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**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.

[18 August 2020]

* Issued as received, in the language(s) of submission only.

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The Necessity of Scientific Conservation and Management of the World Heritage Monument of Hagia Sophia of Istanbul and other cultural heritage sites in Turkey for the respect, promotion and protection of the cultural rights of all

World cultural heritage monuments constitute some of humanity's major achievements. They stand as irreplaceable masterpieces of humanity's varied civilizations and cultures both past and present. As such, they need to be protected and treasured; their value should be brought out and shared with the world - not hidden away.

This ideal is embodied in the 1972 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention "Concerning the Protection of World Cultural and Natural Heritage", by which states undertake the duty, among others, of "ensuring the identification, protection, conservation, presentation and transmission to future generations" of monuments recognized as constituting part of the World Heritage". Chief among the concerns mentioned in this document is the preservation of monuments' authenticity. States therefore have an obligation to ensure that any modification to the monuments does not negatively impact the Outstanding Universal Value of inscribed sites on their territories including their integrity and/or authenticity. Therefore, any major change in the use of a World Heritage Monument, including its restoration, should be submitted to the World Heritage Committee of UNESCO for prior consideration and comments before any action is taken.

From a Human Rights standpoint, the importance of Cultural Heritage has been established on numerous occasions. The right of access to and enjoyment of cultural heritage has been recognized as part of international human rights law, finding its legal basis in the right for all to take part in cultural life without discrimination. In this vein, Special Procedures of the Human Rights Council have stressed that access to and enjoyment of cultural heritage are interdependent concepts – one implying the other. They convey an ability to, inter alia, know, understand, enter, visit, make use of, maintain, exchange and develop cultural heritage, as well as to benefit from the cultural heritage and creations of others, without political, religious, economic or physical encumbrances¹. Therefore, States should respect the free development of cultural heritage, having the duty not to destroy, damage or alter cultural heritage, at least not without the free, prior and informed consent of concerned communities².

Contrary to the above mentioned International Law, monuments named Hagia Sophia, originally built during the Byzantine era as Orthodox Churches and having operated for more than 50 years as museums, have been re-converted over the past years to mosques in Turkey. This re-conversion does not seem to serve any religious or functional need, as all of them operate in areas where the numerous, and often historical, mosques already cover the needs of believers. On the contrary, justifications raised for this process of conversions were largely of a political nature, aimed chiefly at the secularist establishment of Turkey.

This conversion process started with the 6th Century Hagia Sophia of Iznik (Nicaea), where the first and seventh Ecumenical Councils of the Christian Church took place (1st and 7th). It continued with the 13th Century Trabzon Hagia Sophia, while two smaller "Hagia Sophia" in Eastern Thrace were also re-converted. Finally, the universally famous World Heritage Monument that is Hagia Sophia of Istanbul, was re-converted to a mosque by a Presidential Decree which followed a ruling of Turkish Council of State, founding its argumentation on Ottoman-era legislation. Numerous legal experts have stated the weak legal grounds on which this Court decision was taken, as the Presidential Decree establishing the Hagia Sophia of Istanbul as a museum had been in force for 86 years. Furthermore, all requests to overturn this 1934 presidential decree had consistently been dismissed in previous years.

By converting Museums into Mosques, Turkey moves towards stripping these monuments of Universal Value of their Universal character. It chooses to exclude when the decision to turn them into museums was a move to include all humanity. It chooses to hide when the

¹ Para 58.

² Idem, para. 80 b.

previous decision was to reveal. As stressed by human rights experts, these actions divide religious and cultural groups in Turkey and beyond, rather than uniting them.³

The worrisome character of this conversion process is further highlighted by the fact that it is related to political debates on historical events that took place inside Turkey during the establishment of the secular regime in 1920-30's. Furthermore, inflammatory statements regarding a so-called completion of the re-conquest of Istanbul, for the second time since 1453, are alarming, as they raise tensions in a world in dire need of reconciliation between world religions and civilizations.

As the worldwide federative body of the autochthonous Greek-Orthodox (Rum) minority of Istanbul, the Ecumenical Federation of Constantinopolitans wants to raise the issue of the high necessity of the protection of the above-mentioned monuments as part of the worldwide cultural heritage, protecting them from the dangers to which their instrumentalization for political gains exposes them.

As a historic Christian community of Istanbul, we share special procedures mandate holders grave concern regarding about the rights of everyone to access and enjoy these monuments of cultural heritage, about inter-faith co-existence and secular spaces, and about the equality and safety of religious minorities, including Christians⁴.

Moreover, we are convinced that monuments of such importance should be administered in a way ensuring that science and culture take precedence on political games. Their maintenance should be under the care of scientists and scholars of proven expertise, duly authorized through administrative processes guaranteeing the protection of cultural heritage under international law.

We call upon the authorities of Turkey to:

- Stop the conversion of museums of monuments built in Byzantine era such as the Church of the Holy Saviour of Chora (Kariye-Hora Museum), itself a World Heritage site, which incorporates unique 14th century mosaics and frescoes of unique value.
- Immediately cooperate with UNESCO on the protection of the above-mentioned monuments and especially of the Hagia Sophia of Istanbul.
- Take all necessary legal and administrative measures to ensure that maintenance specialists participate in the administration of the above-mentioned monuments and that the right of access to and enjoyment of cultural heritage is fully respected for all, without any discrimination whatsoever.

³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26146&LangID=E>.

⁴ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26146&LangID=E>.