

**MINORITY RIGHTS IN THE EUROPEAN UNION LAW AND MEDITERRANEAN
MINORITIES**

AVRUPA BİRLİĞİ HUKUKUNDA AZINLIK HAKLARI VE AKDENİZ AZINLIKLARI

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ABSTRACT

Minority issues are controversial both in the world politics and in the European Union policies. The rights of minorities and the regulations about them have always been developed. But because of its vague definition, it can be seen that the application of these rules can change from country to country. In the founding treaties of the European Union, there are regulations about minority rights but countries can apply different rules which can be related to their interests.

This study tries to aim to explain the legal situation of minorities within the context of European Union treaties and the EU law. The main discussion of this study is trying to find an answer to the question whether the regulations about the minorities can be generalized to all European Union countries or not. As a case study, the situation of Mediterranean minorities has been chosen. As a result, the legal position of minorities in the European Union law and the Mediterranean minorities' rights will be analyzed and compared.

Keywords: European Union Law, Minority Rights, Minority Policies, Mediterranean Minorities

ÖZ

Azınlık sorunları hem dünya siyasetinde hem de Avrupa Birliği politikalarında tartışılmalı konular arasında yer almaktadır. Azınlıkların hakları ve bunlarla ilgili düzenlemeler hakkında sürekli gelişmeler olmaktadır. Ancak azınlık tanımının belirsizliğinden dolayı, bu kuralların uygulanmasının ülkeden ülkeye değişebileceği görülmektedir. Avrupa Birliği'nin kurucu antlaşmalarında azınlık hakları ile ilgili düzenlemeler yer almaktadır; ancak ülkeler kendi çıkarları doğrultusunda farklı politikalar uygulayabilmektedir.

Bu çalışma, azınlıkların hukuki durumunu Avrupa Birliği kurucu antlaşmaları ve AB hukuku bağlamında açıklamayı amaçlamaktadır. Bu çalışmanın ana tartışması, azınlıklarla ilgili düzenlemelerin tüm Avrupa Birliği ülkelerinde uygulanıp uygulanamayacağı sorusuna cevap bulmaya çalışmaktır. Bir vaka çalışması olarak Akdeniz azınlıklarının durumu seçilmiştir. Bu bağlamda, azınlıkların Avrupa Birliği hukukundaki yasal konumu ve Akdeniz azınlıklarının hakları analiz edilecek ve karşılaştırılacaktır.

Anahtar Kelimeler: Avrupa Birliği Hukuku, Azınlık Hakları, Azınlık Politikaları, Akdeniz Azınlıkları

1. INTRODUCTION

Throughout history, there have always been differences among communities. However, the minority and the majority terms have been recently used in international law. If the rights of the majority are mentioned, minority rights must also be defined (United Nations, 2012: 2). All of the states usually have a minority group within their national territories. The minority groups has generally described by their own national, ethnic, linguistic or religious identities, which have different characteristics from the majority of the population (United Nations, 2010: 2-3).

After the Second World War, Europe has been facing one of the key challenges to accept and protect the rights of minorities (Tolan, 2015: 148). Minority policy issue is now at the political agenda of the European Union.

It denotes a rapidly changing set of political, economic and social problems that have effects on both domestic and international policy-making of the European Union (Sasse and Thielemann, 2005: 655).

This study aims to show the differences between the minority policies of both the European Union and the member states. In order to make an analysis; first of all, it is needed to understand the evaluation of minority as a term.

2. THE MEANING OF MINORITY AND THEIR RIGHTS

The meaning of the concept of minority has constantly changed over the years. The concept has begun to be explored from a broad perspective, including not only ethnic, sexual and religious aspects of individual communities but also homosexuals and workers. In order to understand the concept of minority, many different qualities such as number, locality, ethnic origin, linguistic origin, religious identity, sexual orientation, color, immigration, birth place are utilized. However, none of these qualities are considered sufficient to define minority (Okutan, 2004: 62).

