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THE PANEL ON
THE PROBLEMS OF THE TURKISH MINORITY OF WESTERN THRACE IN GREECE
WITHIN THE FRAMEWORK OF PROMOTION AND PROTECTION OF ALL HUMAN
RIGHTS

Sinan Kavaz

Mr Chairman,

I would like to thank you for allowing me to point out the unlawful implementations of the Greek administration bodies against the Muslim Turkish minority living in Greece, in regard to the citizenship status of the minority members and their rights of freedom of association and assembly.

FREEDOM OF ASSOCIATION AND ASSEMBLY

Ethnic Turks have resided in Thrace, in the North-Eastern part of the mainland, since at least the fourteenth century, and they are Greek citizens. In 1923, under the Treaty of Lausanne, a bilateral treaty between Greece and Turkey that ensued a population exchange between the two countries, but from which the Turkish minority in Western Thrace and the Greek minority in Istanbul were exempted as for the exchange, and by which the Turkish minority of Thrace and the ethnic Greek minority in Istanbul were granted identically a wide array of rights to ensure protection of their religion, language, culture, and equality before the law. In addition, as Greek citizens, ethnic Turks also enjoy the protection of Greek law, as well as of the European Convention of Human Rights.

A number of discriminatory measures have been enacted either to force ethnic Turks to migrate to Turkey or to disrupt community life and weaken its cultural basis. The most egregious example was Article 19 of the Citizenship Law which stated that: "A citizen of non-Greek origin leaving Greece without the intention of returning may be declared having lost his Greek citizenship." The same would also apply to a person of non-Greek ethnic

origin born from Greek mother and father and domiciled abroad. His minor children living abroad may also be declared having lost Greek citizenship if both parents or the surviving parent have lost it as well, which, until it was abolished in 1998, allowed the state to revoke the citizenship of non-ethnic Greeks unilaterally and arbitrarily in an attempt to alter the demographic balance in Thrace in favor of ethnic Greeks.

Between 1955 and 1998, approximately 60,000 people lost their citizenship under the article. As a result of Article 19 and other discriminatory measures, the ethnic Turkish minority today numbers approximately 120,000. In 1951, forty-seven years ago, the official census reported 112,665. Given an annual 2 percent growth rate, not high for a poorly-educated and rural community, the Turkish minority, using 1951 as a base, would have been expected to number closer to 300,000 today.

Article 19 of the Greek Citizenship Law (No: 3370 of 1955), even if it is abolished, is an obvious case of racial discrimination and a flagrant violation of the fundamental right to citizenship aiming towards the ethnic “cleansing” of the area of Thrace . It was in breach of the Greek constitution and international law. From its implementation in 1955 amid ultra-nationalist drifts due to the tension between Turkey and Greece and on, it has been the legal base for the authorities to unleash a relentless minority-hunt which would conclude to the expelling of the targeted Turk, stripping him/her of their citizenship, unilaterally and in most cases “in absentia” without been offered the fundamental right of even the hearing. On the 23rd of January 1998, Article 19 of the Greek Citizenship was repealed by the Greek Parliament. This act was welcomed both by the international community, as well as within the ranks of the Turkish minority. However, the then Greek Minister of Interior Alekos Papadopoulos disclosed that the abolishment would not have retroactive effect. On the 20th April 2005, the then MP of the Turkish minority in the Greek Parliament, İlhan Ahmet, demanded for an information about the exact number of the expelled citizens under Article 19 of the Greek Constitution from the Ministry of Interior. In the answer of the Ministry (No. 78400/8334), the number of Muslim Turks deprived from the Greek citizenship until 1998 was stated as 46.638 even though it is estimated to be higher.

In its answer, the Ministry of Interior stated the following:

-The number of those lost their Greek citizenship was from Western Thrace and Dodecanese Islands.

-Among the expelled Greek citizens those who gained Turkish citizenship and then returned back to Greece have the right to live in Greece as 'stateless' people. The exact number of the stateless people living in Greece will be stated by the Ministry of Public Affairs in the future.

