to EU member states. While a step has been taken towards protection of minorities through accepting the CoE definition of minorities through FCNM, shortcomings within the EU still exist considering the fact that there are member states that are non-signatory and non-participatory to the international or regional legal documents on the protection of minorities.

CHAPTER 3

OFFICIALLY RECOGNIZED MINORITIES IN TURKEY

Having seen the definition of minorities at the international level, through international declarations, and at the European level through the CoE Framework Convention (FCNM) and Charter, how the Turkish definition of minorities contrasts to both the international and European level can only be analyzed by looking at the Treaty of Lausanne. Before comparing and contrasting the definition approved by Turkey with the international definition widely accepted in many countries, it is crucial to know how many, both officially and non-officially, minority groups exist in Turkey. Peter Alford Andrews, in his book *Ethnic Groups in Turkey*, states that approximately 50 ethnic groups exist in Turkey (Andrews, 1992). The Treaty of Lausanne assumes religion is the only criteria needed to level a group as minorities. Non-Muslims, thus, are explicitly stated as being under minority protection. Inclusion of this statement has historical connotations due to the fact that non-Muslims constituted the *millet* system in Ottoman society since Sultan Mehmet II. While the Muslim majority during the Ottoman period was referred to as the *umma*, the non-Muslims were grouped into *millets*. Turkey's interpretation of the Treaty of Lausanne has been in line with the Ottoman millet system, and official minorities that are acknowledged by the state are Armenians, Greeks, and Jews (Ulusoy, 2011).

The Treaty of Lausanne, which will be analyzed in detail in the upcoming chapters, safeguards the rights of minorities and assures equality and freedom of religion before the law. Although no particular non-Muslim communities are mentioned, Turkey recognizes the three main groups as minorities and does not protect the rest of the non-Muslim communities such as the Assyrians, Chaldeans, Nesturi, Yezidis, Baha'i, Protestant and Catholic Churches. Little progress has been made so far in terms of including the neglected communities. Turkey, upon the Bulgarian-Turkish Treaty of Friendship in 1925, includes Christian Bulgarians with Turkish origin into the protectionist framework. Since there are very few Bulgarian minorities living in Turkey, Toktaş and Aras (2009-2010) state that the inclusion of Bulgarians is not significant in practical terms.

CHAPTER 4

LEGAL FRAMEWORK FOR MINORITIES IN TURKEY

4.1 Historical Background on the Definition of Minority

Standardization of the definition of minority was finalized after WWI among the members of Allied Powers. U.S President Woodrow Wilson's liberalist approach related to America's multiethnic model had a substantial impact on the Allied Power's concept of majority and minority. The very first minority treaty was made with Poland in June 28, 1919 and was based on minority protection in Poland. Minorities, according to the Treaty, included Polish nationals that belong to racial, religious, and linguistic minorities. Hence, the standard definition of minorities included nationals with racial, religious, and linguistic differences (Ekmekcioglu, 2014).

The same definition was required to be accepted in Turkey following the end of WWI. The Treaty of Peace between the Allied Powers and the Ottoman Empire, also known as the Sevres Treaty, was signed on August 10, 1920 (Başkent Üniversitesi Stratejik Araştırmalar Merkezi, 2014). The articles covered the rights of minorities in Turkey in detail and the same criteria for the definition of minorities as in the Treaty with Poland were applied for Turkey as well. The definition of minorities included Turkish nationals with racial, religious, and linguistic differences. Article 62 of the Sevres Treaty gave

specific reference to Assyro-Chaldeons in terms of granting protection, since they were also regarded as minorities according to the Treaty.

The victory of Turkish War of Independence and the Peace Agreement following the War declared the Treaty of Sevres null and void. The Treaty of Lausanne was signed as a peace agreement between Turkey and Allied British Empire, France, Italy, Japan, Greece, Romania, and the Serb-Croat-Slovene state on August 24, 1923 (Başkent Üniversitesi Stratejik Araştırmalar Merkezi, 2014). The current legal framework regarding the definition of minorities in Turkey was thus set by the Treaty of Lausanne.

4.2 Protection of Minorities According To the Treaty of Lausanne

While the definition of minority in the Treaty of Sevres is broad and includes race, religion, and language factors, the Treaty of Lausanne narrows the definition down to only non-Muslims. The rights given to minorities according to the Lausanne Treaty are found in Section III. There are nine articles included in the Section concerning minorities. These are:

- Article 37: Recognition and guaranteeing of the Articles 38 to 45 of the Treaty
- Article 38: Assurance of protection of life and liberty of all inhabitants in Turkey regardless of birth, nationality, religion, language, and race.
Freedom of movement and emigration for Non-Muslim minorities; free exercise of religion and belief or any other creed so long as they are compatible with public order and good morals.
- Article 39: Granting the same civil and political rights to all Non-Muslim minorities and Muslim majority e.g. admission to public employments, functions and honors, professions and industries. Equality of all before the law, regardless of religion.
Putting no restrictions on the use of languages other than Turkish e.g. in commerce, religion, press, publications, private life, oral use of one's own language other than Turkish before the Courts.

- Article 40: Enjoying of same treatment and equality in law, establishment of enjoying, managing and controlling religious and social institutions at their own expense. Providing freedom to use their mother tongue and exercise of religion.
- Article 41: Providing adequate facilities of primary schools where population of Non-Muslim residents is considerable enough, yet Turkish language will still be obligatory.

The State or municipalities shall assure an equitable share in public funds for religious, educational and charitable purposes.

- Article 42: Responsibilities of the Turkish government towards the Non-Muslim minorities and protection of their prayer rooms, such as churches, synagogues, cemeteries and other religious establishments, concerns family law and personal status in cases of disputes to be settled according to customs of minorities. The settlements are to be solved by European lawyers who shall be appointed by Turkish Government and Council of the League of Nations.
- Article 43: Responsibilities of the Turkish government, not to force Non-Muslims to perform an act that is against their religious beliefs
- Article 44: Guarantee under the League of Nations on protection of the aforementioned provisions
- Article 45: Assuring that Greece will confer the same aforementioned rights to the Muslim minorities in her territory.

As seen in the minorities section of the Treaty, the only scope of minority is being a non-Muslim. Hence, the linguistic and ethnic factors are lacking in the definition of minority in Turkey. The ethnic and linguistic factors, then, excludes Arabs, Alevis, Kurds, Zaza, Bosniacs, Albanian, Pomak, Roma, Circassian, Laz, and Georgians. On the other hand, the Treaty of Lausanne refers to the non-Muslims as minorities, instead of particular mention of Armenians, Greeks, and Jews. While the Turkish government accepted Armenians, Greeks, and Jews as minorities, the other non-Muslim minorities, such as Protestants, Catholics and Assyro-Chaldeans, Yezidis were not under minority protection as stated in the Treaty of Lausanne.

Oran (2008) explains the reasons behind the non-recognition of ethnic groups, such as Muslim ethnic groups and Christian ethnic groups. The factors behind the non-recognition are: historical, political and ideological.

In the historical explanation, it should be noted the Republic of Turkey is a continuation of the Ottoman Empire in terms of its definition of minorities. In the Ottoman Empire, the *millet* system was based on religion and sectarian differences, not according to ethnic or linguistic differences. Therefore, all Muslims were 'Islam Millet' while the non-Muslims were differentiated as *millet* according to their religion and sects. As of 1454, when minorities were associated with non-Muslims they were also regarded as second-class citizens.

In the political explanation, it should be noted that, following the European version of protecting minorities weakened the Ottoman Empire, mainly due to the fact that it resulted in an intervention of the internal affairs of the Empire. Therefore, the Muslim majority regarded the minorities as "the other" not only due to the religious factor but also due to political reasons. The intervention of European powers into the internal affairs of the Ottoman Empire caused them to act insular and distanced themselves from minorities as they associated minorities in Europe.

According to the ideological explanation, it is important to note that the trauma caused by the shrinking Ottoman territory by the 20th century resulted in focusing on preventing further break-up of the Ottoman territory by showing intolerance towards people who were not Turks. The Committee of Union and Progress (CUP) in line with the *millet* system regarded Muslims as Turks and non-Muslims as "the others" because they had different identities than the Turks.

The definition of minorities in international standards is broad in scope, thanks to conventions, charters, organizations on minorities such as the Framework Convention for the Protection of National Minorities (FCNM), the European Charter for Regional or Minority Languages, the Organization for Security and Cooperation in Europe High Commissioner of National Minorities. Yet, Turkey still has not taken a step to widen the

minority concept along with the rest of the EU member states, which means the matter is placed on the agenda during the EU-Turkey accession talks.

Turkey still implements the Treaty of Lausanne in terms of the rights of minorities and regards only non-Muslims as minorities; the Assyrians are a special case for this particular matter. Since the establishment of the Turkish Republic, only Armenians, Greeks and Jews were considered as minority groups, under the “minorities” section of the Treaty of Lausanne. The Assyrians, whose roots date back to the first Christians, were not accepted as minorities. Hence, the Assyrians were deprived of rights granted in the Treaty of Lausanne, such as establishing their own schools and trainings.

In order to understand the issue with regard to Assyrians, their demands and the kind of responses and reactions so far by the Turkish government, it is important to explain and know who they are, and the historical background of the matter concerning their lack of recognition.

CHAPTER 5

ASSYRIANS

5.1 THE IDENTITY OF THE ASSYRIANS

5.1.1 Historical Background- The Roots of Assyrians

It is widely known that no consensus exists on the ethnic origin of the Assyrians. On the other hand, it is widely accepted that they are in fact the first Christians and are the ancestors of the first missionaries of the East. The reason behind the lack of consensus on their origin is mainly due to the linguistic restrictions, since the Assyrian language is not known by many and hence not accessible to everyone (Öztemiz, 2012).

Several theories have been put forward in order to explain the origin of the Assyrians. These include:

- a) The derivation of the terms “Süryani” or “Syrian” from the Persian King Keyhusrev who lived between 559-529 B.C.E
- b) The derivation of the term “Süryani” from a city called Sur, also known as City of Tyre, which is located in Lebanon where Christ’s disciples are believed to have been originated there.
- c) The derivation of the term from Syria where Assyrians lived

- d) The derivation of the term from King Suros (Sonyel, 2001).
- e) The derivation of the term “Syria” from Dadanoğlu Asur or Asurin that descends from Abraham family
- f) The letter “a” is dropped and “y” is added to the word “Asurya” and turned into “Surya” that later became known as “Süryani,” which is a reference to the Assyrian land inhabited by Greeks. Hence, there is a geographical implication of the term Assyrian (Öztemiz, 2012).

Approaches to their origin are not only limited with these aforementioned theories. Yakup Bilge, who wrote his thesis on the Assyrians, claims that their origin goes back to the Assyrian Empire (Bilge, Süryanilerin Kökeni ve Türkiyeli Süryaniler, 1991). Hanna Dolapönü claims that Assyrians consist of Aramians, Assyrians, Chaldeans, Phoenicians, and Indians (Sonyel, 2001).

