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NGO in Special Consultative Status with the Economic and Social Council of the United Nations  
Member of the Fundamental Rights Platform (FRP) of the European Union Agency for Fundamental Rights  
Member of the Federal Union of European Nationalities (FUEN)

Witten, 20.12.2010

## Federation of Western Thrace Turks in Europe (ABTTTF)

### Parallel Report by ABTTTF on the International Religious Report 2010 on Greece

Bureau of Democracy, Human Rights, and Labor  
International Religious Freedom Report 2010  
November 17, 2010

\* Federation of Western Thrace Turks in Europe (ABTTTF) would like to use interchangeably the phrase “Turkish Minority in Western Thrace” to notify “the Muslim minority in Thrace”, while it indicates the ethnic identity of the Muslim minority.

Although the Treaty of Lausanne does not specifically mention the ethnic identity of the Muslim minority in Western Thrace, there is a specific reference to the Turkish ethnic identity of the Muslim minority in Western Thrace in legal and international documents. “Etabli Documents“ which were 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.

\*\* ABTTTF would like to remind that the phrase Western Thrace is a geographical term which does not include any connotations inconsistent with the national unity.

ABTTTF would like to express its gratitude to the Bureau of Democracy, Human Rights, and Labour for International Religious Report 2010 on Greece. We would like this report to urge the Greek State to look to the future in a constructive spirit and establish an open and constructive dialogue based on mutual respect and understanding with members of non-Orthodox religious groups, including the Turkish Minority of Western Thrace<sup>1</sup>.

Although the report is almost the same with the last year’s report with regard to the Turkish Minority of Western Thrace, and there still remain additional problems which should be included in

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<sup>1</sup> Although the Treaty of Lausanne does not specifically mention the ethnic identity of the Muslim minority in Western Thrace, “Etabli 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 report, it does, partially speaking, mention the religious problems of the Turkish Minority of Western Thrace. ABTTF would like hereby to present its parallel report on the International Religious Freedom Report 2010 on Greece.

The Greek Constitution of 1975 which establishes the Eastern Orthodox Church of Christ (Greek Orthodox Church) as the prevailing religion states that the freedom of religious conscience is inviolable (Article 13). Though, the report notes that the Constitution provides for the right of all citizens to practice the religion of their choice. However, non-Orthodox groups, including the Turkish Minority of Western Thrace face serious administrative problems and legal restriction in practicing the religion of their choice, which is mentioned in detail in the below parallel report.

## **Section I. Religious Demography**

The report states that there is an officially recognized Muslim minority of 110.000 to 120.000 members reside in Thrace (Western Thrace) and is composed of primarily Turkish, Pomac, and Roma communities. ABTTF would like to make some additional comments on the religious demography and ethnic composition of the Muslim minority in Western Thrace.

First, the Greek Government does not keep statistics on religious groups and censuses do not ask for religious affiliation. The Muslim minority in Western Thrace, which has an estimated population of 150.000, does comprise 1.3% of the general population (2001 census).

Second, the Muslim minority in Western Thrace is ethnically Turkish, though it includes different elements within. Although the Treaty of Lausanne does not specifically mention the ethnic identity of the Muslim minority in Western Thrace, there is a specific reference to the Turkish ethnic identity of the Muslim minority in Western Thrace in legal and international documents. “Etabli Documents“ which were 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.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal/Policy Framework**

Article 3 of the Greek Constitution of 1975 states the prevailing religion in Greece is that of the Eastern Orthodox Church of Christ. The freedom of free exercise of religion is guaranteed in Article 13(2) of the Greek Constitution which states “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“.

The Greek government affirms that members of the Turkish Minority in Western Thrace enjoy the same rights and obligations based on the principle of equality before the law, and of civil rights guaranteed by the Constitution. And, Article 5(2) of the Greek Constitution states that “All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs”. By the Constitution of Greece, the persons belonging to the Turkish Minority of Western Thrace- who believe the known religion of Islam- shall perform their religious duties, with the condition of not offending public order or the good usages.

There is, however, no direct provision in the Greek Constitution which prohibits discrimination on the grounds of ethnicity, nationality, religion or language. The Muslim minority in Western Thrace does still face serious problems and discrimination in religious field, in particular the Mufti issue.

The report states that the Ministry of Education and Religion issues house of prayer permits to the known religions, including Islam, which the Turkish Minority of Western Thrace believe in. However, a separate permit is required for each physical place of worship, which is not issued for any known religion since 2006.

