



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Ecumenical Federation of Constantinopolitans, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 January 2025]

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\* Issued as received, in the language of submission only.



## **The Violation of the Right to Elect Administration by the Greek-Orthodox Minority of Istanbul in their Major Welfare Foundation Balikli**

According to articles 40 and 42 of the international Lausanne Treaty (1923) [1] the non-Muslim minorities have the right to administer their welfare foundations. The Greek-Orthodox minority which is recognized by the same Treaty while being of 125.000 that time, today consists of less than 1000 persons due to severe violations of the minority and human rights during the period 1923-2003 as already presented several times at the U.N. meetings and elsewhere. The Minority holds 70 welfare foundations in the wider region of Istanbul. Among these foundations the largest[ Application Number 2019/5202, Date of Decision: 19/12/2023, State Journal date and number: 20/5/2024-32551] and most important one is the Balikli Philanthropic Foundation which possess significant real estate properties in Istanbul. The Foundation in its central installations possesses many health clinics and elderly house. Contrary to existing laws of Türkiye in the Balikli Foundation, no election took place from the year 1991, despite the fact during this period elections took place in minority foundation three times. This violation took place because of an unexplainable tolerance of the General Directorate of Welfare Foundations (GDWF) on this issue. This situation has created several administrative and economic problems to Balikli Foundation and most importantly its alienation towards the Minority which belongs.

In June 2022 a new regulation on the election of administration of minority foundations was issued by the Government of Türkiye, however exempting the welfare foundations incorporating hospitals as is the case of Balikli. According to this, a special regulation was foreseen to be issued for foundations with hospitals till the end of 2022 and election should take place before the end of 2023. However, this never happened.

In view of this long time violation, members of the Minority filed an appeal to Turkish courts and after 10 years passing all the levels of justice, the Supreme Constitutional Court of Türkiye ruled [2] that the failure to hold elections at the Balikli Foundation for 33 years is a serious violation of the right of representation and requested from GDWF to organize immediately elections. Despite this the GDWF claiming the nonexistence of election regulation in not implementing the ruling of Supreme Constitutional Court.

The authorities of Türkiye are invited to take all necessary measures democratic and free elections to take place in the Balikli Hospital.

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1. Lausanne Treaty (23.7.1923) is the foundation act of Republic of Türkiye.

2. Application Number 2019/5202, Date of Decision: 19/12/2023, State Journal date and number: 20/5/2024-32551