

Resolution 1704 (2010)¹

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

1. The Council of Europe aims to promote mutual tolerance in order to contribute to the peaceful coexistence of religions. It 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, including its interfaith dimension, 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 members of 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 stresses that the European Court of Human Rights has asserted, in the judgment in *Apostolidi and Others v. Turkey*, that the European Convention on Human Rights (ETS No. 5) 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

independently of the ratification or non-ratification 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 regarding the possibility for minority groups to express their diversity and existence.

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, 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 possible 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, whilst considering the possibility of creating new minority upper-secondary schools;

18.2. guarantee that the Special Teacher Training Academy of Thessaloníki (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 towards 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 – pending for several decades now – 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 (that is, 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 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 Ecumenical Orthodox Patriarchate in Istanbul, the Armenian Patriarchate of Istanbul, the Armenian Catholic Archbishopric of Istanbul, the Bulgarian Orthodox Community within the structures of the Ecumenical Orthodox Patriarchate, 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 initiate genuine negotiations on this proposal;

19.4. give the Ecumenical Orthodox Patriarchate in 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, to the entitled persons or, where the return of 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. The Assembly expresses equal concern about the current status of the unlawful appropriation of significant amounts of land historically and legally belonging to a multitude of other ancient Syriac monasteries, churches and proprietors in south-east Turkey;

19.7. recognise, promote and protect the Syriac people as a minority, which is indigenous to south-east Turkey, in conformity with the Lausanne Treaty and related international conventions which guarantee their fundamental human rights and dignity; this shall include, but shall not be limited to, officially developing their education and carrying out religious services in their native language, Aramaic;

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

19.9. 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;

19.10. 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;

19.11. 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 evaluate its impact;

19.12. 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;

19.13. address seriously the problem of the desecration of the Catholic cemetery in the Edirne-Karaagac quarter, which is a sacred burial place for Polish, Bulgarian, Italian and French Catholics, and facilitate the restoration of the destroyed memorials and sepulchres there;

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

19.15. 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;

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

19.17. 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;

19.18. 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;

19.19. 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.

20. The Assembly asks the governments of Greece and Turkey to report back on the progress made on each point in paragraphs 16, 18 and 19 of the present resolution by February 2011.

1. *Assembly debate* on 27 January 2010 (6th Sitting) (see [Doc. 11860](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Hunault). *Text adopted by the Assembly* on 27 January 2010 (6th Sitting).