While some Assyrians want to emphasize their religious identities, others want to emphasize their ethnic identities. Despite the lack of consensus on the origin of the Assyrians, it is widely accepted that the search for their roots has begun only in the 19th century with the rise of nationalism. Scholars have different arguments as to where the term “Assyrian” comes from. Debates over the origin of the Assyrians became heated especially after mass emigration of Assyrians from Middle East to Europe and other continents (Bilge, Geçmişten Günümüze Süryaniler, 2001).

The main cleavage among both scholars and Assyrians is on whether the Assyrians come from ancient Assyrian Empire (Asurlular) or from Arami. There are those who argue that Assyrians descended from the ancient Assyrian Empire. They base their arguments on national grounds with an aim to strengthen national consciousness. Thus, they claim that they come from a glorious background like the ancient Assyrians (Andersson, 1983).

Other scholars, who support this statement, base their claims on etymology. Richard N. Fyre is one of the scholars who claim that ‘Assyrians’ and ‘Syria’ are synonyms and they have the same roots (Fyre, 1981). A similar claim is made by Finnish scholar Simo

Parpola who states that ethnically Assyrians are a continuation of the Assyrian Empire. He makes this claim by theoretically explaining the process of assimilation. He claims that assimilation can take place in multi-ethnic states among third generation and exemplifies this claim through immigrants in America with secondary ethnic identities that are eventually assimilated among the third generation with the recession of their secondary ethnic consciousness. However, Parpola believes that with education, generations can sustain ethnic consciousness among the third generation as well. Hence, he believes that the Assyrians have not been assimilated after the fall of the Assyrian Empire (Parpola, 2004).

Those who support that Assyrians are a continuation of Arami base their claims on historical accounts. Ancient Greek intellectual Posidonius said once that what Greeks call “Assyrians” or “Syrii” call themselves “Arami.” Another example can be given through Arab historian and geographer Ebu el-Hasan Ali ibn-el-Huseynibn Ali al-Mas’udi, who said that there were Aramians that stayed in TurAbdin (located in the south east of Turkey, where Assyrians lived) (Öztemiz, 2012).

Although the main debate among scholars is whether Assyrians descended from the Assyrian Empire or Aramians, a third new argument was newly put forward, which is that Assyrians roots date back to all ancient Mesopotamian civilizations such as the Phoenicians, Akkads, Chaldeans, Babylonians, Kenaniis, Assyrians, and Aramis (Süryaniler, 2008).

The discussion about the origin of the Assyrians is not only common among scholars but also among the Assyrians themselves. Although not often seen in Turkey, the migrant Assyrian communities in other countries discuss this matter often in their host countries. Sweden is a relevant example in this case in terms of heated discussions and conflicts among Assyrian communities. These communities in Sweden call themselves ‘Suryoye migrants’ and as Carl Rommel, who is a scholar at the Department of Anthropology at the University of London, describes that conflict among themselves has resulted in performative space and division among themselves. The Suryoye migrants, who migrated mostly from TurAbdin in Turkey during 1960s and 1970s to

Södertälje, Sweden, began to distinguish themselves from other Assyrians due to conflict on their origins. While one group who call themselves ‘Assyrierna’ supports that they come from the Assyrian kingdom that existed B.C.E, the other group, who call themselves ‘Syriac,’ argue that they are descendants of Arameans. Their split has caused the establishment of two Suryoye organizations, under the name of ‘Assyriska Föreningen’ (the Assyrian Society) and ‘Syrianska Föreningen’ (Syriac Society). The two communities’ split even resulted in performative division in football events, when two Assyrian migrant teams emerged in Sweden being ‘Assyriska FF’ and ‘Syrianska FC’ (Rommel, 2011).

5.2 THE RELIGION AND LANGUAGE OF MODERN ASSYRIANS

5.2.1 Religion

Being the first civilization ever to adopt Christianity, Assyrians have been part of first missionary activities. The first church in the world was built in Antioch, Turkey by St. Peter (Petrus), and Christians have undergone many prosecutions and suppression from non-Christian societies especially by Ancient Romans until the Edict of Milan in 313 C.E, The Edict was a declaration made for treating the Christians in a fair manner and to change policies towards the Christians. Following the Edict, sectarian tension and schisms started to take place due to the different point of views theologically (Tahincioğlu, 2011).

The Assyrian Church experienced separation within itself. Following the separation, the Church started to be named as the Assyrian Orthodox Church and was later divided into seven different churches. These are: the Assyrian East Church (which is later to be called the Nestorian Church), the Assyrian Melkite Church, the Assyrian Maronite Church, the Assyrian Chaldean Church, the Assyrian Catholic Church, the Assyrian Melkite Church (Catholic), and the Assyrian Protestant Church.

The reason behind this schism has to do with rivalry among churches and leadership within the church, nationalism, political and economic factors more so than a difference in beliefs (Tahincioğlu, 2011).

5.2.2 Language

The Assyrian language is one of the oldest languages in the world and, according to some sources; the language is a dialect of Aramaic. Therefore the language is called both Aramaic and Syriac. In fact, Assyrian writers often emphasize the two terms as “Aramaic, in other words, Syriac” (Tahincioğlu, 2011).

In his studies on the Syrian language, Sebastian Brock gives a detailed background of both Aramaic and Syriac. As for Aramaic, he divides dialects into the following chronological order:

- a) **Old Aramaic:** Period that covers 10th- 8th.c BCE
- b) **Official Aramaic:** Period during Imperial Aramaic
- c) **Middle Aramaic:** Period from Hellenistic and early Roman Empire to 200 C.E
- d) **Late Aramaic:** Period 200-700 C.E
- e) **Modern Aramaic:** A few societies on the mountainous regions e.g. in Lebanon, North Iraq, Israel, North West Iran, Eastern Turkey and Azerbaijan speak dialect of modern Aramaic.

The Syriac language is an Aramaic dialect and historical inscriptions in Syriac were first found in the first century A.D. Early writers indicate that Syriac is, in fact, a local Aramaic dialect used in Edessa, now known as Urfa. While Syriac is used today without many changes, the dialect has been divided into two: ‘Eastern’ and ‘Western’ mainly due to the difference in pronunciation. While the Church of the East in Iraq and Iran use make use of the Eastern dialect, the Maronite and Syrian Orthodox churches, which are in Syria and Turkey, make use of the Western dialect (Brock, 2006).

CHAPTER 6

ASSYRIANS UNDER OTTOMAN RULE

The approach towards non-Muslims under Ottoman rule is also necessary to mention, as the Turkish Republic is, in a way, a continuation of the Ottoman Empire. Furthermore, understanding Ottoman approach is also essential in order to be able to understand the approaches towards the Assyrians since the establishment of the Turkish Republic and the Treaty of Lausanne.

The Assyrians have come into contact with the Islamic administration during the time of Caliph Omar and have since been living side-by-side with Muslims (Sofuoğlu & Akvarup, 2012).

The areas of expansion by the Ottomans were mostly populated by the Christians. The Ottomans always had respect for other religions and did not force non-Muslims to convert to Islam. During the period between the conquering of Istanbul until the Imperial Edict of Gülhane, the whole non-Muslim population was subjected to more or less the same rules. The non-Muslims who acknowledged the ruling of Islam state were called *Dhimmi* (Zimme). Christians and Jews, the non-Muslims, also called as *Ehl-i Kitap* (People of the Book) who are adherents to faiths mentioned in the Quran, were the *Dhimmi* people whose rights and lives were protected under Ottoman rule.

The legal status of minorities is defined by the states in which they live. Under Ottoman rule, the legal status granted to them under Islamic Law was defined religion rather than ethnic origin. The *millet* system was the regime in the Ottoman Empire and according to the regime the sultan appointed religious leaders of ever Greek, Armenian, and Jewish communities as “head of *millet* (Öztemiz, 2012).

As a non-Muslim community, Assyrians were regarded as part of the Istanbul Armenian Patriarchate. Hence, they were not recognized as separate non-Muslim *millet* such as the Armenians, Greeks, and Jews (Sofuoğlu & Akvarup, 2012).

The Assyrians involvement with the Armenians dates back to the period of Caliph Omar. When Assyrians escaped from Greek pressure following the takeover of Jerusalem by Caliph Omar, they became involved with the Armenian Patriarchate along with the Abyssinians and the Coptic Christians. The Assyrians had partial autonomy under the Armenians. The reassignment of religious leaders among the Assyrian community was directed to the Sultan through the Armenian Patriarchate. It was stated that the Assyrian community belonged to the Armenian Patriarchate because there were no leaders who would represent Assyrians in the capital of the Ottoman Empire, Istanbul (Sofuoğlu & Akvarup, 2012). As a result, the Assyrian community felt the need to establish a representative in Istanbul in order to be separated from the Armenian Patriarchate. Hence, they settled in St. Mary Church in Istanbul in 1844 and had a chance to establish representation of their own; however, they were unable to gain independence from the Armenian Patriarchate. Still, they reduced their dependence on the Armenians and in 1914 they established their own *nizamname*, in other words, regulations (Şimşek, 2005).

While the Muslims, the primary actors of the Ottoman rule, were subjected to Islamic and customary laws, the minorities were subjected to special private law in matters of family law, law of successions, law of obligations, and trade. Rules on the aforementioned matters related to their religious and social lives were set by leaders of the communities in which they belonged. The religious leaders elected by *millet* communities solved issues related to private law such as administrating properties,

educational institutions, and collecting taxes (Bozkurt, 1992). Public law that non-Muslim millets were subjected to, on the other hand, was set by the Islamic Law. Although the Ottoman State acknowledged ethnic and religious differences of *Dhimmi* people and did not force them to convert into Islam, the state still imposed restrictions on these groups. These restrictions were made explicit in their legal status: the color of their houses was made black under the edict issued by Selim III. No windows were allowed to face Muslims houses. They had to wear clothes and hats with different clothes than that of the Muslims. They were not allowed to ride horses, hold guns, or complete the military service. Their exemption from military service brought about payment of poll tax (*cizye*). They were furthermore unable to work in public services and could not testify against the Muslims at courts. They were not allowed to marry Muslim women (Bozkurt, 1992). With regards to religious practices, while the call for prayer in the mosques was a common practice, ringing the church bells was forbidden in churches (Aboona, 2008).

The 19th century was the period of unprecedented changes in the Ottoman Empire. The Empire responded to these changes and developments in the ascendant Europe through three concepts: Ottomanism, Islamism, and Turkism. Ottomanism began with a number of reforms on citizenship rights made within the Empire. The concept was particularly important to understand how and why the exclusionary *millet* system was replaced with Ottomanism that embraced the notion of equality-for-all. The reason behind the introduction of Ottomanism could be linked to the Empire's willingness to maintain its heterogeneity and to avoid territorial disintegration influenced by the emerging nationalist ideology in Europe. As a result, the Imperial Edict of *Gülhane* was proclaimed in 1839 (Onar, 2009). Restrictions were lifted on all non-Muslims following the proclamation of the Edict. All the subjects of the Empire were guaranteed freedom of life, religion, and property. The later Reform Edict proclaimed in 1856 predicated that non-Muslims are granted with equal legal status as a Muslim majority. The reforms paved the way for the replacement of *millet* system to the concept of 'Ottoman citizenship,' allowing the *millets* to have the same legal status as the Muslim majority. The Imperial Edict thus removes the factor of religion from gaining special legal status

and accepts every citizen living in the Ottoman Empire as equal regardless of religion or ethnicity. As a result, the ban on non-Muslims working in public service was lifted and representative of non-Muslim communities could have a voice in courts and in legislative functions. They could be conscripted and be admitted to all type of schools, including military schools. The concept of multicultural citizenship emerged as a result of Ottomanist ideology (Bozkurt, 1992).

