

# ABTTF IN ADVOCATING RIGHTS AND FREEDOMS OF THE TURKISH COMMUNITY IN WESTERN THRACE, GREECE

Compilation of Statements, Submissions, Contributions and Interventions by ABTTF and Right of Reply Texts and Statements/Comments by Greece at UN Meetings 2005-2020



**ABTTF**



**FEDERATION OF WESTERN THRACE TURKS IN EUROPE**

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)





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## Foreword

Our struggle began in 1986 when three of our associations were closed down following the removal of their signboards as the word 'Turkish' was in their names on grounds that there are no Turks in Greece. We showed to those who are denying our very existence that we are Turks by taking to the streets as thousands on 29 January 1988 and shouting that 'We are Turks'.

Following this landmark day and as the Turkish community in Western Thrace who had emigrated to Germany, and thanks to the unification of the associations we had founded, we established the Federation of Western Thrace Turks in Europe (ABTTF) on 28 February 1988 in order to make our voices heard at the international level. Our Federation which was set up with the aim of being a voice of the Western Thrace Turks at the international level became a member in Special Consultative Status with the Economic and Social Council of the United Nations in 2006. Since then, we continue to express the issues pertaining to the Turkish community in Western Thrace by regularly convening to the United Nations Human Rights Council and the later formed UN Forum on Minority Issues.

Our main goal is to lead our lives within the framework of the rights and freedoms we have by ensuring the return of our autonomy with respect to education and religion that is guaranteed by international treaties. Nevertheless, we have been faced with many discriminatory practices in our country, in the lands where we have been living for centuries as a minority as a result of changing historical and political events. We have expressed the current issues facing the Turkish community in Western Thrace through presentations that we have put forward at the UN within the framework of international human rights law and in face of the violation of our minority rights and our Federation is expressing our community's voice as a civil society representative which upholds universal human rights norms and principles.

Our organisation is a peaceful non-governmental organisation that is strictly bound to fundamental rights and freedoms. As an NGO that is based on the principle of transparency, and by compiling all of the statements we presented to the United Nations to this day, we have wished to share this work with all those having an interest in it as it constitutes a valuable archive.

I wish you a pleasant read,

Halit HABİP OĞLU  
President of ABTTF

Witten, March 2021





## **SESSIONS OF THE UN WORKING GROUP ON MINORITIES**

**UNITED NATIONS**

**Commission on Human Rights  
Sub-Commission on the Promotion  
and Protection of Human Rights  
Working Group on Minorities  
The 11<sup>th</sup> Session  
30<sup>th</sup> May – 3<sup>rd</sup> June 2005, Geneva**

**Federation of Western  
Thrace Turks in Europe  
Johannisstr. 50  
58452 Witten  
Germany**

Item 3 b)

Thank you, Mr. Chairman.

My name is Cemile Giousouf, I am representing the Federation of Western Thrace Turks in Europe, an umbrella organization, with an Europewide membership of local associations, dealing with various issues of the Turkish Minority in Greece. Thank you for giving us the opportunity to come into dialogue with our government.

Allow me to begin with the opinion of an Analyst:

"The official ideology of the Greek State has been built almost exclusively around the concept of a single nation, with a common creed and language. This incontrovertible fact is reflected in [amongst other things,] all the constitutions by which the country has been governed in its 160-year history."<sup>1</sup> In our opinion Greek has to overcome this State ideology to improve the political, economic and social life of all its citizens.

Unfortunately, there is only a very weak acceptance of foreigners (strangers with non-Hellenic origin) in Greece, which is reflected by the acceptance-rate of asylum-seekers. This ranges amongst the lowest in Europe.<sup>2</sup> According to the UNHCR, there has been an admittance of mere 36 out of 5664 applicants on the basis of the Geneva Convention in 2002 plus further 64 applications that have been accepted for humanitarian reasons- statistically 1.1%.<sup>3</sup>

Concerning the Turkish Minority, we were affected by exclusive policy through Article 19 of the Greek Citizenship Law (No: 3370 of 1955), which stated that "A person of non-Greek ethnic origin leaving Greece without the intention of returning may be declared as having lost Greek citizenship. This also applies to a person of non-Greek ethnic origin born and domiciled abroad." The Ministry of Interior Affairs has recently made public that the exact number of the Turks is 46.638, who were deprived of Greek nationality in the period from 1955 to 1998, when it was dissolved. I want to stress that difficult measures have been adopted by the Greek State to return back their citizenships.<sup>4</sup>

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<sup>1</sup> Stavros, S. quoted in the Report by Greek Helsinki Monitor (GHM) and Minority Rights Group (MRG), Greece, 1999, p.2

<sup>2</sup> Even though Greece is considered an emerging country, the economic situation has stabilized and there have been no decisive evolutions that would hint at negative developments, (i.e. there is no decrease) in the last years. Greece is a major beneficiary of EU aid, equal to about 3.3% of annual GDP. The Greek economy grew by about 4.0% for the past two years, largely because of an investment boom and infrastructure upgrades for the 2004 Athens Olympic Games.

<sup>3</sup> [http://www.migration-info.de/migration\\_und\\_bevoelkerung/archiv/ausgaben/ausgabe0309.pdf](http://www.migration-info.de/migration_und_bevoelkerung/archiv/ausgaben/ausgabe0309.pdf)

<sup>4</sup> <http://www.abttf.org/html/index.php?link=detay&id=765&grup=2&arsiv=0>

This negative attitude towards non-Greeks is also reflected in the Greek society. When last year in September the so-called 'youth parliament' bringing together the country's best schoolchildren – congregated, the socio-political proposals made by these 16- to 18-year-olds were highly problematic: in one of their declarations, the 350 children asked for a cutting of the number of foreigners to 300,000<sup>5</sup> and, furthermore, tied immigration issues to a set of criteria hard to fulfil. Moreover, these 'young intellectuals' encouraged the state to adopt a tougher policy towards Western Thrace. Needless to say, these tendencies are deeply troubling, especially when they can be found in the young enlightened Greeks potentially leading the country in the future.

Still, one of the most important issues for the Turkish minority is the question of identity: The struggle between the Greek state's insistence on a „Muslim minority“ and the community's self-identification as a ‚Turkish minority‘ is ongoing; The most current examples are the cases of the „Turkish Union of Xanthi“ and the „Cultural Women Association of Rhodopi“, which were banned by the Supreme Court this year for calling themselves „Turkish“.

We like to stress that for us this policy of denial is utterly incomprehensible. In the 1950s – when Turkey and Greece joined the NATO – the Turkish identity found recognition. Minority schools and other associations were denominated as ‚Turkish‘.<sup>6</sup>

Today, however, we have to face the arbitrary acts of the state of Greece, claiming that the „Turkish Union of Xanthi“ which exists since 1927 poses a threat to national security. This has led to the creation of a climate of mutual suspicion and recrimination, between the minority and the state.

In systematically denying to the minority basic rights, such as the acquisition of property or the expansion of economic activity, state policy had put an absolute block on the development of Turkish-inhabited areas, had sustained the region's dependence on agriculture and distorted its economy as a whole. Our minority of 150,000 Turks is concentrated in the provinces of Rodopi and Xanthi. Despite the economic developments supported by EU funds and special programs, the region of Western Thrace is the least developed region of Greece and is among the least developed regions in the whole of Europe.

The low standard in minority schools adds to this disconcerting situation of the minority. As of September 2003 the number of minority schools in Western Thrace lowered to 226 (Actually there are 230 schools, but 4 or 5 of them no longer have students).<sup>7</sup> Minority education has been the target of constant interference by the Government. Consequently, the autonomous nature of the education underwent radical changes in spite of the Article 40 of the Treaty of Lausanne, which guarantees the right to establish and manage minority schools. As a result, the quality of education substantially eroded.<sup>8</sup>

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<sup>5</sup> The estimated number of non-Greeks living in Greece is about 1 Million

<sup>6</sup> Anagnostou, Dia: Breaking the Cycle of Nationalism: The EU, Regional Policy and the Minority of Western Thrace, Greece, in: South European society & politics, Vol. 6, 2001 (1), p.102.

<sup>7</sup> As per bilateral agreements between Greece and Turkey these schools implement Turkish curriculum as mother tongue, and Greek curriculum as the official language.

<sup>8</sup> Article 40 of the Treaty of Lausanne states that the :[...] Members of the Minority shall have equal rights 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.[...]“ By Article 37 of the Treaty of Lausanne, Turkey and Greece have undertaken that the provisions contained in Articles 38 to 44 shall be recognized as fundamental laws, and that

Currently, minority schools are governed by a series of complex restrictive laws. In its present form, the Turkish minority's education system cannot possibly serve fundamental educational needs. Nor can it help build mutual respect and confidence between the citizen and the State.

Towards the end of 2003 two decrees have been passed by the Greek Parliament to provide government funds to minority schools. Regional authorities also started distributing educational equipment to minority schools.

Although such improvements would normally receive positive reactions, in an atmosphere lacking transparency and dialogue, the government's surprising willingness to co-operate is sceptically observed by the minority. The reasons for such a scepticism should be clear: it is triggered off by the fear that the schools could lose their autonomy in educational matters - particularly at a time when the government refuses to return the administration of the charitable foundations to the people. All of this creates hesitation and generates suspicion about the ulterior motives – another reminder of how important dialogue and transparent minority policy is:

Recommendation:

- We kindly ask our Government to make further steps to improve the conditions of the elected school boards regarding their duties.

- We like to ask of the Greek government a more responsible approach to the co-existence of the Greek majority with its minorities, of its indigenous people with the immigrants, as well as to civil rights issues connected to these relations.

That includes the improvement of the curricula with regard to the instruction of democratic and anti-racist values in accordance to a state under the rule of law. Only then can those hostile tendencies be avoided that have been at the centre of our report. Such an attempt would also have to include the ban on hate speech and xenophobia in Greek mass media.

- Design more exchange programs or cultural events in cooperation with Turkey to reverse the strident nationalist rhetoric that has dominated relations for so long.

- Poverty and structural weaknesses are problems not only for the minorities – they affect the majority as well. The stimulation and fostering of a feeling of responsibility can help to dismantle the mutual barriers. We thus call for social projects that may contribute to generating a consciousness for the needs of this economically weak region.

Mr. Chairman,  
dear Working Group members, thank you for your attention.

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no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.



**PERMANENT MISSION OF GREECE  
GENEVA**

**11TH SESSION OF THE WORKING GROUP ON MINORITIES  
STATEMENT OF THE DELEGATION OF THE OBSERVER  
GOVERNMENT OF GREECE**

Mr. Chairman,

I would like to react to some allegations made by an NGO with regard to the situation of the Muslim minority in Greece.

First of all, I would like to reiterate that the members of the Muslim minority are of Turkish, Pomak and Roma origin. Each of these groups has its own language and cultural traditions. The members of the minority can freely declare their ethnic origin.

Mr. Chairman,

Minority education of the members of the Muslim minority in Thrace aims at ensuring the physical, intellectual and moral development of students according to the principles of our system of public education. This policy forms part of the general national policy for the social and economic integration of the Muslim Greeks into the contemporary Greek reality.

The education of the Muslim Greeks is of fundamental importance, as it implements the principles of "equality of the law" and "equality before the law", while combating educational exclusion, which is considered the worst form of social exclusion,

In the past years, Greece has allocated a great amount of money from the State budget in order to improve and promote the educational rights of the Muslim students. As regards primary education, there are more than 200 minority schools operating in Thrace, where the Muslim pupils are not only taught their minority language, but courses are also taught in the minority language. In these schools, more than 400 Muslim teachers are being employed.

In addition, four minority high schools (two junior and two senior ones) housed in buildings provided by the State operate in Thrace) where courses are taught both in Greek and Turkish. There are also two Koranic schools for religious studies.

Special educational programmes have been implemented, which have improved the quality of minority education and the Greek language skills. A special quota of 0,50/o for the admission of minority students to higher education institutions is also provided for.

Turning now to allegations made with regard to the level of economic development of the region of Thrace where the Muslim minority lives, I would like to stress that the State gives particular attention to the fields of development and infrastructure. In that context, special Laws have been enacted with a view to attracting more investments in the region of Thrace.

A number of large-scale works are currently undertaken in the Region of Eastern Macedonia-Thrace. Some are state financed, while others are financed through the European Union. Another important boost to Thrace's development prospects will be the new Egnatia road, now under construction, which will connect Thrace's main port with a major port in the Ionian Sea, gateway to Western Europe. It is among the most ambitious and significant road projects on the European level.

Mr. Chairman,

The Greek government proceeded in 1998 to the abolition of Article 19 of the Greek Citizenship Code. The said article referred to all those persons of non-Greek origin, who abandoned Greek territory with no intention of coming back. Among them, many, on their own free will, renounced their nationality.

The number of "stateless" Muslims, who reside in Thrace, is around 100. They have been given special Identity Cards, in accordance with the UN Convention relating to the Status of Stateless Persons (New York, 1954) to which Greece is a party). At the same time, the Ministry of Interior has issued instructions to Local Authorities for the speeding up of the procedure for the naturalization of these persons.

Mr. Chairman,

For all the reasons set out above, the allegations made this morning by an NGO do not depict an accurate picture of the level of protection of the Muslim minority in my country.

Thank you, Mr. Chairman  
Geneva 2 June 2005

**SESSIONS OF THE UN FORUM ON MINORITY ISSUES**



**Avrupa Batı Trakya Türk Federasyonu**  
**Föderation der West-Thrakien Türken in Europa**  
**Federation of Western Thrace Turks in Europe**  
**Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης**  
**Fédération des Turcs de Thrace Occidentale en Europe**

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**UN HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Inaugural Session**  
**15-16 December 2008, Geneva**

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**Statement on the child's right to education in native language of the Turkish Minority in Western Thrace, Greece by the Federation of Western Thrace Turks in Europe (ABTTF)**

Every person has a right to education and to any other fundamental right dependent upon the realization of the right to education. The human right of all persons to education is explicitly set out in the 1948 Universal Declaration of Human Rights which states that "everyone has the right to education"(article 26). The Convention on the Rights of the Child establishes the child's right to education which must be achieved "on the basis of equal opportunity", stressing the general principle of non-discrimination. However, the Committee on the Rights of the Child express concern that specific groups of children are discriminated against in educational opportunities such as children of minorities. The Federation of Western Thrace Turks in Europe(ABTTF) would like to use this Forum on Minority Issues as an opportunity to highlight the discrimination with respect to the right to education in native language at the pre-school level on the children of the Turkish Minority in Western Thrace, Greece where the minority children who has completed the 5<sup>th</sup> year of their age has to attend in majority kindergartens under the Ministry of Education since the Law does not bring any regulation about ethnic and cultural differences of the children in Greece. The right not to be discriminated is violated because Greece without an objective and reasonable justification fails to treat differently minority children who speak a different language other than Greek.

The Greek government under Law 3518/2006 decided to extend compulsory period in education from nine to ten years starting from the school year 2007-2008. By Law 3518/2006 the condition of pupils' admission in pre-school education was revised. Article 73 defines a two-year attendance in kindergartens for pupils who have completed the 4<sup>th</sup> year of their age. The attendance of those pupils who have completed the 5<sup>th</sup> year of their age is obligatory. Also, according to the Law 3577/2007, article 32, it is foreseen that for the school year 2007-



2008 kindergartens could be established within the day nurseries for registered children who have completed the 5<sup>th</sup> year of their age<sup>9</sup>.

### **The Status of the Minority in the Field of Education**

The Turkish Minority in Western Thrace is granted with the right to education in its native language and autonomy in the management of its educational institutions.

a) The Treaty of Lausanne which was signed between Greece and Turkey in 1923 determining the status and the basic rights of the Minority in general.

b) The Cultural Protocol signed between Turkey and Greece on 20 April 1951 and the Exchange of Notes in 1952 regarding the issue of exchange teachers who would be assigned in Minority Schools.

c) The Protocol of the Turkish-Greek Cultural Commission signed in 1968.

