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# Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (Eastern Greece)

**Report**[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Mr Michel HUNAULT, France

*Summary*

In the opinion of the Committee on Legal Affairs and Human Rights, Greece and Turkey should have all their citizens belonging to religious minorities treated in accordance with the provisions of the European Convention on Human Rights, rather than rely on the "reciprocity" principle stated in the 1923 Treaty of Lausanne to withhold the application of certain rights. The committee acknowledges that the question is "emotionally very highly charged", but it asserts that the two countries should treat all their citizens without discrimination, regardless of the way in which the neighbouring state may treat its own citizens.

The committee considers that the recurrent invoking by Greece and Turkey of the principle of reciprocity as a basis for refusing to implement the rights secured to the minorities concerned by the Treaty of Lausanne is "anachronistic" and could jeopardise each country's national cohesion. However, it welcomes some recent indications that the authorities of the two countries have gained a certain awareness, with a view to finding appropriate responses to the difficulties faced by the members of these minorities, and encourages them to continue their efforts in that direction.

The committee therefore urges the two countries to take measures for the members of the religious minorities – particularly as regards education and the right to own property – and to ensure that the members of these minorities are no longer perceived as foreigners in their own country. It also encourages the two countries to sign and/or ratify the Framework Convention for the Protection of National Minorities (ETS No. 157) and the European Charter for Regional or Minority Languages (ETS No. 148).

1. Reference to committee: Docs 10714 and 10724, Reference 3203 of 17 March 2006.

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**A. Draft resolution**

1. The Council of Europe aims to promote mutual tolerance in order to contribute to the peaceful coexistence of religions. The Council of Europe has already emphasised that religious beliefs and traditions constitute an entire dimension of culture, and has recognised that knowledge of religions plays an important role in mutual understanding and respect.

2. Intercultural dialogue, in its inter-faith dimension as well, is a means of making the diversity of European cultures into a source of mutual enrichment. As was recently pointed out by the Council of Europe Commissioner for Human Rights, "The existence in [a country] of minority groups, be they 'national', 'religious' or 'linguistic', should be considered as a major factor, not of division, but of enrichment for society.".

3. Pluralism, tolerance and a spirit of openness are the cornerstones of cultural and religious diversity. They need to be accompanied by proactive measures, particularly by the governments and civil society of member states.

4. The Parliamentary Assembly is aware that – heavily influenced by History – the question of the religious minorities in Greece and in Turkey is emotionally very highly charged. It notes that the tenor of bilateral relations between Greece and Turkey during the 20th century largely determined the treatment of their respective minorities.

5. The Assembly emphasises that the members of the religious minorities concerned are in both cases citizens of the countries in which they live. For historical reasons, the principle of reciprocity is regularly invoked on both sides. While the "kin states", Greece and Turkey, may consider that they have responsibilities towards the members of the religious minorities in the neighbouring country, it is actually first and foremost the countries where the minorities live which are responsible for their own citizens, including the members of the respective religious minorities.

6. The Assembly emphasises that the European Court of Human Rights has asserted, in the case of Apostolidi and others v. Turkey, that the Convention transcends the framework of mere reciprocity between the contracting States.

7. Nevertheless, basing themselves on Article 45 of the Treaty of Lausanne, and referring to "reciprocity" while interpreting it in negative terms, Greece and Turkey alike have sometimes called into question several of the rights of their citizens who are members of the minorities protected by this Treaty.

8. The Assembly considers that the recurrent invoking by these two states of the principle of reciprocity as a basis for refusing to implement the rights guaranteed to the minorities concerned by the Treaty of Lausanne is anachronistic and could jeopardise each country's national cohesion in these early years of the 21st century.

9. The Assembly invites Greece and Turkey to treat all their citizens without discrimination, without taking into account the way in which the neighbouring state might treat its own citizens. It also calls on them fully to implement the general principles relating to the rights of national minorities developed in the case-law of the European Court of Human Rights, which apply irrespective of the ratification or not of the Framework Convention for the Protection of National Minorities (ETS No. 157) and the European Charter for Regional or Minority Languages (ETS No. 148).

10. Generally speaking, the Assembly fully shares the position of the Commissioner for Human Rights, according to which "freedom of ethnic self-identification is a major principle in which democratic pluralistic societies should be grounded and should be effectively applied to all minority groups, be they national, religious or linguistic", and the expression of which must be consistent with national unity.

11. The Assembly shares the Commissioner's concern that the diversity and existence of minority groups should be able to be expressed.

12. The Assembly notes that Greece and Turkey alike have recently shown greater understanding of the specific characteristics inherent to the minorities which are the subject of this resolution. The Assembly welcomes a degree of new awareness by the authorities of both countries, which have demonstrated their commitment to finding appropriate responses to the difficulties facing the members of these minorities.

13. Steps have been taken on both sides of the border to improve these minorities' situation. The Assembly also welcomes recent events, including the historic visit to Turkey by the Greek Prime Minister, in January 2008, and his meeting with his Turkish counterpart, an expression of a constructive approach and of mutual respect.

14. However, some questions remain unresolved and require the two states to continue their efforts, efforts which cannot succeed without open and constructive dialogue with the members of the minorities concerned.

15. The Assembly encourages both countries' authorities to do everything to alter people's perception of members of these minorities, who are sometimes regarded as foreigners in their own country. It is vitally important that both the members of the majority and the members of the minorities understand and feel that the latter are full citizens of their country of residence.

16. The Assembly also encourages the two countries to sign and/or ratify the Framework Convention for the Protection of National Minorities. Ratification of the European Charter for Regional or Minority Languages would also indicate an understanding and acceptance of specific cultural characteristics.

17. Greece and Turkey must also realise the crucial importance of the education of the members of minorities. The governments must ensure that the level of teaching in the minority schools is of high quality and enables the children from minorities to fully integrate into the national community, while preserving their cultural identity.

18. Specifically concerning Greece, the Assembly urges the Greek authorities to:

18.1. provide appropriate support to minority schools so that they are in a position to provide high-quality teaching, in particular through the – long-awaited – issuing of certain school books for minority schools which were updated in 1997 in the framework of a European Union-financed project, and by considering the possibility of creating new minority upper secondary schools;

18.2. guarantee that the Special Teacher Training Academy of Thessaloniki (EPATH) provides high-quality education in both the Greek and Turkish languages, so as to provide appropriate training for future teachers who will work in the schools of the Muslim minority in Thrace;

18.3. provide lasting support – including funding – for initiatives geared to better understanding between the members of the Muslim minority and the majority, and to better learning of the Greek language by the members of that minority, particularly for the "Education of Muslim children" programme, education being a factor of integration and understanding;

18.4. fully implement Law No. 3647 of February 2008, the provisions of which should be able to regulate, in substantial measure, the problems – waiting to be dealt with for several decades – connected with the legal status of *vafks* (foundations of the Muslim minority);

18.5. allow the Muslim minority to choose freely its muftis as mere religious leaders (i.e. without judicial powers), through election or appointment, and thus to abolish the application of sharia law – which raises serious questions of compatibility with the European Convention on Human Rights – as recommended by the Commissioner for Human Rights;

18.6. ensure that no attempts are made to impose an identity on a person or a group of persons, even by representatives of other groups within the minority concerned, in keeping with the spirit of Article 3 of the Framework Convention for the Protection of National Minorities;

18.7. pursue development of the economy and infrastructure of Thrace, for instance by investigating the possibility of making use of European Union programmes, to create rural development zones or free-trade zones in this region;

18.8. resolve as soon as possible the cases of the persons still affected by the withdrawal of their Greek nationality in pursuance of Article 19 of the Nationality Code (an article now repealed), including the persons who became stateless in application of the said article although they no longer live in Greece;

18.9. fully implement the judgments of the European Court of Human Rights concerning freedom of religion and of association, inter alia relating to the titles of associations, and to allow associations to use the adjective "Turkish" in their name if they so wish;

18.10. implement fully and speedily the 2008 legislation providing for quota-based admission to the civil service for members of the Muslim minority;

18.11. encourage development by the media of a code of ethics on respect for religious minorities, bearing in mind the vital role that they can play in the perception of these minorities by the majority, and to penalise any incitements to hatred passed on by the media, in accordance with the principles set out in Recommendation No. R (97) 20 of the Committee of Ministers to member states on "hate speech";

18.12. organise a national campaign against racism and intolerance, stressing that diversity is to be regarded not as a threat but as a source of enrichment.

19. Specifically concerning Turkey, the Assembly urges the Turkish authorities to:

19.1. come up with constructive solutions concerning the training of religious minorities' clergy and the granting of work permits for foreign members of the clergy;

19.2. recognise the legal personality of the Greek Orthodox Patriarchate of Istanbul, the Armenian Patriarchate of Istanbul, the Armenian Catholic Archbishopric of Istanbul, the Bulgarian Orthodox Exarchate, the Chief Rabbinate, and the Vicariate Apostolic of Istanbul; the absence of legal personality which affects all the communities concerned having direct effects in terms of ownership rights and property management;

19.3. find an agreed solution with the representatives of the minority with a view to the reopening of the Heybeliada Greek Orthodox theological college (the Halki seminary), inter alia by making official in writing the proposal to reopen the seminary as a department of the Faculty of Theology of Galatasaray University, in order to open genuine negotiations on this proposal;

19.4. give the Greek Orthodox Patriarchate of Istanbul the freedom to choose to use the adjective "ecumenical";

19.5. resolve the question of the registration of places of worship and the question of the *mazbut* properties confiscated since 1974, which must be returned to their owners or to the entitled persons or, where the return of the assets is impossible, to provide for fair compensation;

19.6. ensure that the Orthodox Syriac monastery of Mor Gabriel, one of the oldest Christian monasteries in the world, founded in 397 AD, is not deprived of its lands, and that it is protected in its entirety;

19.7. take practical measures to make possible for members of national minorities admission to police forces, the army, the judiciary and the administration;

19.8. firmly condemn all violence against members of religious minorities (whether they are Turkish citizens or not), and conduct effective investigations and promptly prosecute persons responsible for violence or threats against members of religious minorities, particularly in respect of the murders of an Italian Catholic priest in 2006 and three Protestants in Malatya in April 2007;

19.9. complete the legal proceedings concerning the murder of Hrant Dink in 2007. The Assembly particularly invites the Turkish Parliament to follow up without delay the report of its sub-committee responsible for investigating the murder of Hrant Dink, a report which has highlighted errors and negligence on the part of the security forces and the national police, without which this murder could have been prevented;

19.10. ensure that the circular on the freedom of religion of non-Muslim Turkish citizens, issued by the Ministry of the Interior on 19 June 2007, is implemented, and to evaluate its impact;

19.11. fully implement Law No. 3998, which provides that cemeteries belonging to minority communities cannot be handed over to municipalities, and thus to prevent the building of housing which has been observed on certain Jewish cemeteries;

19.12. adapt the legislation so as to allow children from non-Muslim minorities, but without Turkish nationality, to be admitted to minority schools;

19.13. to implement Resolution 1625 (2008) of the Assembly on Gökçeada (Imbros) and Bozcaada (Tenedos): preserving the bicultural character of the two Turkish islands as a model for co-operation between Turkey and Greece in the interest of the people concerned;

19.14. institute the office of ombudsman (pending since 2006), as this will be of key importance in avoiding tension in society;

19.15. make anti-Semitic statements and other hate speech criminal offences, including any form of incitement to violence against members of religious minorities, in accordance with Resolution 1563 (2007) of the Parliamentary Assembly on "Combating anti-Semitism in Europe" and General Policy Recommendation No. 9 of the European Commission against Racism and Intolerance (ECRI) on the fight against anti-Semitism;

19.16. encourage the development by the media of a code of ethics on respect for religious minorities, bearing in mind the vital role that they can play in the perception of these minorities by the majority, and to penalise any incitements to hatred passed on by the media, in accordance with the principles set out in Recommendation No. R (97) 20 of the Committee of Ministers to member states on “hate speech”;

19.17. organise a national campaign against racism and intolerance, stressing that diversity is to be regarded not as a threat but as a source of enrichment.

## B. Explanatory memorandum by Mr Michel Hunault, rapporteur

### 1. Introduction

1. On 17 March 2006 the Parliamentary Assembly decided to refer to the Committee on Legal Affairs and Human Rights for report the motions for resolutions on freedom of religion and other human rights of non-Muslim minorities in Turkey (Doc. 10714, Reference 3203) and the difficult situation of the Turkish Muslim minority in Western Thrace, Greece" (Doc. 10724, Reference 3203). The committee appointed me rapporteur on 13 April 2006.