To bring into conformity with the case-law of the European Court of Human Rights, Greece restricted the competent authorities' discretion in granting an administrative authorization for the construction or the operation of places of worship to the formal conditions laid down by the applicable legislation. In connection with the right to build and use temples and places of worship, Article 27 of Law 3467/2006 abolished a legislative provision according to which the opinion (of a non-binding character) of the local Orthodox Bishop was to be sought for the issue of a permit to build and to operate a non-Orthodox place of worship.

In March 2008, the Ministry of Education and Religion adopted new requirements for religious groups applying for new "house of prayer" permits to build or operate a religious venue. According to the new requirements, applicants must receive certification from the local Urban Planning Department attesting that a place of worship meets city planning regulations and "requirements for safe congregation." Many religious groups consider the new requirements as additional administrative obstacles to freedom of religious worship and as unfounded in law.

However, the Turkish Minority of Western Thrace has still difficulties when new mosques are built, particularly in respect of the height of minarets. The height of a minaret should not exceed the bell tower of churches, which is 7.5 meters. The application for permission of building a minaret in Demirbeyli village in Maronia and Kalenderkoey village in Sirkeli, and Bulduklu village in Rhodope has taken a long procedure, and the permissions are not still granted. Furthermore, ABTTF would like to state accrued penalties for mosque building in Dolaphan Mosque remains as another problem.

Only the principle to the effect that the local authorities responsible for urban planning should issue permits in such cases should be retained and implemented in the light of the non-discrimination principle in exercising the right to freedom of religion. ABTTF would like the authorities to find a solution to the question of the height of minarets and the repair of mosques in cooperation with representatives of the Turkish Minority of Western Thrace.

The 1923 Treaty of Lausanne established the status and granted minority rights of the Turkish Minority of Western Thrace. The Treaty (Article 38- Article 45) grants the Turkish Minority of Western Thrace the right to maintain social and charitable organizations. The Turkish Minority of Western Thrace is granted the right to establish maintain and manage its own social and charitable organizations called wakf and its own educational institutions where the language of education is the mother tongue, which is Turkish.

ABTTF would like to mention that although the right to education of the Minority is guaranteed and protected under the Lausanne Treaty, the autonomy of the Minority in education has systematically been violated by the State. The Turkish Minority in Western Thrace does suffer problems in the field of education, although the situation has slightly improved in recent years.

The report states that the government gives special consideration to the Muslim minority students (Turkish Minority of Western Thrace) for admission to technical institutes and universities, setting aside 0.5 percent of the total number of places for them annually. ABTTF affirms that the need for 0, 5 % of quota for the members belonging to the Turkish Minority of Western Thrace in Greek

higher education institutions is a positive development, which is beyond question. Due to the fact that the average of minority students passing the test for admission to higher education institutions is much lower than those of the majority students because of the low-quality education in minority schooling system, the special quota for the Minority members has in fact a very limited application. The reason for the sad performance of minority students can be seen in the poor educational background, which students receive during their minority school period. For the last 40 years educators teaching at minority schools, have been graduates of the Thessaloniki Special Pedagogical Academy (EPATH), which provides training for future teachers who will work in the minority schools of the Turkish Minority in Western Thrace, does provide a low-quality education predominantly in Greek language.

The report states that government maintains that Muslims living outside of Thrace are not covered by the Treaty of Lausanne and, therefore, do not enjoy those rights provided by the Treaty. Some Muslims on the Dodecanese islands claimed that they deserved the recognition and rights provided under the Treaty of Lausanne. The minority rights enshrined in the Lausanne Peace Treaty of 1923 do not apply persons of Turkish ethnic origin of those islands. The fact that those islands were not part of Greece when the Lausanne Peace Treaty was signed should not be a reason to deprive the Turkish population on the islands of their minority rights.

The report notes that the government recognized Shari'a as the law regulating family and civic issues for Muslims who reside in Thrace (Western Thrace). ABTTF would like to remind that Shari'a is recognized and applied, because Greece has entered into an obligation with the Athens Treaty of 1913 which is signed between Greece and the Ottoman Empire, which ensured religious rights and freedoms of the Turkish Minority of Western Thrace. The abolition of recognition of Shari'a by the government would be a breach of its obligations which are derived from international treaties of which Greece is a part. However, this does not necessarily mean that the Turkish Minority of Western Thrace disregard any concern about the application of Shari'a in the region.

