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**HUMAN DIMENSION IMPLEMENTATION MEETING
(29 September-10 October 2008)**

Working Session 12: Freedom of Religion or Belief

**Statement by Ambassador Yusuf Buluç
Permanent Representative of Turkey**

Mr. Moderator,

Freedom of religion or belief is a fundamental freedom that needs to be protected in every society, foremost in the democracies. It is worthwhile to remember while internal aspects of this freedom (*forum internum*), including the right to change one's religion or belief, is absolute, its external aspects (*forum externum*) such as the right to manifest a religion or belief may be limited under certain circumstances. Furthermore, international standards generally, and the European Court of Human Rights specifically, presume that there is a "margin of appreciation" that allows States to enact laws and implement policies that may differ from each other with regard to different histories and cultures. Legislation that acknowledges historical differences in the role that different religions have played in a particular country's history are permissible so long as they are not used as a justification for discrimination. We need to keep in mind these principles when we assess the freedom of religion or belief situation in a given country.

Turkey, with a Muslim majority population, is a democratic and secular country committed to religious and cultural pluralism. It is not only the laws but also the traditions of interfaith dialogue and harmony deeply rooted in society which guarantee freedom of religion or belief in Turkey. A peculiar aspect of Turkish democracy is that its concept of minority is based on religion rather than ethnicity. Consequently, Turkish citizens belonging to non-Muslim minorities, in addition to enjoying equal rights and freedoms, benefit from the exclusive assurances accorded to them deriving from their minority status under the Lausanne Peace Treaty. The Orthodox, the Jewish and the Armenian communities, have 185 places of worship, 46 primary and secondary schools, 145 foundations, 5 hospitals, 9 newspapers. Contrary to the claims expressed by some NGO representatives yesterday and today, the facts demonstrate that Turkey's non-Muslim communities are far from extinction but thriving and benefiting from an extensive and ongoing reform process, the non-Muslim minorities, like other Turkish citizens. A new governmental body, the Minority Issues Assessment Board, holds periodic consultations with non-Muslim citizens with a view to resolving their remaining difficulties.

It is not only non-Muslim Turkish citizens but also foreigners residing in Turkey who enjoy and exercise their freedom of religion or belief. More than 100 foreign clergymen have been registered in Turkey to serve in well over 300 places of worship, including 53 churches run by foreigners residing in Turkey.

Mr. Moderator,

Two interventions have been made by an NGO representative yesterday and today with regard to the situation of Greek Orthodox minority in Turkey. In my intervention yesterday I said we shall study them for their factual accuracy and emphasis. We did so. Without laboring the point let me summarize our conclusions by saying that they constitute an amalgam of untruths and distortions. I should elaborate. In them there exist a large measure of repetition of allegations which this Delegation has laid to rest through its replies and comments in earlier HDIMs. We shall spare this session the pains of an overdose of such repetition. What was new was the reference to a recent judgement by the ECHR. We should be ready to sit down with the representative of the Order of St. Andrew to examine the text of the judgement together and point out for their benefit what needs to be corrected in their reading and interpretation of it.

The said judgment by the Court, which was issued on 8 July 2008, neither concerns the Greek Orthodox Patriarchate's right to own property, nor its legal personality. The Court judgment has even less to do with the title of the Greek Orthodox Patriarchate. Besides, like other titles of religious leadership or peership, the title of "ecumenical" has not been and cannot be bestowed by juridical verdict. The judgment that was referred to concerns whether a certain property in Büyükdada, Istanbul, belongs to the Foundation of Greek Orthodox Orphanage for Boys or to the Greek Orthodox Patriarchate.

Furthermore, there is nothing in the ECtHR judgment that questions the right of the State to expropriate, provided a fair compensation for such action is made. These provisos are met or are in the process of being met as the result of our own national legislative action which is commended by many. What I find most disturbing in the said interventions is the omission of even of a grudging acknowledgment of the newly enacted law on foundations which makes good many of the deficits in the relevant body of Turkish legislation.

We are pleased to have the Patriarch as one of us, to continue to house the Patriarchate in Istanbul, a feature which adds to our religious mosaic of diversity, richness and harmony.

Thank you.