It is possible to trace the minority issue back to 1500's. The protection of minorities began with the emergence of religious minorities in the 16th century reform process (Kurubaş, 2006: 44). The 1815 Congress of Vienna recognized minority rights as did the 1878 Treaty of Berlin. When nationalism became to be popular, people who did not the same as the majority of the country within the context of ethnic, linguistic or religious identity were increasingly under threat. In Europe, at the time of the First World War in 1914, minority issue was one of the most controversial issues in international politics. When the First World War ended, minority issue became to be a problem that should be solved for the League of Nations. For the protection of minorities, some treaties were adopted. They included important implications for minorities and they helped the development of international minority rights (United Nations, 2012: 2-3). The Charter of the United Nations, which came into force on 24 October 1945, did not mention about minority rights, but it included some provisions on human rights (The Charter of the United Nations, 2017).

In 1948, the Universal Declaration of Human Rights was adopted. It explicitly showed the list of the content of human rights and had some anti-discrimination provisions which were important for minorities. According to the General Assembly of the United Nations, it is not easy to apply a uniform solution for this vague and complex issue because in every state there are always different aspects of the minority problem. Issues which were about minorities should be seen as a combination of respect for human rights (United Nations, 2012: 3-4).

In the 1960s, three treaties, which were related to minority rights, were adopted. In 1960, the United Nations Educational, Scientific and Cultural Organization (UNESCO) accepted 'the Convention against Discrimination in Education'. It gave minority groups the right to apply their own educational activities, including teaching their own language in their school. The second treaty was signed in 1965. With this treaty, the United Nations adopted the International Convention on the Elimination of All Forms of Racial Discrimination. Thus race, colour or origin based distinctions could be prohibited (United Nations, 2012: 2). It was for the first time that minorities were involved in an international legal arrangement, in 1966, with Article 27 of the United Nations International Covenant on Civil and Political Rights (ICCPR) (Okutan, 2004: 68).

The term of the minority is expressed as a non-dominant group that shows differences within a certain society. There is no certain recognized minority definition as there is no consensus among the states about the differences. Each state defines the minority term in its own interest (Kurubaş, 2006: 27). When we look at the most comprehensive definition of the term of minority, which was offered in 1977 by Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, it was seen that it was expressed as "A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language" (Çavuşoğlu, 1999: 25). This definition has often been adopted by international organizations. In the definition of minorities, while the United Nations considered language, religion, culture, to be numerically less than the other part of the population and not to be in a dominant position as objective criteria; culture, tradition, language and religion are considered as subjective criteria. However, according to the United Nations, the term should be on a broader scale and should include both migrant workers and groups of people who temporarily settled in the country (Okutan, 2004: 63).

According to this definition, it seems that there must be 5 important main items in order to be considered as a minority (Kurubaş, 2006: 29-30):

- 1- Difference: The minority should be different in terms of elements such as language, religion, and traditions.
- 2- Number: There must be a certain number of people who will protect the differences of minorities.
- 3- Non-dominance: Minorities should not have dominated the majority.
- 4- Citizenship: In the interpretation of Article 27 of the ICCPR, minorities are not required to be citizens. However, foreigners, immigrants, non-citizens and refugees who are not in the concept of minority in terms of the law are regarded as a sociologically minority.
- 5- Minority consciousness: People in minority status must be willing to protect the special qualities and traditions. Otherwise, it is clear that these people want to be assimilated and they are not accepted as the minority.

The definition of the minority rights can change from country to country and from international organizations to international organizations. But, the main term which is related to minority rights is 'equality'. The principle of equality, which is one of the basic characteristics of democratic states, means that all individuals are considered as 'first class' citizens without any separation such as language, religion or race. However, the establishment of the real equality can be achieved through the protection of different and unique identities of minorities. In this case, the principle of 'positive discrimination' is imposed besides the principle of equality and the prohibition of discrimination which are necessities of the democratic society (Okutan, 2004: 66).