\* The Lausanne Treaty of 1923 endows the Muslim Minority in Western Thrace with the right to establish and to administer their schools. Article 40 states:

*Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. 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.*

Article 41 of the Treaty granted rights to the Muslim Turkish minority in Thrace ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. It states:

*As regards public instruction, the Turkish Government will grant in those towns districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.*

\* The 1951 Educational Agreement was abolished and replaced by the Bilateral Agreement on Cultural Cooperation in 2000 (hereinafter “the Bilateral Agreement”). The Bilateral Agreement is based on the context of strengthening the political relations between Greece and Turkey on an educational level. The educational cooperation between the two countries is based on an international model of the Council of Europe, the OSCE and UNESCO.

\* The right to education is provided by Article 16 of the Greek Constitution which defines the scope and aim of education “for the development of an ethnic and religious consciousness”.

- Law No. 3065/1954
- Decree Law No 1109/1072 and 3065/1954

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<sup>9</sup> Hellenic Republic, Ministry of Economy and Finance, National Reform Programme 2005-2008, Implementation Report 2007, October 2007.

- Laws No. 694 and 695 of 1977 provide the basic provisions for the structure of minority education
- Law No. 1566/1985
- Law No. 2341/1995

### **Recommendations:**

- Reminding that Article 4 (3) of the UN Declaration on the Rights on Persons Belonging to Minorities states that “States should take appropriate measures so that, wherever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue.”
- Recalling that Article 27 of the UN Covenant on Civil and Political Rights, of which Greece is a part, do protect the rights of the minority.

*In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.*

- Reminding that the Committee on the Rights of the Child (1998) concluded that Article 27 of the International Covenant on Civil and Political Rights, is under the jurisdiction of the Human Rights Committee.

*The Committee is concerned that the general principles of non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12), are not being fully integrated into the legislative policies and programmes relevant to children, in particular in relation to children from vulnerable categories such as those belonging to national and ethnic minorities.*

- Recalling that the UNESCO Convention against Discrimination in Education prohibits discrimination based on several grounds, including language.
- Recalling Article 28(1) of the Convention of the Rights of the Child (1989) which recognizes the right of the child to education.

*States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular.*

ABTTF appreciates the need for the extension of compulsory education period from nine to ten years and it considers the kindergartens vital for the next generations of the minority child. In line with the status of the minority and the legal framework in the field of education, we claim that the children belonging to the Western Thrace Turkish Minority has the right to education in its native language. Therefore, bilingual minority kindergartens must be established in the areas which are densely inhabited by the Turkish minority rather than the public kindergartens which has education only in Greek language.

\* We recommend that compulsory education from nine to ten years under Law No. 3518/2006 should also be extended to the minority schooling system. Therefore, Greece should review and amend the Law 3518/2006 to eliminate discrimination and violation of the right to education in mother tongue for the children of the Turkish Minority in Western Thrace.

\* Greece should create conditions and establish a dialogue with the Turkish Minority and its educational institutions, thus enabling them to participate in the development and implementation of policies relevant to the minority education.

\* Greece should approach the Turkish minority in a positive spirit and should act in accordance with the requirements of modern education understanding with regard to the minority schooling system. Therefore, we acclaim that the minority system of education should be reconstructed according to the principles of multiculturalism and multilingualism. In this context Greece Muslim students will have sufficient opportunities to learn the official language of the state and their mother tongue.

**Forum on Minority Issues**  
**Geneva, 15-16 December 2008**  
**Statement by the Representative of the Hellenic Government**  
**Deputy Permanent Representative of Greece**  
**Ambassador M. Diamessis**  
Thematic focus on  
**“Minorities and the Right to Education”**

**Madam President,**

- We thank the Independent Expert on Minority Issues for her work and her leadership as well as you, Madam President, for chairing this meeting. We also thank the High Commissioner for Human Rights Ms Navi Pillay for her insightful remarks.
- Now, allow me some brief comments:
- Greece believes that it is of utmost importance to promote the integration of minorities into the societies they live in while respecting their particularities. We strongly support the recommendation provided for in **paragraph 9 of Chapter III** of the draft Recommendations entitled “Essential requirements for an effective strategy”. We do believe that **state or local policies of educational segregation through special classes or special schools for minority pupils should be discouraged;**
- We do, however **fully respect the status of minority schools as established by the Lausanne Treaty of 1923, both in Greece and Turkey.**
- I thought, Madam President, that we are here to comment on the draft recommendations, not to issue political declarations, such as the one delivered by Mr. Voskopoulos, *a Greek civil servant himself*, who represents **Rainbow**, a political party that has **freely participated** in a series of previous elections in Greece. Nonetheless, allow me to point out that the Greek citizens to whom he referred to who speak both Greek and a Slav dialect, do not meet the group of criteria for minorities, as accepted by the UN. The same applies for Vlachs, who have been mentioned by Mr. Voskopoulos, and for Greek Romas who consider themselves not as a minority but as a vulnerable group.
- Regarding some allegations concerning the extension of compulsory education in Greece from 9 to 10 years and the subsequent exclusion of the Muslim minority, it has to be pointed out that children at kindergartens do not have Greek textbooks, actually they do not have any textbooks, and do not follow any specific curriculum. Activities and games are the only means used in Kindergartens which serve as a smooth introduction to primary education and help to avoid segregation of the Muslim minority from the rest of the Greek society. Moreover, we also encourage kindergarten teachers coming from the Muslim minority to work at kindergartens in areas where there are many Muslims.



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**Federation of Western Thrace Turks in Europe**  
**Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης**  
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**UN HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Second Session**  
**12-13 November 2009, Geneva**

**Joint Statement by Federation of Western Thrace Turks in Europe (ABTTF) and**  
**Western Thrace Minority University Graduates Association (WTMUGA)**  
**Item 3**

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Madam Chairperson,  
Distinguished delegates,  
And civil society representatives,

This is a joint statement of Western Thrace Minority University Graduates Association and Federation of Western Thrace Turks in Europe.

Full and effective political participation is an essential component of a peaceful and democratic society. The Universal Declaration of Human Rights protects the right to everyone “to take part in the government of his country” and to “equal access to public service in his country”. The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities states that “persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation”.

However, the Turkish Minority of Western Thrace in Greece is inadequately represented in society’s policy and decision-making system. In the last century, Greece, which is known in world’s history as the cradle of democracy, frequently was ruled by governments that had nothing to do with democracy and some even acted contrary to democracy. After the Second World War, Greece lived a civil war (1946-1949) and a *junta regime* led by colonels (1969-1974). The Turks of Western Thrace who acquired minority status according to the Articles 37-45 of the Lausanne Peace Treaty have had the opportunity to be represented in the Greek Parliament within the present political parties during the times when Greece overcame the problems and implemented democracy. Since then, the Turks of Western Thrace tried to elect their MPs from the independent lists for the Greek Parliament. After the Turkish Minority elected an independent deputy in 1989, a new electoral law was introduced in Greece, which

set a threshold of 3% of the nationwide vote for a party and for an independent candidate to be represented in the Parliament. Under the current electoral law of “reinforced proportionality”, political parties and independent candidates cannot enter the Parliament unless they obtain at least 3% of the votes throughout the country, although they may have enough votes to get electoral seats in specific electoral districts. This made it impossible for the candidates to be elected independently, because the total number of the Turks living in Western Thrace was about 150,000. Since then, Western Thrace Turks have never had the opportunity been represented by independent MPs in the Greek Parliament.

Law 2240/1994, which reduced the number of prefectures and sub-districts, established enlarged electoral districts in Western Thrace which in turn caused a decrease in number of elected representatives from the Minority, because the election law Xanthi with neighbouring Kavala and Drama, and Rhodope with neighbouring Evros, where Turkish Minority is densely populated. As a result, the electoral constituencies populated heavily by the minority are merged with the ones populated by the majority so as to avoid the possibility of an election of Turkish governor. It should be remembered that European Commission against Racism and Intolerance (ECRI) also stated in its first report that “the redistribution of the electoral districts in 1994 had adversely influenced the chances for the election of Muslim prefects or prefectural councillors”.

We call upon the Greek State:

- To protect and promote full and effective participation of the Minority in political decisions on the national and regional level concerning the region in which the Minority lives, and to create a consultative mechanism, at national, regional and local levels which would ensure an institutionalised, open, sincere and continuous dialogue with representatives of the Turkish Minority,
- To take all necessary steps in line with the international standards in order to ensure the effective participation of the Turkish Minority of Western Thrace to the political life in Greece,
- To withdraw the 3% electoral threshold for an independent candidate to be elected, and to review and amend Law 2240/1994 taking Minority's demands into account and abolish the division of local districts into enlarged electoral districts which are now implemented in the prefectures of Rodopi and Xanthi.

Thank you very much.



**Avrupa Batı Trakya Türk Federasyonu**  
**Föderation der West-Thrakien Türken in Europa**  
**Federation of Western Thrace Turks in Europe**  
**Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης**  
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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Third Session**  
**14-15 December 2010, Geneva**

**Oral Statement by Federation of Western Thrace Turks in Europe**  
**Item 5: Discrimination and positive measures/affirmative action**

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Distinguished Participants,

The Forum on Minority Issues offers a unique and essential opportunity to address the issues that continue to challenge States and minorities in all regions and gives us the opportunity to speak up. The Federation of Western Thrace Turks in Europe speaks on behalf of the Turkish Minority of Western Thrace, Greece, which is recognized by Greece on its religious background i.e. Muslim, that has already been stated by the Permanent Mission of Greece to the UN.

Positive measures or affirmative action which aim to address inequality that prevents persons belonging to national or ethnic, religious and linguistic minorities from meaningful and effective participation in economic life are often imperfect due to the non-recognition of minorities by Member States in their territory.

The UN Independent Expert on Minority Issues, Gay McDougall, visited Greece in September 2008 to promote implementation of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Independent Expert visited Western Thrace including Xanthi and Komotini, where the Turkish Minority reside. The Independent Expert has recommended that the government should retreat from the dispute over whether there is a Turkish minority and place its full focus on protecting the rights to self-identification. The recognition of the existence of minority groups is important for minorities' full participation in society and development, and for the full realization of their rights., Formal recognition by the state makes possible the protection of those minority rights guaranteed in domestic legislation and in any international treaties to which a country is party.

The Turkish people living in the islands of Rhodes (Rodos) and Kos (İstanköy) are not granted the official minority status on the ground that these islands were not part of Greece

when the Lausanne Treaty of 1923 was signed. The minority rights enshrined in the Lausanne Peace Treaty of 1923 and European standards on minority rights should be applied to 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. Since the Turkish Minority in Rhodes, Kos and the Dodecanese Islands are deprived of the right to have education in mother language, and it has been reported that the Turkish minority living in the islands are not even allowed to organize weekend schools or additional classes in Turkish.

Though there are a large number of international, regional and domestic laws and policies adopted by Governments, including Greece to address discrimination and the inequalities experienced by persons belonging to national or ethnic, religious and linguistic minorities, there is still discrimination and inequality in participation of these minorities in economic life. Greece has signed but still not ratified the Framework Convention for the Protection of National Minorities, though ECRI, in its 4th monitoring cycle report in 2009, strongly recommended that Greece ratify, as soon as possible, the Framework Convention for the Protection of National Minorities

By virtue of Law 3647/2008, Greece introduced a 0.5 % quota for persons belonging to the Turkish Minority of Western Thrace in the civil service where there is high level of unemployment. Though, this special measure has not been implemented in Greece. The European Commission against Racism and Intolerance (ECRI), in its 4<sup>th</sup> Monitoring Cycle Report on Greece in 2009 highlighted that a comprehensive long-term programme has not yet been established by the authorities to improve the integration of the Turkish Minority of Western Thrace (Muslims from Western Thrace in the original report) into the labour market, and it notes that reports indicate that the Turkish Minority of Western Thrace continue to be under-represented in the public sector and state-owned corporations. The Independent Expert noted that the government should quickly implement its program of positive measures to ensure that 0.5% of all government jobs are filled by persons belonging to the Turkish (Muslim in the original report) minority.

In the situation of deep economic crisis, unemployment rate in the region of Eastern Macedonia and Thrace, where the Turkish Minority of Western Thrace reside have raised 12.9 % in September 2010, which recorded one of the highest unemployment rate in the country. This deep economic crisis that resulted the closure of 24 factories out of 68 in Rhodope, and economic conditions of the Turkish Minority of Western Thrace has deteriorated during this period. Furthermore, unequal distribution of resources and services prevents the persons belonging to this minority from enjoying their economic and social rights. ECRI has noted that a special attention to the situation of the Turkish Minority women in Western Thrace. Surveys which were made in different villages in Rhodope and Xanthi have proved that the level of education of the minority women in Western Thrace is at a very low level. Only 5.3% of women participated in the survey are university graduate or university student, 4.7% of them are high school graduate or student, and 6.6% of them are secondary school graduate or student. The very low level of education prevents the minority women to participate in economic life in a meaningful way.

#### Recommendations:

1. Greece should review all legislation and practice with regard to access to employment, and identify and eliminate whatever discrimination may exist, with a further consideration of



awareness-raising among civil servants in all public departments regarding the prohibition of discrimination and fight against discrimination of any form and at all levels.

2. Governments should ensure that persons belonging to national or ethnic, religious and linguistic minorities have equal access to quality education in either public schools or private educational institutions and are enabled to complete education without discrimination.

3. Greece should take further measures to improve the integration of the Turkish Minority of Western Thrace and should give priority to the education of the women belonging to national or ethnic, religious and linguistic minorities, and should carry out a program and/or project on the problems and the needs of these women in order to strengthen their participation in economic life.

**INTERVENTION BY GREECE DECEMBER 15, 2010**  
**DISCRIMINATION AND POSITIVE MEASURES /**  
**AFFIRMATIVE ACTION**  
**(statement delivered by Mrs. Fotini Sianou, Representative of**  
**Greece to the UN on Gender Equality)**

- I. The State approach to minority issues, the State perspective is very important. Legislation and recognition are key issues; and still they are the starting points.
2. In order to reinforce and implement legislation in the daily lives of citizens and to ensure equality, in the process and in the outcome, special policies are required to overcome obstacles (stereotypes, labelling, traditional practices). These special measures and policies are the preconditions to substantive equality for all.
3. The Muslim minority in Greece has the right to self-identification on the basis of ethnic origin (Turkish, Pomak, Roma). The right to speak their own languages. The right to perform their religious and traditional duties. The right of political participation on the local and the national level.
4. Greek legislation entails special policies and measures of affirmative action. In the critical area of education: 242 minority primary schools are operating in Thrace. In them the Greek and the Turkish languages are taught. 400 minority educators. 2 minority high schools. 2 minority upper secondary high schools, 2 religious schools.
5. Law 2413/96 introduces intercultural education in the schooling system and this legislation became the legal basis for the implementation of programmes that have made a difference especially in the lives of the minority youth and in the lives of women.
6. Of utmost importance is the issue of the language upon which Thalia Dragona deliberated yesterday, the introduction of the Turkish language into the public education system in Thrace.
7. The 0.5 percent quota for students into universities and higher technical education.
8. In the area of employment

0.5 permit employment in public administration.

Ministry of Labour policies integrating special measures for the most vulnerable Regional Development Programme for Eastern Macedonia and Thrace and of the remote Mountain villages in this area. benefiting all citizens equally.

The National Mechanism for Gender Equality established a special pillar for projects to be submitted by NGOs under the title of gender equality and the empowerment of women facing multiple discrimination.



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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Fourth Session**  
**29-30 November 2011, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Item 3: Minority women and girls and the right to education**

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The right to education is one of the core principles in international human rights and it should be faithfully implemented by all Member States. 1948 Universal Declaration of Human Rights clearly states that “Every person has a right to education and to any other fundamental right dependent upon the realization of the right to education”. The principle of equality and non-discrimination in the enjoyment of the right to education includes is a key to securing equal access to quality education for persons belonging to minority groups. However, access to quality education for children, in particular for girls belonging to minority groups present particular challenges, and the lack of equal access to quality education leads to denial of civil and political rights of girls belonging to minorities and segregation in society due to the marginalization of these minority girls. This discrimination in educational opportunities and marginalization prevent minority girls to take part fully in economic, social, cultural and political life of their country.

