



**STATEMENT BY AMBASSADOR TACAN İLDEM  
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**(Reply to the Ecumenical Federation of Constantinopolitans in Plenary Session 2 of the OSCE High-Level Conference on Tolerance and Non-Discrimination: *Combating intolerance and discrimination against Christians and members of other religions*, Tirana, 21-22 May 2013)**

Thank you Mr. Moderator.

I would like to reply to a previous statement in this session. As touched upon, the status of minorities both in Turkey and Greece were determined by the Lausanne Peace Treaty. Turkey has a constructive approach in terms of minority issues and the concrete steps taken by Turkish government are well appreciated. Considerable legislative reforms have been made in Turkey since 2002. Among others, the Greek Orthodox Minority has also benefited from the ongoing reform process.

Turkey has been updating its legal framework and expanding minority rights. Certain practical limitations on non-Muslim community foundations were abolished with an amendment in 2003. This provided them with the right to acquire new immovable property. The “Law on Foundations” of 2008 aims at providing further flexibility to the non-Muslim community foundations in their operations. Furthermore, the Turkish Government decree dated 27 August 2011, paved the way for returning suspended properties and historical cemeteries to minority foundations as well as for compensation concerning the properties under third party possession.

I would also like to make a few remarks regarding the status of the Patriarchate and the use of the title “ecumenical”. Within the secular system of Turkey, religious institutions (Muslim or non-Muslim) can neither uphold any status nor have legal personality. At the Lausanne Peace Conference, Turkey allowed the Patriarchate to continue to reside in Istanbul, on the condition that it provides service for only the religious and spiritual needs of the Greek Orthodox Minority in Istanbul and that the Patriarch himself should be a Turkish citizen. In other words, the Patriarchate accepted to waive all the political and administrative privileges granted by the Ottoman authorities

in order to continue to reside in Istanbul. In fact, this was a basic condition to be met, given the secular nature of the Turkish Republic.

Therefore, the claim of “ecumenical” status is not relevant for Turkey. It is an issue of the Orthodox Church. It is up to the Patriarchate to determine its title in its relations with third parties and its international contacts.

Indeed, the opinion of the Venice Commission dated 12-13 March 2010 reads in paragraph 99 as follows: *“The Turkish authorities are under a clear obligation under Article 9 of the European Convention of Human Rights not to obstruct or in any way hinder the Patriarchate from using this title. However, it cannot be inferred from the ECHR that the Turkish authorities are obliged themselves to actively use this title when referring to the Patriarchate, nor to formally recognize it. If the authorities do not want to use the title, they are formally free under the ECHR not to do so, as long as they do not obstruct the use of it by others.”*

As to the Theological School in Heybeliada, Turkey understands the need of the Greek Orthodox Community to train its clergy and, with a constructive spirit, is exploring a viable solution to re-open Heybeliada Theological School on satisfactory terms to all interested parties.

Thank you.