The recognition of the status of minorities should not be only decided by the state, but should be based on some criteria. So, the United Nations Minorities Declaration is accepted that there are national, ethnic, religious and linguistic minorities. (United Nations, 2010: 2-3) According to the difference in their identity, minorities are divided into four types (Kurubaş, 2006: 34-36):

- 1- Religious Minorities: Since the 16th century, religion has been the most important criterion for determining minorities for a long time. Today, religion is one of the decisive factors. However, it is still seen that the groups that are mostly isolated because of their religious beliefs are the problems arising from this situation.
- 2- Linguistic Minorities: Linguistic diversity is generally the basis of ethnic and cultural diversity. Thus, a linguistic minority can be an ethnic or national minority.
- 3- Ethnic Minority: In determining the ethnic minority, it should be examined not only the cultural characteristics such as common history, language, and culture, but also whether a permanent state has been established in the past or the present.
- 4- National Minorities: The national minority concept is specific to Europe. National minorities are also ethnic and linguistic minorities, but ethnic and linguistic minorities are not always national minorities. National minorities, as the group with the broadest rights, have the right to protect their national identities and also the rights of religious, linguistic and ethnic minorities. Thus, it can be said that national minorities enjoy the strongest and broadest minority protection.

After explaining the meaning and scope of the minority term, the rights of the minorities should also be described. In law literature, minority rights are described as legal provisions which aim to protect the minorities. There are two important characteristics of these provisions. The former is that minority rights are aimed to recognize or accommodate the needs of non-dominant ethnic or racial groups, and the latter is that the universal individual rights can be applied to minorities (Kymlicka, 2017).

If it is needed to analyze the mostly underlined minority rights, it can be specifically said that "the rights to equality and non-discrimination, the right to citizenship if a person commonly resident in a new State or a State with new borders, the right to use one's own language in public and private, the right of minorities to establish their own religious, cultural, charitable and educational institutions, an obligation on the State to provide an 'equitable' level of financial support to minority schools, in which instruction at the primary level would be in the minority's mother tongue, and entrenchment of laws protecting minorities so that they could not be changed by subsequent statutes." are the main rights of minorities (United Nations, 2012: 2-3).

Although there are so many criteria which determine the minority rights, the general view for much of the post-war era is that anti-discrimination is enough for the minorities (Kymlicka, 2017). The protection of minority rights became more important after the end of the Cold War because of the willingness of the stability

of states. In Europe, in 1990, Copenhagen Document whose commits were underlined wide range of minority rights was adopted. Even though it was a political declaration, it was the basis of Framework Convention for the Protection of National Minorities, which adopted by the Council of Europe in 1994 (United Nations, 2012: 3-4).

3. THE LEGAL STATUS OF MINORITIES IN THE EUROPEAN UNION LAW

Starting in the 1990s, there has been so much effort to codify minority rights, both at the regional level and at global levels. This study will analyze the endeavors of the European Union. The EU has been examining the minority problem in the context of human rights. It can be argued that the European Union, which is directly concerned with human rights, has begun to emphasize the issue of minorities after the 1990s. One of the main reasons was that after 1945, the minority problem was being assessed on a broad political agenda in Europe and that was thought the European integration aiming for the Common Market would solve ethnic problems as well. Furthermore, from 1945 to 1989, it was thought that the recognition of the national minority rights of the states would leave their sovereignty in a difficult situation. At that time, it was thought that ethnic separatist movements or to demanding land would become a serious threat to countries' internal unity and stability. As a consequence of the support of some minority leaders for the Nazi interests and the failure of the League of Nations' minority system, European states have not been involved in attempts to protect minorities internationally (Taşdemir ve Saraçlı, 2007: 28).

At the beginning of the Union, the ECSC (European Coal Steel Community), EEC (European Economic Community) and EAEC (European Atomic Energy Community) are the founding treaties which based on economic integration model. Thus they do not have any content about minority rights.