2. The question of the freedom of religion and other human rights of non-Muslim minorities in Turkey and the Muslim minority in Thrace was presented to the Committee on Legal Affairs and Human Rights from the legal angle derived from the Treaty of Lausanne. The committee was able, at its meeting of 23 June 2008, to hear Ms Asli Bilge, a lecturer at the University of Yeditepe (Istanbul) and research assistant at the CNRS Centre for Politics, Religion, Institutions, Society and Transformation in Europe (PRISME), Mr Konstantinos Tsitselikis, Assistant Professor of Human Rights in the Department of Balkan, Slavic and Oriental Studies, University of Macedonia (Greece), and Mr Alain Chablais, Executive Secretary *ad interim*, Framework Convention for the Protection of National Minorities (Council of Europe).[2]

3. I would first of all like to mention the valuable assistance provided by my colleagues in the Greek and Turkish delegations during my visits to the area in question, and would express my sincere gratitude to them.

4. As my hosts will have realised during our talks there, I would like this memorandum to help build a better future for the members of the minority communities in both countries. This will necessitate greater understanding, better mutual knowledge, increased mutual respect and also reinforced economic development in some of the regions covered by this report.

5. I realise just how sensitive these matters are to both Greece and Turkey. Because of the legacy of history, the minorities issue carries an enormous emotional charge which must be taken into account. There is no question, either, of coming down in favour of one side or the other; this is not what I am seeking to do:

5.1. The ambition of the Council of Europe has always been to strive for respect for democratic ideals and human rights. The question of religions and minorities is a key issue for the beginning of the 21st century.

5.2. The role of the Council of Europe is to promote knowledge and understanding of religions in order to contribute to a peaceful coexistence of the three monotheistic religions in particular.

5.3. Armed conflicts and terrorist attacks have distorted the very essence of Islam, triggering an upsurge in Islamophobic acts.

5.4. Combating anti-Semitism is more topical than ever.

5.5. Christians in certain regions of Council of Europe member states are in danger.

6. It is in this context that the rapporteur wishes this report to contribute to better understanding of the situation of religious minorities in these two important countries, Greece and Turkey.

7. It is in this spirit, and inspired by this objective, that the Parliamentary Assembly's Committee on Legal Affairs and Human Rights decided to turn its attention to the situation of religious minorities in two of the Council of Europe's important member states, Greece and Turkey.

8. In these countries with long religious and cultural traditions, cradles of civilisation on the shores of the Mediterranean, where churches and mosques stand in close proximity, three monotheistic religions coexist in a spirit of tolerance and mutual understanding which, in these early years of the 21st century, is sometimes called into question, to the sadness of the minorities.

9. This report is intended to reaffirm the primacy of secularism, while taking into account the reality of religions, membership or practice of which must not be subject to any impediment.

10. I would urge the parties involved to look to the future in a constructive spirit, so that together we can write a new chapter in the history of mutual understanding among nations and religions.

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2. A summary of this hearing is to be found in the report on the committee's meeting.

11. To that end I would like to quote one person who said something very touching during my visit to Thrace: a young member of the minority there told me, “I don’t want to be labelled. I want us to be able to know others for what they are, not for what religion they belong to”.

## 2. Historical and legal context

12. The aim of this report is not to judge past history but to analyse the current situation of the minorities in question, although it is impossible to address this issue without some reference to the historical background. The tenor of relations between Greece and Turkey during the 20th century was the main determining factor in the treatment of their respective minorities. The following eminently non-exhaustive outline is geared to improving our understanding of the present situation.

13. Two main conventions have determined the treatment of the minorities covered by this report.[3]

14. The first was the convention on the compulsory exchange of populations[4] signed by Greece and Turkey in Lausanne in January 1923, which exempted Muslim Greek citizens living in Western Thrace and Greek Orthodox Turkish citizens living in Istanbul (and Gökçeada and Bozcaada)[5] from the compulsory exchange. The present existence of these two minority groups originated from this exemption.

15. The second was the Treaty of Lausanne (signed on 24 July 1923), which granted the non-Muslim minorities in Turkey certain rights (Articles 37 to 44). Greece granted the same rights to its Muslim minority (Article 45). In neither case does the Treaty of Lausanne give a definition of the minorities concerned or situate them geographically.

16. It is important to note that in 1923, when the Treaty of Lausanne was concluded, both minority populations exempted from the population exchange were comparable in size in both countries (that is, 120 000 Muslims in Greece and 120 000 Greek Orthodox in Turkey).

17. Today, the Muslim minority in Thrace[6] has an estimated membership of between 80 000 and 120 000, whereas there are now only between 2 000 and 4 000 Greek Orthodox in Turkey, mainly concentrated in Istanbul.[7] The majority of the Greek Orthodox community in Istanbul were forced to leave Turkey, particularly after violence prompted or tolerated by the authorities in 1955.[8]

18. The Treaty of Lausanne guarantees equal treatment of members of minorities and the majority (Articles 38 and 39). It also confers special rights on Turkish citizens belonging to non-Muslim minorities (*mutatis mutandis* vis-à-vis the Muslim minority living in Greece) (Articles 41 to 43).

19. The convention on compulsory population exchange thus “created” the minorities which are the subject of this report by exempting them from the exchange, while the Treaty of Lausanne “institutionalised” the protection of their rights.[9]

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3. There are other texts governing certain aspects relevant to members of the minorities, such as the Ankara Convention signed on 10 June 1930 (the 6th Section of which deals with property held by Muslims in Western Thrace).

4. Under this convention the contracting parties agreed to exchange Turkish nationals of Greek Orthodox religion living in the Turkish territories with Greek nationals of Muslim religion living in the Greek territories.

5. The situation on these islands has been covered by a separate report and will therefore not be addressed here. See Doc. 11629, Gökçeada (Imbros) and Bozcaada (Tenedos): preserving the bicultural character of the two Turkish islands as a model for co-operation between Turkey and Greece in the interest of the people concerned (rapporteur: Andreas Gross) (6 June 2008), and Resolution 1625 (2008) of the Parliamentary Assembly. Article 14 of the peace treaty signed in Lausanne in July 1923 states that: “The agreements which have been, or may be, concluded between Greece and Turkey relating to the exchange of the Greek and Turkish populations will not be applied to the inhabitants of the islands of Imbros and Tenedos”.

6. Thrace was a region hotly disputed by several states for strategic reasons. Between 1913 and 1923 it changed hands among three different countries: the Ottoman Empire, Bulgaria and, finally, Greece. For further information see Samim Akgönül, “One community, two states: the Turkish Muslim minority in Western Thrace”, Travaux du CeRATO (Research Centre on Inner Asia, the Turkish World and the Ottoman Area, Strasbourg), No. 5, ISIS, Istanbul, 1999, pp. 21 ff.

7. For further information on the Greek community in Istanbul, see M. Anastassiadou and P. Dumont, *Une mémoire pour la Ville: la communauté grecque d’Istanbul en 2003*, Observatoire Urbain d’Istanbul, les dossiers de l’IFEA, série La Turquie aujourd’hui, No. 16, Institut français d’études anatoliennes Georges Dumézil, Istanbul, August 2003.

8. The Greeks of Turkey started to emigrate *en masse* in 1964, when Turkey decided unilaterally to abandon the Ankara Convention of 1930 and to expel the 13 000 Greek citizens who had (re)settled since that date. The violence of 1955 merely paved the way for this massive wave of departures that took place ten years later. Academic observers have pointed out that at the time Greece was probably motivated by the desire to prove to the international community that it was capable of administering Muslim populations properly, in the hope that the process of decolonising Cyprus which had begun at this time would lead to Greece being assigned the government of the island.

### *2.1. Background to and identity(ies) of the minorities*

20. Turkey has a population of 72 600 000, very largely made up of Muslims, the majority of whom are Sunni[10] (99% of the population is Muslim according to the Turkish Government, somewhat less according to the Mazlum-Der NGO and the representatives of minority religious communities).[11]

21. There are no accurate data on non-Muslim religious minorities, but Armenian Gregorian Christians are estimated at 65 000, Jews at 23 000 and Greek Orthodox Christians at between 2 000 and 4 000.[12] Moreover, 10 000 Baha'is,[13] 15 000 Syrian (Syriac) Orthodox Christians,[14] 5 000 Yezidis, 3 300 Jehovah's Witnesses, 3 000 Protestants and a small indeterminate number of Bulgarians, Chaldeans, Nestorians, Georgians, Catholics (Roman Catholic Church) and Maronite Christians reportedly also live on Turkish territory. Christian organisations estimate that there are some 1 100 Christian missionaries in the country.

22. A distinction must be drawn between the minorities officially recognised by the Turkish state, which have special legal minority community status and consequently a whole series of rights, and those lacking such status. The officially recognised minorities are the Greek and Armenian Orthodox Christians and the Jews.

23. The Muslim minority is the only minority officially recognised in Greece (by virtue of the provisions of the Treaty of Lausanne). The Muslim minority in Thrace is estimated to number between 80 000 and 120 000 individuals in a region with a total population of 362 000, that is, they account for 29% of the local population and 0.92% of the total population of Greece (10 620 000). The minority is made up of three different ethno-linguistic population groups: Turkish-speaking Muslims of Turkish origin (40% to 50%), Pomaks (an indigenous population who speak a Slav dialect and who converted to Islam under the Ottoman Empire) (35% to 40%) and Roma/Gypsy Muslims (15% to 20%).[15] The status of the Muslim minority derives mainly from the 1923 Treaty of Lausanne.[16]

### *2.2. The Treaty of Lausanne: divergent interpretations*

24. Although the two countries regularly refer to the Treaty of Lausanne in connection with the issue of religious minorities, their interpretations diverge on specific points.

• *Turkey's interpretation of specific provisions of the Treaty of Lausanne*

25. Whereas the Treaty of Lausanne uses the expression "non-Muslim minorities" without specifying any particular minority, the Turkish state grants minority status to only three communities (Greek and Armenian Orthodox Christians and Jews).[17]

26. Moreover, the Treaty of Lausanne does not mention the Greek Orthodox Ecumenical Patriarchate of Istanbul or the Patriarch himself. While senior officials of the Turkish Government often publicly state that the use of the word "Ecumenical" in connection with the Patriarch violates the Treaty of Lausanne, it would appear that in private some acknowledge that the Treaty of Lausanne contains no reference to this matter.[18] In a

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9. Samim Akgönül, *Les Grecs de Turquie – Processus d'extinction d'une minorité de l'âge de l'Etat-nation à l'âge de la mondialisation (1923-2001)*, Academia Bruylant, L'Harmattan, 2004, p. 27.
10. This majority comprises Muslim minorities (Kurds and Alevis (15 to 20 million), which are not covered by this report.
11. US Department of State, "2007 report on international religious freedom", Turkey.
12. Ibid.
13. William S. Hatcher, "La foi baha'ie, un humanisme contre les fanatismes", *Le Monde diplomatique*, July 1999.
14. In this context, the rapporteur passes on the anxieties felt about the Orthodox Syriac monastery of Mor Gabriel, one of the oldest Christian monasteries in the world, founded in AD 397; see Doc. 11820.
15. See statistics and socio-historical information in "Analytical report on education, national focal point for Greece of the European Monitoring Centre on Racism and Xenophobia (EUMC)", Antigone Information and Documentation Centre, Athens, by Ioannis N. Dimitrakopoulos, 2004.
16. Some Muslim Greeks are also present on the islands of Kos and Rhodes. In so far as the Treaty of Lausanne indicates no geographical limitation, all the Muslims of Greece should be able to enjoy the minority rights for which the treaty provides.
17. According to some authors this is due to an error of interpretation and confusion in reference to two different treaties (the Treaty of Lausanne and the convention on compulsory population exchange); see Samim Akgönül commenting on Baskın Oran, "Les Minorités en Turquie: concepts, théorie, Lausanne, législation interne, jurisprudence, pratique", İletişim Yayınları, Istanbul, 2004, in Cemoti, No. 37, published online on 13 February 2006, URL: http://cemoti.revues.org/document1593.html, accessed 4 September 2008.
18. US Department of State, "2007 report on international religious freedom", Turkey, p. 5.

judgment of 26 June 2007, the High Court of Appeal (Court of Cassation) recalled the government's public position on this question, namely the non-acceptance of the use of the adjective "Ecumenical" by the Patriarch.[19]

• *The Greek interpretation of specific provisions of the Treaty of Lausanne*

27. The Treaty of Lausanne recognises a Muslim religious minority in Thrace rather than a Turkish national minority.[20] The Greek authorities use this fact to reject the use of the word "Turkish" in the names of the relevant associations. The European Court of Human Rights has found against Greece in several applications against this rejection (paragraphs 142 *et seq*.).