Whether the equality before the law that was guaranteed to all was fully implemented is open to debate. However, the *millet* system that was implemented for centuries clearly demonstrates that non-Muslims were officially recognized as second-class citizens due to the restrictions imposed upon their lives.

However, these aforementioned reforms could not save the Ottoman Empire from decline during World War I. The Young Turks realized that any regime that was established inclusive of only all Turkish people would fail due to the struggles for autonomy supported by the Armenians, Assyrians, Arabs, and Kurds. The Young Turks, together with Kurdish troops, acted against struggles of autonomy by these communities. The actions of the Young Turks during the WWI resulted in ongoing debates between the Armenian communities and Turkey over the Armenian Genocide (Baum & Winkler, 2003).

The Assyrians suffered the same as any other non-Muslim communities, because they were viewed as allies of Russia during the WWI. The community was caught in the middle of a struggle of interests between the Ottomans and Russia. Assyrian Patriarch Benjamin Schimun XIX's negotiation with the Turkish official governor was provision of security for the community. While the governor guaranteed their security, there were attacks and massacres on Christians carried out by Turkish and Kurdish troops (Baum & Winkler, 2003). The atrocities in 1915 are commonly referred to as the Seyfo Incident, also known as the Assyrian Genocide. The pronunciation of Seyfo among the Assyrians living in Turkey and in diaspora communities will be further analyzed in the upcoming chapters.

CHAPTER 7

THE TREATY OF LAUSANNE AND THE ASSYRIANS

Even though there was emphasis on minorities in Turkey during the Lausanne Peace Conference, the head of the Assyrian community ostensibly denounced the idea that the Assyrians should be considered a minority group in Turkey. While discussions on the situation of Armenians were continuing, the Nesturi-Chaldeans and Syriacs (Asuri) were brought to agenda. During the negotiation talks, Lord Curzon, the British Foreign Secretary of that time, stated that,

“Although Syriacs and Chaldeans are low in number, they are interesting case because of their race, history, religions and what they suffered. They have been displaced from their lands in Turkey and Iran, some took refuge in Iraqi borders under British protection. Most of them now either live in Turkey or want to return to Çömelerik (Hakkari) region in Turkey. As British government, we hope that Turkey will help those who live within its borders or those who want to come back to Turkey” (Meray, 1969).

The records of the Lausanne Peace Conference refer to a Letter written by President of Minorities Sub-Commission M. Montagna to Lord Curzon on settled and unsettled disputes. Under Section B entitled “Unsettled Matters” Montagna states that recommendations put forward by himself on Armenians, Syriac-Chaldeans, and Bulgarians were stated as out of question by the Turkish delegation (Meray, 1969).

Tahincioğlu (2011), by referring to official records of the Lausanne Conference, states that Assyrians in this case were not discussed as specifically as Syriacs and Chaldeans,

although they were ten times more in number compared to the total population of Syrians and Chaldeans. He argues that they did not mention Assyrians because they were already integrated into the Ottoman Empire and the Turkish Republic.

The Assyrians reiterated their unwillingness to be considered minorities during the occurrence of disputes regarding Article 42 of the Treaty of Lausanne. The second paragraph of Article 42, being:

“These measures will be elaborated by Special Commissions composed of representatives of the Turkish Government and of the representatives of each of the minorities concerned in equal number. In case of divergence the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.”

This article was not welcomed by the Armenians, Greeks, and Jewish minorities and applied to the Turkish Ministry of Justice stating that they did not want wish that this paragraph would be applied on them. At the same time, however, the Assyrians did not apply to the Ministry of Justice due to their history of living on now Turkish soil; they have been living in these lands for 5,500 years, had lived together during the fourth Caliphate period, had lived alongside the Selçuks had survived in both the Ottoman Empire and in the Turkish Republic. Had the Assyrians raised an objection against the second paragraph, this would have been being accepted as minorities (Tahincioğlu, 2011). The Assyrian Orthodox Patriarchate under Patriarch Elias III, unlike other Assyrian and Christian groups, had a close relationship with the delegation that wanted to establish the Turkish Republic. During the Lausanne Peace talks, the Patriarch went to see Mustafa Kemal Atatürk to give his support on the views on minorities and the Mosul case. He also stated his preference to have the same legal status with the Muslim majority and to be part of the nation. Therefore, as a representative of the Assyrian Orthodox Church, he declared that they did not want to be considered as a minority (Atalay, Before Lausanne Agreement and After, The Situation of Syrian Educational Institutions, 2005).

Tahincioğlu (2011) further emphasizes the unwillingness of Assyrians to be considered minorities by stating that, during the Lausanne Peace Conference no one mentioned

Assyrians, but Chaldeans and Nasturi in particular, hence there is now no reason to refer to them as minorities.

While it is claimed that the Assyrians are the ones that denied being minorities, no consensus exists on the claim's certainty. Muzaffer Idris (2013), in his article in *Radikal* newspaper, states that there are no records or written proof of this claim. Upon his visit of to Swedish Parliament in 2013, President of the Turkish Republic Abdullah Gül stated that the Assyrians are not minorities, and that they voluntarily renounced from their right to be considered as minorities. Idris argues, on the other hand, that Gül's statement was based on false grounds due to being misinformed, and that this claim is an urban legend.

Erol Dora, a Member of Parliament (MP) in the Turkish Grand National Assembly and a member of the Peace and Democracy Party (BDP), is the first MP in the Turkish Republic with an Assyrian ethnicity. He gave a speech at *The European Union, Turkey and Assyrian Migration* Symposium on May 26th, 2005. He emphasized that the claims that the Assyrian Patriarchate's renounced rights to be considered a minority according to the Treaty of Lausanne is a fallacy. It is further legally invalid due to Hobbes' (1588-1679) minority rights as an individual right. Even if it is used collectively, it is not given to a single authority or an individual. Therefore, a leader of a group cannot declare renunciation from a right on his/her own, especially when such a right is given through an international agreement. Therefore, renunciation of Article 42 of the Lausanne Treaty is legally invalid (İstanbul Bilgi Üniversitesi, Göç Araştırmaları ve Uygulamaları Merkezi, 2005). In the interview conducted with Mr. Dora, he further explains the nature of an international agreement such as the Treaty of Lausanne:

“Religious leaders of Armenian Greeks, Assyrians or Jews interference in an international agreement do not affect the agreement. Even if the Assyrian Patriarch made such a statement, this agreement is not between them and the Europeans. The parties of the agreement are the Turkish Republic and the Europeans.”

Views among scholars on the Assyrians differ due to their ambiguous status. Consensus is lacking even among the Assyrians themselves. While some Assyrians argue that they

should have every right delineated in the Treaty of Lausanne, others state that they have been living in these lands peacefully for centuries. There are also legal experts, namely Yuda Reyna, Ester Moreno Zonana, Member of Court of Appeals 8th Civil Chamber Yusuf Uluç, and Former President of the Turkish Republic Ahmet Necdet Sezer, who have supported the idea that Assyrians are not minorities (Tahincioğlu, 2011).

In order to see these changes, the approach towards the Assyrians since the establishment of the Turkish Republic should be taken into consideration. The EU's approach towards Turkey's minority concept plays a significant role in this regard. During our interview, while Mr. Dora states that there are shortcomings in the Treaty of Lausanne with regards to the definitions of the term "minority", he further states that there is a lack of knowledge among those in the EU on the content of the Treaty of Lausanne:

“When I was practicing law, I had a number of meetings with the EU delegations. I told them, several times, to go over the Treaty of Lausanne. The Treaty clearly points out that minority status is given to non-Muslims. However, in Turkey, when it comes to minority definition, people perceive Armenians, Jews and Greeks only. This is also imbedded as such in the minds of Europeans as well as in Turkish government and bureaucracy. I said that Europeans did not know the content of the Treaty of Lausanne. I said so because when they come to Turkey they meet Armenian, Jewish and Greek communities. They also meet Assyrian communities. The delegations statements are as if they also accept Armenians, Jews and Greek as minorities but Assyrians should also be included as such although they renounced from that status in the past. However, I used to tell them that they cannot neglect Assyrian community based on rumors made up in the past and that they should tell to the government that Assyrians are minorities under the Treaty of Lausanne.”

CHAPTER 8

APPROACH TOWARDS NON-MUSLIMS SINCE THE ESTABLISHMENT OF THE TURKISH REPUBLIC

8.1 Turkification Policies

The approach towards the minorities in Turkey following the Treaty of Lausanne should be understood in order to compare with the approaches towards the Assyrians. After the foundation of the Republic, the minorities hoped that they could maintain the *millet* system. However, their thoughts were proven erroneous with the “one nation- one language- one culture” policies of the government. The Treaty of Lausanne safeguards the rights of non-Muslims and assures that they are equal citizens before the law. The Turkish Civil Code, which was adopted in 1926, guarantees that all citizens are subjected to the same rules. However, the inclusion of minorities into society as equal citizens does not mean that their rights are freely exercised without hindrance. Although equality was guaranteed under the Civil Code, the later 1920s and 1930s was a period during which Turkish nationalism became prominent.

Turkish nationalism was followed by the process of Turkification. Turkification is a term used for explaining the policies made to exert influence of Turkish ethnic identity at both social and economic levels. Turkification gained momentum since the 1924 Constitution was entered into force and emphasized that people living in Turkey,

regardless of race and religion, were regarded as Turks. This process included academic research on Turkish studies that were presented in official conferences and publications. The “Turkish History Thesis” and the “Sun Language Theory”, and the enforcement of speaking Turkish through publicly-supported campaigns like “Citizen, Speak Turkish” were only the beginning of this process (Cagaptay, 2007). Also a part of the Turkification process included mandatory correspondence in Turkish even in foreign-invested companies in Turkey, the admission of Muslim-Turks only to certain job fields especially government offices, and the obligation to have at least 75 % of the employers of Muslim-Turks at foreign invested companies. The declining population of minorities through increasing migration can mostly be tied to the Turkification policies implemented especially during the first years of the Turkish Republic and during the single-party regime (Aktar, 2000).

The radicalized nationalism since the establishment of the Turkish Republic, especially during the 1930s, can be connected to the rising fascism and authoritarianism in Europe. The emergence of Turkish nationalism dates back to late 1920s. It starts when a local newspaper in Izmir advises to refrain from shopping at the stores of “the non-Turkish speaking so-called Turkish citizens,” and preaches not to be friends with these people, especially when they hear them speaking Greek and Ladino. The aim of the “Citizen, speak Turkish” campaign was to do away with the visibility of non-Turkish speakers and languages. The Student Association of Law Faculty of Istanbul University declared that speaking languages other than Turkish in Turkey meant being disrespectful to Turkish law and it also meant that they were not good citizens. Over time, this campaign gained support from the state, when the Ministry of Education offered 1,000 Turkish liras for the campaign (Aslan, 2007). As a supporter of the campaign, Minister of Justice Mahmut Esat Bozkurt stated in 1930 that “The country is Turkish itself. Those who are not pure Turks have one right: that is to be a servant, to be a slave” (Radikal Gazetesi, 2014).

