



Land and property rights remain significant issues for the Assyrian community in Turkey, which in the context of the recent land registry procedures has reportedly seen several Assyrian properties transferred to the state. In 2015 the European Commission called on the government to resolve issues around the restitution of land belonging to Assyrians, including the 4th century Mor Gabriel and other churches in Mardin province. These issues were rooted in the transfer of ownership of land and properties belonging to the Assyrian



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Orthodox Church to the state in 2014, a situation that has only begun to be resolved after years of negotiations. While not all land and properties belonging to the Assyrian Orthodox Church have not been returned, Mor Gabriel was formally returned in November 2017 and it is hoped that a planned bill announced in February 2018 will see other community properties restored.⁶

The term "forced evictions," as understood by the Committee on Economic, Social and Cultural Rights, is defined as "the permanent or temporary removal against their will of individuals, families and/or *communities* from the homes and/or *land* which they occupy, without the provision of, and access to, appropriate forms of legal or other protections" [emphasis added].⁷ The Committee recognizes forced evictions as *prima facie* illegal, placing the burden on the government to justify its lawfulness,⁸ and notes the particular vulnerability of minorities who are disproportionately harmed as a result of forced eviction.⁹ Several Assyrian villages were forcibly evacuated. The government has initiated a Return to Village and Rehabilitation Project to encourage and support the return of citizens.¹⁰ Unfortunately return initiatives for Assyrians are hindered and/or not well supported due to a lack of security against harassment and fair distribution of the funds made available by the government for the rebuilding efforts.

The application of Article 101 of the Civil Law¹¹ discriminates against religious minorities by targeting immovable properties owned by their foundations. As such, instances of expropriation resulting in the confiscation of church property should be recognized as unlawful and amounting to the level of forced eviction as described by the Committee. While amending the law has helped halt future cases of unjust expropriation, it does not discharge Turkey's obligations to ensure an effective remedy and restore the illegally seized property. The Assyrian people have been impacted by the conflict between Turkey and PKK, leading to and resulting in the displacement of Assyrians in the Turkey region. The construction of a military base in the North of Iraq and drone attacks on Assyrian Villages in Northern Iraq have contributed to instability and forced displacement of the Assyrian people. Lastly, the conflict between Turkey and the YPG; an affiliate of PKK, has contributed to the victimization and displacement of the Assyrian people.

As Turkey continues to establish itself to be an increasingly stable and democratic state in the region, the indigenous Assyrians are hopeful that their future in Turkey will include greater respect for their human rights and heritage. Yet much is still needed from Ankara to ensure that Assyrians who have lived in Turkey for centuries can preserve their identity free from discrimination within the state's evolving socio-political landscape. The AUA America offers the following recommendations to the government of Turkey:



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- **Ensure that the interests and rights of the most indigenous people – the Assyrians—are adequately incorporated into the framework of the country’s institutions.**
- **Repeal or reform all laws prohibiting the establishment of political parties based on indigenous and minority status.**
- **Ensure that all government-initiated financial assistance to return and rebuild villages are fairly distributed to all minority groups, especially the most indigenous people – the Assyrians.**
- **Ensure that preparators of crimes of discrimination and harassment against the indigenous and minority groups, specifically Assyrians, are brought to justice timely.**
- **Ratify the UNESCO Convention against Discrimination in Education.**
- **Establish and finance programs by the government at universities to track and list abandoned properties and churches belonging to minorities and indigenous people including Assyrians.**
- **Promptly restore all unlawfully expropriated property belonging to minority foundations.**

1 Founded in 2007, and with Consultative Status with the United Nations since 2013, AUA Americas works to increase public awareness and understanding of the Assyrian culture and people, to promote human rights and indigenous rights at the national and international levels.

2 Interactive Atlas of the World’s Languages in Danger, UNESCO

<http://www.unesco.org/culture/en/endangeredlanguages/atlas> (accessed April 28, 2022).

3 Assyria, Unrepresented Nations, and Peoples Organization, March 28, 2008,

<http://www.unpo.org/members/7859> (accessed April 28, 2022).

4 “Who are indigenous peoples?” Factsheet, United Nations Permanent Forum on Indigenous Issues,

http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf (accessed April 28, 2022); The

Permanent Forum understands the term “indigenous” to be based on the following criteria: (1) Self-identification as indigenous peoples at the individual level and accepted by the community as their member; (2) Historical continuity with pre-colonial and/or pre-settler societies; (3) Strong link to territories and surrounding natural resources; (4) Distinct social, economic or political systems; (5) Distinct language, culture, and beliefs; (6) Form non-dominant groups of society; (7) Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

5 The Turkish Government’s sole reservation to the ICCPR reserves the right to interpret and apply Article 27 under the constitution and the 1923 Treaty of Lausanne.

https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-5&chapter=4&clang=_en (accessed April 28, 2022)

6 “Turkey Assyrians,” Minority Rights Group International,

<http://www.minorityrights.org/4406/turkey/assyrians.html> (accessed April 28, 2022).

7 General Comment 7, Committee on Economic, Social and Cultural Rights, Par. 4

8 Id. at Par. 1.

9 Id. at Par. 11.

10 Return to Village and Rehabilitation Project (RVRP) https://www.icisleri-gov-tr.translate.google.com/translate/koye-donus-ve-rehabilitasyon-projesi-kdrp?_x_tr_sl=tr&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc

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11 Turkish Civil Code https://www.tusev.org.tr/usrfiles/files/Turkish_Civil_Code.pdf (accessed April 28, 2022).