### *2.3. The "reciprocity" clause[21]*

Article 45 of the Treaty of Lausanne

> *"The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory."*

28. Article 45 of the Treaty of Lausanne conferring on the Muslim minority in Greek territory the same rights as on the non-Muslim minorities of Turkey is the pivotal provision for relations between Greece and Turkey in the field of protection of minorities (or the deliberate failure to provide such protection, indeed aggression against the minorities in question). Referring to "reciprocity", each country has in turn called into question some of those rights granted to its citizens members of those minorities.

29. As stressed in the specialist literature, whereas the Treaty of Lausanne establishes the reciprocity concept in positive terms, it has been applied negatively in both countries.[22]

30. The Turkish Constitutional Court has interpreted Section III of the Treaty of Lausanne in accordance with the reciprocity principle: Turkey will respect the rights of minorities conferred by this treaty as long as Greece respects them. Such an interpretation would appear incompatible with Article 45 of the treaty (which provides for parallel rather than interdependent responsibilities vis-à-vis each state) and Article 60, paragraph 5, of the Vienna Convention on the Law of Treaties, which prohibits the reciprocity principle in the human rights field. [23]

31. The rapporteur would stress that the members of the minorities in question are, in both cases, nationals of the countries in which they reside. They therefore find it difficult to understand – for reasons other than historical ones unconnected with the rights of the individuals concerned – the relevance of the reciprocity principle. Whereas Greece and Turkey, as kin states, may feel a certain responsibility towards the members of the minorities in the neighbouring country, it is in fact the countries in which the minorities live that are primarily responsible for their own citizens, including the members of the respective minorities, not the reverse.

32. It must be stressed that the European Court of Human Rights has affirmed that the Convention transcends the framework of mere reciprocity between the contracting states; in concluding the Convention the contracting states wished not to confer mutual rights and obligations on each other conducive to the pursuit of their respective national interests, but to achieve the objectives and ideals of the Council of Europe in order to protect their shared heritage of political traditions, ideals, freedom and the rule of law.[24]

33. The rapporteur consider that the recurrent use by both the states concerned of the reciprocity principle to refuse to implement the rights secured for their respective minorities under the Treaty of Lausanne is: 1. unacceptable in the light of international human rights law, 2. anachronistic, and 3. detrimental to national cohesion, given that each state is in fact punishing its own citizens.

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19. See paragraph 60 *et seq*.
20. Article 45 of the Treaty of Lausanne reads as follows: "The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory".
21. See in general on this section: *Reciprocity – Greek and Turkish minorities – Law, religion and politics*, edited by Samim Akgönül, Istanbul Bilgi University Press, 2008.
22. Samim Akgönül, Les Grecs de Turquie – Processus d'extinction d'une minorité de l'âge de l'Etat-nation à l'âge de la mondialisation (1923-2001), Academia Bruylant, L'Harmattan, 2004, p. 31.
23. Baskin Oran, "Reciprocity in Turco-Greek relations: the case of minorities", in the aforementioned, Reciprocity – Greek and Turkish minorities – Law, religion and politics, pp. 36 and 37; Konstantinos Tsitselikis, "Reciprocity as a regulatory pattern for the treatment of the Turkish/Muslim minority of Greece", in the same work, p. 75.
24. Judgment in the case of Apostolidi and Others v. Turkey, Application No. 45628/99, 27 March 2007, paragraph 71.

34. It would therefore be desirable for Greece and Turkey to treat, at all administrative and judicial levels, all their citizens without discrimination, regardless of the manner in which the neighbouring state might treat its own citizens. The rapporteur would also call on them to implement fully the general principles in the field of minority rights as developed in the case law of the European Court of Human Rights (see Section 3 below).

### *2.4. Outside perceptions of the minorities on both sides*

35. In connection with both the Muslim minority in Thrace and the Greek Orthodox minority in Turkey, the two countries have adopted specific outside perceptions of these minorities since signing the Treaty of Lausanne. This fact struck the rapporteur immediately: Turkey "supervises" the Muslim minority in Thrace via an influential consulate general in Komotini, while Greece monitors the Greek minority in Turkey through a political affairs bureau in the ministry of foreign affairs located at Xhanti. In Turkey, the non-Muslim religious minorities covered by the Treaty of Lausanne also come under the jurisdiction of the ministry of foreign affairs.

36. It must be made very clear that the members of the minorities in question in both countries are not foreign nationals, but citizens of their respective countries of residence.

37. Several members of the minorities in both countries complained to the rapporteur of continuing to be regarded as "foreigners" in their own countries.

## 3. Relevant international standards

38. Having outlined the historical and legal features of the question, the rapporteur would now like to move on to the matter of legal standards on minority rights which all member states of the Council of Europe must abide by, regardless of whether they have ratified specific instruments on these matters.

39. The rapporteur would encourage Turkey and Greece to ratify the specific Council of Europe instruments on the protection of the rights of minorities, namely the Framework Convention for the Protection of National Minorities (ETS No. 157, opened for signature in 1995)[25] and the European Charter for Regional or Minority Languages (ETS No. 148, opened for signature in 1992).[26] Nevertheless, he notes that these instruments do have their relevance to these countries, as both actively participate in the supervisory mechanisms of these treaties in the Committee of Ministers.

40. The general standards of the Council of Europe, primarily the European Convention on Human Rights (hereafter "the Convention"), which is binding on all member states, place obligations on all states where protection of minorities is concerned.

41. Although it confers no specific rights on minorities, the Convention permits individuals belonging to minorities to uphold their rights even where the state in question does not acknowledge the minority's existence. The Convention guarantees a spirit of pluralism and freedom of expression, thought, conscience and religion, all of which rights are particularly relevant to members of minorities. The development of case law on the prohibition of discrimination (Article 14) is also very important for minorities. Furthermore, Protocol No. 12 to the Convention lays down a general prohibition on discrimination. This protocol, which is wider in scope than Article 14 of the Convention, stipulates that no one must be discriminated against by any public authority on any ground whatsoever. The rapporteur would encourage the many member states which have not yet signed or ratified this additional protocol to do so without delay.

42. Nevertheless, the Framework Convention will always have an extra added value, particularly in terms of such reinforced rights as that to effective participation of members of minorities, and the rapporteur believes that the ratification by Greece and Turkey of this instrument and of the European Charter for Regional or Minority Languages would be timely.

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25. Greece signed this text in 1997 but has still not ratified it.

26. I would refer the reader to the report by Mr Cilevičs on the ratification of the Framework Convention for the Protection of National Minorities by member states of the Council of Europe (Doc. 10961), which sets out the arguments advanced by both countries to justify their non-ratification of the Framework Convention. Where the non-ratification of the European Charter for Regional or Minority Languages is concerned, I would draw attention to the report on this subject which is being prepared in the Committee on Legal Affairs and Human Rights, by Mr Pysarenko, rapporteur (see Doc 11480).

## 4. The current situation of the minorities

43. During his visits to both countries the rapporteur spoke to representatives of the minorities in question. The difficulties they face, which clearly emerged from his talks with them, are described below. He has opted to present them in alphabetical order, starting with the situation in Greece in each section and then going on to Turkey.

44. As a general rule, the rapporteur noted that members of religious minorities in both countries are free to exercise their respective religions. He should add a priori that he sensed greater serenity in the Muslim minority in Thrace; the non-Muslim religious minorities in Turkey have raised legitimate reservations.[27] The rapporteur was able to gauge the presence in peaceful close proximity of mosques and churches in Thrace, evidence of coexistence, respect and mutual understanding.

### *4.1. Religious representation/clergy*

*Greece: the muftis*

45. Thrace has three elected *muftis* (in Rhodope, Xanthi and Komotini) and two appointed *muftis*, 270 imams and some 300 mosques.[28] For several years now the procedure for appointing/electing *muftis* has been questionable. In practice, two parallel systems are in operation.

46. Law No. 2345/1920 – which was never published – laid down that the *muftis* were directly elected by Muslims entitled to vote under the criteria set out in the law. In 1990, however, the system for appointing *muftis* was amended following a legislative reform. The Presidential Decree of 24 December 1990 repealing Law No. 2345/1990 provides that the *muftis* must be appointed by presidential decree on nominations from the ministry of education and religious affairs, which must in turn consult a committee comprising the local prefect and a number of Muslim dignitaries selected by the state.

47. Following these legislative changes, the Muslim community has elected its own *muftis*, even where *muftis* have been appointed by the President of the Republic in accordance with the 1990 legislation. The elected *muftis* have not been recognised by the public authorities, and some of them have even been prosecuted for the illegal use of religious symbols. The *muftis* in question brought the case before the European Court of Human Rights on the grounds of violation of their rights under the Convention. In its judgment in the case of *Serif v. Greece*[29] and its *Agga v. Greece* judgments,[30] the Court, which found a violation of Article 9 of the ECHR by Greece, held that "punishing a person for merely acting as the religious leader of a group that willingly followed him can hardly be considered compatible with the demands of religious pluralism in a democratic society".[31]

48. The contested interpretation of Articles 175 and 176 of the Penal Code (punishing the illegal exercise of the functions of a religious minister and unduly wearing the official religious dress of such a minister in public) was quickly amended, the national courts directly implementing the *Serif v. Greece* judgment.[32] The other three sentences handed down on Mr Agga in 1997 and 1998 on the basis of the relevant articles of the Penal Code were quashed by Lamia Criminal Court on 28 March 2001.[33] However, at its 982nd Human Rights meeting, in December 2006, the Committee of Ministers noted "with regret that the general measures taken in response to the previous, similar judgments of the Court (Serif; Agga No. 2 – Final Resolution ResDH(2005)88) had proved insufficient to prevent new, similar violations in the present cases". Subsequently, the Greek authorities have translated the relevant judgments of the Court and forwarded them

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27. In their 2007 progress report on Turkey, the European Commission services noted that "Overall, the environment as regards freedom of religion has not been conducive to the full respect of this right in practice. A legal framework has yet to be established in line with the ECHR so that all religious communities can function without undue constraints. No real progress can be reported on the major difficulties encountered by the … non-Muslim religious communities", "Turkey 2007 progress report", Commission staff working document, 6 November 2007, p. 17.
28. Greek Ministry of Foreign Affairs, December 2005.
29. *Serif v. Greece*, No. 38178/97, 14 December 1999.
30. *Agga v. Greece* (No. 2), Nos. 50776/99 and 52912/99, 17 October 2002.
31. *Serif v. Greece*, paragraph 51.
32. Resolution ResDH(2005)88 on two judgments of the Court: *Serif v. Greece*, No. 3817/97, 14 December 1999, and *Agga v. Greece (No. 2)*, Nos. 50776/99 and 52912/99, 17 October 2002; see also Peter Kovács, "Memorandum on the *Serif v. Greece* judgment. The emergence of a new minority policy after the reform of the European Court of Human Rights", *Civitas Europe*, No. 4, March 2000; and the report on the situation of fundamental rights in Greece in 2005, EU Network of Independent Experts on Fundamental Rights, CFR-CDF/GR/2005.
33. Resolution ResDH(2005)88, op. cit.

to all the judges in the country. The Ministers' Deputies will resume their consideration of these items at their meeting from 2 to 4 June 2009, with a view to examining the general measures adopted and their effects in practice.

49. Having spoken to elected and appointed *muftis*, the rapporteur can confirm that the two types of *mufti* still coexist. He had the impression that the Greek authorities put up with this situation. It is true that "the Court does not consider that, in democratic societies, the state needs to take measures to ensure that religious communities remain or are brought under a unified leadership".[34]

50. Moreover, if the Court has acknowledged that this situation of coexistence is liable to cause tension, it has also affirmed that "the role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other".[35]

51. On the other hand, however, the state should not interfere in religious affairs in such a way as to create an artificial divide within the religious community. The question of how *muftis* are designated should be a purely religious one, it being left to the minority to choose its *muftis* (according to a practice well established in all Council of Europe member states).

52. It is important to emphasise that the post of *mufti* has an important economic dimension. In practice, it is *muftis* who hold the keys to foundations, and therefore to their finances. It is therefore the appointed *muftis* who hold the greater part of the minority's property (handed to them directly by the central authorities, as they are appointed by them). This is something which is taken badly by the members of the minority, who feel dispossessed.