While efforts were made for the homogenization of Turkey, it should be noted that Turkey was far from being homogenous. According to the 1935 Census, out of

approximately 16 million citizens, 15 million were Muslims while the rest of the population was approximately 125,000 Greek Orthodox, 78,000 Jews, 44,000 Gregorian Armenians, 32,000 Catholics, 8,000 Protestants, 4,000 classified as Christians and around 12,000 others. Out of approximately 15 million Muslims, 13 million of them were Turkish speakers, while the rest of the Muslims spoke Kurdish (second largely spoken language), Arabic, Circassian, Laze, Georgian, Pomak, Bosnian, Albanian, Bulgarian, Crimean, Abkhaz, Romani, and French (Cagaptay, 2007).

Even though the Census provides detailed information on the population and languages spoken among the people living in Turkey, the Assyrians are not mentioned as a separate ethnicity or language. They are classified as “the other language and religion” of the establishment of the Turkish Republic (Çağlayan, 2012).

Aside from the aforementioned implementations, incidents shook the trust of the minorities towards the Turkish Republic such as the anti-Semitist event in 1934, The Twenty Classes (The Incident of Reserves) that occurred in 1941, and The Wealth Tax in 1942 (Bali, 1998).

Furthermore, Aktar (2000) explains the period from Turkish-Greek population exchange to the implementation of the Wealth Tax, used during the WWII period, as a transition point for the Turkification process. The Wealth Tax law which was passed in the Turkish Grand National Assembly on November 11, 1942 is significant to mention for both political and cultural reasons. With the onset of WWII in 1939, the Turkish government attempted to cover its defense expenses by issuing money. The government was in search of levying tax for extraordinary profits. During that period, journalists started mentioning the high inflation, declining imports, and decrease in properties while the non-Muslims were the ones who made the most profit out of the trade. Faik Ökte, a newly appointed officer at the revenue office of Istanbul, received an official letter. He was requested to state the non-Muslims who made extraordinary profits without paying taxes. Ökte (1951) stated that he created a chart and divided it into two: “M” stood for Muslims and “G” stood for non-Muslims, later on two more separations were made: “D” stood for *dönme* (those who converted into Islam) and “E” stood for

foreigners. The law was implemented following its adoption. The Commission that was to be set up after the adoption of the law determined who pays how much, and the taxes were to be paid within 15 days. The house and workplaces of the tax debtors were confiscated unless they paid the taxes within the specified period or sent to Aşkale (a district in Erzurum province) to work and pay taxes. The law was later abolished one and half years later. The law negatively affected the confidence of non-Muslims and many non-Muslims migrated to Europe, the USA, and Israel. Distrust among the non-Muslims had a significant impact on the decision of non-Muslims to migrate (Aktar, 2000).

Obstacles in the implementation of the Treaty of Lausanne became evident with the onset of the Turkish nationalism. The shortcomings in the implementation of the Treaty of Lausanne are not only limited to the exclusion of non-recognized, non-Muslim communities. The protection of minorities as guaranteed by the Treaty has not been fully implemented on officially recognized minorities either. Violations of the Treaty on various laws and implementations have been observed since its entry into force.

Aside from the Turkification policies that can also be considered as a violation of the Treaty of Lausanne, another violation of the Treaty was made when the Directorate General of Foundations took control of many community foundations' immovable properties by defining them as appendant (*mülhak*). These properties were registered under the Reserves or the Directorate General of Foundations and the community foundations that received the appendant status were declared as defunct (*mazbut*) which laid grounds for the legalization of the seizure of properties. While the specific number of seized immovable properties is unknown, Istanbul Rum Patriarchate officials state that there are over 1,000 seized properties. On the other hand, the media states that as of 2002, the seized immovable properties of Greeks are over 100 and properties of Armenians are over 40 (Kurban & Hatemi, 2009).

The Law on Foundations, adopted in 2008, indicates that progress has been made with regards to the return of immovable properties that were seized following the 1936 Declaration, yet only to a certain extent. Article 7 (2) of the Law states that No further

manager shall be appointed to or elected for those foundations that are embodied in the fused (*mazbut*) foundations prior to the effectiveness of this Law as well as those that are embodied in the fused (*mazbut*) foundations under the law hereof.” This Article explicitly dictates that the return of properties and administration are not possible (Kurban & Hatemi, 2009).

The Istanbul Armenian Foundations state that the Law No. 5737, so far, enabled return of only 11 % of their properties and that the problems with regards to foundations have not yet been solved completely (İstanbul Ermeni Cemaati Vakıfları, 2012).

Turkey’s implementation on the Treaty of Lausanne and the protection of minorities is not limited to legal transgressions. The minority regime consists of political, social, and cultural dimensions as well. In practice, the Treaty of Lausanne was violated not only in legal aspects but also in social and cultural aspects. Some of the incidents were on a small scale while some had a disturbing impact on their identity, which brought forward the question as to whether or not they were truly equal before the law in practice. The incidents such as the “Citizen, Speak Turkish” campaigns posed an obstacle to the right to use their own language as safeguarded by the Treaty of Lausanne. The Incident on Reserves (also known as The Incident of Twenty Classes) during WWII segregated non-Muslims when they served in the military as a special reserve force. The 6-7 September events caused feeling of insecurity among minorities and led them to migrate to various destinations to Europe and the United States. The attacks of Armenian Secret Army for the Liberation of Armenia (ASALA) and the assassination of Armenian journalist Hrant Dink are only a few examples of why non-Muslims have felt insecure in Turkey (Toktas & Aras, 2009-10).

More recently, a heated debate over the equality before the law was initiated when the secret coding system of minorities was revealed. The system was revealed when Turkish citizen with Armenian origin applied to register her child at an Armenian school. In the document sent from the Ministry of Education, a race code given to the non-Muslims was noticed. Greeks were revealed to be coded as ‘1,’ Armenians as ‘2,’ Jews as ‘3,’ Assyrians as ‘4’ and others as ‘5’ as the others belonging to other religions

(Saymaz, 2013). Moreover, Turkey's Interior Ministry confirmed the existence of a coding system and stated that these codes were submitted to the Ministry of Education (Hürriyet Daily News, 2013).

Rober Koptaş, the editor of the Armenian newspaper *Agos* opened a new debate by raising other questions regarding the coding system, such as whether the coding is only limited from 1 to 5, or if there more coding exists on Alevi, Kurds, Laz, Arabs, or Circassians (Kopbaş, 2013).

8.2 Approaches towards the Assyrians

As for the Assyrians, even if they were not considered as minorities back then, under the law of unification of education there was no intervention to Assyrian school Mardin Kırklar School of Church until it was closed in 1928 (Atalay, Before Lausanne Agreement and After, The Situation of Syrian Educational Institutions, 2005). Since the schools were closed, the religious education continued to be given at monasteries and churches. In 1972, Archbishop Aziz Günel stated that by being equal before the Turkish Constitution, Turkish Assyrian Orthodoxy was able to teach its language and religion in their churches. Church and monasteries that carried the Assyrian culture were able to continue with its teachings since the establishment of the Republic and until interventions made pre and after 1980. Two years before the 1980 coup d'état when Bülent Ecevit was the Prime Minister of Turkey, teaching of the Assyrian language and the Assyrian Orthodox Priest Education was banned for the first time on the grounds of "separatist incentive and illegality." Two years after the 1980 coup, smear campaigns made against the Assyrian teachings at churches and monasteries resulted in the prohibition of education at monasteries under the grounds of "Christian Reactionary" (Atalay, Before Lausanne Agreement and After, The Situation of Syrian Educational Institutions, 2005).

In 1997, the Minister of Education sent a letter to the Mardin Governorate saying that the Assyrians were not considered minorities under the Treaty of Lausanne and banned

teaching of Assyrian language at Mar Gabriel Monastery (Atalay, Günümüz Süryani Kilise ve Manastırlarında Din Eğitimi, 2005).

The number of churches and monasteries since the establishment of Turkish Republic has declined drastically due to the outflow of the Assyrians. Hence, they experienced difficulties in educating and appointing new religious leaders. One of the biggest losses for the Assyrians in Turkey was when Patriarchate was moved from Deyrulzafaran Monastery, which is located in Mardin, to Homs, Syria in 1933. The Patriarchate moved from Homs to Damascus in 1953 and has not been returned back to Mardin. As of September 2008, The Monastery, under the Foundation Regulation, established an executive board. The Monastery is still a religious center for the Assyrians, and the Metropolitan bishop is currently located in the Dayrulzafaran Monastery. However, the removal of Patriarchate from Mardin to Damascus did not have a dramatic impact on religious and language education at religious institutions in Turkey. The migration of Assyrians to Europe had a bigger impact on education due to the change in their traditional positions in Turkey, especially in religious institutions. The decline of the Assyrian population in southeastern Turkey resulted in the closure of religious institutions and a loss of functioning of these institutions (Atalay, Günümüz Süryani Kilise ve Manastırlarında Din Eğitimi, 2005).

The approaches by the Republic of Turkey towards the Assyrians and the other minority groups can partially be explained in detail from EUU reports. Detailed annual progress reports, which are analyzed in the appendix of this thesis in a more comprehensible context in minority issues, highlight how Turkey is progression on the road to the EU membership. By focusing on developments since 2005 and onwards, the analysis of the reports suggests that Turkey, as a candidate member of the EU, approves and implements conventions, treaties and other legal texts related to minority protection. To begin with, Turkey is expected to approve what the EU has signed and approved. The EU acknowledges both European and international standards on minority protection. The main texts regarding minority protection that are approved are as follows:

- The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) which was adopted in 1992
- Article 27 of the International Covenant on Civil and Political Rights (ICCPR) which states the right for minorities to practice culture and religion and to use one's own language in the community
- The concluding document of the Copenhagen Meeting of the Commission on Security and Cooperation in Europe (CSCE- now the Organization for Security and Cooperation for Europe (OSCE)) which grants rights to minorities in the OSCE region
- The General Recommendations of the OSCE High Commissioner on National Minorities states the rights of minorities, how the protection should be put into practice, and what should be done to prevent conflict
- The Council of Europe (CoE)'s Framework Convention for the Protection of National Minorities (FCNM), however Turkey decided not to ratify the Convention
- The European Court of Human Rights (ECHR), which is the main protector of the minority rights at European level

The aforementioned legal texts set race, ethnicity, religion, and language as the main criteria to grant minority protection. The annual progress reports prepared by the EU clearly indicate that such criteria are not included in Turkey's case.

The recent developments and approaches towards the minorities and Assyrians in general can be followed through an elaborate case-by-case study and analysis of the EU. The year 2004 was critical and significant for Turkey since the EU decided that Turkey was eligible for candidacy status in 2005.