Expressions which are related to human rights and minority rights were underlined in the Article F (2) of the Maastricht Treaty as follows: "The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law" (Official Journal of the European Union, 2008).

After the collapse of the Soviet Union, the Eastern countries have begun to be a member of the Union. The EU has set the "Copenhagen Criteria" in order to prevent from the disruption that can arise if many Eastern countries have become members (Kymlicka, 2002: 1-25). At the Copenhagen Summit, which held on 22 June 1993, the Council of Europe has set out the necessary conditions that all of the candidate states must meet in order to be a member of the Union. There are three important criteria; political, economic and implementation of the 'Acquis Communautaire'. Political criteria are related to principles of democracy, rule of law, human rights and minority protection (Accession Criteria, 2017).

It can be understood from the political criteria that the protection of minority rights has been crucial to be a member state of the Union (Atılğan, 2006: 12). The 'Copenhagen criteria' can be seen as a sanctioning mechanism for the promotion of human rights and also for minority protection (Hughes and Sasse, 2003: 1). The Copenhagen criteria have provided the European Union a powerful instrument for shaping the process of transition. The next development about minority rights in the European law was the Framework Convention for the Protection of National Minorities (FCNM). The convention, which was signed in 1995, was maybe the most relevant standard pertaining to minority rights in Europe (Smith, 2003: 20-22).

Political developments after 1990 led to the change of Europe's classical nation-state model. Instead of continent of homogeneous nations, Europe has become a place of different ethnic identities, languages and cultures (Kurubaş, 2006: 175). In 1997, Amsterdam Treaty came into force, and it also underlined the importance of democracy, respect for human rights and the rule of law (Amsterdam Treaty, 2017).

Nice Treaty which came into force in 2003 did not mention about minority rights. While the most important development about human rights in the European Union was the "Charter of Fundamental Rights of the European Union" which was first accepted as a political declaration in 2000 (Official Journal of the European Union, 2008), the most important step about minorities in the European Union law can be seen in Lisbon Treaty. According to the article 2 of the Treaty on European Union (TEU), "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail." Article 3 underlines and commits the Union to respect cultural and linguistic differences of member states, and provide that Europe's cultural legacy is in safe and strengthened. Article 6 states that "The

Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties” (Official Journal of the European Union, 2008). This encompasses the rights, freedoms and principles which set out in the Charter of Fundamental Rights of the European Union (United Nations, 2012: 133).

The Lisbon Treaty, which came into force on 1 December 2009, has introduced provisions that can enhance fundamental rights protection in the European Union (Douglas-Scott, 2011: 646). While the articles about non-discrimination in the Lisbon Treaty have been related to its citizens, the articles of the Charter of Fundamental Rights of the European Union have been related to human rights and minority rights. Article 21 of the Charter stated that “Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited” (Official Journal of the European Union, 2008). The EU, its bodies, and the members are bound by these provisions while implementing the European Union law (United Nations, 2012: 133).

It is known that there are a lot of works on the minority rights protection throughout Europe. It is not possible to examine all of these works, but it is understood that the basic characteristics can contribute to the development of the idea of Europe and respect for all European cultures, and especially language equality (Arsava, 1992: 58).

The most important reason why the European Union has been interested in minorities is to reach the goal of European integration. The European Union has a transnational political-oriented structure. Therefore, European identity is very important. The European Union aims to revitalize minority identities in order to ensure its supranational structure. So, that it can help weakening of national identities which can be useful for the integration policy. This situation shows that the EU has evaluated the protection of minorities from strategic and pragmatic aspects (Kurubaş, 2006: 174).