In the note by the Secretariat on the Recommendations of the Forum on Minority Issues<sup>10</sup> (15 and 16 December 2008), the UN Independent Expert on Minority Issues, Gay McDougall, stated that education should serve the dual function of supporting the effort of communities to self-development in economic, social and cultural terms while opening pathways by which they can function in the wider society and promote social harmony. The role of education as a tool for integration is being disregarded in some Member States, including Greece which in turn hinders the development of a cohesive society.

The Committee on the Elimination of Discrimination against Women, in its January 2007 report noted measures taken to enhance integration of minority women into Greek society, but “remains concerned that women from ethnic minority groups, in particular Roma and Muslim women, continue to face multiple forms of discrimination with respect to access to education, employment and health care.” Women belonging to the Turkish Minority of Western Thrace face severe inequalities with respect to access to education, and they are under-represented in

<sup>10</sup> See <http://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.11.Add.1.pdf>

the society. Western Thrace Minority University Graduates Association (WTMUGA) implemented a research project with a view to recording the problems and the needs of the Muslim women in Western Thrace. With the project KÖYEP (Reaching out to the Countryside), WTMUGA visited the minority women in their own places, and the problems and the needs of the minority women have been recorded. Data on the level of education of the minority women, their professional status and their family model has been collected. Surveys, which were made in different villages in Rhodope and Xanthi, have proved that the level of education of the minority women in Western Thrace is at a very low level. Only 5.3% of women participated in the survey are university graduate or university student, 4.7% of them are high school graduate or student, and 6.6% of them are secondary school graduate or student. 82.6 % of the women interviewed are primary school graduate.

This low level of education of minority women prevents them to participate fully in political and economic, social and cultural life of their country. Although Integrated Action Plan for the Social Integration of Greek Roma which has been implemented since 2002 adopted positive measures and actions in favour of the Roma, there is not an integrated action plan for the integration of the Turkish Minority of Western Thrace. In order to eliminate negative stereotypes, special programmes addressed to minors and adults – both women and men, teachers and parents - are being implemented. At the level of Secondary Education and Initial Vocational Training, a programme for the sensitisation of public-school teachers has been launched and 7,500 teachers are being trained in order to implement specially designed educational programmes. However, the Turkish Minority of Western Thrace, which is the only officially recognized minority group on its religious ground in Greece, has not been included in the programme since the programme only applied to the public schools. Greece also implemented a program of enriching libraries with relevant material in all public schools of technological education with the aim of tackling professional segregation and stereotypes. In order to challenge stereotypes, special training programmes, which are named “Parents’ Schools”, have been implemented throughout Greece first in 2003. However, the programme did not include the schools in Western Thrace where the girls of the Turkish Minority are in a very disadvantaged position.

Under the Treaty of Lausanne of 1923, which determined the status and the right of the Turkish Minority of Western Thrace, the Minority has an equal right with the non-Muslim minority in Turkey 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. There are 198 minority primary schools with courses taught in both Turkish and Greek, two minority secondary and high schools, and two Quranic/Religious schools operating in Western Thrace.

The former UN Independent Expert on Minority Issues, Ms. Gay McDougall noted in her report that States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue. The expert underlines that these measures are most critical in preschool and primary schools but may extend to subsequent stages of education. The quality of education in minority primary schools falls far below Greek public schools and that the schools do not serve the fundamental needs of the Turkish Minority. This low quality of education in minority schools leads segregation and social exclusion in the region. Although the situation has improved in recent ten years with the programme entitled “Education of Muslim Children”, education in primary schools still lacks a good quality. With regard to the curriculum, there is no step taken in order to improve the Turkish curriculum in

minority schools, although there are major steps taken in the last ten years for the improvement of Greek curriculum. With regard to the secondary education, the main problem is the number of schools. Unlike the vast number of minority primary schools, there are only two minority high schools that offer education at higher levels of secondary education. Although the compulsory education in Greece is now ten years, this rule is not applied in the minority schools, which does directly affect the level of education in Western Thrace.

We welcome the legislation that Government of Greece provides a quota of 0.5% for admission of minority students to Greek universities. Although this positive discrimination measure has been introduced, a quota of 0.5% for the Minority students on their entrance to higher education has had a slight impact due to the poor level of quality in education in minority schools. Although the special program for the Education of Muslim Children – boys and girls-, under the auspices of the Ministry of Education has introduced new policies in order to combat the phenomenon of school dropouts, it is still at a high level. Between 1996 and 2008, the approximate number of Minority students who entered universities in Greece in only around 2000<sup>11</sup>. Most of the minority students cannot complete their higher education.

The problem of qualified teachers for the Turkish instruction is one of the most challenging problems. Greece, in breach of the 1952 Cultural Protocol which provides for an annual exchange of 35 teachers, has unilaterally reduced the number of Turkish teachers at the Turkish minority schools in Western Thrace to 16 on the ground that there are no need more than 16 teachers in Greek minority schools in Istanbul. Special Teacher Training Academy of Thessaloniki (EPATH) founded in 1968 by the Junta regime with the aim of training teachers who would work in minority schools provided a low-quality education predominantly in Greek language. It remained a serious concern that teachers graduated from the EPATH have poor skills to teach in Greek and Turkish languages. Although the EPATH has been closed down and replaced by a special department under the faculty of pedagogy in Aristoteles University in Thessaloniki, the problem of qualified education in minority schools still persists.

This low quality in minority education and the problem of teachers and the low-quality language teaching mean that minority girls are not proficient in either Greek or Turkish on leaving primary school. A further problem in education is the absence of bilingual kindergartens for the Turkish Minority of Western Thrace. Under the Law 3518/2006 all children at the 5<sup>th</sup> year of their age is obliged to attend kindergartens and the law does not bring any regulation about ethnic and cultural difference of the children in Greece. Since the Turkish Minority is not allowed to establish its own kindergartens, minority girls and boys are obliged to attend public kindergartens, where the language of education is Greek. The right not to be discriminated is violated because Greece without an objective and reasonable justification fails to treat differently minority children who speak a different language other than Greek.

The Representative of the Hellenic Government Deputy Permanent Representative of Greece, Ambassador Mr. Diamessis on the thematic focus on minorities and the right to education on 15-16 December 2008 at the First UN Forum on Minority Issues stated that children at kindergartens did not have Greek textbooks, because they did not have any textbooks or any

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<sup>11</sup> Western Thrace Minority University Graduates Association, “The Educational System The Muslim Turkish Minority in Western Thrace”, The Written Statement submitted to the UN Minority Forum, Geneva, 15-16 December 2008, <http://www.pekem.org/en/default.asp?P=Padded&islem=openpage&Page=11&yid=4>

specific curriculum<sup>12</sup>. Mr. Diamessis underlined that activities and games were the only means used in kindergartens which served as a smooth introduction to primary education and helped to avoid segregation of the Muslim minority from the rest of the Greek society. Though, Mr. Diamessis stated that they encouraged kindergarten teachers coming from the Muslim minority to work at public kindergartens in areas where there were many Muslims, not bilingual minority kindergartens established in accordance with the provisions of bilateral treaties in the region of Western Thrace.

However, the former UN Independent Expert on Minority Issues, Ms. Gay McDougall stressed in her report that the principle of equality does not imply uniform treatment in the field of education regardless of circumstances, but rather that differential treatment of individuals and groups is justified when specified circumstances warrant it, so that the right to equal treatment is also violated when States, without permissible justification, fail to treat differently persons whose situations are significantly different. Ms. Gay McDougall further noted in her country visit report on Greece<sup>13</sup> that bilingual kindergartens would allow better knowledge of both Turkish and Greek from an early stage therefore providing benefits in terms of integration and enabling greater choice of whether to go minority of Greek public primary school.

In line with the status of the minority and the legal framework in the field of education, the Turkish Minority of Western Thrace should have a right to participate in the life of the State and in decisions affecting them. Greece should provide adequate opportunities to persons belonging to the Turkish minority to learn its mother tongue or to learn through the medium of the mother tongue, alternatives which should not be understood as mutually exclusive. Specific forms of such opportunities should be chosen in consultation with persons belonging to minorities and considering their freely expressed wishes. In the particular context of pre-school education, delivery of educational services with the established bilingual minority kindergartens is a right stemming from their right to establish, maintain and manage its own educational institutions.

In this regard, we support the recommendation that Governments, including the Government of Greece should develop and implement inclusive and targeted education policies that provide access to high-quality learning environments for all women and girls belonging to minorities, and that the core principles of equality and non-discrimination should be at the centre of the design of their educational systems. In specific to the Government of Greece, we recommend that Greece should create necessary conditions and establish a dialogue with the Turkish Minority and its educational institutions, thus enabling them to participate in the development and implementation of policies relevant to the minority education. Furthermore, it should act in a positive spirit in accordance with the requirements of modern education understanding with regard to the minority schooling system, and therefore to acclaim that the minority system of education should be reconstructed according to the principles of multiculturalism and multilingualism.

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<sup>12</sup> See [http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral\\_statements\\_forum\\_minority\\_2008.htm](http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2008.htm)

<sup>13</sup> See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>



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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Fourth session**  
**29-30 November 2011, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Item 4: Minority women and effective political participation**

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The Universal Declaration of Human Rights protects the right to everyone “to take part in the government of his country” and to “equal access to public service in his country”. The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities states that “persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation”.

Effective participation of women in political life is one of the foundations of democracy and one of the goals of the United Nations. Electoral law or electoral system does have a great impact on the full and effective participation of persons, including women belonging to national minorities. The European Commission for Democracy through Law (Venice Commission) underlines in a document on “Electoral law and national minorities” that only few states provide for specific rules on the representation of minorities in the elected bodies.

Unfortunately, the situation in most places of the world including Europe demonstrates that women are still under-represented in political life, although Ms. Rachel Majanya, the UN Secretary-General’s Special Adviser on Gender Issues, noted that ECOSOC had set a target of 30 percent women in leadership positions to be met by 1995, the overall progress has been slow in the world, like the European countries. Women still hold less than 20% of parliamentary seats and ministerial positions worldwide.

The persons belonging to the Turkish Minority of Western Thrace in Greece is inadequately represented in political life of the country. Under the current electoral system of reinforced proportionality, there is not any specific rule or a quota for the representation of the Turkish Minority. Furthermore, any political party and any independent candidate should get at least 3 % of the votes throughout the country in order to be represented in the Parliament, although they may have enough votes to get electoral seats in specific electoral districts. This provision makes it almost impossible for members of the Turkish Minority of Western Thrace with an

estimated population of 150.00 to be elected to the Parliament, if they independently run in elections.

Women are less visible in politics in Greece, and they are underrepresented in the political system, although the 1975 Constitution stipulated the “equality of rights between the sexes”. Women are still socially inferior and politically marginalized. Although there is no particularly “woman friendly” party in the Greek political system, the percent of women in the Greek Parliament increased to 17.33% in October 2009 elections, and, today there are 52 women MPs in the Greek Parliament. In 2009 elections, mainstream parties nominated fourteen candidates who are members of the Turkish Minority, but there were only two women candidates in the lists of mainstream parties. Although there are two minority members in the Greek Parliament, there is not any minority woman belonging to the Turkish Minority of Western Thrace elected to the Greek Parliament.

The participation of women in political life at the regional level is slightly different from the national level. The balanced participation of men and women in the organizations and bodies of the public sector and the local authorities has been guaranteed by law since 2000, with a participation quota of 33% of each gender in the collective bodies of the abovementioned organizations. In addition, since 2001, a quota of at least 1/3 participation of each gender in electoral lists for local elections is provided for. There has been a steady increase in number of women elected members to the prefectural and municipal posts. However, there is not any quota provided for the women belonging to the Turkish Minority of Western Thrace in order to encourage and promote the representation and participation of minority women in the parliament and the political life of the country. Today, there are few minority women who actively participate in the elected bodies at the local level.

The case of Mrs. Sibel Mustafaoğlu presents an example to the negative stereotypes and discrimination of minority women on the ground of their minority status. In local elections of 2006, Mrs. Sibel Mustafaoğlu has been elected to the Prefectural Council of Rodopi and appointed as Vice- Prefect. She ran for the European Parliament elections in June 2009, as the only minority candidate in the PASOK list. Since she is one of the most promising politicians at the local level, she has been considered to be appointed as the Head of the State Hospital in Komotini in April 2010. However, the Church and the local right-wing newspapers initiated a campaign to cast her out and pressured the government to appoint another person to this post. This campaign has been successful and a man from the majority has been appointed to the relevant post. In local election of 2010, Mrs. Sibel Mustafaoğlu, announced her mayoral candidacy– the first time a member of the country’s Turkish minority has sought such an office – in a bid to improve her community’s status. As the head of the electoral list ‘First step for equality’, she has been elected to the municipal council in Komotini, and she actively advocates the rights of the Turkish Minority of Western Thrace.

We strongly support the recommendation that Governments should adopt a policy statement that recognizes the diversity in their respective societies with regard to gender, race, ethnicity, religion and language. Government should develop plans which explicitly require measures to promote the participation of minority women, including the adoption of positive measures to increase their participation. In specific to Greece, the electoral system in Greece should be reformed in a way which would strengthen women’s representation in the Parliament in order to promote gender balance and participation of women in political life. The electoral system with a proportional representation list system should provide not only a high proportion of female candidates including women belonging to the Turkish Minority, but also a strict rank-order rule.





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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Fourth session**  
**29-30 November 2011, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Item 5: Minority women and effective participation in economic, social and cultural life**

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The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities states that persons belonging to minorities have the right to participate in cultural, religious, social, economic and public life, and, the UN Declaration of the Right to Development recognizes a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting there from.

National or ethnic, religious and linguistic minorities across many parts of Member States have been and are still being excluded from full and effective participation in economic life, and they are often poorly represented in economic, social and cultural life of their country. In response to the need for the wider protection of minority rights in Europe, the Framework Convention for the Protection of National Minorities stipulates that the Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them (Article 15).

The legislation and policy-making processes on the full and effective participation of minorities in economic life often fail to address the needs of persons belonging to national or ethnic, religious and linguistic minorities, in most countries due to the lack of participation in the design and implementation. Positive measures or affirmative action to remedy the inequalities experience by persons belonging to national or ethnic, religious or linguistic minorities has not often bridged the gap between the majority and persons belonging to these minorities. Positive measures or affirmative action which aim to address inequality that prevents persons belonging to national or ethnic, religious and linguistic minorities from meaningful and effective participation in economic life are often imperfect due to the non-recognition of minorities by Member States in their territory. The recognition of the existence

of minority groups is important for full participation of minorities in society and development, and for the full realization of their rights.

Discrimination against persons belonging to national or ethnic, religious and linguistic minorities is one of the largest barriers to the effective and full participation in economic life. The intersectional discrimination against persons belonging to minorities burden additional barriers and contribute to even further marginalization exclusion of minorities in all aspects of life. Though there are a large number of international, regional and domestic laws and policies adopted by Governments to address discrimination and the inequalities experienced by persons belonging to national or ethnic, religious and linguistic minorities, there is still discrimination and inequality in participation of these minorities in economic life.

The Greek Ombudsman, which is entrusted with combating racism and racial discrimination in the public and private sectors in Greece, monitors the implementation of the anti-discrimination law (Law 3304/2005), including the public sector; local and regional authorities; other public bodies, private law corporate entities, enterprises and organizations which are controlled by the state, or by public law entities. However, The Ombudsman cannot intervene if more than six months have elapsed from the time the complainant initially learned of the public administration's illegal action, or failure to act. Under Law 3304/2005(Art. 19) Greece established the Labour Inspectorate to ensure equal treatment in employment. The Labour Inspectorate has informed ECRI that all bodies are required to provide it with the necessary assistance. It has indicated that it has received no complaints of racial discrimination, though NGOs reported ECRI the existence of discrimination in economic life.

The former UN Independent Expert on Minority Issues, Ms. Gay McDougall, stated in her report following her visit to Greece in September 2008 stated that women belonging to the Turkish Minority experience severe inequalities in access to education and consequent disproportionately high levels of illiteracy and unemployment. Most of minority women do not speak Greek, and therefore there are described as being confined to their homes and villages with few opportunities for employment or social interaction. Surveys which were made in different villages in Rhodope and Xanthi have proved that the minority women in Western Thrace cannot fully participate in economic life of the country due to the low level of education. According the surveys, 45% of the women who are between 21-30 ages and 38.9% of the women between 31 and 40 ages are housewives, and most of them are workers in their own small farmyard.