The report notes that the UN High Commissioner for Human Rights expressed concern regarding the impediments that Muslim women in Thrace (Western Thrace) faced under Sharia, and the Council of Europe's Commissioner for Human Rights and the UN Special Rapporteur for Religion or Belief reported that they were informed of cases of both early marriages and marriages by proxy. ABTTF would like to stress that marriage under Islam in Western Thrace is only realized with marriage licence document which is given by Mufti offices in provinces. There is no discussion about the competence of the Mufti to marry. Law 1250/1982 of Civil Code of Greece states that people who reside in Greece might get married in accordance with their traditions and belief unless it is contrary to the public order. Prior to the Civil Code of Greece, Mufti gives marriages based on his religious personality, not the judicial rights and obligations which is stemmed from being a "kadi". In Western Thrace, marriage is realized in before Imam or Mufti, which in any case needs to be declared to the civil registry.

The Civil Code of Greece (Article 1348) states that divorce is only realized by decision of courts, which means that any special form of divorce in private courts is prohibited by law. Prior to this provision, divorce by unilateral declaration of will by husband should not be realized. If there is a marriage, it is not possible to establish a new marriage before the Mufti decides to end existing marriage. If unilateral expression of will on divorce by husband is not approved by Mufti, it will, without doubt, be against to Article 21 of the Greek Constitution. Therefore, there needs to be a decision of Mufti to end a marriage, which in turn needs to be approved by first instance courts in Greece. Therefore, it is the responsibility of the courts to approve and/or deny any decision of Mufti which is incompatible with the Constitution and the legislation, and international norms and values. Furthermore, it should not be forgotten that Islamic law is optional for the members of the Turkish Minority of Western Thrace. Therefore, there is no problem in divorce for members of the Minority who have got married under the Civil Code of Greece.

The report refers to the two decisions of Mufti which were challenged by Muslim women in Western Thrace with regard to the custody of children. ABTTF would like note that the family law of Greece (Law 1329/1983) is based on a children centric and equality between a man and a woman in custody of children. Under Islamic law, custody of a boy until 7 years old and of a girl until 9 years old is given to the mother, then, the custody of children till their teenage period is given to the father.

### **Restrictions on Religious Freedom**

The report states that the Muslim minority in Thrace (Turkish Minority of Western Thrace) are underrepresented in public sector employment and in state-owned industries. Although the government passed legislation establishing a program to assign 0.5 percent of civil service jobs to Muslims (Turkish Minority of Western Thrace), there has been issued no assignment in the reporting period.

It is acknowledged that differences still remain between some members of the Muslim minority community (Turkish Minority of Western Thrace) and the government over the process of selecting muftis and imams. 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). 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.

After 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 minority members or even asking for their opinion on the issue. 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. The Presidential Decree is a breach of Article 40 of the Treaty of Lausanne which states that “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.” Article 40 of the Treaty states that “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.”

ABTTF would like to suggest that a qualified trilingual (Greek, Turkish and Arabic) person with a solid background of theology and law, a bachelor's degree if possible, should be charged with the duty of Mufti. Mufti should be a depoliticized moral person with a high esteem and respect from the Turkish Minority itself. An equitable and steady functioning of the institution should be guaranteed in accordance with the provisions of Islamic law and the Greek Constitution, and international norms and values and standards with regard to use of the fundamental rights and freedoms. In any circumstance, the opinion of the Turkish Minority itself should not be disregarded on matters of which interest the members of the Minority.

The report notes that the government continued to implement a January 2007 initiative to hire and pay state salaries to 240 imams. The Greek Government financially supports the Orthodox Church; it does pay for the salaries and religious training of clergy and finances the maintenance of Orthodox Church buildings. Although religious men in the Orthodox Church are in charge of public service, the State still does not have the jurisdiction of appointment of any religious men to the Orthodox Church. Nonetheless, the Armenians living Greece do select their own religious leaders, although they are Orthodox too, like the Jewish and Catholic communities. The Muslim minority of Western

Thrace does request equal treatment with election/selection/appointment of religious clergy of the Orthodox Church.

The Government also pays the salaries and some expenses of the three official Muslim religious leaders (muftis) and 183 imams in Thrace and provides a small monthly allowance to other imams in Thrace. However, 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 “Minority administrates its own religious and wakfs institutions” which is clearly stated in the Lausanne Treaty.

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The report states that during the reporting period, the government wrote off the \$8.5 million (6.5 million euro) tax debt of wakf (religious foundations) in Thrace, in accordance with a 2007 law. However, the government continued to claim that wakf owed interest on the tax, totalling approximately \$1.3 million (1 million euro). The Law 1091/1980 on the Wakfs belonging to the Turkish Minority in Western Thrace undermined the financial immunity of the Muslim charitable foundations and weakened Minority’s right to control. The imposition of excessive property taxes, other financial liabilities and penalties resulted in mortgages and involuntary liquidation operations through the intervention of local finance authorities and municipalities.