Racism and discrimination based human rights violations in Europe have also led to the importance of protecting minorities in order to prevent them from happening again. From a normative aspect, protection of minority rights is not only the result of the Europe's struggle against discrimination and racism, respect for human rights and democracy but also complement to them. However, it should not be forgotten that the main aim of the EU is not to promote ethnic nationalism by using minorities; is to ensure integration by maintaining diversities without recognizing minority status in the framework of European identity which based on human rights. This can only be possible by ensuring a trust environment among communities with different identities. It can be possible to talk about the emergence of multiculturalism, only where different identities respect each other, discrimination and racism do not exist, and equality principle can be applied. In fact, the EU claims that recognizing minority status underlines diversities and does not support it. However, the current situation requires the support of minority status. It advocates the granting of minority status to at-risk minorities, especially Gypsies, and to ethnic groups like the Basks, which have politicized separatist tendencies. Thus, the deterioration of stability is desired to be prevented. However, this kind of discrimination among minorities can cause inconsistency, so that the protection of all minorities has been adopted (Kurubaş, 2006: 175-177).

The effects of the minority regime on the nation-state order and on the European integration are quite important. The weakening effect of the minority regimes to the nation-state and national identities has some consequences such as strengthening the identity of Europe, leading to regionalization and revealing the multicultural society (Kurubaş, 2006: 177).

4. THE RIGHTS OF MINORITIES IN THE MEDITERRANEAN REGION

The Mediterranean region is at the crossroads of Europe, the Middle East and Africa, which is a key space of encounter between different nations, cultures, languages and religions. These encounters have resulted in both major conflict and bloodshed, and the development of modern civilization. In Mediterranean societies, there is the combination of religion and national identity which has rendered debates more complex regarding the recognition of religious minorities. These debates have become more important nowadays because of the profound social and political transformations of the region, as a result of high levels of immigration from neighbouring regions (Astor and Grieria, 2015: 1).

The European Union has a limited control over the minority policies of members. There are not certain norms on minority rights, and members of the Union have differentiated approaches and suggestions to this issue. The European Union borrows concepts, norms, and standards generally from the Council of Europe, such as

the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages (Toktaş and Aras, 2009: 709).

The most important treaties on minorities in Europe and in the world are United Nations International Covenant on Civil and Political Rights (ICCPR) and European Charter for Regional or Minority Languages. The ICCPR has entered into force on 23 March 1976 (International Covenant on Civil and Political Rights, 2017) and European Charter for Regional or Minority Languages was adopted as a convention on 25 June 1992, and it entered into force on 1 March 1998 (European Charter for Regional or Minority Languages, 2017).

The ICCPR commits its members to respect the rights of individuals, such as the right to life, freedom of speech, freedom of religion, electoral rights and a fair trial. It can be said that as of February 2017, the Covenant has 169 signatories (International Covenant on Civil and Political Rights, 2017).

The situation of minorities in the Mediterranean region will be analyzed according to the Mediterranean countries' acceptance of these two treaties. In the Mediterranean region, there are 4 important countries, such as Spain, France, Italy, and Greece. The situation of minorities in these countries will be evaluated according to their population and given rights.

4.1. Spain

Spain is the sole Mediterranean country which accepts and signs these two treaties. Spain has begun to apply the ICCPR in 1997 without any ratification and the European Charter for Regional or Minority Languages in 2001. However, when the reports are investigated, it can be seen that only the situation of Gypsies has evaluated. Spain has declared that it accepts other minorities in the country as a part of the Spanish nation, not in the minority status. For this reason, only studies on the Gypsies are handled in the report (Kurubaş, 2006: 245-246).