In the situation of deep economic crisis, unemployment rate in the region of Eastern Macedonia and Thrace, where the Turkish Minority of Western Thrace reside increased to 20.7 % in the second quarter of 2011, which recorded one of the highest unemployment rate in the country, while the unemployment rate in the country is 16.3%. In the period of deep economic crisis, economic conditions of the persons, including women belonging to the Turkish Minority of Western Thrace have deteriorated, and the unequal distribution of resources and services prevents the persons belonging to this minority from enjoying their economic and social rights.

In order to redress the imbalances in the representation and participation of the Minority in economic life, Greece introduced a 0.5 % quota under Law 3647/2008 for persons belonging to the Turkish Minority of Western Thrace in the civil service where there is high level of unemployment. Though, this special measure has, thus far, not been implemented in Greece. The European Commission against Racism and Intolerance (ECRI)'s 4<sup>th</sup> Monitoring Cycle

Report on Greece in 2009 highlighted that a comprehensive long-term programme has not yet been established by the authorities to improve the integration of the Turkish Minority of Western Thrace into the labour market, and it noted that reports indicate that the Turkish Minority of Western Thrace continue to be under-represented in the public sector and state-owned corporations.

We strongly support the recommendation that Governments should ensure that minority women realize their economic rights by developing policies geared to build their capacity and create new employment opportunities for them as alternatives to traditional gendered occupations. And certain measures, including the creation of specific project for minority women in such areas as training and support for business initiatives or quota systems to enhance their participation. In specific to Greece, Government of Greece should carry out a program and/or project in order to increase the participation of minority women in economic, social and cultural life with a legal and institutional framework that would support full and effective participation of minority women in economic, social and cultural life.

**Human Rights Council - Forum on Minority Issues - Fourth Session**  
**Guaranteeing the rights of minority women**  
**29 and 30 November 2011- Geneva**

1. The Greek economy is going through a new, exceptionally critical phase. The present juncture is the most critical period in Greece's post-war history. At stake are achievements that have been attained in recent decades, driving the country out of the euro, setting the Greek economy, the standard of living, social and international standards, back for many decades. The choice that has been made by the Greek people to fight within the euro area in close cooperation with our European partners has a heavy cost. There has been a reduction in income and salaries, high unemployment rates, reduction in employment, serious budget cuttings in public expenditure with implications on social structures, high taxation and increase of poverty. The economic crisis has had the greatest impact on the poorest, most marginalized and vulnerable groups.
2. At the same time "under the Dublin Regulation" Greece faces the challenge of dealing with vast inflow of refugees and undocumented migrants, beyond the capacity of the State to deal with this situation, which has been described as a "humanitarian crisis" with many asylum seekers, including women and children, living on the streets.
3. In consistency with the position that fundamental human rights should not be given marginal attention in times of crisis and that State obligations with regard to the protection of individual and social rights, women's rights, human rights, minority rights, especially with this difficult economic and social situation should be adhered to and respected. The Greek government is taking action to translate values and declarations, within the limitations set by economic and budgetary constraints, into policy in everyday lives of the citizens, making the best possible use of available resources.
4. In this respect we highlight that Gender Equality is a value, a fundamental human right and basic aim of every modern democracy. In times of crisis Gender Equality is not a luxury: On the contrary, it is a core component of economic, social and cultural policies enacted in the effort of to emerge from the crisis.
5. Our vision is not a society in which men and women equally share goods, obligations and rights – in work, politics, power, leisure time, care, family and personal life. A society in which men and women decide what they are going to study, what kind of work they would like to undertake, how many children they would like to have, whether they would like to participate in public affairs – without the burden of gender stereotypes that proscribe professions, salaries, tasks, earnings, and all the activities of daily life.
6. Crises always have a stronger effect on **vulnerable population groups**, in which women constitute the majority. When gender-based discrimination is interwoven with and aggravated by other types of social discrimination (class, ethnic origin, disability, age, sexual orientation, remote residency, etc.) large categories of women face **multiple discrimination**. The reference to multiple discrimination reflects the recognition and the political will for the implementation of policies that will diminish this phenomenon. Unemployed women, immigrants, young women, single parents, disabled, of ethnic and religious minorities, Roma, women living in remote areas - these are all groups of women **more vulnerable** not only to the effects of the economic crisis, but also to male violence in all its forms. **The Greek government has given top priority to these groups of-women in public interventions.**
7. The National Programme for Substantive Gender Equality 2010-2013 recognizes that despite the significant efforts that have been made in Greece during the last 30 years, gender-based discrimination is still a reality. Discrimination is directly connected to gender inequalities in employment, income, political and social power, leisure, and care for dependent persons, family and personal life. The Programme has taken two points into account: a) the government's orientation to provide services to citizens and b) feminist

analysis, on public policies. The Programme is of national scope. Its actions cover all the country's regions, addressing a wide range of regional as well as national public policies. In accordance with the framework of good governance - including transparency and accountability – extensive consultation has been undertaken with women's organizations, parliamentary parties, women's groups, and with all former General Secretaries for Gender Equality. The evaluation of the National Programme results is conducted on an annual basis. The National Programme is funded by the National Strategic Reference Framework.

8. The Programme has four strategic goals: a) protection of women's rights and orientation of interventions towards women's groups that face **multiple discrimination**. b) Prevention and combating of all forms and types of violence against women. c) Support of women's employment and their financial independence. d) Highlighting of gender equality through cultural creation.

9. The Programme is structured on three pillars: a) improvement, strengthening and enforcement of gender equality legislation b) specific gender equality policies under developed by the national mechanism for gender equality c) gender mainstreaming through public policies in cooperation with other Ministries.

### **Minority women and girls and the right to education**

10. The Greek Government is firmly committed to continue its policy to uphold the right to education for the Muslim minority and is working in the direction of: a) Improving the functioning of the existing minority schools (188 primary minority schools, 2 secondary and 2 Koranic schools in Thrace. b) Accommodating the preference to the public educational system increasingly shown by persons belonging to the Muslim minority. c) Accommodating for courses aiming at preserving the linguistic and cultural characteristics of persons belonging to the minority who attend public schools.

11. Higher Education: a 0.5% quota for the admission to Universities and Higher Technical Educational Institutes/Institutions of students who are members of the Muslim minority in Thrace was introduced 15 years ago. This positive measure regarding entrance examinations led to 500 students per year entering Greek universities and higher technical institutions. The obvious advantages of this measure are the promotion of further integration of persons belonging to the Muslim minority in Thrace into wider society, in an effective and inclusive way and the improvement of access to the labour market. Lack of education is crucial for economic marginalization.

12. One of the major obstacles in ensuring employment is lack of national language competence. The minority should enjoy the right of learning its maternal language, at the same time competence in Greek (the national language) is absolutely essential. While respecting linguistic, religious and cultural rights of the Muslim minority there has been continuing effort in furthering the educational opportunities for the mastery of Greek language. The most important challenge is to introduce children from preschool age to decent Greek language learning. Yet opportunities for second chance schooling are also very important allowing youths or older people to catch up with Greek. The number of minority children enrolling in upper secondary education, especially that of girls, is growing very quickly, while dropout rates from compulsory school are going down at a fast pace.

13. Good Practice: Students in Adult Training Centres for 2005-2008: Roma: men 1049 - women 1078, same period Muslims: men 308 -women 2663, immigrants: men 235 women 3850. Trainees in Parents Schools: Roma, Muslims, Immigrants: men 125 - women 1076. Trainees in the Programme "Learning of the Greek Language as second language by employed Immigrants" 2005-2008: men 6842 - women 9031.

14. Good Practice: Greek lessons to primary school students all through the year and a special summer course in July 2011 with 642 students, boys and girls. Lessons to students who failed exams and were leftover for the autumn exams: 391 students' high school and upper high school - success 80%. Two communities with high dropout rates 17 students leftover for autumn exams, 14 students passed the exams. 222 students participated in the Creative Workshops for Youth during the summer 2011. October 2011: Greek language lessons for primary school students. Greek language lessons for adults of the minority. Turkish language lessons for educators of the majority population. Mobile units visiting remote minority villages (library, laptop, learning with electronic games). Enhancement courses in primary schools, high schools and upper high schools.

### **Effective Political Participation**

15. Despite the fact that several steps have been taken to increase women's participation in decision-making, women continue to be under-represented in politics, political parties, in the Hellenic Parliament and the government and public administration.

16. As of 2000, Greece has been implementing quotas requiring that a third of the persons listed on municipal election voting ballots be women, as well as in the collective bodies of public sector agencies, including service councils of ministries. Governmental actions have been taken to upgrade skills and knowledge of women, their personal empowerment and support, in order to expand their participation in decision-making centres at all levels.

17. Establishment of quota for each sex during National Elections. Art. 3 of Law 3636/2008 on the amendment of Law 3231/2004 on the "election of members of parliament" stipulates that a minimum of a third of the candidates within political parties - nation-wide, not per election region- must be of each sex.

18. During the last elections November 2010 for Municipality Councils and Regional Councils there were 1521 candidates from the area of Eastern Macedonia and Thrace. 153 candidates were women from the Muslim minority. 10% of the candidates Muslim women.

19. Muslim women have been elected to municipality bodies and regional bodies. Large difference between figure of women participating in the process and women elected. Only 7 women have been elected from the Muslim minority.

Fotini Sianou

National Representative of Greece to the United Nations on Gender Equality



**Avrupa Batı Trakya Türk Federasyonu**  
**Föderation der West-Thrakien Türken in Europa**  
**Federation of Western Thrace Turks in Europe**  
**Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης**  
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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Fifth Session**  
**27-28 November 2012, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Item II: The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: 20 years on**

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The Charter of the United Nations, which lays the foundation of modern international human rights law, ushered in a worldwide movement in which states and other stakeholders are the main actors in the struggle over the role that the international community should play in protecting and promoting human rights.

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is a key to the protection of the rights of persons belonging to minorities in the aftermath of the Cold War and provides a solid guidance and key standards on minority rights ranging from protection of existence and identity to non-discrimination and participation in economic, social and political life.

This is not to say that massive violations of human rights are no longer being committed, many governments still violate human rights on a massive scale. But the fact is that they are increasingly being forced by a variety of external and internal factors to respond for their behaviour to the international community. This reality limits their freedom of action and in many, albeit not all, cases contributes to an improved human rights situation.

The twentieth anniversary of the UN Declaration the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities offers an important opportunity to examine the diverse ways in which the Declaration has been used and implemented in practice and to gain the perspectives of different stakeholders on how it has impacted on aspects of national legislation, institutional mechanisms and their activities to advance the rights of persons belonging to minorities.

Article 1, paragraph 1, requires 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”. Previous sessions of the

Forum have demonstrated that a significant progress has been made in the implementation of the Declaration, though there are still important challenges that the States should confront.

Since the Declaration accords rights to ethnic, religious and linguistic minorities on a collective basis, the existence of a minority entitled to protection is determined by States, which, in particular cases, deny officially to recognize particular ethnic, religious or linguistic groups within their territories as minorities and decline to grant these groups collective rights which should be used as minorities.

The existence of a minority is not and should not be always numerical. Even when the minority—as is usual—is a numerical one, we must tackle statistics cautiously. An ethnic, religious or linguistic group may prove to be a minority in the State as a whole, yet a majority in some districts. To give a case in point, The Turkish minority in Western Thrace, Greece, has an estimated population of 150,000, does comprise 1.3% of the general population (2001 census) and it constitutes majority in Rhodope (52%) and almost half of the population in Xanthi(45%).

There is an officially recognized Muslim minority of 140,000 to 150,000 members reside in Thrace (Western Thrace) and the status of the Minority is determined by the Treaty of Lausanne in 1923. 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.

Greece does not subscribe to the right of any group to self-identification on a collective basis and the right of assembly or association of the group which seeks to determine their identity. Although so-called other segments within the Minority are recognized and even welcomed and supported by Greek authorities, the Turks are not allowed to use their right of self-identification, while the existence in a country of ethnic minorities is defined on the basis of collective rights. On 18 February 2009, the report of the Independent Expert on Minority Issues, Gay McDougall, following her mission to Greece on 8-16 September 2008, stated that “The absence of formal recognition by the state of a particular societal group as constituting “a minority” is not conclusive”, and continued that “Rather, the existence of a group to which a state owes minority protections is a matter of objective facts and exercise of the right of self-identification by persons belonging to the group”. The independent expert urged Greece to protect the right to self-identification and the freedoms of expression and association of minority communities.<sup>14</sup> CERD similarly took note of the explanation by Greece for recognition of a single minority only and called upon Greece to ensure the non-discriminatory implementation, for all groups within the scope of the Convention, of the rights referred to in article 5 of the Convention.<sup>15</sup>

In the twentieth anniversary of the Declaration, States should respect the right to self-identification of the persons belonging to national or ethnic, religious and linguistic minorities and retreat from the dispute over how to identify national or ethnic, religious and linguistic

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<sup>14</sup> A/HRC/10/11/Add.3, p. 2, and paras. 83, 88 and 90.

<sup>15</sup> CERD/C/GRC/CO/16-19, para. 8.



groups and place their full focus on protecting the rights to self-identification of those communities.

We recall para.14 of the Draft recommendations on implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: identifying positive practices and opportunities, in which is it stated that all countries should reaffirm their commitment to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and publicize it widely.

We fully support para.20 of the draft recommendations, in which it is stated Governments have the primary responsibility for implementing the Declaration and other minority rights standards and instruments. States should recognize explicitly the diversity within their respective societies, including with respect to race, ethnicity, religion and language. States should demonstrate their commitment to the protection of minority rights by ensuring that minority issues are consistently integrated into and reflected in governmental policies and practice.



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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Fifth Session**  
**27-28 November 2012, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Item 5: Challenges and problems encountered in the practical implementation of the Declaration**

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The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is the most important legal framework within the United Nations system and in international human rights law, when questions regarding minorities discusses. This document is a cornerstone in international human rights law and constitutes a broad set of implementation machineries created within the United Nations.

Although the Declaration has not a binding character and lacks an implementation mechanism, the Declaration creates an international environment in which States are increasingly being forced by a variety of external and internal factors to respond for their behaviour to the international community. This reality limits their freedom of action and in many, albeit not all, cases contributes to an improved human rights situation.

The right to education is one of the core principles in international human rights and it should be faithfully implemented by all Member States. Article 4(3) of the Declaration underlines that States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.

The principle of equality and non-discrimination in the enjoyment of the right to education is a key to securing equal access to quality education for persons belonging to minority groups. The lack of equal access to quality education leads to denial of civil and political rights of children belonging to minorities and segregation in society due to the marginalization of minority children.

Under the 1923 Lausanne Peace Treaty, which determined the status and the right of the Turkish Minority of Western Thrace, the Minority has an equal right with the non-Muslim minority in Turkey to establish, manage and control at their own expense, any charitable, religious and social institution, any school and other establishment for instruction and

education, with the right to use their own language and to exercise their own religion freely therein.

The Cultural Protocol signed between Turkey and Greece on 20 April 1951(which was abolished and replaced by the Bilateral Agreement on Cultural Cooperation in 2000), the Exchange of Notes in 1952 regarding the issue of exchange teachers who would be assigned in Minority Schools and the Protocol of the Turkish-Greek Cultural Commission, signed in 1968 are the relevant documents which maintain the autonomous status of the minority in the field of education. Furthermore, the right to education is provided by Article 16 of the Greek Constitution which defines the scope and aim of education for the development of an ethnic and religious consciousness. The right of the Turkish Minority of Western Thrace to education in mother tongue in its own educational institutions is regulated with laws in domestic law which provide the basic structure of the minority education.

Act 3518/2006 envisages the extension of the compulsory period in education from nine to ten years starting from the school year 2007-2008. Under the Act 3518/2006 the condition of pupils' admission in pre-school education has been revised and Article 73 has envisaged a two-year attendance in kindergartens for pupils who have completed the 4<sup>th</sup> year of their age.

