



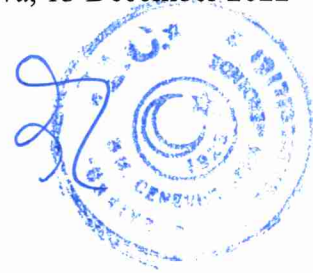
PERMANENT MISSION OF THE REPUBLIC OF TÜRKİYE
TO THE UNITED NATIONS OFFICE IN GENEVA

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The Permanent Mission of the Republic of Türkiye to the United Nations Office in Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the Communication from Special Procedures dated 20 October 2022 (AL TUR 7/2022), has the honour to enclose herewith the observations provided by relevant Turkish authorities.

The Permanent Mission of the Republic of Türkiye avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 13 December 2022



Encl: As stated.

Office of the High Commissioner for Human Rights
Palais des Nations
1211 Geneva 10

REPLY TO THE JOINT COMMUNICATION FROM SPECIAL PROCEDURES
(AL TUR 7/2022)

With reference to the letter of the Special Rapporteur on minority issues and the Special Rapporteur on the right to education dated 20 October 2022, the Republic of Türkiye wishes to submit the following information regarding the Heybeliada Theological School and Greek Orthodox minority in Türkiye.

Minority rights in Türkiye are regulated in accordance with the Lausanne Peace Treaty of 1923, under which Turkish citizens belonging to non-Muslim minorities fall within the scope of the term “minority”.

Turkish citizens belonging to non-Muslim minorities have the same rights as the rest of the population in accordance with the constitutional principle of equality before the law. Additionally, they benefit from their minority status in accordance with the Lausanne Peace Treaty. They have their own schools, places of worship, foundations, hospitals and media organizations.

Heybeliada Theological School (HTS) was founded in the Monastery of "Aya Triada" in 1844, as a four year secondary and three year specialized (theology) school.

The school underwent the following stages between 1844 and 1971: 1844-1919 four-year secondary and three-year theology education; 1919-1923 five-year theology without secondary education; 1923-1951 four-year secondary and three-year theology education; 1951-1971 three-year high school and four-year theology education. 930 students graduated from the school between 1844 and 1971 and 343 of these graduates have become bishops.

All private higher education in Türkiye were included in the state education system by the decision of the Constitutional Court dated 12 January 1971. In this context, the activities of HTS were terminated on 9 July, 1971, due to the absence of a higher education institution under which the High Theology School could operate. This was not a deliberate action specifically directed at HTS, but a consequence of introduction of a general legislation in Türkiye. Despite the fact that high school section of the HTS continued to function as “Heybeliada Private High School”, Greek Orthodox Patriarchate applied to the then Ministry of National Education and Sports of the Republic of Türkiye in 1984, proposing to close down the high school section due to the insufficient number of students. Thus, the high school section also ceased to function without being subject to a decision of closure.

With a view to providing non-Muslim minorities with professional clergies, the Board of Higher Education Executive Board decided to establish the “World Religious Culture Department” at the Istanbul University Faculty of Theology, on 14 September, 1999.

However, the Patriarchate did not approve of the resumption of the education of HTS under a public university in line with the abovementioned regulatory framework of the Board of Higher Education.

Pursuant to the Article 24 of the Constitution of the Republic of Türkiye, which stipulates that religious-moral education and training shall be carried out under the supervision and control of the State, it is not possible to reinstate the theology department of the school with

its former status. The Lausanne Peace Treaty and the relevant constitutional provisions provide the legal basis in order for the HTS to re-open as a minority school status. Therefore, there is no discrimination vis-à-vis the Greek Orthodox minority.

Since 2003, Türkiye has taken many steps to meet the demands of the minority groups in the realm of religious freedoms and protection of cultural heritage. Greek Orthodox Minority in Türkiye is under legal protection. They fully enjoy their religious freedoms. There are no restrictions on using their ethnic identity or language. The Greek Orthodox Patriarchate carries out its activities in conformity with its traditions. The procedures and principles regarding the election of the Patriarch and the members of St. Synod are implemented in line with the traditions of the Patriarchate. 30 Greek Orthodox Metropolitans, attached to the Patriarchate were granted Turkish citizenship, based on their applications. There are 101 churches, functioning in connection with the Patriarchate in Istanbul. Many church buildings, in particular those at the touristic venues have been renovated/restored by the relevant Turkish institutions and are being used for cultural purposes.

In the Turkish system, religious institutions (Muslim or non-Muslim) can neither uphold any status, nor have legal personality. There is no discrimination vis-à-vis the Greek Orthodox Patriarchate in this regard. The legal personality needed by the Patriarchate is being performed through its foundations. Currently there are 77 active Greek Orthodox foundations in Türkiye. The Law on Foundations provides the legal basis for returning the properties to foundations, and is effectively implemented. In accordance with the legislative work carried, 433 properties have been re-registered in the name of Greek Orthodox foundations between 2003 and 2018. Furthermore, for 11 properties, compensation was paid to the Greek Orthodox foundations. “The Community Foundations Election Regulation” was finalized and published in the Official Gazette on 18 June 2022. The Directorate of Foundations have held consultations with representatives of the non-Muslim foundations to draft a better and comprehensive legislation compared to the previous one. The regulation applies to 167 non-Muslim community foundations (77 foundations belong to the Greek Orthodox community, while the others are linked to various communities: 54 Armenians, 19 Jewish, 10 Assyrian, 3 Chaldean, 2 Bulgarians 1 Georgian and 1 Maroni) to hold their board of directors elections.

In Istanbul, there are 6 elementary, 5 middle and 4 Greek Orthodox minority high schools. In Gökçeada, currently, there is 1 elementary and 1 middle/high Greek Orthodox minority school. Opening of Gökçeada Greek Primary Minority School in 2013-2014 school year with only 4 students enrolled is a clear indication of Türkiye’s good will, as 10 being the minimum required number of students. A Greek minority preschool started functioning in Gökçeada as well. Currently, in Gökçeada, 57 students are enrolled in minority schools. Opening of these schools does not only accommodate the requests of the current inhabitants of Gökçeada, but will also encourage the return of islanders, which Türkiye supports.

On a different note, it should be noted that as a result of the positive steps taken by the Government, considerable number of Greek Orthodox minority members have already returned to Türkiye. The Government continues to take steps to boost this trend. Opening of new schools in Gökçeada is the reflection of this constructive approach.