53. It should also be noted that by virtue of Law No. 2345/1920, the competences of *muftis* are not confined to religious functions, but also extend to the holding of judicial powers to decide on disputes between Muslims in family and inheritance matters, to the extent that such disputes are governed by Islamic law.

54. However, this is a matter which remains unresolved, not having been addressed by the Court in its judgment. The Court did not consider the case from the angle of the *muftis*' judicial powers, but simply noted that "despite a vague assertion that the applicant had officiated at wedding ceremonies and engaged in administrative activities, the domestic courts that convicted him did not mention in their decisions any specific acts by the applicant with a view to producing legal effects".[36] This would suggest that the de facto utilisation of judicial competences by the elected *muftis* could prove problematical. If the elected *muftis* (who are not recognised by the authorities) conclude marriages, order divorces or settle inheritance disputes, such decisions are liable to be null and void.

55. The implementation of Sharia Law[37] can also raise problems,[38] and the rapporteur is particularly concerned about information from one of the Committee's experts to the effect that 99% of the *muftis*' decisions are ratified by the Greek courts, even where they infringe women's and children's rights as laid down in the constitution or the ECHR.[39]

56. In 2005, the Committee on Human Rights of the International Covenant on Civil and Political Rights expressed its concern about the problems that Muslim women could face because general Greek law in the field of marriage and inheritance did not apply to the Muslim minority in Thrace; it strongly urged Greece to ensure that Muslim women realised the rights and remedies at their disposal under Greek civil law.[40] While, in practice, elected and appointed *muftis* alike have already virtually lost their judicial powers, the rapporteur believes that these prerogatives should be abolished.

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34. Ibid., paragraph 52.
35. Ibid., paragraph 53.
36. Ibid., paragraph 51.
37. Thrace has three Sharia courts, in accordance with Law No. 1920/1990.
38. I heard reports of *muftis* applying Sharia Law in a manner which is extremely discriminatory against women: for instance, women allegedly only receive one third of the inheritance (men obtaining two thirds), and forced marriage is apparently legal (including for under-age girls).
39. Contribution by Mr Konstantinos Tsitselikis (University of Macedonia) during a hearing before the committee on 23 June 2008, "Legal overview of the system for protecting minorities in Greece and Turkey as laid down in the Treaty of Lausanne (1923)", 11 June 2008.
40. Report on the situation of fundamental rights in Greece in 2005, EU Network of Independent Experts on Fundamental Rights, CFR-CDF/GR/2005, p. 42.

57. Once these prerogatives have been abolished, *muftis* (having become mere religious leaders) could then be freely chosen by the minority, thus putting an end to the prevailing confusion. This would also have the positive effect of returning to the minority the property and resources belonging to the religious foundations.

58. On this subject the Council of Europe Commissioner for Human Rights has said that he is "favourably positioned towards the withdrawal of the judicial competence from *muftis*, given the serious, aforementioned issues of compatibility of this practice with international and European human rights standards, and towards the subsequent, direct election of the *muftis* (solely as Sharia Law experts) by the members of the Muslim minority". In the meantime, he urged the Greek authorities "to take promptly all necessary measures for strengthening the substantive review and control by domestic courts of the *muftis*' judicial decisions so that they are effectively and fully in line with the standards of international and European human rights law".[41]

59. Furthermore, the members of the Muslim minority expressed their anxiety about Law No. 3536/2007, which provides for the Greek state to appoint 240 teachers of Islamic law (some of whom will be able to officiate as Imams). While knowledge of Islamic law will be evaluated by the *muftis* appointed (whose legitimacy is disputed by the members of the minority), it is a board comprising university teachers and representatives of the Greek state which will consider whether the candidates do meet the set requirements.

*Turkey*

*– Ecumenical Patriarchate/title*

60. The Greek Orthodox Patriarchate of Istanbul (which styles itself "of Constantinople")[42] takes precedence over the other three Greek Orthodox Patriarchates in Antioch, Jerusalem and Alexandria, and over the Autocephalous Orthodox Churches. Its jurisdiction now extends to Turkey and the Greek Orthodox diaspora in Europe and America. Greek Orthodox persons of Turkish nationality constitute a small minority.[43]

61. The Turkish authorities have often accused the Patriarchate of using the title "Ecumenical Patriarch" to lay claim to supranational status.

62. Even though it acquitted the Patriarchate of the charge in a judgment of 26 June 2007, the Turkish Court of Cassation recalls that there is no legal basis in Turkish law for using the title "ecumenical" and that the patriarchate has no legal personality. In a resolution of October 2007 the European Parliament expressed its concern about this decision.[44]

63. The Turkish authorities' failure to recognise the "ecumenical" nature of the Patriarchate has a long history, and is perceived by members of the minority and by international observers as an attempt to diminish the importance of the Patriarchate. Nevertheless, the Patriarchate clearly informed the rapporteur that the use of this title, which has been in force since the 6th century, has no political connotations at all. According to the Patriarchate, the Turkish authorities argue that the Treaty of Lausanne abolished the term "Ecumenical", whereas in fact the treaty makes no mention at all of this matter. The Patriarchate also pointed out that officials used the term "First Priest" in their mail to the Patriarch in order to avoid the word "ecumenical".

64. As one of the guest experts at a hearing before the committee pointed out, from the historical angle, the word "ecumenical" refers to the hierarchy of Greek Orthodox Patriarchates across the world, and it has internal ecclesiastical connotations and importance linked to the freedom of religious expression and the protection of the autonomy of the minority; the Turkish Government seems recently to have minimised the political importance of this matter.[45] The Patriarchate also expressed hopes to this effect during the rapporteur's visit. The Patriarchate said that it was gratified that for the first time, during the historic visit to Turkey by the Greek Prime Minister in January 2008, the Turkish Prime Minister had stated that the issue of the Patriarch's title was a matter solely for Greek Orthodox believers.

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41. "Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Greece from 8 to 10 December 2008", human rights of minorities, CommDH(2009)9, 19 February 2009.

42. For further information on the Greek Orthodox Patriarchate, see S. Akgönül, *Le Patriarcat grec orthodoxe – De l'isolement à l'internationalisation de 1923 à nos jours*, Institut français d'études anatoliennes, Maisonneuve et Larose, 2005.

43. French Senate, Information Report No. 37, 22 October 2003 (religious freedom: the situation of Christian minorities).

44. The European Parliament shares the concern expressed by the Council about this judgment, European Parliament resolution of 24 October 2007 on EU-Turkey relations, paragraph 14.

45. Contribution by Mr Konstantinos Tsitselikis (University of Macedonia), op. cit.

65. The aforementioned lack of legal personality applies to all the communities (the Ecumenical Patriarchate of Constantinople, the Armenian Patriarchate of Istanbul, the Armenian Catholic Archbishopric of Istanbul, the Bulgarian Orthodox Exarchate and the Chief Rabbinate) and has direct consequences in terms of ownership rights and property management. According to the people the rapporteur spoke to, the Greek and Armenian Patriarchs and the Chief Rabbi have all three tried to contact the government on the matter of the lack of legal personality, so far unsuccessfully. This situation is disturbing (as the Commissioner for Human Rights pointed out as long ago as 2003).[46] A reading of the judgment *Fener Rum Patrikligi (Ecumenical Patriarchate) v. Turkey*, in which the Court acknowledges that the Ecumenical Patriarchate possesses specific properties, should induce the Turkish authorities to revise their position on this subject.[47]

– *Training of the clergy*

66. In Turkey, minorities come up against serious difficulties in training new members of the clergy.

67. In the wake of legislation placing religious education under state control, the Heybeliada Greek Orthodox theological college (the Halki seminary) was closed in 1971.[48] The authorities considered that the seminary had too few students to continue to operate (a thesis contested by the Patriarchate). Ever since, the Patriarchate has been demanding the reopening of the faculty with the status which it held before 1971, and wishes all Orthodox Christians, of whatever nationality, to be able to take courses at the Halki seminary.

68. In 2006, a reform bill tabled under pressure from the European Union and the United States[49] geared to reopening the Halki seminary was rejected by the Turkish Parliament.

69. One solution to the difficulties of training new members of the clergy is to bring in members of religious orders from abroad, but they then encounter the problem of obtaining a work permit. The Halki seminary should be reopened. While the Turkish delegation states that "foreign clergy members can obtain residence permits which concurrently enable them to carry out their functions in Turkey", the Greek delegation points out that "the relevant legislative framework remains unclear, thereby allowing administrative obstacles against those interested in obtaining these permits. For instance, the Ecumenical Patriarchate's relevant requests, submitted in February 2007, have only recently (December 2008) been met".

70. The authorities impose conditions regarding Turkish citizenship and employment in Turkey for elections with a view to appointing metropolitans. Whereas the government had given no formal reply in 2004 when the Ecumenical Patriarch Bartholomew appointed six metropolitans who were not Turkish citizens to the Holy Synod (a first in this area in 80 years of history in the country),[50] in its decision of 26 June 2007 the Turkish Court of Cassation recalled the official position to the effect that the Patriarchate is an institution devoid of legal personality and that only persons who hold Turkish nationality and who work in Turkey at the time of the elections can participate in and stand for religious elections organised within the Patriarchate (which includes the appointment of metropolitans). The Greek Patriarchate currently includes eight American and Greek nationals, which means that they are working illegally (the Turkish authorities apparently "deliberately" turn a blind eye to this unlawful situation in order to help the minority). In view of the current size of the Greek Orthodox community, the Patriarchate considers that it can no longer operate normally with this strict nationality condition.

71. In the comments which it supplied to the rapporteur, the Turkish delegation to the Assembly asked him to specify that "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 is a Turkish citizen". The Greek delegation's reply stated that, "In 1923 and 1970, the Turkish Authorities issued decrees imposing restrictions on the election of the Ecumenical Patriarch, and the

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46. CommDH(2003)15 (19 December 2003), "Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Turkey on 11 and 12 June 2003", paragraph 94.
47. Judgment in the case of *Fener Rum Patrikligi (Patriarcat Œcuménique) v. Turkey*, Application No. 14340/05, 8 July 2008.
48. The college had previously come under the Turkish Ministry of Education.
49. "US Embassy continues to urge the government to permit the reopening of the Halki seminary", US Department of State, "2007 report on international religious freedom", Turkey, p. 9; see also the aforementioned CommDH(2003)15, paragraph 100: "Lastly, the issue of the training of clergy in general and the Greek Orthodox clergy in particular remains problematic since the theological college of Heybeliada (Halki) has been closed since 1971. It is crucial to find a solution to this problem by allowing the college to function with an appropriate status. Quite apart from the issues of religious freedom and educational freedom raised by the prolonged closure of the college, by preventing the training of Orthodox clergy of Turkish nationality the very survival of this religious minority is at stake."
50. US Department of State, "2007 report on international religious freedom", Turkey, p. 5.

Metropolitans who elect him. These decrees stipulate that the Patriarch and the Prelates participating in the election of the Ecumenical Patriarch must be Turkish citizens, who exercise their religious duties in Turkey. On the 26th of June 2007 the Supreme Court of Turkey (Yargitay) upheld the validity of those restrictions. In keeping with the Canons of the Orthodox Church, the Patriarch is to be elected from the entire prelacy of the Ecumenical Patriarchate. Currently, out of the total number of prelates under the jurisdiction of the Ecumenical Patriarchate worldwide, less than 20 are Turkish citizens and exercise their duties in Turkey and, therefore, only they are allowed to elect and to be elected Patriarch. Furthermore, today, there are only a few Priests and Deacons, among the young generation of the clergy, with Turkish citizenship. The almost certain result of the above-mentioned restrictions is that, in the near future, the Ecumenical Patriarchate may not be able to elect a Patriarch acceptable to the Turkish authorities".

72. The Patriarchate regretted that the Turkish authorities have refused dialogue on this matter. It had sent 84 letters on the subject to the Turkish Government, none of which had been answered. Moreover, the Patriarchate had suggested to the authorities setting up a joint discussion committee (made up of two representatives of the government and two representatives of the Patriarchate). This proposal also remained unanswered: the Council of Europe and the rapporteur could foster dialogue between the parties.

73. In September 2007, the Patriarchate met the Turkish President, as well as the minister for foreign affairs, the minister of the interior and the minister for education, and gave them a clear description of all the problems concerning the Patriarchate. It also maintains regular contact with the responsible Turkish administrative authorities. The contacts and dialogue engaged in with non-Muslim communities and institutions should be stepped up and give rise to tangible results.