Table 1: General Information About Spain (CIA The World Factbook, 2017)

Population	48,563,476 (2016)
Religions	Roman Catholic 94%, other 6%
Languages	Castilian Spanish (official nationwide) 74%, Catalan (official in Catalonia, the Balearic Islands, and the Valencian Community (where it is known as Valencian)) 17%, Galician (official in Galicia) 7%, Basque (official in the Basque Country and in the Basque-speaking area of Navarre) 2%, Aranese (official in the northwest corner of Catalonia (Vall d'Aran) along with Catalan; <5,000 speakers) * Aragonese, Aranese Asturian, Basque, Calo, Catalan, Galician, and Valencian are recognized as regional languages under the European Charter for Regional or Minority Languages
Minorities	Basques, Catalans, Galicians, Gypsies, Valencians

As it can be seen in table 1, according to 2016 data; the population of Spain is 48 million, the main religion is Roman Catholic, and the official language is Castilian Spanish. There are five important minority groups which are Basques, Catalans, Galicians, Gypsies, Valencians. However, only the Gypsies are accepted as minority in the Spanish Reports.

The Spanish constitution does not officially define ethnic minorities but agrees to protect the cultures, traditions, and languages of all peoples in Spain. In its administrative structure, in general, it can be called as a unitary state, but it is defined as autonomous because of the status of autonomy that given to the region and some authorities (Kurubaş, 2006: 246).

Although Spain is seen as the most tolerant European country against minorities, it is accepted as a country with the most problematic minorities. Basques are the most important minorities in Spain. Their language is different from the other Indo-European languages and has continued without incorporating. In 1959 Basque Homeland and Freedom (ETA) was established. Its aim was to create an independent socialist Basque state uniting the Basque provinces of both Spain and France. After the death of Franco in 1975, Basque nationalists demanded to be independent. They rejected the Spanish Constitution of 1978, and also they wanted to gain their sovereignty, self-determination and improve the working and living situations of the working class. The secret negotiations between the Spanish government and ETA in 2005 led to a decision to leave arms in 2006 (CIA The World Factbook, 2017).

As it is said, Spain has only recognized Gypsies as a minority. Throughout the world there are approximately 10 million Gypsies, between 7 million and 8,5 million of them are living in Europe, and 650,000 to 800,000

of them are living in Spain. Until 1975, under the Franco regime, Gypsies were persecuted and harassed. The Roma/Gypsies are not a united group. Since the 1980s re-housing programs, many of them have become settled, but their poverty and social exclusion has not been eradicated.

4.2. Italy

Italy has signed the ICCPR on 18 January 1967 and entered into force on 15 September 1978 without any ratification. Italy has signed the European Charter for Regional or Minority Languages in 2000, but did not enter into force because the inspections were still ongoing.

Table 2: General Information About Italy (CIA The World Factbook, 2017)

Population	62,007,540 (2016)
Religions	Christian 80% (overwhelmingly Roman Catholic with very small groups of Jehovah's Witnesses and Protestants), Muslim (about 800,000 to 1 million), Atheist and Agnostic 20%
Languages	Italian (official), German (parts of Trentino-Alto Adige region are predominantly German speaking), French (small French-speaking minority in Valle d'Aosta region), Slovene (Slovene-speaking minority in the Trieste-Gorizia area)
Minorities	Croatians, Friulians, Greek-speakers, Ladins, Occitans, Sardinians, Slovenes, South Tyrolese German-speakers, Albanians, Aostans

As it can be seen in table 2, the population of Italy is 62 million in 2016, the main religion is Christian, and the official language is Italian. The most important ethnic minority in Italy is Sardu-speakers who have more than 1 million populations, as %2 of Italy population. And Muslims are the religious minorities in Italy.

Italy, which is a unitary state, has adopted local autonomy. In Italy, there are 20 regions, five of them (Sicily, Sardinia, Alto-Adige, Valle d'Aosta, Friuli-Venezia-Giulia) have special autonomy status. The 1947 Constitution of Italy institutionalized regions in order to prevent totalitarian rule (CIA The World Factbook, 2017).

Article 6 of the Italian Constitution indicates that "linguistic minorities will be protected by appropriate means." This shows that in Italy, minorities are being evaluated in the framework of 'language'. Elements such as ethnicity, religion, and race were mentioned in the constitution as general expressions, and they were dealt with in the context of equality, fundamental rights, and freedoms. For example, article 3 of the Constitution commits "equality before the law and fundamental freedoms, and guards against discrimination on the grounds of sex, race, language, religion, political opinions, and personal and social conditions" (Kurubaş, 2006: 209-210).