The report prepared in 2004, therefore, bears utmost importance for Turkey- EU relations. The 2004 minority report that is prepared by Minority Rights Group International points out a number of issues regarding minorities with a separate

reference to the Assyrians. The report states that while minorities can establish kindergarten, primary, secondary, and high schools, there has not been much momentum in procedural matters such as appointing Greek-language teachers, approval of school textbooks, etc... It also underlines the fact that there are no language and literature departments in these minority languages. Another problematic issue with regards to education is the content of the textbooks that include discriminatory statements on Roma, Armenians, and Greeks.

The 2004 report also draws attention to the political participation of minorities. It is suggested by the OSCE that in order to prevent conflict with regards to these issues, the political participation of minorities should be encouraged as well as education and language. However, the political participation of minorities is not easy in Turkey due to Turkish electoral system that deems 10 % of the national vote in order for the political parties to enter Parliament. Hence, minorities who are also low in number and who are based in a certain region are not powerful enough in number to support these minority candidates or political parties. The 10% limit serves as a threshold of Parliament. Article 81 of the Political Parties Law on the 'Prevention of the Creation of Minorities' prohibits political parties from claiming “that minorities exist in the Turkish Republic based on national, religious, confessional, racial or language differences.”

The report also makes specific reference to the Assyrians, under the name Syriac. It states the rights of the Assyrians to be granted with rights to establish their own schools with their language education yet are not allowed. They were only able to provide informal religious education in their churches without any legal status given. The report also recommends the removal of discriminatory statements about the Armenians and Assyrians (Kaya & Baldwin, 2004).

In 2005, the European Commission stated that education in languages other than Turkish is not allowed according to the Constitution of Turkey. Lawsuits were filed against the associations that supported the language in mother tongue. Religious communities that want to establish foundations lack legal personalities. Patriarchates do

not have legal personalities, which poses an obstacle for religious communities in issues related to administrative jurisdiction, property rights, or community personnel's lack of social insurance provided by the state (European Commission, 2005).

The OSCE High Commissioner on National Minorities (HCNM) visit to Ankara in 2005 ended with no progress in issues such as education, languages, protection, participation in public life, and broadcasting in minority languages. Since 2005, the HCNM visited Turkey three times, which shows the willingness and insistence of the High Commissioners to improve communication with Turkey (European Commission, 2007).

The Adoption of Law on Foundations in 2008 can be seen as progress made regarding property rights, however, the implementation of the Law along with property-related matters has been a challenge. Within a year, the law was observed to be implemented without complications.

The number of complaints from non-Muslim communities regarding mandatory religion classes dropped when the Ministry of National Education made a statement to all Turkish schools to exempt the non-Muslims from the religious culture and ethics classes. In 2012, Turkish authorities began preparing textbooks on Christianity for Christian students for classes at school (European Commission, 2013).

The lack of higher religious education in Turkey restricts the training of clergy with no concrete steps taken in ameliorating the situation. The Assyrians are also faced with the problem of training clergy. Government officials began the dialogue with non-Muslim minorities on the matter of training the clergy. The Minister of Foreign Affairs, Ahmet Davutoğlu, met Mardin and Diyarbakır archbishop Saliba Özmen in 2010 for resolving this problem. Davutoğlu promised support of the enhancement of culture and language of the Assyrians through training of religious leaders (Hürriyet Daily News, 2010). Despite what Davutoğlu pledged, shortcomings in the matter continued to exist in the following years.

Expectations in Turkey of the European countries have not been met concerning the training of clergy. The COE's Commissioner for Human Rights Thomas Hammarberg acknowledged that Turkey had put efforts to strengthen freedom of religion and protection of worship places, however stated that there were no positive steps in removal of restrictions in clergy training (Hürriyet Daily News, 2011).

The Assyrians that returned back to Turkey from abroad are faced with difficulties regarding registering their land properties. Complaints, therefore, started to increase due to the seizure of their uninhabited property (European Commission, 2005). Their complaints concerning property rights increased over the years, and both religious communities and individuals are affected negatively by the seizure of their properties. (European Commission, 2008) The most commonly known case with regard to property ownership is the Mor Gabriel Monastery in Mardin. Disagreement between the Monastery and the villagers on administrative borders were the reasons behind several court cases that ensued. While the Monastery claimed that the land was owned by them, judicial authorities opened a case against the Monastery in 2009. The case continued without much progress until 2011 when the local court decided in favor of the Assyrian community.

However, the case was carried to the Court of Cassation and the Court's rule against the Assyrian community resulted in application to the ECtHR by the Assyrians (European Commission, 2012). The decision made by the Court of Cassation transferred the land in which the Monastery was located to the Treasury. Before the transfer, on March 2013, Turkish Deputy Prime Minister, Bülent Arınç stated that the government was determined to solve the issue related to the Monastery when he paid a visit to the Assyrian community in Germany. The Monastery was returned to the Assyrian community by the Foundations Council on October 7, 2013. In February 2013, the Assyrian delegation in Sweden paid a visit to President Abdullah Gül. One month later, the President met the Assyrian community for the second time when he paid an official visit to Sweden. During the German Chancellor's visit to Turkey, the Prime Minister and other religious leaders of non-Muslim communities gathered in a meeting. Bülent

Arinç and Minister of Culture, Ömer Çelik, called on minorities to return to Turkey due to the fact that they had to leave Turkey due to errors of the past (European Commission, 2013).

CHAPTER 9

MIGRATION OF ASSYRIANS FROM TURKEY

The migration of Assyrians was quite common in Turkey during the second half of the 20th century. The reasons behind their migration are important in order to be able to understand their living conditions and treatment towards them both by society and the state.

The number of Assyrians living in Turkey has dropped dramatically especially since the first half of the 20th century. Öztemiz (2012) gives a theoretical explanation as to the reasons for migration. He refers to Stouffer's Intervening Opportunities concept to give a sociological explanation: migration is directly linked with the opportunities offered by the target destination such as job opportunities, and inversely correlated with opportunities provided by the land of departure.

There are various other reasons to immigrate including poverty, lack of opportunities in the homeland, psychological factors, oppression, discrimination, among many more.

The mass migration of Assyrians from Turkey has various reasons depending on the period of immigration. Four major mass immigrations of the Assyrians took place: during the 1950s, 1960s, 1980s, and 1990s. In each of these periods, there were opposing but also similar reasons to immigrate.

- Migration in 1950s took place due to economic reasons, economic distress was not only felt among the Assyrians but in the whole country
- Pressure from Kurdish tribes as well as economic problems during the 1960s, made the Assyrians feel that they were living in an unsafe environment.
- The conflicts that took place in southeastern Turkey during 1980s and 1990s affected the Assyrians negatively due to the unsafe environment in their homeland.
- State- led religious and social pressure had a negative psychological impact on the Assyrians and the unsafe environment in their region could not provide enough education, hence a dearth in education in their region emerged as a result (Öztemiz, 2012).
- The Assyrian population in Mardin and its neighborhood was 15,700 in 1985 however dropped down to 1,580 in 2001 in Batman and its neighborhood was 862 in 1985 and dropped down to 5 in 2001 in Şırnak and its neighborhood was 6,873 in 1985 and dropped down to 340 in 2001 (Taşğın, 2005).

The Assyrians mostly migrated to the USA and European countries, in particular to Sweden, and went on to establish their own organizations and diaspora communities in order to raise awareness in Europe (Assyria Council of Europe, 2012).

In the European Union, Turkey, Assyrian/Syriac Migration symposium, Adnan Can, a Midyat born Assyrian MP of the Socialist Democrat Party in Sweden, explains the reasons behind the Assyrian migration to Europe and the how these migrants were treated in the host countries by saying “No one leaves someone, somewhere they love deeply” Taking the Assyrian population then and now into account, it is not difficult to see that once more highly populated, there are now very few Assyrians living in these lands. Can points out four cases the Assyrians and Europe were facing during 1970s and 1980s.

1. Europe was completing its technological and scientific revolution and entering into a new phase economically, socially, and politically. European countries gave the Assyrians freedom and flexibility to form NGOs even the

though the basis of these NGOs were in contradiction with the regime of their home countries.

2. The inner conflicts in European societies itself and painful transition to the information society have brought multiple depressions among immigrants.
3. Freedom of organization in Assyrians homelands like Turkey, Syria, Lebanon, and Iraq is considered as resistance towards the government. Therefore, the support of European countries to the right of organization faces criticisms in the home countries of Assyrians and puts Assyrians who are in their homelands and the Assyrians who live in Europe in conflict with each other.
4. While other immigrant groups in Europe receive help from consulates in European countries, Assyrians have been unable to receive any help from their countries' consulates and have been periodically treated in a negative manner (İstanbul Bilgi Üniversitesi, Göç Araştırmaları ve Uygulamaları Merkezi, 2005).

Can further stated that in the beginning, Assyrians had been faced with problems when they migrated to European countries, such as being “the other,” and facing generation gap. Yet, they were able to gradually assembly, establish associations, raise their voice, increase awareness, and become active members in political life. He refers to the current positions that Assyrians have in European societies, as party leaders, members of the city council, consultant to the politicians, member of parliaments, among others (İstanbul Bilgi Üniversitesi, Göç Araştırmaları ve Uygulamaları Merkezi, 2005). In contrast it is less likely to see these groups working in such professions in Turkey.

In the interview, Mr. Dora explains the migration of Assyrians metaphorically in the beginning by saying “plants living away from their habitat.” He further goes onto add,

“These people have left their lands they were born in, away from their villages and memories... They have a spiritual connection with their homelands. However, if there is pressure, people cannot stay there. We've experienced it in our region, in Şırnak, Hakkari, Elazığ, Diyarbakır, especially after 1980s with the coup d'etat and PKK presence. The Assyrian population in the Southeast is not around 3,000 and in Istanbul around

25,000. They migrated to Europe, the USA and even to Latin America. Hence, an Assyrian diaspora has emerged.”

CHAPTER 10

ASSYRIAN DIASPORA IN THE EU

The Assyrians living abroad, especially in Europe, support each other through establishing foundations and organizing workshops both at the European and the EU levels. In countries where they are mostly populous, Assyrians have been politically active in national parliaments or through foundations in these countries. Assyrian foundations now exist in Sweden, Germany, Netherlands, Canada, Finland, Switzerland, and the USA. The foundations in the aforementioned countries also support a foundation, the Assyria Council of Europe which operates at EU level (Assyria Council of Europe, 2012).

The Assyria Council of Europe is important in terms of diaspora, because it is supported by individuals, by other national foundations (as mentioned earlier), and by the EU. The Council also serves as a voice of the Assyrians living in different EU countries, hence supporting the diaspora (Assyria Council of Europe, 2012). As an independent organ in the EU, the Council aims to raise awareness at the EU level regarding the Assyrians living in their native lands in Syria, Turkey, Iraq, and Iran and to also contribute to their lives in these countries. The Council is supported through donations by the following associations: Assyrian Women's Federation of Sweden, Assyrian Youth Federation of Sweden (AUF), The Assyrians Association of Södertälje- Sweden, Assyrian Chaldean Syriac Association (ACSA)- Sweden, Assyrien Kulturcenter i Botkyrka – Sweden, Svenska Kommitteen för Assyrier (SKA) – Sweden, Assyrischer Jugendverband

Mittleuropa (AJM) – Germany, Assyrischen Hilfsverein, Bad Oeyenhausen – Germany, Beth Nahrin Assyrische Kultur- & Sportverein Wiesbaden/Assyrian Women's Association Wiesbaden – Germany, The Mor Afrem Foundation – Germany, Suryoye Platform Overijssel (SPO) – Netherlands, Finland-Assyria Association – Finland, Assyrian Chaldean Syriac Student Union (ACSSU) – Canada, District of Assyrian associations in Gothenburg – Sweden, Assyrian Youth District of Stockholm (AUDS) – Sweden, Assyrian associations of Switzerland, IANNA Foundation- Netherlands.