-These people can apply with all necessary documents to the Ministry of Interior in order to gain their citizenship back. These applications will be considered by the Committee of Citizenship and the final decision will be given by Deputy of Ministry of Interior.

- The applicants whose applications are rejected by the Committee have the right to apply for naturalization "politografisi" based on the articles 5,6,7,8 and 9 of the new Citizenship Law (No.3284/2004).

The majority of the Government's acts of expulsion from citizenship have been put into effect against the citizens' in-absentia in the form of administrative decisions in violation of the Greek Constitution, as well as numerous international instruments to which Greece is a signatory.

Article 4 of the Constitution states that:

i. All Greeks are equal before the law.

ii...

iii. Withdrawal of Greek citizenship shall be permitted only in case of voluntary acquisition of another citizenship or of undertaking service contrary to national interests in a foreign country, under the conditions and proceedings more specifically provided by law...

Article 20 of the Constitution:

i. Every person shall be entitled to receive legal protection by the courts, and may plead before them his views concerning his rights or interests, as specified by law.

ii. The right of a person to a prior hearing also applies in any administrative action or measure adopted at the expense of his rights or interests.

Article 25 of the Constitution:

i. The rights of men as an individual and as a member of the society and the principle of the constitutional welfare state are guaranteed by the state. All agents of the state shall be obliged to ensure the unhindered and effective exercise thereof...

The experience shows however, since the abolishment of Article 19, little has been done to remedy the situation. With few exceptions, expelled citizens have not regained their Greek nationality. Currently, there are several thousands of stateless persons living abroad.

It is inconceivable how citizens of Greece who never left the country could have been stripped-off their citizenship under Article 19(...having left the country without intention to return...) Nevertheless, there are apparently several hundred victims in this category living in Greece. Despite repeated promises by the Government, till now, only a part of those stateless people have been accorded citizenship and this was made through the process of naturalization, as if they were ordinary third country nationals.

Thousands of people are unaware of or denied access to the documentation and pseudo “evidence” used by the Government (Ministry of the Interior through decisions of the Citizenship Council) to strip them off their citizenship. This is done under the pretext of “confidentiality” of sensitive documentation. It was said that even the Greek Ombudsman might have been denied access to such documentation by the Ministry of the Interior, on the grounds that disclosure of such information would undermine national interests and spoil the reputation of Greece. National courts delay judgments and/or reject cases on grounds that the applications were late in filing their case, or could not produce relevant evidence/documentation.

So far, no steps have been taken in order to reinstate thousands of unlawfully expelled citizens and their children who continue living abroad, some of them, understandably, under very difficult conditions...

On the 21st of September 1999, The Greek Delegation to the OSCE Implementation Review Conference in Vienna using its right to reply following the presentation of GHM and MRG-Greece reports stated the following:

...The question is posed, what to do with the people who have lost their citizenship. The position of the Greek Government on this is clear: Those wishing to acquire Greek citizenship may apply for it following the legal procedure provided for by Greek Law...

It is difficult to comprehend why, until now; no specific procedure has been set to offer a way out to Article 19 victims in order to allow them REGAIN their citizenship. As stated above, the cases of naturalization (politographisi) constitute a totally different practice..It is essential to note the following.

Members of the Muslim Turkish minority enjoy a special status granted by The Lausanne Treaty of Peace and its relevant protocols. They are considered as “etablis”, elements of the Greek population exempted from the exchange of populations that took place between Greece and Turkey at the end of the First World War. They enjoy exclusive minority rights safeguarded by the same Treaty and its instruments. In case naturalization procedure is applied to acquire citizenship, this method de-facto denies them their specific minority rights and privileges.

The expulsion of the members of the Muslim Turkish minority from Greek citizenship resulting in statelessness also constitutes a breach of the international agreements and, more specifically, the EU legislation. Furthermore, as of the date of Greece’s accession to the European Union (1981) Greek citizens acquired rights, as “European citizens”, i.a. freedom of movement, employment, property rights etc., within common EU borders, have been violated.