Among the minorities in Italy, Gypsies are the most difficult ones because of not being assessed by Italy in minority status. However, according to the European Union authorities, Gypsies should be seen as a minority. For this reason, Italians are expected to make legal arrangements for the protection of Gypsies (Kurubaş, 2006: 224).

In the context of the minority policies of Italy, minorities have many rights such as having education and media opportunities in their own language. However, minorities living in special autonomy status regions are more likely to benefit from the rights than those living in normal status regions. This situation is leading to inequality between minorities and regions.

4.3. Greece

In Greece, there is a homogenous structure but there are also ethnic and religious minorities. Greece has signed the ICCPR on May 1997 and entered into force on August 1997. The reason for signing so late is that it cannot fulfill the statement in article 27 of the Covenant.* Greece has also rejected to sign the European Charter for Regional or Minority Languages.

* Article 27 mandates the rights of ethnic, religious and linguistic minority to enjoy their own culture, to profess their own religion, and to use their own language.

Table 3: General Information About Greece (CIA The World Factbook, 2017)

Population	10,773,253 (2016)
Religions	Greek Orthodox (official) 98%, Muslim 1.3%, other (Roman Catholicism, Jehovah's Witnesses) 0.7%
Languages	Greek (official) 99%, other Macedonian, Turkish, Vlach, Arvanitika, Romani, includes English and French) 1%
Minorities	Albanians, Macedonians, Roma, Turks, Pomaks, Vlachs

As it can be seen in table 3, the population of Greece is 10 million in 2016, the official religion is Greek Orthodox, and the official language is Greek. There are some minority groups which are Albanians, Macedonians, Roma, Turks, Pomaks, and Vlachs.

The treaty, which is known as the Greek Sevres, was called "Agreement on the Protection of Minorities in Greece", and was ratified by the Greek Parliament on 29 September 1923. The treaty gives everyone freedom who lives in Greece without any discrimination and ensures that all minorities enjoy civil and political rights. However, Greece has only accepted Muslims as a minority, and even trying to assimilate them. In addition, Greece denied their ethnic and linguistic rights but accepted their religious rights. Greece's negative attitude to minorities stems from the fact that the minorities in the country are citizens of the neighboring countries of Greece. Greece which has problems with Albania, Macedonia, Bulgaria, and Turkey sees minorities as a serious security issue. It is thought that the minorities can threaten the territorial integrity and national identity of Greece (Kurubaş, 2006: 293-294).

4.4. France

France signed the European Charter for Regional or Minority Languages on 7 May 1999 but did not ratify. France has issued a report and stated that it can only be able to accept the Charter with this statement. It explains that Charter's purpose is not the protection and recognition of minorities, but the development of European language heritage. These languages do not mean that the speakers are given special rights to describe them as a group. Many of the Charter's articles should also be interpreted with this view. In the framework of these comments, France has become one of the EU countries which have not ratified the European Charter for Regional or Minority Languages. France has also stated that there was no minority in the country and did not approve Article 27 of the ICCPR which was about minorities (Kurubaş, 2006: 267).

Table 4: General Information about France (CIA The World Factbook, 2017)

Population	66,836,154 (2016)
Religions	Christian (overwhelmingly Roman Catholic) 63-66%, Muslim 7-9%, Buddhist 0.5-0.75%, Jewish 0.5-0.75%, other 0.5-1.0%, none 23-28%
Languages	French (official) 100%, rapidly declining regional dialects and languages (Provençal, Breton, Alsatian, Corsican, Catalan, Basque, Flemish) Overseas Departments: French, Creole patois, Mahorian (a Swahili dialect)
Minorities	Alsations and Lorrainians, Breton, Corsicans, Jews, Occitan-speakers, North Africans

As it can be seen in table 4, the population of France is 66 million in 2016, the official religion is Christian, and the official language is French. There are some minority groups which are Alsations and Lorrainians, Breton, Corsicans, Jews, Occitan-speakers, and North Africans.