The Assyrian associations in Europe act as a push factor for the EU to take the Assyrians into consideration in Turkey-EU relations. Therefore, when workshops or meetings are organized by these associations, Turkish officials attend these events, e.g. an Assyrian event that convened Assyrians in Berlin on May 3rd and 4th, 2014. One of the events, Assyrians Diaspora in Europe: Past, Present, Future, was part of a project entitled Exchanging Best Practices in the Integration of Assyrians in Europe (EPIA), which was an EU project under Grundtvig Lifelong Learning Programme initiated by the Netherlands, Germany, Sweden, and Belgium (Inanna Foundation, 2012). Hüseyin Çalışkan, a government official who works at Advisory Office of the Turkish Prime Ministry was a participant on behalf of the Turkish government (Assyrian International News Agency, 2014). Attendance of a Turkish official is a clear indication that such events organized by the Assyrian communities are taken seriously in terms of determination of Turkey's minority policy through listening to the demands, criticisms, and opinions of the Assyrian communities in Europe.

The Assyrian diaspora in Europe and the organization of events with the Assyrian-related agenda demonstrate the solidarity the Assyrian communities provide each other. Hence, their coming together not only aims at making an impact on the Turkish perception of the Assyrians but also to develop the integration process of these communities into European societies. The EU-funded projects aim to support education activities such as promoting integration of Assyrian societies, particularly women, through developing strategies and tackling with challenges that hinder integration (Inanna Foundation, 2012).

Furthermore, the active participation of Assyrian diaspora in European political life illustrates willingness to be integrated into European society. At the same time, their devotion to their culture and traditions has prominently attracted the attention of the EU and has made the Assyrians visible group of people in the international arena. The diaspora in the EU therefore plays an important role in EU's approach towards Turkish minority policy. Mr. Dora mentions two different approaches of Assyrian diaspora in Europe: the Assyrian immigrants who support Turkey's accession to the EU and to the improvements made in minority protection in accordance with the Copenhagen Criteria and *acquis communautaire*; and there are those who act emotionally, who say they were faced with genocide, were forced to leave their homeland, and resent and disapprove Turkey's accession to the EU. In response, he continues,

“We should not be looking at this emotionally, we have to think rationally. We want Turkey's accession to the EU not only for the sake of our community, but for all people with different ethnic groups. Kurds, Roma, Laz, Circassians, Yezidis even Turks are being discriminated, due to their beliefs or their sexual orientation.”

It is a well-known fact that the diaspora communities mention the Assyrian genocide more than the Assyrians living in Turkey. It is, again, the diaspora communities who are more sensitive on this issue, because they feel that they were forced to leave their own lands and were deprived of their own citizenship rights. The atrocities levied towards the Assyrian community in 1915 are rarely mentioned by the Assyrians living in Turkey, due to either a lack of knowledge or information transfer or the fear of being able to openly express oneself. The Assyrian communities living in Turkey prefer to draw a peaceful line with the state without further complicating relations (Schooley, 2012). Therefore, the Seyfo event in 1915, also referred to as the Assyrian genocide gained international recognition through the political struggles of diaspora communities.

Biner (2012) argues that the reinvoking the memory of the 1915 massacres by the Assyrian migrant activists emerged with the aim of reuniting dispersed Assyrian migrants in the EU. Through remembering the past and publicizing the suffering in history, the migrant communities would then be able to consolidate their national and emotional connections with their homeland. With the official recognition of the

massacre as genocide in the international arena, the Assyrians aimed to legitimize their past sufferings and struggles in the eyes of European countries that were in transition to accept Turkey as a full member to the EU.

The diaspora communities' struggle to gain recognition among EU countries started when the last Assyrian generation migrated from southeastern Turkey to Europe. The first official recognition of the Seyfo event was made by the Kurdish Parliament in Exile in 1995. Noting that Kurds also played role in killings of thousands of Assyrians, their assuming responsibility in their parliamentary body consolidated the relations between Assyrian and Kurdish migrants. As of 1995, the Assyrians increased their activities in achieving the official recognition of Seyfo with lobby efforts. The recognition of the Armenian Genocide by international organizations like the UN, the COE, and by many EU member states, too, intensified the efforts of the Assyrian communities (Biner, 2011). The determination and increasing efforts of the Assyrian diaspora gave concrete results, especially in the countries they were densely populated like Sweden, Belgium, Germany, and the USA, among others.

The struggle of recognition of Seyfo in the global sphere has gained momentum through reinvoking the historical event among the Assyrian migrant communities in the EU. Moreover, the official recognition of the Armenian Genocide intensified efforts of the Assyrians to increase their political activities. To detail how effective the Assyrians are in influencing political environments in the international arena, it is crucial to understand their political and social visibility in their host countries.

The Assyrians in the EU, especially in Sweden, participate in political activities. Two of the most well-known Assyrian politicians were even running for candidacy in the May 2014 EU Parliament elections. Despite being unable to be elected during the EU Parliament elections, having two prominent Assyrians, Isak Betsimon (MP of the Green Party) and Robert Hanna (MP of the People's Party), in the Swedish Parliament is a clear indication of the political participation of Assyrians (Hujådå , 2014).

The Assyrians raise their voice, become visible, and disseminate news and information about their community through the media as well. The Assyrians in Sweden founded *Assyrian TV* in 2011 with the support of Assyrian Media Institute (AMI), which is a joint venture of the Assyrian Federation of Sweden and other Assyrian organizations in Sweden (Assyrian International News Agency, 2011) (Assyrian TV, 2011). Other media channels of Assyrians are namely: *Suryoyo SAT* (a Syriac tv channel founded in Södertälje- Sweden, now a studio is opened in Germany too) (Suryoyo SAT, 2010), *Ashur TV* (from Bagdad) (Ashur TV, 2004), *Suroyo TV* (founded in Södertälje- Sweden). The aforementioned TV channels are only some of the Assyrian media channels. There are other media channels that have their headquarters in countries other than in Europe.

Although the Assyrian diaspora grew, and their culture was preserved ever since they settled in the EU, homesickness had led them to return to Turkey. Especially for the past few years some Assyrians returned to Turkey. Although the number does not exceed 100, Dora considers this as progress when he claims,

“EU has a significant impact on this. The returnees say if Turkey enters into the EU, we can return to our homeland. The changing laws, such as law on foundations, reforms give hope to them. However, the returns are not high in numbers. I’ve counted around 120. Some of them return with families, some return alone. Despite the low number, these returns have symbolic meaning. When these people left their countries, they never thought of coming back. Yet, they do now. This is a positive step.”

CHAPTER 11

THE IMPACT OF THE EU ON TURKEY'S CHANGING APPROACH TO THE ASSYRIANS

Turkey must fulfill certain expectations of the EU in order to become a full member. Adoption and implementation of the *acquis communautaire* is the most important constituent of these expectations. Article 49 of the Treaty of the European Union (TEU) emphasizes that all European countries can become a full member of the EU, as long as certain criteria are met. The Copenhagen Criteria thus has utmost importance for Turkey. There are three main conditions in the Copenhagen Criteria:

- a) **Political criteria** that guarantees democracy, rule of law, human rights, and respect for minorities;
- b) **Economic criteria** that guarantees a functioning market economy;
- c) **Legal criteria** that guarantees the adoption of entire EU laws, also known as *acquis communautaire* (Oktay, 2009).

The criteria give a great deal of importance to democracy and human rights in Turkey, hence to the various reforms that have been made thus far in the Turkish Constitution in order to fulfill the political and economic criteria of the EU. Turkey has increased its momentum in promulgating reforms since the decision was made to open negotiation process as of October 2005. The EU has since written annual reports called Progress

Reports on Turkey, evaluating the reforms made as well as recommendations for what needs to be done.

Some of the political reforms made with regards to minorities include granting non-Muslim minority the right to receive immovable properties. Steps have been made towards the Kurds, Alevis, and Roma people who are not considered a minority in Turkey but considered as such at the EU level. These initiatives include the “Alevi opening,” “Kurdish Opening,” and “Roma opening.”

The issue of minority protection is particularly important and more complex due to the two different definitions and understanding of the concept “minority” by Turkey and the EU. In fact, this complicated situation is described as “a thorny issue in EU- Turkish relations” (Özerdem & Özerdem, 2013).

Mr. Dora comments on the EU’s approach towards Turkey, saying that relations and commitments are reciprocal,

“While we support Turkey’s accession to the EU and think that a lot more needs to be done to become a member, EU at the same time needs to fulfill its responsibilities on Turkey. I personally think that there are points EU needs to be criticized for. That has got to do with EU’s sincerity in the membership. Due to Turkey’s geographical proximity to the Middle East, majority of the population being Muslim, being from a different culture, the EU is not sincere with Turkey. German Chancellor Ms. Merkel and Former President of France Mr. Sarkozy offer privileged partnership to the EU. There may even be others who think the same, but do not put it into words. If a full membership is agreed, the EU should stand up for it. Turkey, on the other hand, should fulfill the obligations through the chapters, reforms, changes in law and constitution, through signing conventions.”

The Assyrians have long been deprived of their right to establish their own schools where they can teach their own language. Despite what is stated in the section concerning the minorities in the Treaty of Lausanne, Assyrians have been deprived of their rights. As mentioned in the EU Progress Reports on Turkey, the Turkish court ruled against the decision to open Assyrian schools in Istanbul, stating that they are not

considered minorities under the Treaty of Lausanne. The decision was reversed only in 2013. Hence, an Assyrian kindergarten is underway to be opened in Istanbul.