The Greek Government has passed a new law to address controversy over the management and taxation of wakfs of the Muslim minority which are inalienable religious endowments in Islam, typically devoting a building or plot of land for Muslim religious or charitable purpose as to support a mosque or caravansary, or to benefit the poor, etc. Law 3647/2008 on the pious foundation i.e. wakfs which entered into force on 29 February 2008 is far from being a good many of the problems that have plagued the legal status of the wakfs for decades. Although, the Law provides the Minority with the opportunity to elect the board members of their foundation, the operations of the foundations are to be under the control and approval of the Secretary General of the Thrace District and the “appointed” Muftis. Although the Greek Minister of Foreign Affairs announced during her visit to Western Thrace in February 2007 that the debts and mortgages of the wakfs would be wiped out and remain exempt from major property tax, the implementation is still pending.

### **Section III. Status of Societal Respect for Religious Freedom**

The report notes that an arson attack took place against the Toxotes mosque in Thrace (Western Thrace) in September 2009, and that the Sunni mosque in Xanthi was vandalized in December 2009. Though the report notes that tombstones in the Muslim cemetery of Komotini were painted with inflammatory slogans, the report did not unfortunately state hate motivated incidents in Western Thrace during the reporting period.

ABTTF would like to report hate motivated incidents and crimes during the year 2010. First, an attack took place against the Turkish Youth Union of Komotini on 21 March 2010. During the attack on Sunday night around 03:00 am, an unidentified assailant or assailants broke the windows of the building with paving stones.

Second, some gravestones in the cemeteries of Kahveci and Kirmahalle of the city Komotini were destroyed by an unknown person or a group of persons on 20 May 2010.

Third, on 12 August 2010, The Thessaloniki Turkish Consulate General was attacked on Thursday, only one day before the desecration of the Muslim cemetery of Pospos and Ifestos. Unknown assailants threw a firebomb at the Consulate General; it did without damage or casualties. The attack happened at 4:15 a.m., and three men wearing motorcycle helmets approached two police guards outside the Turkish consulate building and threatened to burn them and threw a Molotov bomb and ran away. The firebomb landed against the fence of the consulate and went off without any major damage, but endangered the safety of the police guards outside the building.

Fourth, on 13 August 2010, the Muslim cemetery in the northern city of Komotini was desecrated late on Friday, on the holy day of Ramadan (Vandals desecrated the Muslim cemetery of Pospos (Poşpoş) and Ifestos (Kalkanca) districts. The unidentified assailants destroyed more than twenty gravestones in the cemetery, and they spray painted “The Consulate General, Get Out” on the cemetery walls. The perpetrators spray painted the name of the organization, *Chrysi Ayyi* (Golden Dawn), which is a Greek Nationalist political organization that describes itself as a popular nationalist movement and supports National Socialism.

Fifth, unknown assailant or assailants threw Molotov cocktail outside the Thessaloniki Turkish Consulate General, which is located in the northern Greek city of Thessaloniki on 18 September 2010. On Saturday night, around 02.30 a.m, unknown assailants threw firebombs to the police post outside the consulate, where Greek police officers are in charge. The fire at the police post was put out by the fire gang. No one either died or injured no damage resulted at the consulate building, since the attack aimed the police post outside the consulate. This was the second attack against the Thessaloniki Turkish Consulate General in a month.

The report notes that some members of the Alevi community in Thrace (Western Thrace) who follow a religion comprising Shi’a and Sufi elements of Islam and claimed religious harassment from the Sunni majority in their villages. ABTTF would like to state that there might be different elements of Islam within the Turkish Minority of Western Thrace, though it does not mean that the Sunni majority had taken control of Alevite house of worship, denying them access to perform maintenance. Contrary, the Muslim minority has long lived together in peace regardless of whether they belong to different elements of Islam. Regardless of whether a person is Muslim or Christian, a Sunni or Alevi, Turkish Minority is in the knowledge that every person shall have the right freely to choose to be treated or not to be treated. Otherwise, there would be no harmonious living among religious elements of the Minority.

#### **Section IV. U.S. Government Policy**

International Religious Report 2010 on Greece does not reflect the opinion of the Turkish Minority of Western Thrace, and it does unfortunately have a superficial approach in reporting, in particular on the issue of the Turkish Minority of Western Thrace. ABTTF requests the US Embassy in Greece to meet regularly with representatives of Muslim Minority in Western Thrace and to have inside information about the problems of the Minority, though it is noted that the U.S. diplomats travelled to Thrace(Western Thrace) to discuss religious freedom issues with the members of the Muslim minority(Turkish minority of Western Thrace).

We would like the US Embassy to promote and support any initiative which would bring the Greek Government and representatives of the Muslim Minority in Western Thrace based on mutual understanding and tolerance.