74. The Armenian Orthodox seminary (the Skudari seminary) and the Rabbinical College have also been closed (owing to insufficient numbers of students).

75. The representatives of the Jewish community told the rapporteur unambiguously that training for the clergy was no problem to them,[51] any more than the obligation for members of the clergy to hold Turkish nationality. On the contrary, they said that they did not want foreigners in their clergy in Turkey because of the major cultural differences.

76. The representatives of the Armenian Orthodox community regretted being unable to afford to send their members abroad for training, and would like to have a department for the study of the Armenian Orthodox religion in a Turkish university. The Turkish nationality condition also posed no problems for this minority.

77. During the rapporteur's visit to Turkey the authorities mentioned a proposal to reopen the seminary as a department of the Faculty of Theology of Istanbul University. The Vice-Chancellor of Galatasaray University informed the rapporteur that he had met the Greek and Armenian Patriarchs and the Chief Rabbi to discuss the possibility of opening theological departments for their religions in the public university. This initiative shows a willingness to appease and for dialogue.

78. According to the vice-chancellor, the Armenian Patriarch and the Chief Rabbi agree to this proposal, whereas the Greek Patriarch had some reservations. He said that the Greek Patriarch was against the proposal because the universities depend on the Higher Council of Education (YÖK), to which the vice-chancellor had reported on these positions.

79. In this connection, the Greek Orthodox Patriarchate informed the rapporteur that this proposal from the vice-chancellor dated back to 1994, and that it was a mere oral proposal which had never been issued in written form. It would be desirable for the parties to make an official examination of this solution.

### *4.2. The foundations – Vakfs*

80. As one of the experts explained to the committee, foundations of minorities, or *vakfs*, are a Greek and Turkish heritage of Ottoman law; they are religious institutions whose income is attributable to the community. Their immovable property originates from donations, which may be accumulated. The foundations are special legal bodies exempted from the general legal framework governing foundations under Greek and Turkish civil law.[52]

51. Turkish Jews currently have training facilities up to the intermediate level, and students are sent to Israel for the higher level.

52. Contribution by Mr Konstantinos Tsitselikis (University of Macedonia), op. cit.

*Greece*

81. The rapporteur has noted the adoption in February 2008 of Law No. 3647, which should settle a good many of the problems that have plagued the legal status of the *vakfs* for decades. To date, despite successive legislative acts, a number of problems subsist vis-à-vis the operation of the *vakfs* (particularly with regard to registration of property and the election of members of the management boards). The new law recognises *vakfs* as private legal entities. On the other hand, the question of the status of Islamic law (to which the new law refers) has not been clarified. If this law is to provide the improvements expected of it, it will have to be actually applied, unlike the previous legislation. The Turkish delegation informed the rapporteur in its comments that the law had not been prepared in consultation with the minority, and that the amendments requested by the minority had not been taken into account.

82. The rapporteur was pleased to hear one of the experts say that for the first time no reference was made to the reciprocity clause. This points to a willingness at last to treat the situation of the minority in one country separately from that of the minority in the other, and to put a definitive end to the retaliatory mindset. This is a highly encouraging development.

83. In connection with the right to build and use temples and places of worship, Article 27 of Law No. 3467/2006 abolished one of the conditions for building temples and places of worship, namely a prior opinion from the ecclesiastical authority (the local metropolitan).[53] This condition had long been considered unacceptable.[54] In its comments, however, the Turkish delegation reports that the minority has difficulties when mosques are built, particularly in respect of the height of minarets.

84. Furthermore, the Greek delegation pointed out in its comments that Law No. 3554/2007 exempted Muslim *vakfs* from submitting tax declarations relating to their previous years' income, property assets and major land properties, and all of their registered debts, fines and existing mortgages had been cancelled. With effect from 2008, *vakfs* would also be exempted from major land property tax. The Turkish delegation complained in its comments that Law No. 3554/2007 had not yet come into force. Were this to be the case, the rapporteur believes that it would be desirable for this law to come into force as soon as possible.

*Turkey*

85. In his 2003 report, the Commissioner for Human Rights described the difficulties encountered in terms of ownership of religious institutions: "These institutions, most of which acquired legal personality in 1936, have encountered problems in managing and freely disposing of their property and in acquiring new real estate. Furthermore, a large number of properties belonging to parishes, which do not have legal personality, have been recorded in the land registry without indicating the owner, while others formerly belonged to minority religious associations which have been dissolved for lack of sufficient numbers. These properties have been regarded as abandoned and have passed to the state. With respect to the Greek Orthodox minority in particular, whose numbers have fallen from more than 100 000 in the early 20th century to fewer than 4 000 today, the fact that the Patriarchate of Istanbul does not have legal personality and that members of the clergy may not be members of minority associations or their boards has resulted in the community being dispossessed of a large number of properties in Istanbul and elsewhere."[55]

86. In 1935, Law No. 2762 recognised the legal personality of foundations set up under the Ottoman Empire, and in 1936 the foundations were required to register all immovable property items in the land register.

87. According to a 1974 line of authority of the Court of Cassation, these declarations are considered as deeds setting up foundations which preclude, unless otherwise expressly provided, such foundations from subsequently purchasing immovable property items in addition to those mentioned in the said declaration.[56] According to the details provided by the Greek and Turkish delegations, Law No. 5737 nevertheless allows

53. "Annual report of the Ombudsman of the Hellenic Republic", p. 262.

54. In 2002, the Commissioner for Human Rights of the Council of Europe recommended that the Greek authorities amend current legislation on building permits for places of worship. In 2001, the National Human Rights Commission had proposed abolishing the corresponding legislative provisions. In this commission's view, only the principle to the effect that the local authorities responsible for urban planning should issue permits in such cases should be retained and implemented in the light of the non-discrimination principle in exercising the right to freedom of religion; see initial report by Greece to the Human Rights Committee, "Consideration of reports presented by states parties in accordance with Article 40 of the Covenant", 15 April 2004, p. 135, paragraph 667, CCPR/C/GRC/2004/1; see also the 2006 progress report of the Commissioner for Human Rights on the Hellenic Republic, CommDH(2006)13.

55. CommDH(2003)15 (19 December 2003), "Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Turkey on 11 and 12 June 2003".

registration of the property given to foundations/purchased subsequent to 1936 and which belonged to the Treasury or the Directorate General of Foundations, but has not remedied the situation in respect of properties which, subsequently, were sold to third parties.

88. After 1974, drawing on this case law, religious foundations were the subject of mass expropriations, and the Directorate General of *Vafks* was assigned responsibility for managing very many of them (considered to be no longer in existence, or *mazbut*). As Mr Gross pointed out in his report on the islands of Gökçeada and Bozcaada, the *mazbut* procedure "applies not only to church buildings, but to all property belonging to a parish (including churches, school buildings, houses, and fields)".[57] The number of property items actually belonging to religious minorities has been considerably reduced, with effect for the foreseeable future.

89. Turkish legislation on *vafks* has prompted many applications to the European Court of Human Rights, which has found against Turkey on several occasions. In January 2007, in the case *Fener Rum Erkek Lisesi Vafki v. Turkey*, the Court noted that no provision of Law No. 2762 prohibited foundations governed by the said legislation from purchasing property items other than those set out in the 1936 declaration.[58] In this case the Court found a violation of Article 1 of Protocol No. 1 on the grounds that the interference was not provided for by law, considering that the 1974 case law did not meet the requirements of "predictability".[59] Various foundations acquired property deeds between 1936 and 1974 in the firm conviction that the transactions were lawful. These deeds were withdrawn from them on the basis of the 1974 case law, and by analogy it is clear that all the cancellations of ownership deeds of this type based solely on this case law are incompatible with the Convention.[60]

90. The legislation on foundations has been amended on numerous occasions, including in the context of the European harmonisation legislative package (2002-2003).[61]

91. Further to these legislative reforms, some foundations were able to purchase and register property, and foundation governing boards were elected. However, as the Commissioner for Human Rights has pointed out, "this mechanism is not retroactive and does not cover property which belonged to religious establishments or parishes and passed into state ownership before 2002 as abandoned property".[62]

92. Law No. 5737, which was adopted at the beginning of 2008, is designed to provide new responses to the problems of religious foundations, and the rapporteur was pleased to note that this new law provides for the representation of minorities in the General Assembly of the Directorate of Foundations and has lifted all restrictions on the purchase and sale of property by the *vakfs*.

93. The Turkish delegation stated in its comments that the new law, *inter alia,* gives the foundations of the non-Muslim community the right to:

– have full enjoyment of their property;

– be represented at the General Assembly (the main organ of the Directorate General of Foundations);

– amend their purposes;

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56. For a description of the overall legislative context at the time, see the *Fener Rum Erkek Lisesi Vafki v. Turkey* (*Fener Boys High School Foundation v. Turkey*), judgment, No. 34478/97, 9 January 2007, paragraphs 23 to 30.

57. See Doc. 11629, "Gökçeada (Imbros) and Bozcaada (Tenedos): preserving the bicultural character of the two Turkish islands as a model for co-operation between Turkey and Greece in the interest of the people concerned" (rapporteur: Andreas Gross), 6 June 2008.

58. The aforementioned *Fener Rum Erkek Lisesi Vafki v. Turkey* judgment, paragraph 54.

59. The Court came to the same conclusion in the case of *Fener Rum Patrikligi (Ecumenical Patriarchate) v. Turkey*, Application No. 14340/05, 8 July 2008; as well as in the cases of *Yedikule Surp Pirgiç Ermeni Hastanesi Vakfi v. Turkey*, Application No. 36165/02, 16 December 2008, paragraph 29; *Samatya Surp Kervok Ermeni Kilisesi, Mektebi Ve Mezarligi Vakfi Yötenim Kurulu v. Turkey*, Application No. 1480/03, 16 December 2008, paragraph 30; *Apostolidi and Others v. Turkey*, Application No. 45628/99, 27 March 2007; *Bozcaada Kimisis Teodoku Rum Ortodoks Kilisesi Vakfi v. Turkey (No. 2)*, Applications No. 37639/03, 37655/03, 26736/04 and 42670/04, 3 March 2009.

60. Over two thirds of the applications submitted to the Strasbourg Court against Turkey between 1 September 2006 and 31 August 2007 concerned the protection of ownership rights and the right to a fair hearing. See the "Turkey 2007 progress report", SEC(2007)1436, op. cit.

61. Law No. 2762 on Foundations of 5 June 1935, as amended by Law No. 4771 of 3 August 2002 amending various laws (3rd European harmonisation law), Law No. 4778 of 2 January 2003 amending various laws (4th European harmonisation law), and the implementing decree of 24 January 2003 on the purchase and usufruct of immovable property items by community foundations and on property registration.

62. Ibid.

– participate in international activities and co-operation, provided that this possibility is mentioned in their founding acts;

– give and receive donations;

– create businesses to make it easier to fulfil the foundation's objectives;

– register in the foundation's name properties previously registered under fictitious names;

– register in the foundation's name properties given to or purchased by the foundation after 1936, but returned to their donors, to the Treasury, to the ministry of finance or to the Directorate General of Foundations, following a 1974 judgment of the High Court of Appeal.

94. Nevertheless, the rapporteur regrets that the opportunity was not taken, as in the case of the new Greek legislation, to remove all references to the "reciprocity" principle. Quite the contrary is the case: Article 2 (2) of the law stipulates that the implementation of the law is contingent on the reciprocity principle. Such a provision is quite out of place in this law.[63]

95. The new law in no way settles the question of the return of property lost since 1974 to the Directorate General of Foundations, or provides for compensation where property cannot be returned. The Turkish delegation retorts in its comments that the new law on foundations (No. 5737) provides for the return of all properties registered in the name of the Treasury or the Directorate General of Foundations.

96. Lastly, the rapporteur is concerned about the provision to the effect that new foundations must be set up in accordance with the Turkish Civil Code. Article 101 (4) of this code prohibits the setting up of foundations with a view to supporting a group of a specific origin or a community. In practice, this is liable to prevent the setting up of new foundations by minority groups.

97. A great deal will also depend on how the new provisions are applied in administrative and judicial practice. Mr Gross' aforementioned report refers to averred instances of discrimination against the Greek Orthodox minority at this level. If these problems are to be overcome we need a change not only of legislation but also of mentalities.