Greece needs to rectify this historic error by offering a blanket solution, abolishing all expulsion decrees enacted under Article 19 of the Citizenship Law (as long as not supported by criminal evidence...if that is the case expulsion should not have been taken place awarding to Article 19...) by a legislative decision and instituting a practical method for the victims to apply for and regain their citizenship.

It is also expected that Greece should grant Article 19 victims and their families the possibility of easy and unhindered visits to their homeland and relatives regardless of whether or not they wish to regain Greek nationality.

FREEDOM OF ASSOCIATION AND ASSEMBLY

The violation of the right of the minority to identify itself as “Turkish” is a major problem today. In early years Greek authorities made it obligatory, due to the communism threat from Bulgaria, for the minority to identify itself as “Turkish” and its members as “Turks” because of the alliance bonds of Turkey and Greece within the NATO. This policy was later changed as the cold war era passed. The designation of the minority associations as “Turkish” has been forbidden. Xanthi Turkish Union had been legally operated and recognized by all forms of social, political and cultural life from 1927 until 1983, when suddenly the Greek authorities “realised” that it was illegal and it was a “threat” to the

homeland security (a term invented way before any other country) and decided to close down the Union and ban the name. After an unjustified long period of legal struggle, the Supreme Court of Greece in its final decision on 7th February 2005 dissolved the Union because of the term “Turkish” in its title. Furthermore, the same court rejected the application of registration of the Rodopi Turkish Women’s Cultural Association for the same reason adding in the court verdict, that members of this association who are Greek citizens and identify themselves as Turks aim to promote the Turkish ideals within the national boundaries of Greece and that such an identification as “Turkish” can cause misunderstanding about the citizenship and the identity of minority women. Both cases, now, are before the European Court of Human Rights. Greece denies the existence of any ethnic minority but recognizes only a “Muslim” minority.

Article 2 (4) of the UN Declaration on Persons Belonging to National or Ethnic, Religious and Linguistic Minorities states that: “*Persons belonging to minorities have the right to establish and maintain their own associations*”. Also, in article 1 (1) of the same declaration it is stated that: “*States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.*” This is also supported by Article 19 of the UN Declaration of Human Rights on Freedom of Expression. I also should remind the 1994 General Comment by the UN Human Rights Committee on Article 27 of the ICCPR: “*It makes clear that the existence of minorities does not depend on the state decision but is to be established by objective criteria; and that non-citizens and even non-permanent residents of state qualify for protection under Article 27.*”

Taking into consideration all these international instruments in compliance with the Greek Constitution which protects the right of association and assembly(articles 12 and 11) the continuously denial of the ethnic identity of the minority and its right to create associations bearing the term Turkish is against the statue of the minority which was established and is under protection by section III of the Peace Treaty of Lausanne, 1923.

THE WAKFS/PIOUS ENDOWMENTS

The Wakfs, are legal entities dating back to centuries, which were constituted to enhance social welfare among the community of Muslim Turks living in Western Thrace. They are one of the most significant parts of the cultural, historic and religious heritage of the Muslim

Turkish minority as their operation area includes charitable and humanistic activities such as distribution of economic help to the ones in need, social and economic support to the elderly, conserving and repairing religious buildings (cemeteries,mosques etc). Until the late 1960s there was no problem between the State and the minority regarding the governing councils of these endowments. However, by the advent of the 1967 Military Junta regime in Greece, the board members were replaced by persons favoring and supporting the regime. Even when democracy was restored the same people remained in charge of these foundations leading them to a fast and acute decline. After continuous local and international pressure, the present government decided to take action by adopting a law frame which was supposed to fix the abnormalities in these foundations. A new law (3647/2008) passed from the parliament on the 13th of February 2008. Leading minority authorities, lawyers and associations protested the law from the start, as it is conceived as inaccurate, insufficient and purpose-built. While the minority offered itself for consulting, the Greek law-makers ignored this plea and proceeded to create, discuss and put into effect a law that will have immediate effect, solely on the minority, displaying once more that previous practices of violations of basic human rights are too useful to be forgotten.