The Turkish Minority of Western Thrace appreciates the need for the extension of compulsory education period from nine to ten years and it considers the kindergartens vital for the next generations of the minority child.

The Act does not bring any regulation about ethnic and cultural difference of the children in Greece, all children who have completed the 5<sup>th</sup> year of their age is obliged to attend state kindergartens where the language of education is only in Greek. The right not to be discriminated is violated because Greece without an objective and reasonable justification fails to treat differently minority children who speak a different language other than Greek.

The Turkish Minority demands the extension of the period of compulsory education from nine to ten years under Act 3518/2006 to the minority schooling system and the establishment of bilingual minority kindergartens in order to satisfy the need of the children belonging to the Turkish Minority of Western Thrace for education in mother tongue.

In reply of the written statement submitted by ABTTF to the 9<sup>th</sup> Session of the UN Human Rights Council<sup>16</sup>, the Permanent Mission of Greece to the United Nations Office at Geneva on behalf of the Government Greece, submitted a letter to the Office of the United Nations High Commissioner for Human Rights and claimed that children at kindergartens did not have Greek textbooks, because they did not have any textbooks or any specific curriculum.<sup>17</sup> The Representative underlined that activities and games were the only means used in kindergartens which served as a smooth introduction to primary education and helped to avoid segregation of the Muslim minority from the rest of the Greek society.

In the beginning of 2012-2013 school year, some children belonging to the Turkish Minority of Western Thrace in Echinós(Şahin) village of Xanthi are not enrolled to the first grade of the primary school on the ground that those children did not attend public kindergarten. The parents stated that they did prefer to send their children to public kindergartens where the

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<sup>16</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/164/39/PDF/G0816439.pdf?OpenElement>

<sup>17</sup> See [http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral\\_statements\\_forum\\_minority\\_2008.htm](http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2008.htm)

language of education is only Greek. The parents noted that the Greek State should ensure bilingual minority kindergartens for their children.

In the second week of problem in the Echinus Turkish Minority Primary School where 20 children have not been enrolled to the first grade of primary school on the ground that they did not attend public kindergarten, the Principal of the Minority School, Hasan Kurak has been referred to the disciplinary board by the state inspectorship of the Ministry of Education and got an administrative warning. The Principal Hasan Kurak stated that in petitions that the parents presented to the minority school and the state inspector ship in June, the parents declared that they did not send their children to public kindergartens because there are no bilingual kindergartens. The principal noted that they sent the parents' petitions to the state inspectorship in June and added that they admitted all the children of whom parents made pre-registration in June to the first grade of the school since they did not get any answer from the state inspectorship.

The former UN Independent Expert on Minority Issues, Gay McDougall, recommended in her country visit report on Greece<sup>18</sup> in 2008 that bilingual kindergartens would allow better knowledge of both Turkish and Greek from an early stage therefore providing benefits in terms of integration, and enabling greater choice of whether to go minority of Greek public primary school.

The Turkish Minority of Western Thrace should have a right to participate in the life of the State and in decisions affecting them. Greece should provide adequate opportunities to persons belonging to the Turkish minority to learn its mother tongue or to learn through the medium of the mother tongue, alternatives which should not be understood as mutually exclusive.

We fully support para.33 of the draft recommendations in which it is stated that Governments should develop and implement inclusive and targeted education policies that provide access to high-quality learning environments for all persons belonging to minorities, and the opportunity, where appropriate for them, to learn and be taught in their language as required by the Declaration.

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<sup>18</sup> See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>

**INTERVENTION OF THE HEAD OF THE GREEK DELEGATION, MR  
EVANGELOS SYRIGOS, SECRETARY GENERAL OF THE MINISTRY OF  
INTERIOR  
AGENDA ITEM 4**

Dear President, I would like to thank you for offering us an excellent opportunity to exchange views and experiences on the identification of best practices and positive measures regarding national, ethnic, religious and linguistic minorities.

Greece, fully subscribing to the principles and aims enshrined in the Declaration and in other relevant human rights standards and instruments has, over the last years, translated its provisions and guidelines into specific measures regarding its Muslim Minority, residing in the region of Thrace, north-eastern Greece.

Allow me to present you a brief outline of some of the best practices

1. In 1996 a 0.5% quota has been introduced for the admission to Universities and Higher Technical Educational Institutes of members of the Muslim minority. This proved to be an excellent tool against the segregation of students in schools. The number of Muslim students who preferred to attend public schools in all levels together with their Christian colleagues, has tripled since 1996.

More important, in 1996 the number of Muslim students entering Greek universities was 67 persons. This year 510 Muslim students entered the universities. This means an increase of 820% within 17 years.

2. In order to stop segregation of students, a program for the teaching of the Turkish language in High Schools in the big cities of Thrace has been introduced since 2008. The programme can be attended by both members of the minority and majority.

3. A third measure is a 0.5% quota to the State exams system for civil servants which was introduced in favour of persons belonging to the Muslim minority.

4. A fourth example of best practices is the establishment of Youth Councils, with the participation and active involvement of young Christians & Muslims alike, as part of the Local Administration network in Thrace.

5, In secondary education, the Greek state supports the operation of two Muslim religious schools in the areas where the Muslim minority lives. These schools follow the curriculum of public schools including the respect of democratic values while educating students to undertake religious duties in Islamic mosques.

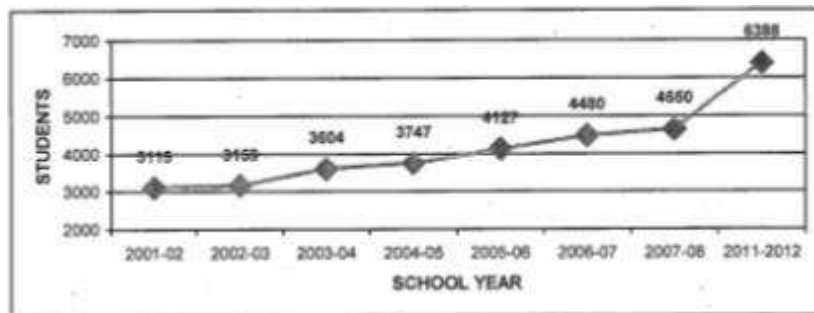
6. Last but not least, more than 6,000 Muslims over 16 years of age participated in adult education programmes of lifelong learning. Those schools called 'second class schools' proved to be a great tool to combat illiteracy.

Dear President, we are eager to hear other best practices from other areas of the world and see if they can be adopted in Greece as well.

## **GREEK THRACE: A modern, European model of Minority Education**

### **The educational situation in a nutshell**

- In school year 2011-12 174 minority primary schools operate in Thrace. Most of them are in mountainous and inaccessible areas and do not have the minimum number of students required for their operation. Nevertheless, the state continues to operate them to help students who, otherwise would be forced to move to other schools. Specific programs have been implemented for several years to make it easier for minority students to learn the Greek language, through books written specifically for them.
- In minority regions of Thrace there are 57 public kindergartens.
- In secondary education, there are two minority secondary schools in Xanthi and Komotini, as well as two religious secondary schools in Komotini and in Echinus in the Municipality of Myki in Xanthi respectively. The religious schools follow the curriculum of public schools, while educating students to undertake religious duties in Islamic mosques. At the same time, a large number of Muslim students choose to attend public secondary education. In school year **2011-12, 6,388** students attend public Junior High Schools, Senior and Vocational High schools in Thrace.



- Since school year 2007-2008, a pilot program for the teaching of the Turkish language in public Junior and Senior High Schools has been introduced.
- Muslim minority students are allowed to enter Greek universities and Technological Institutes with additional rate posts (0.5%).

### **Primary education**

- In school year 2012-13 194 kindergartens operate in Thrace. Out of a total of 3902 students, 1279 are members of the Muslim minority.
- 44 all-day minority schools operate with 93 classes.
- In the period 2004-12, 146 young Muslim teachers graduates of the Muslim Special Education College and 72 Muslim teachers have been recruited as alternates.
- Expenditure on salaries for elementary education teaching staff has increased over the last years amounting to 18,672,936.000 euros in 2012.
- The operating expenditure paid over by the Ministry of Education to the minority schools' elected school boards reached the amount of 1,115.000 euros in 2009. In 2011, 632,411 euros were spent for the same purpose.
- In order to address school drop-out in socially disadvantaged groups of Muslims, more than 1,200,000 euros have been spent over the last five years.

- Each year, on average 60,000 copies of 55 Greek schoolbooks and 38,000 copies of Turkish schoolbooks are distributed to all Muslim students. In 2012, 80,000 of 55 Greek schoolbooks and 50,000 copies of 45 Turkish schoolbooks were distributed.
- For the Muslim Students' Special Education programme, run by the University of Athens:
  - 102,555.000 euros have been allocated for the programme over the period 2010-2013. 9,640,000 euros have been spent over the period 1996-2004 and 7,350,000 euros over the period 2004-08.
  - 55 new Greek language-learning books have been published.
  - 412 teachers received in-service training over the period 2010-2013. In total 850 teachers have received in-service training on the programme, during the last 12 years.
  - Hundreds of Muslim students, especially those in mountainous and inaccessible areas, have been educated through Special Mobile Units.

### **Secondary education**

- Pilot introduction of the Turkish language teaching in public junior and senior high schools in Thrace.
- Extension of 0.5% quota for the entry of Muslim Children to higher education institutions for graduates of Vocational schools, as well.
- Combating school drop-out rates of Muslim girls: Substantial increase over the last years in the enrolment of female Junior High School students and in Senior High School students in Thrace.

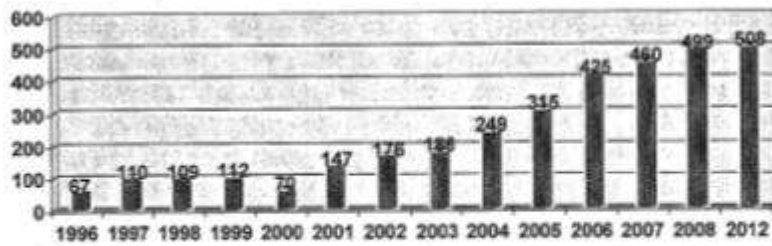
### **Building infrastructure**

- Modernization in building infrastructure over the last 6 years:
  - 18 new and upgraded kindergartens were built
  - A new hall of residence for students was built in Organi, which cost 500,000 euros.
  - A new annex was built for the kindergarten of Echinus which cost 14,000 euros.

### **Higher education**

- Over the last ten years, the rate of Muslim students who have succeeded in the university entrance exams and are now University students has increased by 180%.

### MUSLIM STUDENTS ENTERING GREEK UNIVERSITIES



Number of Muslim students entering Greek Universities increased from 67 in 1996 to 508 in 2012

### Number of Muslim students entering Greek Universities for the academic year 2012-13 per region and gender

	Universities		Technological Institutes		Total
	Male	Female	Male	Female	
Evros	4	4	4	2	14
Rodopi	40	55	54	51	200
Xanthi	68	49	78	77	272
<b>Total</b>	<b>112</b>	<b>108</b>	<b>136</b>	<b>130</b>	<b>486</b>

Total of male: 248 (percentage 51%)  
Total of female: 238 (percentage 49%)

### Lifelong learning

- ‘Second-chance schools’ operate in the area in order to combat illiteracy
  - In Komotini with branches in Organi, in the Municipality of Neo Sidirochorio and in the Municipality of Iasmos
  - In Sappes
  - In Xanthi with branches in Sminthi and in Myki in the Municipality of Myki
  - In Alexandroupoli
- More 6,000 Muslim adults over 16 years of age participated in adult education programmes of lifelong learning over the last decade.
- Counselling programmes and health education for families of Greek Muslims.

### Conclusion

Greece is systematically improving the content of education in Thrace with respect towards religions and cultures, renewing building infrastructure and equipment, modernizing the institutional framework. Greek policy aims at enabling every student of the Muslim minority to be educated, develop his personality freely and enjoy equal opportunities for integration into the labour market as a modern Greek, Muslim, European citizen. The first results of our educational policy show that the disadvantages of the past have become in Thrace comparative advantages for the conquest of tomorrow.





**Avrupa Batı Trakya Türk Federasyonu**  
**Föderation der West-Thrakien Türken in Europa**  
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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Sixth Session**  
**26-27 November 2013, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Item III: Protection of the existence of and prevention of violence against religious minorities**

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Madam Chairperson,  
Madam Independent Expert,  
Distinguished delegates and colleagues,

Recalling draft recommendation 17, which reminds all States that they should fully implement the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities with due and dedicated attention to the situation of religious minorities present in the country, Federation of Western Thrace Turks in Europe (ABTTF) stresses that Governments have the primary responsibility for implementing the Declaration and other minority rights standards and instruments. All States should demonstrate their commitment to the protection of minority rights by ensuring that minority issues are consistently integrated into and reflected in governmental policies and practice. Though previous sessions of the forum demonstrated that a significant progress has been made in the implementation of the Declaration, there are many States which have not incorporated the provisions of the Declaration into their domestic legislation.

There are important challenges that the States should confront in promotion and protection of the identity of religious minorities within territories. The Independent Expert on Minority Issues stressed in her last year's speech that racism and xenophobia are on the rise in some countries inspired by a political and social discourse of "them and us" in which minorities, migrants and those with another faith, colour, language or culture are portrayed negatively and faced with institutional discrimination or structural and administrative barriers to the enjoyment of their rights, the use of their language or the practice of their religion.<sup>19</sup>

The rise of far-right extremism in Europe is a great concern and the situation is all the more serious as extremist political parties have gained an increased influence in national

<sup>19</sup> <http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session5OralStatements.aspx>

parliaments and governments. Morten Kjaerum, the Director of the EU Fundamental Rights Agency, said that there are indicators that the situation in the EU is not improving, on the contrary, in the last few years, there is a continued and renewed violations of fundamental rights of people living in the EU through verbal abuse, physical attacks or murders motivated by prejudice. Nils Muiznieks, Council of Europe's Commissioner of Human Rights recently published a comment that Europe has been experiencing a worrying intensification of activities of racist extremist organizations, including political parties and added that the upsurge has even reached the point of "an early form of far-right terror".

The rise of Golden Dawn in Greece, which won 6, 92% of the vote in the national elections of June 2012 and 18 seats in the Greek Parliament, shows how the economic crisis has brought a massive realignment of the Greek electorate away from mainstream parties, giving rise to anti-system and anti-immigrant sentiments. On May 19, 2013, Spokesman for the Golden Dawn Ilias Kasidiaris party told supporters at a rally late, "If a mosque is constructed for Islamist criminals in Greece, a front of 100,000 Greeks headed by Golden Dawn will be created".<sup>20</sup> The threat came days after the far-right party has given a one-month ultimatum for Muslims to leave Greece or they will be "slaughtered like chickens".<sup>21</sup> In November 2013, Golden Dawn has pledged to organize mass protests against the construction of a mosque in central Athens after the tender for the project was awarded. Golden Dawn said the awarding of the contract was an "unprecedented provocation" and that it would use its position "within Parliament and mainly through mass, powerful demonstrations" to prevent the mosque being built.<sup>22</sup>

Nils Muiznieks noted that in addition to migrants, other social groups have also been targeted by hate speech and violence including Muslim minority of Turkish origin. The Golden Dawn supporters made demonstrations in the villages where the Minority lives and chanted slogans against the Minority and Turkey. In Xanthi and Komotini, Golden Dawn supporters with Greek flags in their hands drove by the Turkish villages by motorbikes and cars. Two young minority people were attacked by Golden Dawn supporters and beaten them blatantly, and the perpetrator in the case of Cemali Mülazım was sentenced to 7 months of imprisonment by Xanthi Criminal Court, but the enforcement of the verdict has been deferred for 3 years<sup>23</sup>.

The Golden Dawn has triggered further intolerance and leads to the trivialization of racism in society. Lastly, on 17 September 2013, a 35-year-old rapper Pavlos Fyssas, who defined himself as anti-fascist was stabbed to death by a man who is a member of Golden Dawn. The death of Pavlos Fyssas drew condemnation from across Greece's political spectrum and from abroad. The Greek Parliament suspended state funding for Golden Dawn, which is accused of criminal activities, and Golden Dawn's leader, Nikolaos Michaloliakos was arrested.