98. One aspect in particular was brought up by the people the rapporteur spoke to, namely the geographical restriction on foundations for the election of their governing boards. Potential candidates for election to these governing boards must reside in the district where the foundation has its headquarters. For some foundations a reasonable solution has been found to the problem: certain foundations, such as the Armenian hospital, have been recognised as covering the whole of Istanbul, making it possible to elect governing boards made up of members of the community living anywhere in that city. According to the information provided by the Turkish delegation, the legislative amendment of September 2004 allows the non-Muslim community's foundations to organise freely their elections and to enlarge their electoral constituency. The Greek delegation, however, reports that this possibility is subject to prior authorisation by the Istanbul Prefecture. Several foundations are said to have come up against serious obstacles when requesting such authorisation. The Turkish delegation disputes this point.

99. In the context of property rights, the Jewish community mentioned a specific problem to the rapporteur, complaining of the building of housing on Jewish cemeteries. In theory, Jewish cemeteries belong to the municipalities, but the Jewish community has usufruct, without limits on burial plots. The Jewish community has closed off the cemeteries but has encountered difficulties especially in ancient cemeteries, particularly in Anatolia (a region where it has lost control of cemeteries because the local community has disappeared). But Law No. 3998 stipulates that cemeteries belonging to communities may not be handed over to municipalities. According to the members of the Jewish community, this law is not applied.

100. In addition, it was reported that two Protestant churches and an assembly of Jehovah's Witnesses had been unable to register their places of worship.[64]

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63. See in this connection the comments by the TESEV on the Foundations Bill, TESEV Democratisation Programme, Constitutional Citizenship and Minority Rights/Foundations Law Monitoring Project, "Foundations Bill is no solution to the problems of non-Muslim community foundations", December 2007.

64. European Commission, "Turkey 2008 progress report", SEC(2008)2699, 5 November 2008 (hereinafter "Progress report 2008").

### *4.3. Education*

101. The Treaty of Lausanne forms the legal basis of the system for educating minorities in both countries. Articles 40 and 41 of the treaty stipulate that the minority is entitled to establish public and private schools. The 1951 cultural protocol between Greece and Turkey provides for an annual exchange of 25 teachers (a number subsequently increased to 35) and the 1968 cultural protocol provides for the exchange of textbooks between Greece and Turkey. However, it would appear that exchanges of textbooks have been effective only since 2001. Apparently, Greece has unilaterally reduced the number of teachers participating in the exchange to 16. Although Turkey continues to submit a list of 35 teachers, Greece now accepts only 16, and, for its part, has seconded only 14 teachers to Istanbul for the school year 2008-2009.

102. The schooling of minorities is a major challenge for both countries. While it is true that the right to education is a recognised fundamental right, the same does not apply for teaching in a minority language. The relevant binding instruments of the Council of Europe have not been ratified by either Greece or Turkey.

*Greece*

103. There are major disparities in terms of level between the minority schools and majority schools (Greek schools) in Thrace. Indeed, some members of the minority prefer to send their children to majority schools in order to guarantee a good-quality education for them. Another reason for this decision is the fact that there are only two minority upper secondary schools in the region (which are clearly not enough for all the children from minorities) and two religious schools (*medrese*), in Komotini and Echinos (where the teaching is reported to be completely anachronistic). The members of the minority are calling for new minority schools to be opened.

104. Access to a good-quality education is particularly difficult in mountain villages, inhabited essentially by Pomaks. The members of the Roma minority also have to contend with a high level of absenteeism of children.

105. Whereas a section of the minority (mainly young people) is aware of shortcomings in minority members' ability to speak Greek, and pools its efforts to remedy this, another section (distinctly older on average) seems above all concerned with the ability to speak Turkish.

106. The rapporteur could see for himself that a significant number of those he spoke to could not speak Greek. According to members of the minority, only about 20% of their children more or less spoke Greek upon leaving primary school, which is an extremely low figure. This is partly due to the fact that many members of the minority use only Turkish, watch only Turkish television channels and are consequently none too well integrated in their own country, namely Greece. Furthermore, it is striking that mixed marriages between members of the majority and members of the minority are virtually non-existent.

107. To remedy this situation, numerous schemes have been undertaken in Thrace with a view to improving the education of children of the minority.[65]

108. Positive discrimination measures have been among those introduced. Muslim candidates sitting university entrance examinations are not subject to the requirement of obtaining at least the average mark in those examinations. In addition, a university admission quota of 0.5% of Muslim students was introduced in 1996. Law No. 3404/2005 also provided for the introduction of a separate quota of 0.5% of places in university technology institutes. Where financial support is concerned, the student grants body (IKY) has set up a specific grants programme for Muslim students from Thrace.[66]

109. Furthermore, a pilot programme for teaching Turkish as a foreign language option (two levels: beginner and advanced) has been launched in five public secondary schools in Thrace. The Turkish delegation pointed out in its comments that optional Turkish classes in state schools cannot replace the right to a minority education system.

110. For the first time, private Turkish language classes have been on offer to teachers of the Greek language programme in minority schools.

111. The rapporteur wishes to draw attention to a specific programme, Education of Muslim Children,[67] which impressed him favourably with both its activities and the remarkable commitment of those involved: combating early school leaving, stepping up learning of the Greek language, widest possible awareness of the

65. 2006 report of the National Human Rights Commission, Greece, submitted in March 2007, pp. 281-282 (in Greek). Report of the ministries to the Greek NHRC.
66. Some 10 grants of €500 a month for the year 2006-2007.

positive results of the insertion of young minority members in the education system. Centres supporting the Muslim children's education programme (nine in total, two of them roving units in the Rhodope mountain region) provide information to parents and teachers. Muslim parents also have an opportunity to learn Greek.[68] In addition, the project includes activities (very successful ones) aimed at children from both the minority and the majority, representing a unique and remarkable example of co-education. The rapporteur is surprised to learn that the budget for the project was not renewed in July 2008. He was told that the project would enter a new bid for European funding, but the interruption of budget funding has already resulted in the closure of eight centres for at least a year. This is particularly regrettable. The rapporteur urges the ministry of education to envisage funding the budget for this project to give it the stability it needs to carry out its task. The Greek delegation told the rapporteur that the Education of Muslim Children programme had been incorporated in a broader programme, Education for Children of Repatriated Greeks, Muslims and Foreigners, which was due to start in March 2009.

112. Another remarkable project is the very first book in the minority language preparedby the members of the minority of both countries for pupils of minority secondary schools, which has just been published (*Türkçe kitabimiz*).

113. Within the framework of a project funded since 1997 by the European Union, via the national education ministry, all the textbooks for minority schools have been updated. Unfortunately, some of them have been awaiting approval by the national education ministry for over five years and have yet to be issued.

114. There is also a Education and Advice for Gypsy, Muslim and Immigrant Families programme.

115. All these measures point to a welcome realisation by the Greek authorities of what is at stake in the education of minority members. Many of the students from the minority tend to pursue their studies in Turkey because they speak the language better and access to university studies is facilitated for them. If these Greek citizens are to enjoy full access to education in their own country, it is indispensable that the children of the minority have access to high-quality education and that they also learn the Greek language. The rapporteur welcomes the positive discrimination measures introduced in the area of access to university education.

116. Nevertheless, it remains a cause for concern that the teachers graduating from the Special Teacher Training Academy of Thessaloniki (EPATH), which trains teachers for the Muslim minority primary schools in Thrace, are reported to have poor skills in both the Greek and Turkish languages (in which they are supposed to teach). Some members of the minority would like to see this academy replaced by a faculty of a higher level.

117. In addition, the number of years of compulsory education has been increased from nine to ten years in Greece. At a time when nursery school has become compulsory, the members of the minority are complaining of a lack of minority (namely, bilingual) nursery schools.

118. In its comments, the Turkish delegation drew the rapporteur's attention to the question of the election of members of the boards of minority schools. Since 2001, all members of minority schools' boards have been elected, their election being subject to the approval of the Secretary General of Thrace. Furthermore, a very large majority of deputy heads of minority schools do not come from the minority. However, according to the Greek delegation, several Muslim teachers have been appointed to that role in the past five years.

*Turkey*

119. The members of the minorities face two difficulties in minority schools.

120. Firstly, there is a dual headship system for schools. The head teacher is from the minority whereas the deputy head is a Muslim appointed by the state. It is said that, in practice, only the deputy head has any real decision-making power, as they are required to approve any decisions of the head teacher. The fact that there are two types of teachers – teachers speaking the Turkish language (paid by the state) and teachers speaking the minority language (paid by the minority community) – changes nothing. The head teacher has no power, even over the teachers paid by the minority community.

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67. 2006 report of the National Human Rights Commission, Greece, submitted in March 2007, p. 282 (in Greek). Report of the ministries to the Greek NHRC.

68. See also: "Consideration of reports presented by states parties in accordance with Article 40 of the Covenant", 15 April 2004, p. 183, CCPR/C/GRC/2004/1.

121. The new law on private schools came into force on 14 February 2007. Previously, in schools where the language of teaching was not Turkish (particularly in the minority schools) and in the schools opened by foreigners, the deputy head had to be of Turkish nationality and had to teach Turkish language or culture, while having a command of the language of teaching. In cases where it was impossible to recruit a teacher who had these qualifications, the deputy head was appointed from among the teachers of Turkish nationality and "of Turkish origin". In the new law, the phrase "of Turkish origin" no longer appears. In accordance with this amendment, if a Turkish citizen who teaches Turkish language or culture and who has a command of the language of teaching is not available, any teacher of Turkish nationality may be appointed, irrespective of his/her origins.

122. The children of members of non-Muslim minorities not holding Turkish nationality are not allowed to attend minority schools. The children of Armenian businessmen or diplomats, for example, cannot go to an Armenian school because this is prohibited by law. The rapporteur finds it difficult to understand the point of this prohibition, which seems downright discriminatory, especially when one considers that minority schools suffer from a chronic lack of pupils. He was told of the case of an American rabbi's child granted "guest" status so that he could go to the minority school. This is a praiseworthy ad hoc solution but the problem is still there. There is currently an exception at the schools of the Greek Orthodox minority, where the children of Greek civil servants may be admitted in pursuance of the principle of reciprocity. The rapporteur thinks that it would be desirable to abolish the requirement of Turkish nationality in order to attend minority schools.

123. Article 24, paragraph 4, of the constitution and Article 12 of Fundamental Law No. 1739 on the national education system stipulate that religious culture and moral education shall be among the compulsory subjects taught in primary schools and upper secondary schools and other schools of the same level.

124. As a result of Decision No. 1 of 9 July 1990 of the High Council of Education a possibility of exemption now exists: "Following the proposal of the Ministry of Education, pupils of Turkish nationality and of Christian or Jewish faith, who attend primary and secondary schools, except schools affiliated to minorities, are not obliged to attend religious culture and moral awareness lessons on condition of providing an attestation to their faith. However, if these pupils wish to attend the lesson, they must present a written request from their legal representative." According to the minister for education, this possibility of exemption is also open to members of non-Muslim minorities not recognised by the Treaty of Lausanne.

### *4.4. Violence/pressure*

*Greece*

125. There were no reports of any violence inflicted against members of the minorities by the Greek authorities or by members of the majority in Greece. However, some violence is reported against buildings belonging to the minority.

126. The rapporteur would like to make a preliminary observation. He noted that the Muslim minority in Thrace was not ethnically homogenous. The ethnic Turkish Muslim minority accounts for the largest proportion of the minority, and, according to statements gathered by the rapporteur, members of the Muslim minority who consider themselves as Pomaks or Roma have been on the receiving end of attempts at forced integration into the Turkish branch of the minority. Some even claimed to have received threats. It is a supreme irony that the majority within the minority can be regarded by some as a threat to the minority within the minority, but that is the reality. Some people spoken to by the rapporteur, members of the Turkish branch of the minority, seemed to think it laughable that Pomaks and Roma could claim that they were not ethnic Turks. Yet, while they speak Turkish on the whole (partly because they have gone to bilingual minority schools with teaching in Turkish), Pomaks and a proportion of the Roma (approximately 25%) also speak their own languages.

127. The rapporteur reiterates here the fundamental principle laid down in Article 3 of the Framework Convention, which stipulates in its first paragraph that "every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice". Any attempt to impose an identity on an individual or group of individuals is inadmissible.[69]

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69. See in this connection paragraphs 26 and 123 of the opinion of the Advisory Committee, ACFC/INF/OP/I(2004)002, 27 November 2003; see also Gay McDougall's report, independent expert on minority issues, "Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development", Addendum, mission to Greece (8 to 16 September 2009), A/HRC/10/11/Add.3, 18 February 2009.

