ОРГАНИЗАЦИЯ ОБЪЕДИНЕННЫХ НАЦИЙ **A**

ГЕНЕРАЛЬНАЯ АССАМБЛЕЯ

Distr.
GENERAL

A/HRC/6/G/12
28 September 2007

RUSSIAN
Original: ENGLISH

СОВЕТ ПО ПРАВАМ ЧЕЛОВЕКА
Шестая сессия
Пункт 3 повестки дня

ПООЩРЕНИЕ И ЗАЩИТА ВСЕХ ПРАВ ЧЕЛОВЕКА, ГРАЖДАНСКИХ, ПОЛИТИЧЕСКИХ, ЭКОНОМИЧЕСКИХ, СОЦИАЛЬНЫХ И КУЛЬТУРНЫХ ПРАВ, ВКЛЮЧАЯ ПРАВО НА РАЗВИТИЕ

Вербальная нота Постоянного представительства Греции при Отделении Организации Объединенных Наций в Женеве от 26 сентября 2007 года в адрес Управления Верховного комиссара Организации Объединенных Наций по правам человека

Постоянное представительство Греции при Отделении Организации Объединенных Наций и других международных организациях в Женеве свидетельствует свое уважение Управлению Верховного комиссара по правам человека и имеет честь настоящим препроводить копию ответа правительства Греции* на письменное заявление от 31 августа 2007 года, представленное Федерацией турок Западной Фракии в Европе, неправительственной организацией, имеющей специальный консультативный статус при Экономическом и Социальном Совете (A/HRC/6/NGO/1), которое было представлено шестой сессии Совета по правам человека по пункту 3 повестки дня.

Постоянное представительство Греции любезно просит секретариат Управления Верховного комиссара по правам человека распространить приложение в качестве официального документа шестой сессии Совета по правам человека.

---

* Воспроизводится в приложении в полученном виде только на языке, на котором он был представлен.

Annex

STATUS OF THE MUSLIM MINORITY IN THRACE

The status of the Muslim minority in Thrace was established and has, ever since, been governed by the ***1923 Lausanne International Treaty***.

In general terms, based on the principle of equality before the law and of civil rights, as well as in the framework of the rule of law, guaranteed by Constitutions in modern, democratic States, the members of the Muslim minority, as Greek citizens, have the same rights and obligations (Christians and Muslims alike).

Apart from this, a series of specific measures has been taken by Greece, with a view to enhancing the said minority's rights, in keeping with the European Convention of Human Rights, the very values of the European Union and the United Nations human rights covenants.

l. In 1998, the ***Greek government abolished article 19 of the Nationality Code***, on the basis of which, in the past, a number of persons of non-Greek origin, who fled the Greek territory with no intention of coming back, lost their nationality.

Today, as for a number of "stateless" Muslims, the process of acquiring the Greek citizenship is being completed.

2. The members of the Muslim minority in Thrace perform their religious duties and follow their traditions without any restriction, having, in parallel, in everyday life, their right to worship fully respected and promoted. ***The Muftis are their spiritual leaders, who, all over the world, as well as in Turkey, are appointed and not elected***. In Greece, ***this appointment falls on the judgement of the competent Prefect***, where prominent members of the minority are consulted. In this particular case, a further and crucial reason for this procedure is that ***the Muftis***, in accordance with the Islamic practice, ***perform, apart from their religious duties, specific judicial and administrative functions, in relation with family and inheritance Law, assigned to them by the Greek Government***.

3. As it is the case in European countries with a varying percentage, under the Greek electoral law in force, a 3 per cent threshold to enter the parliament is being applied both for parties throughout the country and individual, independent candidates, covering all Greek citizens. In any democratic State the electoral law is an internal procedure which lays down the rules for a functional, effective and representative parliamentary system.

In almost all successive elections from 1927 onwards, there were Muslim deputies within the main governing and opposition Greek political parties. In the ***aftermath of 16 September 2007 Greek parliamentary elections, two Greek Muslim citizens have been elected with the main opposition party***.

4. ***Freedom of association*** is fully protected in the Greek legal order. In accordance with the case-law of the Supreme Civil and Criminal Court which follows the relevant case-law of the European Convention on Human Rights, any interference in the exercise of this freedom has to be fully scrutinized by national courts under strict standards. Thus, any restriction to this right must be necessary in a democratic society and motivated by a pressing social need, with a view to protecting, among others, national security, public safety and the rights of the others, or to preventing disturbances of public order.

There is no general prohibition to use certain words in the denomination of an association. Each case is examined on its own merits, on the basis of the particular association's statutory aims, in order to achieve a fair balance between the individual right to freedom of association and the need to preserve a legitimate aim (such as public order and the rights or freedoms of the others).

It should be noted that, in accordance with the case-law of the Grand Chamber of the European Court of Human Rights, the non-registration of an association on the basis of its memorandum and appellation may be, under certain circumstances, in conformity with the European Convention on Human Rights.

5. The Muslim minority enjoys ***a wide range of educational rights***. There are 210 primary minority schools in Thrace, with courses being taught in both languages (Greek and Turkish). In the same vein, early in 2006, the Turkish language has recently been introduced, on an optional basis, in a number of non-minority public schools in Thrace, a condition sine qua non of the minorities' integration the country, they live.

Approximately 400 Muslim teachers are employed in these primary minority schools. In addition, two minority secondary education schools operate in the cities of Xanthi and Komotini, being housed in buildings provided by the Greek State. In parallel, two Koranic schools do operate in the cities of Komotini and Echinos.

As for the ***tertiary education***, the Greek Law provides for a special quota of 0.5 per cent for the admission of minority students to Greek higher education institutions. For instance, in 1996, upon the entry into force of the Law in question, 70 students were subsequently admitted and in 2006, 315 students.

6. A considerable number of the minority does work in the public sector, be it contractors or civil servants. For instance, approximately 400 Muslims are employed in Thrace as Regional Administration civil servants, teachers, firemen, veterinarians, guards and clerks in State-owned banks. They do also occupied seasonal public sector posts, such as at the Forest Authorities in the cities of Xanthi and Stavroupoli. On the other hand, prominent members of the minority are lawyers, businessmen, doctors and pharmacists.

Those duly qualified among them have participated and continue participating in the examinations held by the “Supreme Council for the Selection of Personnel” on the appointment of employees in the public sector. Moreover, the Greek Government has decided to introduce a 0.5 per cent quota, meant for minority members, during the above-mentioned examinations.

In the same vein, vocational training and lifelong education programmes have been initiated, with a view to helping adult Muslim - men and women alike - have better opportunities in their seeking employment.