France rejected Article 27 of the ICCPR on the basis of the "France is an indivisible Republic" in the Constitution, and even rejected the application of the Bretons for minority status. It assessed the application within the scope of discrimination law, citing Article 26, instead of Article 27. In 1991, France acted as the same way as Bretons to the law which was adopted in order to bring a solution to the Corsican problem. It stated that there was no language and origin based discrimination among the French people, and therefore, France would not discriminate by recognizing the Corsican. However, the fact that the issue was frequently debated on the European agenda led the French to give Corsica an autonomous regional status, and in some languages, to define separate legal status (Kurubaş, 2006: 267). Thus, the French Ministry of Culture and Communication accepts 14 different minority languages†, two minority language groups in metropolitan

† The 14 distinct languages are: Western Flemish (extreme north-west), Alsatian, Francique (north-east), Franco-Provençal (south central), Corsican (Corsica), Catalan (south), Basque (south-west) and Breton (north-west), Maghrebi Arabic, Western Armenian, Berber, Romani, Judeo-Spanish and Yiddish.

France, and 47 minority languages which are spoken in the French overseas territories (CIA The World Factbook, 2017).

As a result, it is possible to say that France has been abolishing ethnic and linguistic differences in the country, following years of assimilation policy. And it does not have a problematic group, except Corsica and Breton.

5. CONCLUSION

Groups with different races, ethnicity, religion, and language have been struggling to survive for a long time (Örnek, 2015: 105). Minorities have also struggled to hear their voices and became the subject of many problems. In order to solve the minority issue, there should be a standard for all countries, but the attempts to create an international standard have run into a number of problems. The first problem can be seen in the definition of minorities. Difficulties in determining who the relevant minorities to be protected are is another issue (Kymlicka, 2017). Each state has its own historical background, economic structure, social situation, and management concept. Despite the consensus that minorities threaten peace, security, and stability of the host state, minority issues are shaped by each state according to their structure.

The most important reason for the protection of minorities is to prevent the different groups, which are not yet assimilated as a result of assimilation policies of nation states, to harm the integrity of the state. It is also known that precautions have been taken up to the genocide in cases where assimilation policy in European history cannot be applied.

In Europe, states interpret the protection of minorities differently and want to decide for themselves who are minorities. In practice, the taken measures are also different. It is understood that the general tendency differs also in the Mediterranean countries. While only Spain fully implement the European Charter for Regional or Minority Languages, France and Greece even refuse the existence of minorities and Italy accepts only certain rights to language minorities.

When the texts on the European Union law are examined, it can be seen that there is not a direct implementation of the matter of minority issue. Although the Lisbon Treaty mentions about minorities, the main arrangements are made under the European Council's National Minorities Framework Convention and the Charter of Fundamental Rights of the European Union. It is possible to say that the EU actually uses the standards which are established by the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) in the protection of minorities.

It can be argued that the main tendency towards the development of minority rights in the European Union countries is to create a multicultural structure by accepting the differences. However, when the process of adopting multiculturalism is examined, it can be seen that the EU tends to give more rights to linguistic and ethnic minorities. The limited rights granted to religious minorities lead to the question of whether the EU would like to include religion in its multicultural understanding or not.

The European Union countries, which are democratically governed and accept the membership of democratic countries, need to act with the consciousness of democracy. Because democracy requires minority rights equally as it does majority rule. The rights of minorities must be protected; otherwise, the majority's rights can lose their meaning. The protection of minorities should not be seen as a threat to the existence of the nation state, but it should be considered as a process of change. This change may cause citizens to approach European identity. It should not be forgotten that the state's approach to minorities is decisive in this respect.

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