On 1 November 2013, two members of Greece's far-right Golden Dawn have been killed and a third wounded in a drive-by shooting outside the party's offices in an Athens suburb. This has alarmed the authorities and has raised our fear that this could even turn into a political clash among different groups, which threatens public safety and peace.

Though too late, we welcome government's efforts in its fight against neo-Nazi Golden Dawn and establishment of anti-racist political units and appointment of a special prosecutor to deal

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<sup>20</sup> <http://www.hurriyetdailynews.com/greek-neo-nazis-threaten-to-mobilize-against-mosque.aspx?pageID=238&nid=47230>

<sup>21</sup> <http://greece.greekreporter.com/2013/05/18/greeces-muslims-cite-slaughter-threat/>

<sup>22</sup> [http://www.ekathimerini.com/4dcgi/\\_w\\_articles\\_wsitel\\_1\\_16/11/2013\\_528140](http://www.ekathimerini.com/4dcgi/_w_articles_wsitel_1_16/11/2013_528140)

<sup>23</sup> [http://www.gundemgazetesi.com/news/detay\\_02.php?h1\\_id=1364](http://www.gundemgazetesi.com/news/detay_02.php?h1_id=1364)

with racist crime and prepare a new anti-racism legislation. All forms of hate crimes constitute serious human rights violations and there is a need to impose on the perpetrators of sentences that are effective, proportionate and appropriate to the offence committed. We welcome the government's effort in transposing the European Council Framework Decision 2008/913/JHA of 28 November 2008 "on combating certain and in forms and expressions of racism and xenophobia by means of criminal law" replace Law 927/1979, although the deadline was 28 November 2010.

We invite the Government of Greece to impose effective penalties or prohibition, if necessary, for the extremist activities of political organizations, including Golden Dawn political party. Such political parties where evidence demonstrates that they advocate for and are involved directly or indirectly in acts of racist violence, must be banned and excluded from all state subsidies which are usually provided to political parties.

We underline here draft recommendation 21 that all States including Greece should protect members of minorities against hatred on any grounds, hostility or violence against minorities. This should be reinforced with awareness raising activities and human rights training. We urge Government of Greece to work closely with OSCE/ODIHR in fight against hate crime and hate speech and invite ODIHR to implement the TAHCLE program for police officials as part of its commitment to fight and hate-motivated crimes in Greece. We intend to recall draft recommendation 42 that training, monitoring and oversight mechanisms should be put in place to identify and punish unprofessional performance of law enforcement officials when dealing with religious minorities, in particular in cases of intentional exclusion or harassment and religious or ethnic profiling.



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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Sixth Session**  
**26-27 November 2013, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Item IV: Promotion and protection of the identity of religious minorities**

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Madam Chairperson,  
Madam Independent Expert,  
Distinguished delegates and colleagues,

Last year's special session of the Forum on Minority Issues marked the 20th anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The United Nations has created a large set of human rights and norms and standards that are part of traditional human rights and norms and Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities has created a unique framework, comprising a set of norms, rules and standards for members of minorities.

The implementation of the Declaration by member States and the results achieved in further standard-setting and interpretation of minority standards is still challenging. Since the Declaration accords rights to ethnic, religious and linguistic minorities on a collective basis, the existence of a minority entitled to protection is determined by States, which, in particular cases, deny officially to recognize particular ethnic, religious or linguistic groups within their territories as minorities and decline to grant these groups collective rights which should be used as minorities.

There is an officially recognized Muslim minority of 140,000 to 150,000 members reside in Western Thrace and the status of the Minority is determined by the Treaty of Lausanne in 1923. The obligations assumed by Greece under "Section III" of this Treaty which deal with the protection of minorities, including "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".

Greece has repeatedly stated that all Greek citizens, including the members of the “Muslim minority in Thrace” have the right for individual self-identification and underlined that the Muslim minority is defined by its religious identity, not ethnic or national minority. All States, including Greece should respect the right to self-identification of the persons belonging to national or ethnic, religious and linguistic minorities and retreat from the dispute over how to identify national or ethnic, religious and linguistic groups and place their full focus on protecting the rights to self-identification of those communities.

Although the Greek Constitution ensures the right to freedom of religion or belief, Turkish Minority of Western Thrace- which is recognized by the Greek State as a religious minority, the Muslim minority in Thrace, is challenged by prohibitions to its right to elect its own religious leaders (muftis). In violation of international human rights commitments and standards regarding freedom of religion or belief, Greece rather appoints the muftis on the ground that the muftis are granted with judicial powers in certain matters of family and inheritance law.

While the mufti issue remains still to be solved, the Government in 2007 adopted a law (3536/2007) which envisaged the appointment of 240 “religious officers” i.e. imams to serve at the mosques in Western Thrace under the auspices of the muftis (appointed) in Komotini, Xanthi and Didymoteicho. The new legislation, which replaced the Articles 36 to 39 of Law 3536/2007 about the appointment of Muslim religious officers, would allow the government to exercise state control over religion through the appointment of religious officers i.e. Imams to mosques and public schools under the realm authority of the official Muftis in Xanthi, Komotini and Didymoteicho in Greece. The Hellenic Ministry of Education, Life-long Learning and Religious Affairs decided in the first phase religious officers to serve only in the public schools.

This legislation would further allow the government to expand its control over religion in public schools in the region through the new provision which is made for the teaching of the Quran by appointed Muslim preachers in public schools in Western Thrace in which minority students are enrolled. The Turkish Minority of Western Thrace has expressed its disapproval with the legislation which is prepared and adopted without any notice to or consultation with the members of the minority. It is regretful that the Turkish Minority of Western Thrace has no right to take a part in decision-making processes in issues which directly affect its daily life. European Muslim Initiative for Social Cohesion (EMISCO) expressed its deep concern about the situation in Western Thrace and noted that the legislative regulation violates the religious autonomy of the Minority by abrogating the right to choose their own clergymen to teach Quran<sup>24</sup>. Federal Union of European Nationalities (FUEN) also expressed its regret and stated that the strong opposition expressed by the Turkish deputies in the Greek parliament has been disregarded and thus Turkish minority has been prevented to have a say in decisions which would directly affect its daily life<sup>25</sup>.

We propose that all States should respect the right of the religious minorities to select, appoint and replace their personnel in accordance with their respective requirements and standards. ABTTF would like to stress that States should not involve in /intervene to any matters regarding issues of faith, belief, or the organization of a religious group, and it should extricate itself any matter which might be considered internal. It should fully guarantee and realize that the members of the Turkish Minority would enjoy the same treatment and security

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<sup>24</sup> <http://www.emisco.com/2013/01/22/press-release-situation-in-western-thrace/>

<sup>25</sup> <https://www.abtff.org/html/index.php?link=detay&id=4708&grup=4&l=en&arsiv=0>

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.

Greece should 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. Therefore, ABTTF request Greece to repeal Law 4115/2013 and allow the Turkish Minority of Western Thrace to choose its own religious teacher and/or imams just like the Jewish Central Board and the Catholic and Protestant Church did.

We, hereby, underline draft recommendation 38 all States including Greece, where public education includes instruction in a particular religion or belief, provision should be made to accommodate the wishes of religious minorities. Recalling draft recommendations 31 and 32, we propose that a mechanism for dialogue between governmental authorities and national minorities should be established in the form of advisory or consultative bodies that would be the channel for national minorities to raise their own voices. Such bodies might also include special purpose committees for addressing such issues as housing, land, education, language, and culture. The composition of such bodies should reflect their purpose and contribute to more effective communication and advancement of minority interests.

Since inadequate representation of minority groups in decision making system ensues impediments to the full enjoyment of many civic, cultural, economic, political and social rights, full and effective participation in public and political life is of vital importance in expressing and maintaining identities of minorities. All States should create a consultative mechanism, at national, regional and local levels which would ensure an institutionalized, open, sincere and continuous dialogue based on mutual respect and tolerance with the representatives of the minorities on issues which interest to them.



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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Seventh Session**  
**25-26 November 2014, Geneva**

**Statement by Federation of Western Thrace Turks in Europe (ABTTF)**  
**Item IV: Improving prevention of violence and atrocity crimes**

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Dear Mr. Chairperson,  
Dear Ms. Independent Expert,  
Distinguished delegates and colleagues,

We have been experiencing for the last years a rapid rise of far-right extremism and aggressive nationalism in Europe, which has been leading to violence and atrocity crimes against minorities. The situation is all the more serious as extremist political parties have gained an increased influence in national parliaments, governments and lastly in the European Parliament. A striking example for this very negative development is the rise of the neo-Nazi Golden Dawn Party in Greece. The Golden Dawn has strengthened its position both at national and European levels after it had received 9.4 % of the popular vote at the European Parliament elections in May 2014 and won three seats. The economic crisis in Greece, which has been exploited by the Golden Dawn and other extreme rightist groups to gain popularity among the Greek population, has deepened xenophobia and intolerance against migrants and asylum seekers as well as autochthonous and ethnic minority groups in the country.

The extreme rightist groups in Greece have also targeted against the Turkish Minority of Western Thrace of which status and rights have been established by the Lausanne Peace Treaty in 1923. Violence and hate-motivated attacks against persons, properties and places of worship belonging to the Turkish Minority have increased rapidly, which have created an environment of fear and anxiety among the persons belonging to the Minority. Besides, the persistent hate speech in the mainstream media with an explicit manifestation of hatred against Turkey makes the Turkish Minority of Western Thrace, of which members are all Greek citizens, a vulnerable target for extreme rightist groups. A striking example of violence targeted against the Minority is that on 29 March 2013, supporters of the extreme right Golden Dawn Party attacked Mr. Cüneyt Serdar belonging to the Turkish Minority of Western Thrace at Xanthi City Centre and beat him blatantly.

As stated in the draft recommendation 14, we as the Federation of Western Thrace Turks in Europe (ABTTF) on behalf of the Turkish Minority of Western Thrace welcome the positive measures, although too late, having been taken by the Greek Government in the recent past at the level of national legislation to combat racism and hate crimes in the country. All forms of hate and atrocity crimes and violence targeted against minorities and other vulnerable groups constitute serious human rights violations and there is a need to impose on the perpetrators of sentences that are effective, proportionate and appropriate to the offence committed.

Recalling the draft recommendations to prevent violence and atrocity crimes, inter alia, the recommendation 12,

We urge the Greek State:

- To impose effective penalties or prohibition, if necessary, for the extremist activities of political organizations, including the neo-Nazi Golden Dawn Party. Such political parties, where evidence demonstrates that they advocate for and are involved directly or indirectly in acts of racist violence, must be banned and excluded from all state subsidies which are usually provided to political parties.

- To counter prejudices and misrepresentation in the Greek majority population, to promote educational and awareness-raising programs for combating intolerant discourse and to encourage the promotion of tolerance, dialogue, respect and mutual understanding through the media including the internet. Its efforts should in particular be targeted at the younger generation in order to build up their understanding of the need for tolerance and the importance of reconciliation and peaceful co-existence.

- To abolish the nationwide 3% electoral threshold applied also to independent candidates and minority parties in national elections, which will ensure the participation of the Turkish Minority of Western Thrace at all levels of politics and decision-making bodies in Greece as an essential measure that hate crimes and violence targeted against the Minority are recognized as early as possible and are appropriately addressed by the Government and public bodies.

- To ensure co-operation, where appropriate, at both national and international levels including with relevant international bodies and between police forces, to combat violence and hate crimes targeted against the Turkish Minority of Western Thrace and other vulnerable groups in Greece.

Thank you for your attention.



## **7<sup>th</sup> Forum on Minority Issues – Intervention by Greece**

Thank you, Mr. Chairman,

Greece congratulates the Special Rapporteur Ms. Rita Izsak on the organization of the Forum.

We appreciate the opportunity to discuss, this year, mass violence against minorities. We hope that the Forum will identify both preventive but also post-violence measures and best practices in different areas so that deplorable violent attacks or atrocities against persons belonging to minorities can be avoided.

Although the issue of mass violence and atrocities has never regarded the Muslim Minority in Thrace, we are pleased to share with the audience some best practices and undeniable facts and numbers which constitute to social, economic and political integration of the Greek Muslim citizens of Turkish, Pomak and Roma origin.

- The Muslim Minority has been electing MPs in almost all parliamentary elections since 1927, including three currently,
- Minority members serve in all levels of the Greek public administration,
- 7 minority radio stations, 18 Minority newspapers and magazines contribute to a free and pluralistic press environment
- 146 primary schools and 2 secondary schools operate across Thrace with minority curriculum in Greek and Turkish. There are also two Koranic schools funded by the Greek State. Moreover, in all public schools of Thrace the teaching of the Koran has been introduced on a voluntary basis,
- A quota of 0.05% for admission to Universities and Higher Technical Education is reserved every year to Muslim students from Thrace,
- There are 300 mosques offering religious services in the region of Eastern Macedonia-Thrace and roughly 370 preachers,
- Three Mufti offices offer recourse to Greek Muslims, residents of Thrace, who wish to regulate their family and property affairs according to the Islamic Law,
- Since 2008 more than 50 Minority associations have been established.

We hope that some of these indicative measures can constitute a bright example for other regions to promote peaceful co-existence and social, economic and political integration of minorities, thus contributing to the prevention of violence escalation and mass atrocities.

Thank you, Mr. Chairman.

## **7<sup>th</sup> Forum on Minority Issues – 2<sup>nd</sup> Intervention by Greece**

Thank you, Mr. Chairman.

We had previously the opportunity to present a list of positive measures that have been taken with regard to the Muslim minority in Thrace which is defined by its religious identity and consists of three distinct groups whose members are Greek citizens of Turkish, Pomak and Roma origin and cultural background.

Here, pertinent to the draft rec no 15, we would like to make special reference to the new anti-racist law in our country which 1) imposes imprisonments, hatred or violence against individuals or groups of individuals defined by race, colour, religion, national descent or ethnic origin, sexual orientation, gender identity or disability, (and which, good faith and work towards its effectiveness in a cooperative spirit, avoiding attempts to discredit it so early on, while at the same time the Greek government is considering amendments to make the penal code stricter, stressing that our state defends legality and the rule of law and will not tolerate criminal activities perpetuating the cycle of violence.

Furthermore, insisting on educational measures playing a key role for protection of minority rights also on post conflict situations, we are pleased to mention that 1) the number of minority students attending public schools, whose courses aim at preserving their cultural and linguistic characteristics, has tripled since 1996. 2) that the number of Muslim minority University students has increased eightfold since 1996. These numbers prove the undisputable renewed confidence of the minority students' families to the Greek public education system.

As far as draft recommendations 18 and 19 are concerned, we would also like to mention that the Greek government undertakes and sponsors initiatives that highlight intercultural dialogue, integration and social coherence including through EU projects. An example of such a project is the initiative to establish youth councils, with the participation and active involvement of young Christians and Muslims alike, as part of the local administration network in Thrace. Cultural events are also hosted in Thrace with the participation from neighbouring countries such as Turkey, promoting interaction with the minority. Additional steps have been taken enabling members of the Muslim minority especially women and young persons to be beneficiaries of projects cofinanced by the EU. These projects are designed for vulnerable social groups and focus on gender equality, combating xenophobia, promoting equal opportunities, access to employment and into cultural dialogue.

Thank you, Mr. Chairman.



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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Eighth Session**  
**24-25 November 2015, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Item 4: Challenges of criminal justice systems in addressing the needs and demands of minorities**

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The principle of non-discrimination including, specifically, equality before the law and before the courts, is enshrined in the Universal Declaration of Human Rights and all other international human rights documents. We fully share the opinion in general considerations (para. 9) that an effective and responsive criminal justice system must, at the front end, combat social, economic, political disadvantage of minorities and that States, in this regards, should consider taking special measures for minority groups.

We recall Recommendation 13 of the general recommendations for States that international law requires States that all individuals within their jurisdiction benefit from a fundamental basis of rights throughout the process: the right to a fair trial by a competent, independent and impartial court established by law. We fully agree with the Recommendation 14 that States should take measures that specifically promote equal treatment of minorities within the criminal justice system.