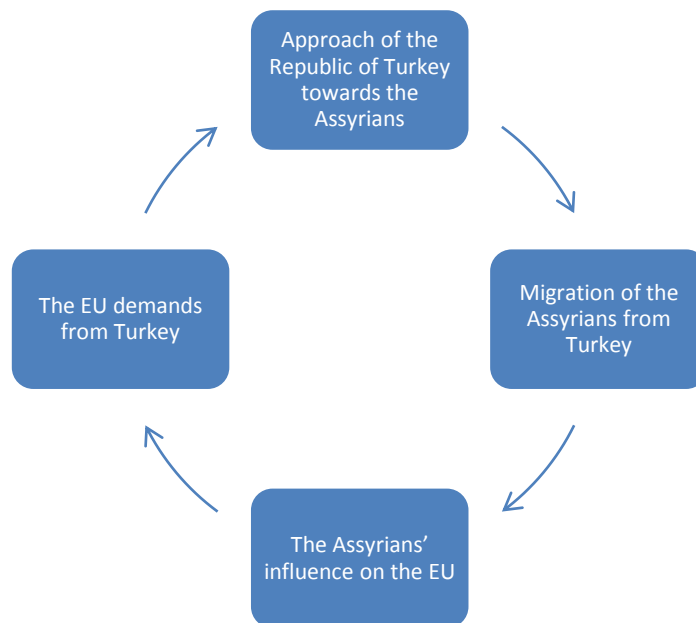
When discussing education rights and the status of Assyrians in the interview with Erol Dora, his comments on the development are as follows,

“In Turkey, Assyrians have had their own foundations for a very long time. This is a clear indication that they should be having their minority status. However, regarding their status as minorities they were at loose ends. Deficiencies existed. While they had their own foundations just like Armenians, Jews and Greeks, they were unable to establish their own schools like Armenian, Jewish and Greek schools. So, in practice and in bureaucracy they were not regarded as minorities. A while ago, when Meryem Ana Assyrian Orthodox Foundation applied to the Turkish Ministry of National Education for opening a kindergarten, the Ministry said that you are the primary component (*asli unsur*) according to Treaty of Lausanne. However, instead of making a division between primary and secondary component, 76 million citizens should be considered as primary components of the Turkish republic. Treaty of Lausanne is clear enough. If we had not been a minority group, we would not have had foundations. But we do. The moment the administrative court handled our case, the case was finalized in our favor. Assyrians, just like other minority groups, can make use of their rights now.”

The court decision is thus a significant case for the Assyrians, because it guarantees and emphasizes that all rights granted to the Armenians, Greeks, and Jews are not granted to the Assyrians as well. The changing approach towards the Assyrians since 2005 when EU-Turkey negotiation talks began is not a coincidence. The EU has been the motivator and the push factor in Turkey’s change of attitude towards minority rights and regime.

CHAPTER 12

CONCLUSION: The Domino Effect



The pathway towards the EU requires a firm commitment and full determination of the candidate members. Turkey, determined to go along this path, still has a long way to go with regards to fulfilling the political criteria. The protection of minorities, which is one of the conditions of the political criteria, is a delicate subject both for Turkey and for the EU.

The paper, focused on the Assyrian community in Turkey in order to explain the gaps in practices between Turkey and the EU's minority protection. Although in theory, as stated in the Treaty of Lausanne, granting minority status and protection only to non-Muslim citizens of Turkey was underlined, in practice, the status and protection applied to Armenians, Greeks, and Jewish communities. The rest of the non-Muslim communities, including the Assyrians, were deprived of the same rights granted to the aforementioned communities. While various reforms were made in Turkey since its acceptance as a candidate member of the EU, the Assyrians waited for official recognition as a minority group by the Turkish government. The contradiction with regards to the case of Assyrians was that they were not officially recognized as minorities and, therefore, were not able to establish their own educational institutions in their own language, but at the same time they could sustain their religious foundations just like Armenians, Greeks, and Jews. Erol Dora, therefore, in our interview, refers to the situation as "shortcomings" in their status. Although progress made in the Assyrians efforts of recognition is a positive and promising step for the Assyrians, the development and the court decision in Ankara does still not reassure the change made in Turkey's traditional minority regime, which insistently only recognizes Armenians, Greeks, and Jews.

Turkey still has a long way to go in order to comply with the European criteria. On the road towards the EU, the commitment of the Assyrians matters during the struggle for full recognition. Diaspora communities in the EU and the EU itself need to undertake responsibilities in supporting the Assyrians long-lost rights.

The issue of minority protection in Turkey is not limited to the Assyrian case. The EU has further expectations from Turkey. Turkey, as a home for various ethnic groups, is a multicultural state. Despite the fact that majority of the population consists of Sunni Muslim Turks, there are ethnically, linguistically, and religiously different nationalities in the Turkish Republic. While these nationalities in Turkey all are regarded as minorities by the EU, Turkey accepts only the religious factor as the only criterion in order to be considered a minority and to be granted with minority protection. The

justification of the religious factor is given through the Treaty of Lausanne. Aside from fully implementing the minority protection as stated in the Treaty of Lausanne, this thesis also emphasizes that Turkey is expected to broaden its minority concept according to the criteria of the EU and grant the same protection to nationalistic, ethnic, and linguistic minorities. The lack of the full implementation of the Treaty of Lausanne is not the sole concern. The adaptation of policies to European standards is expected from Turkey, as a country on the point of becoming a full member to the EU.

The EU's criteria are crystal clear, and Turkey is to fulfill them and harmonize its policies accordingly. How can harmonization of the minority policy in line with the EU be achieved, if the EU does not have one? The thesis stresses the lack of a standard minority policy of the EU, even though there exists a common position and expectation towards Turkey's minority policy. It is obvious that the EU's position towards Turkey's minority concept has reasonable grounds and affects reforms made by the state. The controversy concerning the standardization on the minority concept should be resolved through setting up a common minority policy and apply it both within the EU and to the candidate members as well. The EU's lack of a standard minority policy is a relevant issue when discussing its demands from a candidate member like Turkey. However, internal shortcomings within the EU needs further and more detailed groundwork. Therefore, this thesis does not aim to go beyond drawing attention to the lack of a concrete policy on the protection of minorities within the EU, and the existence of EU conditionality regarding Turkey's membership, which includes improving the minority regime.

In conclusion, the EU's role as a push factor for Turkey's changing attitudes towards the minorities, the Assyrians in particular, causes a domino effect. As illustrated in the graph above, Turkey's approach to the Assyrians during the 1950s, 1960s, 1980s, and 1990s resulted in Assyrian migration to the EU countries in large numbers. Their attachment to their culture made them unite under the umbrella of Assyrian foundations in these countries, which over time became politically active and was financially supported by the EU. Their diaspora activities influenced the EU's expectations from

Turkey. What the EU determined as accession criteria resulted in changes in Turkey's approach towards the Assyrians, which include improving rights of the Assyrians. Although shortcomings still exist both in the Assyrian case and in general, the changing attitude of Turkey, again, affects the migration activities of the Assyrians. Therefore, it can be said that each case influences the actions of the EU, Turkey, and the Assyrian communities.

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APPENDIX

APPENDIX A: ANNUAL EU PROGRESS REPORTS ON TURKEY

Minority 2004 Report on Turkey:

The report, which was prepared by the Minority Rights Group International, analyzes Turkey's approach towards minorities in detail through laws and implementation of these laws. The report underlines what Turkey has done so far until 2004 will determine the European Council's decision on whether Turkey is eligible for candidacy status. Therefore, as well as appraisal, shortcomings are specifically emphasized.

EU's candidacy deems it necessary for all national minorities in Turkey to be given rights and freedoms. Therefore, the Copenhagen criteria are the top priority for Turkey.

With regards to what Turkey has done until 2004, the report praises the improvements on the abolishment of state security courts, allowing non-Muslim foundations registry of property. The report recommends Turkey to intensify protection of minorities and their rights.

In order to show the differences in minority definition, the report differently analyzes the minority concept according to European standards and Turkish standards. In order to show what Turkey needs to do to adopt European standards, the reports demonstrate what treaties, conventions, agreements the EU signed, and which of them are signed by Turkey and which of them are excluded and refrained. There legal texts were prepared by the United Nations, Council of Europe, International Covenant on Civil and Political Rights, and Organization for Security and Cooperation for Europe.

The main criteria to be a minority group in Europe is to be racially, culturally, ethnically, religiously, and linguistically tied to a group, which has a relatively lack of power compared to the dominant group. Hence, it is not up to the national government and constitution to decide who is and who is not a minority group (Kaya & Baldwin,

2004). The Report thus, makes a detailed list of ethnic, linguistic, and religious minorities in Turkey and states the fact that only three (Armenians, Greeks, Jews) are under minority protection. Considering the fact that the Turkish Constitution prohibits any other languages other than Turkish at school, with the minorities recognized under the Treaty of Lausanne, the Report resents the denial of education in Circassian, Laz, and Kurdish. It also underlines the fact that there are no language and literature departments in these minority languages. While establishment of primary, secondary and high schools of Armenians, Greeks, and Jews are possible, these groups still face restrictions and there is a slow pace in procedural matters such as appointing Greek-language teachers or the approval of school textbooks. As for Syriacs, they are still unable to establish their own educational institutions (Kaya & Baldwin, 2004).

The report therefore states that Turkish standards and approach towards minorities at the educational level is not in full compliance with the European standards (Kaya & Baldwin, 2004).

The Law on Political Parties prevents the usage of any language other than Turkish. The restriction on the usage of language poses a problem in the political arena. Despite some positive steps taken regarding prevention of harassing minority politicians, much still needs to be done to ameliorate the political participation of the minorities and to comply with the European standards (Kaya & Baldwin, 2004).

Turkey 2005 Progress Report:

Language-related issues and lawsuits exist due to the restrictions put on mother tongue education. Education in languages other than Turkish is not allowed according to the Turkish Constitution. The Reports gives examples through an association called Eğitim Sen. The association was faced with being closed down due to a clause in its statute that supports the education in mother tongue languages. While the Ankara Labor Court made a decision in favor of the association on the grounds that the interpretation of the Turkish Constitution should be in compliance with the European Court of Human

Rights (ECtHR) in September 2004 and February 2005, the Court of Cassation ruled against the association (European Commission, 2005).

Another existing problem is related to the freedom of religion. There seems to be a little progress since 2004 with regards to the right of religious communities. Despite the legislation on governing associations, no improvement has been made on religious communities wanting to establish associations with legal personalities. Restricted property rights of minority foundations, intervening in governing of foundations, lack of legal personality to protect and promote their religions, non-recognition of worship places of Alevi communities, closure of Greek Orthodox Halki Seminary are a few of the problems the Report raises concern about (European Commission, 2005).

With regards to international agreements and conventions on minorities, the Report states that Turkey has not yet signed the Council of Europe Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages, has not ratified Additional Protocol no 12 of the ECHR. As far as the aforementioned international agreements are concerned, they are important due to the *de facto* discrimination minorities are faced with in administrative and military positions (European Commission, 2005).

As a non-Muslim community, it is stated that Assyrians (mentioned as Syriacs in the Report) are not allowed to establish their own schools. Those that returned back to Turkey from abroad face with difficulties regarding registering their land properties. Complaints, therefore, started to increase due to the seizure of their uninhabited property (European Commission, 2005).

Turkey 2006 Progress Report:

With regard to the freedom of religion, it is again mentioned that non-Muslim communities do not have legal personality and still face restrictions in property rights. Problems took place while managing foundations and taking back properties through judicial means. Clergy training continues to be restricted, and the Halki Seminary is still

not opened to religious training. There have been no developments in opening worship places (Cem houses) of Alevi community. They are not recognized as places worship places and therefore are not state funded. There is a general respect for worship places, except for those of Alevi communities. The Commission report indicates the need to broaden the minority concept by referring to the Armenians, Jews, and Greeks as the only minority groups. The OSCE High Commissioner on National Minorities (HCNM) visit to Ankara in 2005 was regarded as an important event. During which no progress was made between the High Commissioner and the government in terms of minority related issues such as education, languages, protection, participation in public life, and broadcasting in minority languages. Turkey's compliance with EU and international standards on minorities would be facilitated with the close relations between Turkey and HCNM (European Commission, 2006).