*Turkey*

128. Although the Turkish authorities respect the integrity of the religious minorities, one cannot ignore the fact that violence against persons belonging to religious minorities, clerics and places of worship and property has been perpetrated in Turkey. Hrant Dink, a journalist of Armenian origin, was murdered in 2007; three Protestant Christians were murdered in April 2007 in Malatya,[70] in 2006 an Italian Catholic priest was murdered in his diocese in Turkey; property belonging to the Greek Orthodox community has been attacked; there have been three attacks on synagogues (1986, 1992 and 2003); a dentist was murdered because of his Jewish faith, etc.

129. The rapporteur perceived a form of apprehension among some of the members of non-Muslim minorities he spoke to. He noted that members of the Protestant community were in a particularly vulnerable position.

130. However, the rapporteur noted that the authorities do not seek to deny these facts; on the contrary, they were most concerned over this violence.

131. A number of measures have been taken to curb it.

132. On 19 June 2007, the minister of the interior issued a circular on the freedom of religion of non-Muslim Turkish citizens, which acknowledged that there had been an increase in crimes against non-Muslim citizens and their places of worship. It also asked all provincial governors to take the necessary steps to avoid recurrences of such incidents and promote tolerance between people with differing faiths and beliefs. Notwithstanding the example of a kidnapped priest being found only twenty-four hours later cited by the minister of the interior as proof of the effectiveness of this reinforced system, implementation of the circular has failed to achieve the desired results.[71]

133. A unit set up within the ministry of the interior in 2004 – the council for evaluating the problems of minorities – is supervising these measures.

134. It was also mentioned that police operations had been carried out against gangs at the origin of certain attacks. According to the authorities, these gangs are driven by nationalistic motives rather than religious ones. In this connection, the authorities mentioned that the members of the Ergenekon network had been arrested. Yet the charge sheet ultimately drawn up against the network mentions no cases of violence against minorities.[72] The rapporteur therefore urges the authorities to continue their investigations with a view to prosecuting those responsible for acts of violence against minorities.

135. The Turkish Parliament's committee of inquiry for human rights set up a sub-committee tasked with investigating the assassination of Hrant Dink. In its final report in July 2008, the sub-committee noted errors and negligence on the part of the security forces and the national police, without which this murder could have been prevented.[73] The rapporteur invites the Turkish Parliament to follow up these conclusions without delay.

136. In this context, the rapporteur notes with concern that Baskin Oran, a renowned professor whose work has contributed substantially to the cause of minority rights in Turkey, has received serious threats on several occasions since 2005. The first wave of threats in 2005 and 2006 focused on the "Report on minorities" which he drafted within the Advisory Committee on Human Rights.[74] The professor received more threats at the beginning of 2007, following the funeral of Hrant Dink. After that assassination the Turkish authorities provided him with close protection, which the rapporteur welcomes. However, it would appear that Professor Oran's approaches to the judicial authorities (prosecutor of the republic) regarding telephone and e-mail threats from *Türk Intikam Tugaylari* (Turkish Vengeance Squads) have yielded no results since the beginning of April 2008 (like his complaints from 2005 onwards). At the end of 2008, Professor Oran received further threats by e-mail.[75]

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70. The trial is under way.
71. Progress Report 2008.
72. See the article "En Turquie, le procès du réseau 'Ergenekon' s'ouvre dans une atmosphere électrique", Le *Monde*, 22 October 2008.
73. Progress Report 2008.
74. Professor Baskin Oran, who was prosecuted in the context of this publication of October 2004, has just been acquitted by the court.
75. From an obscure organisation, "Türk Intikam Birligi Teskilati" (Organisation of the Union of Turkish Vengeance), as well as from individuals, owing to a petition asking for forgiveness for the misdeeds committed in 1915 by the Ottoman Empire against its Armenian citizens.

137. The rapporteur notes that the Turkish authorities take these threats very seriously and have expressed the will to deal with those responsible firmly and swiftly.

138. Turkey's Jewish community welcomed the will shown by the authorities and estimated that, thanks to efforts to harmonise legislation in the context of dialogue with the European Union, 80% of the difficulties it had been encountering had been overcome. It was very worried, however, by the general climate in the country. Economic problems, the low level of education, the Israeli-Palestinian problem and solidarity with Palestinian co-religionists were all factors forming fertile ground for rejection of minorities, religious or otherwise, and the Jewish minority in particular.

139. The rapporteur is convinced that only a substantial policy of swiftly and effectively prosecuting those responsible for violence would send a positive sign to the population as a whole. The NGOs informed the rapporteur that "the members of non-Muslim minorities are an integral part of Turkish society and a factor of enrichment". Calls for violence or threats against non-Muslim minorities must be prosecuted, and all the more so when they are passed on by certain media. But to date, all too few court decisions have been handed down in such cases and many suspects have not been prosecuted.[76] On the other hand, prosecuting certain members of minorities for insulting the Turkish nation (Article 301 of the Criminal Code) further fuels the climate of mistrust of minorities.[77]

### *4.5. Freedom of association*

*Turkey*

140. Concerning questions linked to the right of property of associations: see the section on foundations (paragraphs 85 *et seq*. above).

141. The law on associations also imposes the obligation to give the authorities prior notification before receiving financial backing from abroad and to supply detailed documentation on that backing. This provision remained unchanged following the amendments passed in February 2008. On the other hand, it would appear that the new law on the foundations of the Muslim minority in Greece does not allow the foundations to receive donations from abroad or to send donations abroad.

*Greece*

142. The Human Rights Committee of the International Covenant on Civil and Political Rights expressed concern at the government's reluctance to allow private groups or associations to use the adjective "Turkish" in the name of their respective associations,[78] with the argument that in Greece there existed no other ethnic, religious or linguistic minorities than the "Muslim" minority of Thrace. Consequently, the state party was asked to review its practice in the light of Article 27 of the ICCPR.[79]

143. The title (and thereby the perception) of the Muslim minority of Thrace has not always been the same. In 1955, the Greek authorities themselves described the minority as "Turkish". But when Greek-Turkish relations deteriorated, the Greek authorities refused, and continue to refuse, to allow the minority to use this adjective.[80] On several occasions, the Court of Cassation of Greece has ordered the disbanding or banned the registration of associations with the word "Turkish" in their name.[81] These decisions are far from innocuous since the question of the very definition of the minority is closely linked to the Greek authorities' refusal to accept the word "Turkish" in the name of associations.[82]

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76. Progress Report 2008.
77. Arat Dink (Hrant Dink's son), for example, was prosecuted and convicted on the basis of this article.
78. There are similar examples for the adjective "Macedonian".
79. Report on the situation of fundamental rights in Greece in 2005, EU Network of Independent Experts on Fundamental Rights, CFR-CDF/GR/2005.
80. Read on this point K. Tsitselikis, "The pending modernisation of Islam in Greece: from millet to minority status", *Sudosteuropa Zeitschrift Fur Gegenwartsforschung,* 55 (2007) 4, pp. 354-373, Section 2.1., "A war of names: 'national/ Turkish' or 'religious/Muslim' minority?In its judgment in the case of *Tourkiki Enosi Xhantis and Others v. Greece* (Application No. 26698/05, 27 March 2008), the Court notes that the association had been registered with the word "Turkish" in its name for half a century between 1927 and 1983. It was only in 1983 that it had been disbanded by the courts.
81. See the Turkish Union of Xanthi case, judgment of the Greek Court of Cassation (Arios Pagos – Judgment No. 4/2005), confirming the disbanding of the association. According to the report on the situation of fundamental rights in Greece in 2005 (EU Network of Independent Experts on Fundamental Rights, CFR-CDF/GR/2005, p. 29), reasoning on

144. The system introduced by the Treaty of Lausanne is clearly based on the religious criterion, and not a national one.[83] But the use of the adjective "Turkish" for the minority is more in keeping with the nation state system that has developed since then. It is true that recognising the "Turkish" nature of the minority may symbolically attach greater importance to the "parent" state, namely Turkey. However, the Greek authorities' refusal to allow members of the minority (or some of them – see paragraphs 18 and 113 above on the identity of Pomaks and Muslim Roma) to freely choose their title is no more than a vain attempt to deny reality. Indeed, this attitude on the part of the Greek authorities has resulted in several rulings against Greece by the European Court of Human Rights.

145. In the case of *Bekir-Ousta and Others v. Greece,*[84] the Court settled this question by finding a violation of Article 11 of the ECHR by Greece. The Greek courts had refused registration of a non-profit association called the "Association of the Youth of the Minority of the Evros Department" on grounds that this title caused confusion and gave the impression that nationals of a foreign country, in particular from Turkey, were permanently established on Greek territory. The Court, concluding that the measure complained of was disproportionate to the aims pursued, observed that "even if the aim of the association were to promote the idea that an ethnic minority existed in Greece, that alone could not constitute a threat to democratic society".[85]

146. In a judgment dated 27 March 2008 concerning the disbanding of an association with the word "Turkish" in its name, the Court does not believe that "merely the title and use of the term 'Turkish' in the [association's] statutes would provide sufficient grounds, in the present case, to conclude that the association is a danger to public order".[86] The Court followed up this idea in a judgment on the same day, stating that "even if the aim of the association were to promote the idea that an ethnic minority existed in Greece, that alone could not constitute a threat to democratic society".[87] The authorities requested that the two cases be referred to the Grand Chamber of the Court. This request was refused in respect of both the Tourkiki Enosi Xhantis and the Emin case, and the judgments have become final.

147. The associations involved should now be able to register under the name of their choice. The association concerned in the Bekir-Ousta case has again applied for registration. The rapporteur notes with concern that, on 9 December 2008, the court of first instance of Alexandropoulis again refused to register the association, a decision clearly contrary to the European Court of Human Rights' ruling. The rapporteur points to the obligation incumbent on all member states to implement the decisions of the Strasbourg Court, and calls on Greece to comply with this obligation.

148. It has been claimed that associations of Pomaks or Roma have no difficulty in using these adjectives in their names (the rapporteur also met the chair of the Drossero-Xanthi Roma women's association). There is clearly unjustified discrimination here.

For more information about this section, also see the report of the Commissioner for Human Rights on his visit to Greece from 8 to 10 December 2008 (CommDH(2009)9).

### *4.6. Granting/withdrawing nationality*

149. A number of members of the Muslim minority in Thrace have had their nationality withdrawn under a provision of the Nationality Code (Article 19, which permitted the withdrawal of Greek nationality from persons of an ethnic origin other than Greek having left the country without the intention of coming back).[88] That provision was repealed in 1998 but the repeal had no retrospective effect. As a result, some people are still classified as non-citizens, which hampers enjoyment of their rights in a number of spheres (social protection, health, pensions, identity papers, etc.).[89]

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similar lines, the Court of Cassation ruled that the refusal to register the "Turkish women's cultural association" complied with the constitution and the applicable human rights protection instruments (Judgment No. 586/2005). See also the cases of the Association of Turkish Teachers of Western Thrace and the Association of Turkish Youth of Komotini.

82. The Greek authorities refer to the Treaty of Lausanne which speaks of an unspecified Muslim minority. But as previously pointed out in this report, the Muslim minority is also made up of Pomaks and Roma (around 50% to 60% of the minority).

83. A result of the old system of *Millets*.

84. No. 35151/05, 11 October 2007.

85. Ibid., paragraph 44.

86. *Tourkiki Enosi Xhantis and Others v. Greece*, op. cit., paragraph 51.

87. *Emin and Others v. Greece*, Application No. 34144/05, 27 March 2008, paragraph 30.

88. According to the figures supplied by the Greek Ministry of the Interior, almost 46 000 members of the minority have been deprived of their citizenship. According to Turkey, this figure is as high as 60 000.

89. Report on the situation of fundamental rights in Greece in 2005, EU Network of Independent Experts on Fundamental Rights, CFR-CDF/GR/2005, p. 43, and AI report.

150. The ministry of the interior stated that 41 people had had their situation regularised in 2006 (granted Greek nationality) and 18 other cases were being dealt with.[90] On the other hand, the statelessness of members of the minority living abroad is a situation which remains unresolved.

151. This issue was not raised by the members of the minority whom the rapporteur met in Thrace (for obvious reasons, since the stateless persons are obliged to live outside Greece), but he feels that it is important enough to call on the Greek authorities to settle the pending cases as quickly as possible. This regularisation should entail neither substantial costs nor unwieldy administrative processes for those having had their nationality withdrawn in this context. The Council of Europe Commissioner for Human Rights has also just recommended that the Greek authorities immediately restore Greek nationality to the persons (living in Greece) who lost it in pursuance of former Article 19 of the Nationality Code, and to consider the possibility of giving satisfaction to the persons (or to their descendants) who lost Greek nationality in pursuance of this article and remained abroad.[91] The rapporteur can but support this recommendation.