The restrictions and limitations on the right to freedom of association are still persistent in Greece. There are currently no associations in Greece operating legally with their names including the words “Macedonian” or “Turkish”, which reflect the ethnic or national identity of their members.

Greece only recognizes a “Muslim minority in Thrace”<sup>26</sup> and denies the existence of an ethnic Turkish minority in Western Thrace. On 18 February 2009, the report of the former Independent Expert on Minority Issues, Gay McDougall, following her mission to Greece on

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<sup>26</sup> The legal status of the Muslim minority is based on the Treaty of Lausanne of 1923 signed between Turkey and Greece. The obligations assumed by Greece under Section III of this Treaty which deal with the protection of minorities, include the following basic rights and liberties with a 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.

8-16 September 2008, stated that “The absence of formal recognition by the state of a particular societal group as constituting “a minority” is not conclusive”, and continued that “Rather, the existence of a group to which a state owes minority protections is a matter of objective facts and exercise of the right of self-identification by persons belonging to the group”. The former independent expert urged Greece to protect the right to self-identification and the freedoms of expression and association of minority communities<sup>27</sup>.

Although some other groups are recognized and even welcomed and supported by Greek authorities, there are currently no associations in Greece operating legally with their names including the word “Turkish”, which reflect the ethnic or national identity of their members. The Greek government declared in 1983 that there were no Turks in Greece and claimed that the members of Muslim minority are Greek Muslims. Xanthi Turkish Union, Komotini Turkish Youth Union and Western Thrace Turkish Teachers’ Union were dissolved in 1986 by local courts and the Supreme Court decided the dissolution of the associations on the ground that the word “Turkish” referred to citizens of Turkey and could not be used to describe citizens of Greece.

The government continues to place legal restrictions on the names of associations of nationals who self-identified as ethnic Macedonians or associations that included the term “Turkish”. There are three cases which have been brought before the European Court of Human Rights concerning the dissolution and refusal to register associations established by the persons belonging to Turkish Minority of Western Thrace, Greece:

35151/05 Bekir-Ousta and others, judgment of 11/10/2007, final on 11/01/2008

26698/05 Tourkiki Enosi Xanthis and others, judgment of 27/03/2008, final on 29/09/2008

34144/05 Emin and others, judgment of 27/03/08, final on 01/12/2008

These cases concern the dissolution or refusal to register the applicant associations by the competent courts on the sole basis of a suspicion that the applicants intended to promote the idea that an ethnic minority existed in Greece. On March 27, 2008, the ECtHR notified in writing its Chamber judgments in the cases of Emin and Others v. Greece (application no. 34144/05) and Tourkiki Enosis Xanthis and Others v. Greece (no. 26698/05). The Court held unanimously that there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights in both cases, which concern associations founded by persons belonging to the Muslim minority of Western Thrace. In the case of Tourkiki Enosis Xanthis and Others the ECtHR also held, unanimously, that there had been a violation of Article 6 § 1 (right to a fair hearing within a reasonable time) of the Convention.

The European Court noted that the contested measure rested only on a simple suspicion concerning the true intentions of the founders of the association and concerning the actions that the association might pursue once it began to operate. The European Court also noted that even if the real aim of the associations was to promote the idea that an ethnic minority existed in Greece; this could not in itself constitute a threat to a democratic society.

Further to the European Court of Human Rights’ judgments, the applicants requested the cancellation of the decision dissolving them (the case of Xanthi Turkish Union) or submitted a new registration of their associations before the national courts. The applications have been declared inadmissible on the ground that it is not possible to cancel a domestic decision which

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<sup>27</sup> A/HRC/10/11/Add.3, p. 2, and paras. 83, 88 and 90.

has become final in the context of non-contentious procedure following a judgment of the ECtHR, and that domestic law does not provide, in civil matters, for the reopening of proceedings following a finding of violation by the ECtHR. The Court of Cassation also dismissed on procedural grounds the applicants' appeals in cassation in the cases of Bekir-Ousta and others and Emin and others.

Council of Europe's Committee of Ministers closely follows the developments about the implementation of Court's judgments under the name of Bekir-Ousta group of cases against Greece since 2008. According to the statement issued on 5 January 2015, the European Court of Human Rights (ECtHR) will rehear the cases of Bekir Ousta and others (35151/05), Emin and others (34144/05) and Turkish Association of Xanthi and others (26698/05). This statement means that Greece will be re-judged by the ECtHR on the basis of its non-compliance with the three court rulings in 2007 and 2008.

Greece is among 9 countries which do not implement ECtHR rulings with 558 cases which have not been implemented by then Greek authorities. 2 The Parliamentary Assembly of the Council of Europe (PACE) in its Autumn Session 2015 adopted a resolution deploring the persistent slowness in the implementation of decisions from the European Court of Human Rights (ECHR) and called for more firm measures. In its eighth report on the implementation of judgments of the European Court of Human Rights written by Klaas de Vries, Greece is one of the nine member states with the highest number of unenforced Court judgments with 558 cases which have not been implemented by the Greek authorities by the end of 2014.

In note verbal dated 29 May 2013<sup>28</sup> from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights in relation to the written statement dated 10 May 2013 and submitted by the Federation of Western Thrace Turks in Europe (A/HRC/23/NGO/35), Greece noted that full implementation of the judgments is pending, due to procedural reasons. Greece noted that Greek authorities are currently considering the most appropriate means and ways to implement the decisions, including possible legislative adjustments. We regret that although the Greek authorities note that other avenues are being explored including an amendment to the non-contentious procedure provided in the code of civil procedure in every platform, the authorities have failed to take any precise and concrete step. Given the time that has elapsed since the Court's judgments, we believe that the Greek authorities are, in fact, unwillingness to implement the Court's decisions.

Council of Europe's Committee of Ministers closely follows the developments about the implementation of Court's judgments under the name of Bekir-Ousta group of cases against Greece since 2008. At the execution held on 5 December 2013(1186th meeting), the Committee of Ministers urged the Greek authorities to provide in due time concrete and tangible information on the measures that they are currently exploring in order to implement the individual measures, accompanied by an indicative calendar for their adoption<sup>29</sup> On 5 June 2014, the Committee of Ministers adopted an interim resolution and called upon the Greek authorities to take all necessary measures so that the applicants benefit from proceedings in compliance with the Convention requirements, in the light of the Court's case-law.

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<sup>28</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/142/72/PDF/G1314272.pdf?OpenElement>

<sup>29</sup> [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/OJ/DH\(2013\)1186/10&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/OJ/DH(2013)1186/10&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)

The Court declared on 5 January 2015 that it will rehear the cases of Bekir Ousta and others (35151/05), Emin and others (34144/05) and Turkish Association of Xanthi and others (26698/05) since Greece failed to implement the Court's decisions on Bekir Ousta group of cases. The Court reheard the three cases in July 2015; the decision of the Court is being awaited.

Decisions of ECtHR are not implemented although seven years have elapsed. We urge the Greek Government to implement, without any further delay, the decisions of the European Court in the cases *Turkish Association of Xanthi and Others v. Greece*, *Bekir Ousta and Others v. Greece* & *Emin and Others v. Greece*; and reaffirm the commitment of the Greek authorities to implementing fully and completely the judgments of ECtHR and amend the Code of Civil Procedures in such a way that it allows the implementation of the European Court decisions in matters related to freedom of association.

We fully support Recommendations 15 and 16 and we reiterate the importance that States should equally apply non-discrimination legislation fully and without exemptions in respect of all law enforcement and judicial officials, and such legislation should expressly cover national, ethnic, religious and linguistic minorities.

We recall Recommendation 45 on community engagement through the participation of minorities to assist States in understanding of the situation of minorities and Recommendation 46 on improving diversity throughout the system and full share that strategies that are inclusive of minorities should be part of an overall governmental policy for the promotion and protection of minority rights.

**FORUM ON MINORITY ISSUES**  
**8<sup>TH</sup> SESSION 24-25 NOVEMBER 2015**  
**ITEM 5- INTERVENTION BY GREECE**

Thank you, Mr Chair,

Greece aligns itself with the statements delivered by the European Union on previous items.

We appreciate the discussion under this agenda item on addressing the root causes of discrimination in the administration of justice. In our view, the identification of root causes is crucial for the development and implementation of effective strategies to combat this kind of discrimination.

As to best practices, Greece is pursuing and enhancing inclusive policies and positive measures in favour of Greek citizens, members of the Muslim minority in Thrace. These policies aim at deepening its integration –social, economic, political-at all levels, local regional and national.

The national judiciary system promotes tolerance and frowns upon any form of discrimination. Minority members face equal treatment with all Greek nationals, in the Greek criminal justice system and they fully enjoy all legal rights as anyone else.

We fully agree with previous speakers from the Panel on the importance of removing obstacles for persons belonging to minorities entering public administration including law enforcement agencies. In this regard we would like to stress that a 0,5% quota is reserved to Greek citizens of Muslim faith from Thrace in the Supreme Council for Civil Personnel Selection which includes law enforcement personnel.

Finally as to the issue raised earlier on registration of certain associations in Greece following decisions of the European Court of Human Rights, we would like to inform the audience that there has been a new recourse on this matter to the same Court by the same associations and the decision of the Court is expected to be delivered in the near future. In the meantime, since the previous decisions in 2008, the Greek Courts respect the spirit of those decisions and have registered more than 50 minority associations.

Thank you, Mr Chair.



**Avrupa Batı Trakya Türk Federasyonu**  
**Föderation der West-Thrakien Türken in Europa**  
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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Ninth Session**  
**24-25 November 2016, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Item III: Respecting minority rights as a means of preventing or mitigating the impact of humanitarian crises**

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Dear Mr. President,  
Distinguished representatives of Member States,  
And esteemed NGOs,

The refugee crisis in Europe is a huge challenge for all European countries. Increasing number of refugees and migrant take their chances aboard in a desperate bid to reach Europe. According to the statistical data of the UN Refugee Agency (UNHCR) there was 1,015,078 arrivals by sea in 2015 and 318,280 arrivals in 2016<sup>30</sup>. 168,630 arrivals were from Greece, which cannot manage this situation alone.

In its UPR Report, Greece noted that it has received more than 1 million refugees and irregular migrants since the beginning of 2015<sup>31</sup>. The Greek National Commission for Human Rights (GNCHR) noted in its oral statement<sup>32</sup> delivered at the 33rd Session of the Human Rights Council during the adoption of Greece's UPR report that in the light of the multiple crisis that Greece is facing, Greek Government should address the existing deficiencies in the investigation and awareness-raising on racism and intolerance against marginalised groups which remains a general issue of concern in Greece.

This issue has intensively been discussed during Greece's UPR Second Cycle Review held on 3 May 2016 at the 25th Session of the UPR Working Group, and several Member States made recommendations to Greece on the prevention of hate crimes against vulnerable groups including national minorities.

<sup>30</sup> <http://data.unhcr.org/mediterranean/regional.php>

<sup>31</sup> <https://daccess-ods.un.org/TMP/812461.227178574.html>

<sup>32</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/33rdSession/Pages/OralStatement.aspx?MeetingNumber=21&MeetingDate=Wednesday,%2021%20September%202016>



There is a danger of rising racism and xenophobia in Greece during that period, as was the case in many European countries. The Commission underlined that the protection of human rights must be proved in practice and many measures for the protection of human rights in Greece should be adopted as a matter of urgency.

In his letter of 25 July 2016 addressed to Mr. Toskas, Alternate Minister of Interior and of Administrative Reconstruction of Greece, and to Mr. Paraskevopoulos, Minister of Justice of Greece, the Council of Europe Commissioner for Human Rights, Nils Muiznieks also warned that during his last visit to the country, he received reports indicating an increase of hate crimes in Greece<sup>33</sup>

We note with very concern that the Turkish Minority of Western Thrace has been a target of hate crime attacks in recent years and persons, institutions and places of worship belonging to the Turkish minority are being attacked by unknown perpetrators. U.S. International Religious Freedom Report for 2015 on Greece mentioned that there were incidents of vandalism of Jewish cemeteries and memorials and attacks on Muslim houses of worship<sup>34</sup>.

On 7 March 2015, In Dimetoka (Didymoteicho), a town inhabited with a significant proportion of Turkish Minority members, Dimetoka Muslims, Sports, Cultural and Educational Association was attacked by unknown assailants. Nobody was injured, but windows were broken<sup>35</sup>.

On 17 April 2015, the Komotini (Gümülcine) Mahmutağa mosque located in the same yard as Yenice Neighbourhood Minority School in Komotini, was set on fire by an unidentified person or persons in the morning<sup>36</sup>. At the Alankuyu Masjid, a hundred meters away, trees were cut. Another noteworthy aspect of this attack is that the elected Mufti of Komotini Ibrahim Serif's residence is very close.

On 8 December 2015, the only political party of the Western Thrace Turkish Minority, the Friendship Equality and Peace (FEP) Party suffered an attack. The new headquarters of the FEP Party was attacked during the late hours by an organization called "Guardians of Thrace"; the building's windows were broken, and the organization name was written on the walls with blue paint<sup>37</sup>. The sad thing is that the Party's founder and minority's leader Dr. Sadık Ahmet's car, in which he lost his life in 1995, was stolen. Following these events, the criminal complaint and investigation started by the police, like in other attacks, brought no solution and no official explanation by authorities regarding the attack.

Another hate crime was reported in Xanthi on 28 January 2016. Fully covered with masks, a group of men kidnapped an imam who is working at the Elected Mufti Office of Xanthi and forced him to get on a minibus. According to the imam, they threatened him to say that they would kill the Elected Mufti of Xanthi and would attack his children. They also told that they were closely following the movements of the Mufti Office. The perpetrators called themselves "The Guardians of Thrace" and in the end they released the imam to bring these threatening messages to the Mufti himself<sup>38</sup>.

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<sup>33</sup> <https://wcd.coe.int/ViewDoc.jsp?p=&id=2437603&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true>

<sup>34</sup> <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

<sup>35</sup> <http://www.trakyaninsesi.com/haber/4592/dimetoka-muslumanlari-dernegine-saldiri.html>

<sup>36</sup> <http://www.trakyaninsesi.com/haber/5026/gumulcinede-camii-kundaklandi.html>

<sup>37</sup> <http://www.debpartis.org/indexENG1.php?s=detailsENG&id=3963>

<sup>38</sup> <http://www.iskecemuftulugu.org/haber.php?duyid=353>

Although there is no history of ethnic and or religious violence in the region of Western Thrace, there is a growing risk of division by combination factors of religion, ethnicity and language during the multiple economic and humanitarian crises in Greece. Therefore, we recall Recommendation 20(c) that effective measures should be implemented for advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. We stress the importance of Recommendation 20(f), which mentions establishment of an institutional framework for ensuring attention to minority issues within relevant national bodies, including those dealing with humanitarian action.

We recall Recommendation 20(a) that States and non-State actors should at all times respect, protection and fulfilment of minority rights as essential elements in their daily governance and development programs in order to defuse potential tensions between minority and majority communities and to foster integrated, resilient and prepared minority communities that are not disadvantaged relative to other groups in society when crises occur.

We recall Recommendation 20(h), (i), (j) that it is very important to work together with minority communities and to establish complaint mechanism in order to prevent discrimination on any grounds.

We request from the Greek Government to take result-oriented measures for eliminating discrimination and hate speech against the Minority and to improve diversity throughout the system by eliminating prejudices and to develop strategies that are inclusive of minorities which would be part of an overall governmental policy for the promotion and protection of minority rights in the country.



**Avrupa Batı Trakya Türk Federasyonu**  
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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Tenth Session**  
**30 November and 1 December 2017, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Item II: Inclusive education to empower Minority Youth**

Name of (main) contact person: Mrs. Melek Kırmacı Arık  
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Dear Moderator,  
Distinguished representatives,  
And esteemed NGO Delegates,

Principle of equality and non-discrimination in the enjoyment of the right to education is a key to securing equal access to quality education for persons belonging to minority groups. We underline the importance of para. 16 of the Recommendations at the inaugural session in 2008 which noted that States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue and that these measures are most critical in preschool and primary schools, but may extend to subsequent stages of education.

