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**FOLLOW-UP AND IMPLEMENTATION OF THE VIENNA DECLARATION AND
PROGRAMME OF ACTION**

**Written statement* submitted by the Federation of Western Thrace Turks in Europe
(ABTTF), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2009]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Freedom of Religion and Conscience of the Turkish Minority in Western Thrace (Greece) and the Problem of the Law of “Appointed” Imams

1. The Muslim Turkish Minority of Western Thrace, which lives in the north-eastern region of Greece, has an estimated population of 150,000, mainly concentrated in Xanthi, Komotini and Alexandroupolis.¹
2. The Muslim Turkish Minority, which is the officially recognized minority by the Greek State, is recognized as a religious minority rather than an ethnic minority.
3. Although the Lausanne Treaty of 1923, which established the status of the Minority, does not specifically mention the ethnic identity of the Minority in Western Thrace, there is a specific reference to the Turkish ethnic identity of the Minority in legal and international documents:
 - “Etabli Documents“, which are the documents given to the people of Greek and Turkish origin who were left out of the exchange procedure in accordance with the provisions of the Agreement on the Exchange of Turkish and Greek Populations on 30 January 1923, mentioned the ethnic origin of Muslim minority in Western Thrace as Turkish.
 - The document of the League of Nations submitted to the Council on 23 December 1924 and remarked C. 774 on the “Minorities of Turkish Race in Western Thrace” used the term “Turkish” for the Minority living in Greece.
4. Although there is no specific reference to the post of mufti in the Lausanne Treaty, it ensured religious freedoms of the Minority members and reaffirmed the 1913 Athens Treaty which laid down that “each Mufti will be elected by the Moslem electors in their respective jurisdiction areas” (Article 11).

Article 40 of the Treaty of Lausanne states:

The persons belonging to the Minority would enjoy the same treatment and security in law and in fact as other Greek nationals in the management and control of their religious institutions.

In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

¹ There is no accurate data on the Turkish Muslim minority in Western Thrace since Greece does not collect data on ethnicity, and the census in Greece does not consider the ethnic differences within Greece. The Turkish Ministry of Foreign Affairs gives the number of the Turkish minority living in Western Thrace as nearly 150.000. See <http://www.mfa.gov.tr/turkish-minority-of-western-thrace.en.mfa>

5. In accordance with the provision of the Athens Treaty, Law 2345/1920, which set down that muftis were directly elected by Muslims entitled to vote, was never enacted. Since then muftis in Xanthi, Komotini and Alexandroupolis were appointed by a special decree issued by the King.
6. After the problems with regard to the appointment of mufti with the Greek government in 1985, Greece repealed the Law 2345/1920, and re-regulated the law with regard to the post of mufti, with no consult with the Minority members or even asking for their opinion on the issue.
7. In violation of the Athens Treaty, the Presidential Decree of 24 December of 1990 adopted a legislative decree which provides that muftis must be appointed by Presidential Decree on nominations from the Ministry of Education and Religious Affairs, which is a clear breach of Article 40 of the Lausanne Treaty.
8. In 1990, the Turkish Muslim Minority elected its own muftis, although public authorities did not recognize the elected muftis, and they were even prosecuted and sentenced to prison for illegal use of religious symbols.
9. Although Greek authorities seem to put up with the appointed and elected muftis, the Turkish Minority does not accept the post of the “appointed” mufti. Greece doesn’t still recognize the elected Muftis of the Turkish Minority, even though the European Court of Human Rights states that Greece violates the European Human Rights Convention in the context of religious freedom.

The Problem of “Appointed” Imams

10. Greece adopted the legislative framework under the Law 3536/2007, which provides, *inter alia*, for the creation of 240 posts of “religious teachers” (Imams) in the mosques of Western Thrace under the competent of “appointed” Muftis.
11. The selection of the imams, who are to be appointed as religious teachers in public service by a committee of five Christians, is against the principle that “Minority administrates its own religious and vakfs institutions” states in the Lausanne Treaty.
12. It is a clear violation of the freedom of religion and conscience of the Western Thrace Turkish Minority. In Orthodox Christianity, which is the basic constituent of the Greek culture and Greekness, the State pays salaries of the religious men in the Orthodox Church, because they are in charge of the public service. However, the State still does not have the jurisdiction of appointment of any religious men to the Orthodox Church. On the other hand, the Jewish Central Boards and shared Jewish communities have public law entity concept. Nonetheless, the Armenians living Greece do select their own religious leaders, although they are Orthodox too, like the Jewish and Catholic communities.
13. The Greek state does follow a policy on minorities which does strictly violate the freedom of religion and conscience of the religious communities. According to the Lausanne Peace Treaty and applicable legislation Mufti (appointed) is a public servant. Western Thrace

Muslim Turkish Minority does and must have a public law entity concept with its Muftis, mosques, lodges and other institutions. However, Greek authorities and legislators do not accept this status.

14. The Law 3536/2007, which envisages the appointment of 240 imams in charge of public service as religious teachers without asking the opinion of the Western Thrace Turkish Minority, is a clear indication that Greek government denies to establish a dialogue with the Minority.
15. Without any solution with regard to the Mufti issue, there is no sense to appoint 240 religious men to the mosques, and this attempt has to be evaluated as a move to destroy the religious sovereignty of the Minority.

Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

We would like to remind that;

16. The freedom of religion and conscience is guaranteed by international treaties, of which Greece is a part as well as its obligations arising from bilateral treaties signed between Greece and Turkey, and the Greek Constitution and laws.
17. The freedom of free exercise of religion is guaranteed in Article 13(2) of the Greek Constitution which states that “all known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law. The practice of rites of worship is not allowed to offend public order or the good usages. Proselytism is prohibited“.
18. The freedom of religion of the Muslim Turks are guaranteed by international treaties of which Greece is a part:
 - 1948 UN Universal Declaration of Human Rights
 - 1965 UN International Convention on the Elimination of All Forms of Racial Discrimination
 - 1966 UN International Covenant on Civil and Political Rights
 - 1969 UN Declaration on Social Progress and Development and 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
 - 1993 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities
 - 1952 European Convention on Human Rights (11th Protocol)
 - Charter of Fundamental Rights of the European Union
 - UN Covenant on Civil and Political Rights

We call upon the Greek State;

- To immediately suspend the implementation of the Law 3536/2007 which provides in the creation of 240 posts of religious teachers (Imams) in Western Thrace under the competent of “appointed” Muftis, until the problem with regard to the post of Mufti is solved in accordance with the opinion of the Turkish Minority and to recognize the Muftis which are elected by the Minority itself.
- To act in accordance with its obligations arising from bilateral treaties and international human rights standards and mechanisms, thus give an end to the dichotomy, not the coexistence with regard to the post of muftis in Western Thrace.
- To fully guarantee and realize that the members of the Turkish Minority would enjoy the same treatment and security in law and in fact as other Greek nationals in the management and control of their religious institutions and that they could exercise their religion freely therein.
- To establish policies based on mutual respect and understanding with a constructive spirit and ask the opinion of the Minority on matters which are of great interest to the Minority itself and to act in full cooperation with the representatives of the Minority.
- To promote and protect the exercise of the rights set out in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981, in order to obviate religious discrimination which, when combined with certain other forms of discrimination, constitutes a form of multiple discrimination.

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