## 5. Need for a more modern approach to the protection of minorities

### *5.1. A "new" approach*

152. In the last two years a number of highly symbolic events have focused on minority issues between Greece and Turkey. The historic visit by the Greek Prime Minister to Turkey in January 2008, and his meeting with his Turkish counterpart, was undeniably one such event.

153. Several people spoken to by the rapporteur in Thrace said that there had been a change in the Greek authorities' approach towards the minority since the 1990s. The logic of reciprocity was no longer seen by political forces as the right way to treat part of the population.

154. In particular, there was the unprecedented visit by the Greek Minister for Foreign Affairs to Thrace in February 2007. The minister devoted all her time to the Muslim minority during her visit, and pointed out the necessity of opening up and developing the region. The minister announced a number of measures benefiting the minority: the cancellation of the debts and mortgages of the *vakfs*, the extension of the 5:1 000 quota for Muslims already practised in universities to the civil service, the possibility for those having been deprived of their Greek nationality of reacquiring it upon request.

155. The quota pledged for admission to the civil service was introduced in 2008. This measure should be implemented without delay.

156. While the rapporteur has doubts as to whether the Muslim minority in Thrace (Greek citizens) should fall within the remit of the ministry of foreign affairs, this initiative and the measures announced are laudable.

157. The rapporteur also perceived a certain drive among a "new" generation of young members of the Muslim minority of Thrace. These young people see themselves unequivocally as part of the Greek state and the European Union. They are taking interesting initiatives with the stated aim of integrating the minority in Greek society while nevertheless retaining knowledge of their mother tongue. There is an older fringe of members who are somewhat recalcitrant and take an entirely different view. But the rapporteur hopes that this change of mentality from one generation to another will bring significant improvements for the minority and encourages these young people to continue their efforts to build understanding and accord.

158. It goes without saying that discrimination must cease, on both sides. In Turkey, the members of minorities reported that they were not admitted to high-level posts in the administration, the army or the judiciary. They have no difficulty in exercising independent professions but are clearly discriminated against where admission to the civil service is concerned. The rapporteur suggests that Turkey follow the example of Greece by introducing a quota for members of national minorities for admission to the civil service.

### *5.2. Role of the media*

159. The media have a fundamental role to play in the majority's perception of minorities and must wield a positive influence.

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90. 2006 report of the National Human Rights Commission, Greece, submitted in March 2007, p. 219 (in Greek). Report of the ministries to the Greek NHRC.

91. "Report by Thomas Hammarberg**,** Commissioner for Human Rights of the Council of Europe, following his visit to Greece from 8 to 10 December 2008", human rights of minorities, CommDH(2009)9, 19 February 2009.

160. The rapporteur was delighted to hear the Turkish Minister of the Interior say that he "could not imagine Turkey, and especially Istanbul, without minorities". The minister stated that he himself, the Prime Minister, the Government and the President of Turkey believe that religious minorities form the richness of their country and greatly contribute to its future. Unfortunately, this message finds little echo in the Turkish press, where stances that are extremist, nationalistic and overtly hostile to minorities, whether religious or not, feature strongly.

161. Moreover, the representatives of the Jewish community expressed concern about rising anti-Semitism, emphasising the hate speech passed on by extremist media, which engineer confusion between Israel and Judaism.

162. The old Criminal Code contained a provision criminalising incitement to hatred. To qualify as a crime in the new code, incitement to hatred must have a "real and immediate effect". The representatives of the Jewish community complained that anti-Semitism is not prosecuted because the danger is not regarded as real and immediate.

163. The rapporteur believes that an article making anti-Semitism a crime could be added to the Criminal Code. In fact the Assembly has already expressed this view in its Resolution 1563 (2007), calling on the governments of Council of Europe member states to "vigorously and systematically enforce legislation criminalising anti-Semitic and other hate speech, in particular any incitement to violence".[92] Whereas the Jewish community hitherto enjoyed a "relatively peaceful existence", the European Commission against Racism and Intolerance (ECRI) noted that "the climate has suddenly changed" since 2003 and made repeated calls for "action to prevent and punish any incitement to hatred directed against members of the Jewish community".[93]

164. In general, ECRI deplored the fact that "no action is taken to sanction intolerant remarks about minority groups whereas the legislation prohibiting statements that threaten the indivisibility of the state is apparently being abused".[94] Sadly, the rapporteur was not made aware of any improvement in this area.

165. As already recommended by ECRI, a code of ethics should be devised and public awareness-raising activities, such as a national campaign against racism and intolerance, should be organised.

### *5.3. Economic integration*

166. The rapporteur observed that Thrace is not an economically prosperous region and that, unlike the Greek Orthodox, Armenian and Jewish minorities in Turkey, the Muslim minority in Thrace is not a wealthy one. Much of the minority lives from tobacco-growing. The halting of European Union subsidies for this crop has plunged them into a highly precarious situation. Those living in mountain villages are the worst off.

167. Considering what is at stake as regards integration, economic development of Thrace should be promoted. The emphasis should be on developing the region's infrastructure, exploiting its obvious tourism resources and also on technical development (for example, by ensuring that the inhabitants of villages can receive Greek television).[95]

168. The rapporteur suggested that the Greek authorities explore the possibility of making use of European Union programmes by setting up rural development zones or free-trade zones in Thrace.

169. More economic development would necessarily mean better integration in Greek society in the longer term.

## 6. Conclusions and recommendations

170. The rapporteur notes with satisfaction that both Greece and Turkey have recently shown greater understanding of the specific characteristics of their respective minorities, who are the focal point of this report.

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92. Resolution 1563 (2007) on combating anti-Semitism in Europe, see Doc. 11292, report by the Political Affairs Committee, rapporteur: Mr Margelov; and Doc. 11320, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mrs Wohlwend.
93. See the 3rd report of ECRI on Turkey, CRI(2005)5, 25 June 2004.
94. Ibid.
95. It is reported that they receive only Turkish television via satellite dishes supplied to them by the Turkish consulate.

171. Efforts have been deployed on either side of the border to improve the situation of these minorities (for example by the introduction of quotas in Greece, the reform of the law on foundations in Greece and in Turkey, the circular from the Turkish Ministry of the Interior on the freedom of religion of non-Muslim Turkish citizens, etc.). He also notes that many positive reforms have been carried out in Turkey in the context of dialogue with the European Union.

172. The rapporteur has also observed real awareness on the part of the authorities of the two countries concerned, which provided him with strong evidence of their commitment to finding appropriate responses to the difficulties faced by members of the minorities in question.

173. However, some issues are still pending and the two states must pursue their efforts – efforts which cannot yield results without constructive dialogue with the members of the minorities.

174. In conclusion, the rapporteur is convinced that the authorities of both countries are committed to their respective minorities and to doing their utmost to change people's perceptions of those minorities. The rapporteur wonders whether it is appropriate to continue to entrust competence for minorities to their foreign affairs ministries, since these people, it must be remembered, are nationals. It is vitally important that both the members of the majority and the members of the minorities understand and feel that the latter are full citizens of their country of residence and are not to be considered as foreigners.

175. For the reasons already mentioned in this report, the rapporteur would like Greece and Turkey, at all administrative and judicial levels, to cease applying the principle of reciprocity to their respective minorities and to treat all their citizens without discrimination, regardless of how the neighbouring state might treat its own citizens. He also calls on them to fully apply the general principles of minority rights developed in the case law of the European Court of Human Rights.

176. The rapporteur further encourages the two countries to sign and/or ratify the relevant international instruments, particularly the Framework Convention for the Protection of National Minorities, ETS No. 157 (opened for signature in 1995),[96] and the European Charter for Regional or Minority Languages, ETS No. 148 (opened for signature in 1992).

177. Greece and Turkey must also fully appreciate what is at stake in minority education. It is vital that the governments ensure that the level of teaching in minority schools is of high quality and paves the way for the full and total integration of children of minorities within the national community, the integration of minorities being a factor for peace and development.

178. Generally speaking, the rapporteur has gauged the states' willingness to take more account of the specific characteristics of minorities in their cultural and religious dimension, with a view to mutual respect and to enrichment of their national community.

179. In this regard, the rapporteur was able to appreciate the shared willingness of Greece and Turkey to work towards achieving this aim.

180. The rapporteur encourages the authorities of both countries to forge open and constructive dialogue with the representatives of minority communities. He has made recommendations on the basis of his conclusions (see draft resolution).

*Reporting committee*: Committee on Legal Affairs and Human Rights

*Reference to committee*: Docs 10714 and 10724, Reference 3203 of 17 March 2006

*Draft resolution* adopted by the committee on 24 March 2009 with one vote against and two abstentions

*Members of the committee*: Mrs Herta **Däubler-Gmelin** (Chairperson), Mr Christos **Pourgourides**, Mr Pietro **Marcenaro**, Mr Rafael **Huseynov** (Vice-Chairpersons), Mr José Luis Arnaut, Mrs Meritxell Batet Lamaña (alternate: Mr Arcadio **Díaz Tejera**), Mrs Marie-Louise Bemelmans-Videc, Mrs Anna **Benaki**, Mr Erol Aslan Cebeci, Mrs Ingrida **Circene**, Mrs Ann Clwyd (alternate: Mr Christopher **Chope**), Mrs Alma Čolo (alternate: Mrs Milica **Marković**), Mr Joe Costello, Mrs Lydie Err, Mr Renato **Farina**, Mr Valeriy **Fedorov**, MrJoseph Fenech Adami (alternate: Mrs Marie-Louise **Coleiro Preca**), Mrs Mirjana Ferić-Vac, Mr György **Frunda**, Mr Jean-Charles **Gardetto**, Mr József Gedei, Mrs Svetlana Goryacheva (alternate: Mr Alexey **Aleksandrov**), Mrs Carina Hägg, Mr Holger **Haibach**, Mrs Gultakin Hajibayli, Mr Serhiy **Holovaty**, Mr Johannes **Hübner**, Mr Michel **Hunault**, Mrs Fatme Ilyaz, Mr Kastriot Islami, Mr Željko **Ivanji**, Mrs Iglica **Ivanova**, Mrs Kateřina Jacques, Mr András Kelemen, Mrs Kateřina **Konečná**, Mr Franz Eduard **Kühnel**, Mr Eduard Kukan (alternate:

96. Greece did sign it in 1997 but, to date, has still not ratified it.

Mr József **Berényi**), Mrs Darja Lavtižar-Bebler, Mrs Sabine **Leutheusser-Schnarrenberger**, Mr Aleksei Lotman, Mr Humfrey **Malins**, Mr Andrija Mandić, Mr Alberto **Martins**, Mr Dick **Marty**, Mrs Ermira **Mehmeti**, Mr Morten Messerschmidt, Mr Akaki **Minashvili**, Mr Philippe Monfils, Mr Alejandro **Muñoz Alonso**, Mr Felix **Müri**, Mr Philippe Nachbar, Mr Valery Parfenov, Mrs Maria Postoico, Mrs Marietta de Pourbaix-Lundin, Mr Valeriy **Pysarenko**, Mr Janusz Rachoń, Mrs Marie-Line Reynaud (alternate: Mr René **Rouquet**), Mr François Rochebloine, Mr Paul **Rowen**, Mr Armen **Rustamyan**, Mr Kimmo **Sasi**, Mr Ellert Schram, Mr Dimitrios Stamatis (alternate: Mr Emmanouil **Kefaloyiannis**), Mr Fiorenzo Stolfi, Mr Christoph **Strässer**, Lord John **Tomlinson**, Mr Mihai Tudose, Mr Tuğrul **Türkeş**, Mrs Özlem **Türköne**, Mr Viktor **Tykhonov**, Mr Øyvind **Vaksdal**, Mr Giuseppe Valentino (alternate: Mr Gianni **Farina**), Mr Hugo Vandenberghe, Mr Egidijus **Vareikis**, Mr Luigi Vitali, Mr Klaas **de Vries**,Mrs Nataša **Vučković**,Mr Dimitry **Vyatkin**, Mrs Renate Wohlwend, Mr Jordi **Xuclà i Costa**

NB: the names of the members who took part in the meeting are printed in **bold**

*Secretariat of the committee*: Mr Drzemczewski, Mr Schirmer, Mrs Maffucci-Hugel, Ms Heurtin