The reservations Turkey made towards UN Covenant on Civil and Political Rights (ICCPR) and UN Covenant on Economic, Social and Cultural Rights (ICESCR) raise concern in the EU. The reservations on both of these Covenants are made on articles regarding the minority rights. Turkey reserves the right to interpret and apply minority related articles in accordance with the Turkish Constitutions. The Report also expects Turkey to sign the Council of Europe Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages (European Commission, 2006).

With regards to Assyrians (mentioned as Syriacs in the report), the Report reiterates the lack of progress in protection of property rights of Assyrians. Those who lost their Turkish nationality face difficulties in registering their property (European Commission, 2006).

Turkey 2007 Progress Report:

The Report mentions the Human Rights Advisory Board working under the Office of the Prime Minister that ceased its operation since the release of Minority Rights report

in October 2004 and a lawsuit opened against two main authors of the report. With regards to non-Muslim communities, the lack of legal personality and restrictions on property rights are mentioned again. The Commission Report reiterates the lack of progress made with regards to Alevis. Complaints of the Assyrians (mentioned as Syriacs in the report) about the seizures of property is reported to have increased and the difficulties they are faced with in relation to property rights remain unchanged (European Commission, 2007).

Despite the recognition of three main groups, Armenians, Jews, and Greeks, as minorities, the Report suggests that Turkey's approach should be changed in a way that Turkish citizens with other ethnic origins, language, religion should be granted with specific rights, such as respect for their language, religion, freedom of association, religion, expression, and participation in public life (European Commission, 2007).

The Report points out that a dialogue between the HCNM and Turkish government on issues like participation of minorities in public life and broadcasting in minority languages should be initiated. HCNM's efforts to communicate with Turkey are emphasized through the High Commissioner's third visit to Turkey in 2006. The concerns regarding the reservations Turkey insists on in the UN Covenants, ICCPR, and ICESCR remain unchanged (European Commission, 2007).

Dual presidency in the management of minority schools and reference to minorities in a discriminatory language is expected to be removed from textbooks (European Commission, 2007).

This Report also underlines new progress made in broadcasting. A radio channel in Diyarbakır, *Çağrı FM*, was given authorization to broadcast in Kirmanchi and Zaza Kurdish. Four local radios and TV channels have been able to broadcast in Kurdish by 2007 (European Commission, 2007).

The Report shortly mentions the situation of Assyrians (mentioned as Syriacs in the report), stating that no progress have been made in the existing difficulties they are faced with in property right (European Commission, 2007).

Turkey 2008 Progress Report:

Freedom of religion and worship is reported to be respected in Turkey. The Law on Foundations was adopted in 2008, in which there is a reference to property rights of non-Muslim minorities. While this adoption is a progress, the implementation of the Law along with the property related matters are regarded as a challenge. Progress is reported to have taken place regarding the Alevi communities. The government initiated dialogue with the community in order to improve relations and address concerns. A municipal council is reported to have recognized a Cem House as a worship place (European Commission, 2008).

As of 2008, religion classes have begun to be obligatory in primary and secondary education. The lack of legal personality among non-Muslim communities is mentioned again, since no progress has been made (European Commission, 2008).

The report shortly reiterates that both the Assyrian (mentioned as Syriacs in the report) religious institutions and the individuals are affected by the seizure of their properties (European Commission, 2008).

Turkey 2009 Progress Report:

The Law on Foundations is reported to be going well since its adoption in 2008. Work permits to foreign clergies wishing to work in Turkey have been given, which is considered to be progress in the freedom of religion and worship. Another positive development is the visit Turkish authorities paid to non-Muslim religious communities in spring 2009 to discuss problems and convey them to the Prime Minister in summer 2009 (European Commission, 2009).

The Report covers the attendance of the Minister of Culture in the opening of the first Alevi institute in late 2008 and apology he made on behalf of the sufferings they experienced in the past. Cem Houses were recognized as worship places by the three municipal councils. The administrative courts of Ankara, Antalya, and Izmir decided that Alevi students could be exempted from compulsory religion classes (European Commission, 2009).

There has been not much progress made in the situation of obtaining legal personality among non-Muslim communities. Clergy training is still not practiced due to restrictions. Despite the debates on reopening on the Halki Seminary, no concrete steps have been taken. A decision has still not yet been made regarding the request of the Armenian Patriarchate to open a department of Armenian language and clergy at university (European Commission, 2009).

Property-related issues are still the problems faced by Assyrians (mentioned as Syriacs in the report). The Mor Gabriel Syriac Orthodox Monastery has been undergoing difficulties related to property ownership. New administrative borders between the monastery and villagers are the reasons why several court cases have taken place. While the monastery claims that the land is owned by them, judicial authorities have opened a case against monastery (European Commission, 2009).

Turkey 2010 Progress Report:

Regarding the freedom of expression, on topics considered as sensitive such as Kurdish and Armenian issues, minority rights and the role of the military have been discussed in a more open and free debate. At the same time, the newspapers that discussed the Kurdish question or Kurdish publications were under increasing pressure. A publication, named *Azadiya Welat* in Diyarbakır was banned from publishing several times and its journalists were imprisoned due to the charges against them, such as promotion of terrorism (European Commission, 2010).

Fourteen members of the Greek Orthodox clergy received Turkish citizenship from the government. Hence, their working at the Patriarchate has been facilitated. Turkish authorities, especially those working at the Ministry of EU Affairs have had increasing contact with the non-Muslim communities and their religious leaders. The Prime Minister in 2010 issued a circular stating that the problems of non-Muslim communities should be listened to. The circular included issues on non-Muslim cemeteries, the implementation of court decisions that were given in favor of these communities with regards to title-deed registries, and opening legal proceedings to the publications that made discriminatory statements and incited hatred against non-Muslims. The Court case on the assassination of the Armenian journalist Hrant Dink continues without any concrete progress (European Commission, 2010).

The Alevi opening is still ongoing. Despite the *de facto* recognition of Cem Houses by three municipal councils in 2009, Alevis' request and two cases to open worship places have been refused by the courts (European Commission, 2010).

As for education-related issues, the Halki Island remains closed, and the request to open an Armenian language and clergy department at university is still pending. The Assyrians (mentioned as Syriacs in the report) can only provide informal training due to the non-existence of officially established schools (European Commission, 2010).

No new developments have been made on property-related issues of the Assyrians. The court case on the Mor Gabriel Monastery still continues (European Commission, 2010).

The Report states that despite the developments made with regards to having more open and free debate on minority-related issues, much more needs to be done in order to align with the European standards, such as the lifting of reservations on the UN Covenants and being a signatory of the Council of Europe Framework Convention for the protection of national minorities (European Commission, 2010).

Turkey 2011 Progress Report:

The Report reiterates the freedom of religion and worship is generally respected. Openings of new worship places and the recognition by some municipals of these places, such as one Protestant Church and Alevi worship places are cited as examples (European Commission, 2011).

In 2011, the Law on Foundations adopted in 2008 was amended. The law was widened by returning the properties of non-Muslim foundations under the condition that they were registered in 1936 declarations, as a result of which the property rights of non-Muslim foundations taken away (European Commission, 2011).

The Report also draws attention to educational matters, one of which is concerning the religion classes. While non-Muslims are exempt from these classes, and the other communities are obliged to take these courses, there is no optional class for the exempted ones. Therefore, the school remarks are affected negatively, as a result of the exemption (European Commission, 2011).

Requests of the Armenian Patriarchate on the opening of an Armenian language department and the Halki Seminary are still pending. The Assyrians (mentioned as Syriacs in the report) still lack formal training due to absence of officially established schools. Turkish Forestry Ministry case went for an appeal to the Court of Cassation on The Mor Gabriel Monastery following the local court decision in favor of the Monastery. The Court of Cassation ruled against the Monastery, thus reversing the first-instance court decision. While the legal proceedings are ongoing, the Report raises its concern on the decision of the case (European Commission, 2011).

Turkey 2012 Progress Report

While there have been improvements in property rights, access to justice, obtaining work and residence permit of foreign clergies and fundraising, legal personality among non-Muslim communities is still lacking. Clergy training is still restricted due to the

lack of higher religious education in Turkish legislation and public and private education system. The requests of Armenian Patriarchate and Assyrian (Syriac) Orthodox community remain unchanged. Although there has been progress through Alevi opening, not enough follow-up was realized in 2012 (European Commission, 2012).

The Report mentions the coverage of mosque expenses by the State, while the Alevi and non-Muslim communities that are not officially recognized are entitled to pay the electricity and water charges of their worship places (European Commission, 2012).

The Report states that non-Muslim communities have made complaints about hate speeches and anti-Semitic comments on the media and have been left unpunished (European Commission, 2012).

Dialogue between the government and minority representatives continues, and representatives of minorities came into the Turkish Parliament to state their opinions on the new Constitution (European Commission, 2012).

The Report points out the need to establish a mechanism or specific body to fight against discrimination, xenophobia, anti-Semitism, and intolerance. However, no legal framework is reported to have been established to fight against discriminatory actions despite the references in the Constitution to the non-discrimination principle that are interpreted in a restricted manner at the courts. Turkey is recommended both by the EU and the Council of Europe to establish a legal framework on hate crimes and hate speeches. Relevant Covenants and Conventions on the protection of minorities introduced both by the UN and the Council of Europe are expected to be applied by Turkey (European Commission, 2012).

As for the Assyrians (Syriacs), the first monthly Assyrian newspaper has started publishing on March 2012. The case on Mor Gabriel Monastery is carried to the ECHR following the decision of the Court of Cassation (European Commission, 2012).

Turkey 2013 Progress Report:

Dialogue with non-Muslim communities has increased and brought about positive results. The religious school textbooks are reported to be more inclusive. The increasing dialogue enabled making a progress in educational and religious matters of minorities. The Commission Report expects Turkey to grant certain right to the Turkish citizens with different ethnicity and language and religion. It is deemed necessary in order for these groups to preserve their identity. The Report suggests that language-related issues, such as the law on prohibiting speaking language other than Turkish is amended (European Commission, 2013).

As for the Assyrians (Syriac), there has been a considerable progress specifically in educational and property matters. The Mor Gabriel Monastery was returned by the Foundations Council on October 7, 2013. Previously, due to the Court of Cassation decision, the land was transferred to the Treasury. Before the transfer, on March 2013, Turkish Deputy Prime Minister stated that the government was determined to solve the issue related to the Monastery when he paid a visit to Assyrian community in Germany. There is now no legal blocking for Assyrians to establish their own schools under the decision of Ankara administrative court. The Court finalized its decision in August 2013, and the Assyrians have been since preparing to open a kindergarten in Istanbul. Opening of a kindergarten was denied to the Assyrians in the beginning by the authorities saying that they were not regarded as minorities under the Treaty of Lausanne, and such rights were given only to Armenians, Jews, and Greeks. The administrative court in Ankara reversed the statement, and stated that there was no legal prevention when the Treaty of Lausanne is concerned (European Commission, 2013).

One of the complaints regarding the discriminatory statements in textbooks at schools came from the Assyrians. In accordance with their complaints, 10th grade history school textbook is reported to have been amended (European Commission, 2013).