The Turkish community in Western Thrace, Greece is granted with the right to education in its mother tongue and autonomy in the management of its educational institutions with the Treaty of Lausanne which determined the status and basic rights in general. Although the Turkish community in the region has autonomous structure in the field of education under the 1923 Lausanne Treaty, more than 60 minority primary schools in the region have been closed down with the decision of the Ministry of Education, Research and Religion on closure of schools with low number of pupils since 2010.

Furthermore, there are no bilingual kindergartens or nurseries for the Turkish children to learn their mother tongue in their early childhood, although compulsory education includes pre-school education under a law adopted in 2006. As noted in the U.S. International Religious Freedom Report for 2016 on Greece, some leaders of the Turkish community in the region continued to criticize the absence of bilingual kindergartens in Thrace<sup>39</sup>.

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<sup>39</sup> <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

The European Commission against Racism and Intolerance of the Council of Europe (ECRI) also mentioned in its fifth report on Greece in 2015 that there are no special measures for the minority under Law No. 3518/2006 which has made pre-school education compulsory. The ECRI noted that the Government has rejected proposals to open Turkish- Greek bilingual kindergartens in the existing bilingual primary schools and referred to the case in Echinus where the regional school inspectors refused to enrol 20 children who had not attended the obligatory kindergarten and dismissed a bilingual school's principal, who had registered and taught them.

The ECRI stressed that children's right to schooling should not be jeopardized and further recommended that the authorities should take all necessary steps to ensure that minority children have access to a bilingual or monolingual elementary school, as per their parents' choice<sup>40</sup>. There is still no step taken by Greek authorities or there are no plans on how to avoid such situations like in Echinus in the next school year.

The former UN Independent Expert on Minority Issues, Gay McDougall, had recommended in her country visit report on Greece<sup>41</sup> in 2008 that bilingual kindergartens would allow better knowledge of both Turkish and Greek from an early stage therefore providing benefits in terms of integration, and enabling greater choice of whether to go minority of Greek public primary school. Today, minority children are obliged to attend public kindergartens and families reluctantly send their children to Greek-language state kindergartens despite the risk of losing their linguistic and cultural identity.

Despite many applications by the community organizations for establishment of bilingual kindergartens within the special education system that the Turkish community has been granted and establishment of other private bilingual kindergartens in the region, the Greek government rejected proposals to open Turkish- Greek bilingual kindergartens in the existing bilingual primary schools and rather adopted a legal framework in August 2017 for the implementation of a pilot project which envisages that a bilingual minority member, graduated from one of the higher education institutions in Greece, would work with a teacher in a kindergarten class in public schools in six provinces where children belonging to the Turkish community in Western Thrace lives. Previously, the Institute of Educational Policies under the Ministry of Education of Greece declared that the pilot project would be implemented in the remaining part of the academic year in six public kindergartens for an easy adaptation of the children to kindergartens, where minority children have no option than to go the public kindergartens since there is no permit for minority kindergartens in the country.

We would like to recall paragraph 58 of the Recommendations at the inaugural session in 2008 that States should provide adequate opportunities to persons belonging to minorities to learn their mother tongue or to learn through the medium of the mother tongue, alternatives which should not be understood as mutually exclusive. Specific forms of such opportunities should be chosen in consultation with persons belonging to minorities and considering their freely expressed wishes.

The learning and the use of the mother tongue in early childhood education is very important during transition to school to prepare children for multi-language education in primary school. Research has shown that children's first language is the optimal language for literacy and

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<sup>40</sup> <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-V-2015-001-ENG.pdf>

<sup>41</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>

learning throughout primary school. In spite of growing evidence and parent demand, Greece ignores the need for the establishment of minority kindergartens and private nurseries and insists on the enrolment of minority children to state kindergartens based on the argument that the children do not have any textbooks and do not follow any curriculum<sup>42</sup>.

We call upon Greece to restore the educational autonomy of the Turkish minority of Western Thrace. We request from Greek authorities to establish bilingual minority kindergartens in Western Thrace in line with the minority schooling system and allow the Turkish Minority to establish private kindergartens where the language of education will be in Turkish and Greek.

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<sup>42</sup> <https://daccess-ods.un.org/TMP/93252.5843381882.html>



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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Tenth Session**  
**30 November and 1 December 2017, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Item III: Participation of Minority Youth to public life**

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Dear Moderator,  
Distinguished representatives,  
And esteemed NGO Delegates,

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is a key to the protection of the rights of persons belonging to minorities and provides a solid guidance and key standards on minority rights ranging from protection of existence and identity to non-discrimination and participation in economic, social and political life.

The UN Declaration notes that “persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation”. As noted in the annotated agenda, the right of young persons belonging to minorities to participate effectively in public life, including in the political, civil, social, cultural and economic spheres can lead to more cohesion and to the normalization of diversity in society more broadly. Previous sessions of the Forum have demonstrated that a significant progress has been made in the implementation of the Declaration, though there are still important challenges that the States should confront.

Article 1, paragraph 1, requires 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”. Governments have the primary responsibility for implementing the Declaration and other minority rights standards and instruments. States should recognize explicitly the diversity within their respective societies, including with respect to race, ethnicity, religion and language. States, including Greece should demonstrate their commitment to the protection of minority rights by ensuring

that minority issues are consistently integrated into and reflected in governmental policies and practice.

Greek Government claims that it improves the functioning of the existing minority schools in Western Thrace, where members of the Turkish community reside, and, on the other, to successfully accommodate the preference to the public educational system shown by the minority members who select it. Greece notes that such an accommodation is being pursued in parallel with courses aiming at preserving the linguistic and cultural characteristics of persons belonging to the minority who attend public schools.

However, autonomy in education granted to the Turkish community by the 1923 Treaty of Lausanne has been undermined through a number of regulations and practices in years and this caused a low-qualified education in minority schools with structural problems regarding training of teachers, the curriculum and textbooks.

There are only two schools providing secondary bilingual education for the Turkish community (in Xanthi and Komotini). This situation, together with a general lack of teaching resources for the bilingual primary schools, has resulted in lower educational standards and attainment levels amongst minority children, and ultimately their social and economic marginalization and exclusion.

A 0.5% quota for the admission to Universities and Higher Technical Educational Institutes of students who are members of the Turkish community in Western Thrace has long been introduced in order to improve the access of minority students to the labour market. The quota of 0.5% for the Minority students on their entrance to higher education has had a slight impact due to the poor level of quality in education in minority schools.

Furthermore, Greece introduced a 0.5 % quota under Law 3647/2008 for persons belonging to the Turkish Minority of Western Thrace in the civil service where there is high level of unemployment. This special measure has, thus far, not been implemented in Greece. ABTTF shares ECRI's comment in its fourth report that a comprehensive long-term programme has not yet been established by the authorities to improve the integration of the Turkish Minority of Western Thrace into the labour market and added that reports indicate that they continue to be under-represented in the public sector and state-owned corporations<sup>43</sup>.

Furthermore, Greece introduced Law 4115/2013 for the teaching of the Holy Quran into public schools in Western Thrace, with the possibility to employ 240 Imams and claimed that this measure aimed integration with respect for diversity and interaction between the majority and the minority. Law on Muslim Preachers (4115/2013), which is known as "240 Imams Law", provides appointment of 240 "Quran teachers" who would offer their services in the public schools of primary and secondary education and mosques in Western Thrace under the auspices of the official muftis who are appointed by the State itself.

We regret that the Turkish community in Western Thrace has no right to take a part in decision-making processes in issues which directly affect its daily life. Despite strong objection by the Turkish community to the law, Islamic preachers were trained and appointed to public schools in the region and textbooks in Greek language for teaching Islam in public schools were prepared. The leaders of the Turkish community note that this would not help integration of young persons belonging to the Turkish community in public schools. They

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<sup>43</sup> <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>

note that law would in practice allow the government to exercise state control over religion through the appointment of religious officers i.e. Imams to mosques and public schools under the realm authority of the official Muftis (appointed) in Xanthi, Komotini and in Didymoteicho, whom are not accepted and recognized by members of the Muslim Turkish community.

We would like to stress that Greece should develop policies targeted at young people belonging to the Turkish community in Western Thrace in accordance with their specific needs and aspiration that should be determined with representatives of the Turkish community itself.

We request from Greek authorities to repeal Law 4115/2013 and respect freedom of religion or belief, including the right to choose their own clergyman to teach Quran.

We ask from governmental authorities to establish a mechanism for dialogue between governmental authorities and the Turkish community, including special programmes for the youth, in the form of advisory or consultative bodies that would be the channel for the minority to raise its own voice.





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**HUMAN RIGHTS COUNCIL**

**Forum on Minority Issues, Eleventh Session**

**29-30 November 2018, Geneva**

**Statement by Federation of Western Thracian Turks in Europe**

**Item IV: Ensuring the right to a nationality for persons belonging to minorities through facilitation of birth registration, naturalization and citizenship for stateless minorities**

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Dear Moderator,

Distinguished representatives,

And esteemed NGO Delegates,

The protection of the national or ethnic, cultural, religious and linguistic identity of minorities and their enjoyment of human rights and fundamental freedoms without discrimination have been guaranteed by the international instruments, including the United Nations Minority Declaration. As it is indicated in the 24<sup>th</sup> core principal of the document compiling the recommendations made in the first four session of UN Forum on Minority Issues, “Evidence demonstrates that minorities in all regions experience denial or deprivation of citizenship, which affects their full enjoyment of their rights and frequently leaves them stateless.” The UN Forum continues to emphasize that the consequences of being denied or deprived of one’s citizenship are considerable, and it specifically mentions how to negatively affects people’s living conditions as well as their integration in society. The gender dimension is also important to notice as the Forum points out that minority women face additional discrimination regarding acquiring and maintaining their citizenship and passing nationality on to their children. It calls on states “to review national laws or policies that may deny or deprive minority women and their children of their legitimate right to citizenship”. Despite these and other recommendations, it seems that not all states comply with these recommendations and international standards meant to solve the problematic situation of stateless people belonging to minorities, such as Greece.

Former Article 19 of the Greek Citizenship Law was in place from 1955 to 1998 and aimed to expel ethnic minority groups, in particular the Turkish community in Western Thracian. The article stated that Greek citizens of non-Greek ethnic origin could be deprived of their

citizenship, if they leave Greece without the intention of returning<sup>44</sup>. In practice this meant that people belonging to the Turkish community of Western Thrace who were on their way home were told at the border that they had lost their Greek citizenship while they had been away, rendering many of them stateless. Many others were not even informed of their loss of citizenship, making it impossible for them to appeal the decision to the relevant court within the set two-month time limit. Some Greek citizens of Turkish ethnicity were deprived of their citizenship without even having left the country, with some of those having their citizenship taken away from them while serving in the Greek military. Therefore, it is clear that Greek citizens belonging to the Turkish community in Western Thrace were actively deprived of their Greek citizenship because of their Turkish ethnic identity. Following to the application of the Article 19, according to the Ministry of Interior, Public Administration and Order, 47638 Greek citizens mainly members belonging to the Turkish community living in Western Thrace and in the Island of Rhodes (Twelve Islands) had lost their citizenship since its introduction in 1955 until the abolishment of the article in 1998<sup>45</sup>.

The former Article 19 of the Greek Citizenship Law actively contradicted inter alia article 12 paragraph 3 of the International Convention on Civil and Political rights, ratified by Greece in 1997. This paragraph provides that “no one shall be arbitrarily deprived of their right to enter his own country”. And article 3 paragraph 2 of the 4<sup>th</sup> protocol to the European Convention on Human Rights, which states that “no one shall be deprived to enter the territory of the state of which he is a national”. This 4<sup>th</sup> protocol is yet to be ratified by Greece. In addition to being contradictory to international law, the article was even explicitly conflicting with Article 4 para. 3 (2) of the Greek Constitution stating that “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”<sup>46</sup>. Minors were also deprived of their citizenship within the scope of the law in contravention of Article 8 of the Convention on the Rights of the Child (ratified later by Greece by Law 2101/1992), which provides unlawful state interference in a child’s nationality, the latter being recognised as part of the child’s own identity<sup>47</sup>. The Greek National Commission on Human Rights in its annual report in 2006 estimates the number of the victims of this law to be closer to 60,000<sup>48</sup>. Although the article was repealed, the decisions made to take away the citizenship of tens of thousands of people were not nullified. Despite the enormous impact of this condemned law on individuals’ lives, the only option they still have to this day is to apply for naturalisation - the same process that applies to foreign citizens looking to obtain Greek citizenship. The Greek government has made no effort to rectify its mistakes and give these former Greek citizens back the nationality that was so wrongly and disingenuously taken from them. Moreover, the children of those who were deprived of their Greek nationality were not given or lost their

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<sup>44</sup> The full definition of former Article 19 of the Greek Nationality Code is as follows: “A citizen who is not from Greek race may be deprived of citizenship in case he/she leaves the country without the intention to come back. Deprivation of citizenship may be applied the ones that are not from Greek race, born abroad and still live out of the borders of Greece. The underage children whose parents or the alive parent have been deprived of citizenship may be denaturalized as well. Ministry of Interior Affairs decides with the ratification of Citizenship Council of Greece.”

<sup>45</sup> Written statement submitted by the Federation of Western Thrace Turks in Europe (ABTTF), a non-governmental organization in special consultative status at Universal Periodic Review Eighteenth session, 24.08.2011, p. 2. Available at: [https://www.ecoi.net/en/file/local/1255235/1930\\_1318267491\\_g1115744.pdf](https://www.ecoi.net/en/file/local/1255235/1930_1318267491_g1115744.pdf)

<sup>46</sup> Freedom of Movement and the Right to a Nationality v. Ethnic Minorities: The Case of ex Article 19 of the Greek Nationality Code, Nikolaos Sitaropoulos, December 2004, p. 213., Available at: [https://www.researchgate.net/publication/249572418\\_Freedom\\_of\\_Movement\\_and\\_the\\_Right\\_to\\_a\\_Nationality\\_v\\_Ethnic\\_Minorities\\_The\\_Case\\_of\\_ex\\_Article\\_19\\_of\\_the\\_Greek\\_Nationality\\_Code](https://www.researchgate.net/publication/249572418_Freedom_of_Movement_and_the_Right_to_a_Nationality_v_Ethnic_Minorities_The_Case_of_ex_Article_19_of_the_Greek_Nationality_Code)

<sup>47</sup> *Ibid*, p. 215.

<sup>48</sup> Report 2006, Hellenic Republic National Commission for Human Rights, p. 45.

nationality, which consequently meant they also lost their EU citizenship. This second loss of citizenship is even more harmful for those belonging to minorities as the EU legal framework provides an extra set of protections as well as programs for minorities.

The Greek National Commission on Human Rights (GNCHR) expressed its concern at the fact that the Greek State did not provide through statutory legislation for the reacquisition of Greek nationality for the victims albeit the former article 19 was considered as contrary to the Greek Constitution and to contemporary human rights protection standards. In its 2014 report, the GNCHR reiterated that “the citizenship issues should be addressed in a comprehensive and careful manner, as they are connected to human rights protection” and called upon Greece once again to sign and ratify the UN Convention on the Reduction of Statelessness (1961, in force since 1975) as well as to ratify the Convention of the Council of Europe on Nationality (1997, in force since 2000)<sup>49</sup>. According to the report delivered in 2009 by Thomas Hammarberg, former Commissioner for Human Rights for the Council of Europe pursuant to his visit to Greece in 2008, roughly 200 persons<sup>50</sup> who are stateless have had to go through a process which is described as long, expensive and uncertain as regards the outcome, and humiliating for persons have wrongly lost their citizenship<sup>51</sup>. Moreover, most of the remaining stateless persons in Greece are middle and old-aged with limited financial means frequently face difficulties in benefiting particularly from health services. In its fifth report, European Commission against Racism and Intolerance recommended that “Greek authorities should reinforce their efforts to rectify the negative consequences of Article 19 of the citizenship law, which resulted in many persons still being unable to regain their Greek citizenship”<sup>52</sup>. It is very unfortunate that over the last 20 years Greece has not taken into consideration the appeals of the National Commission on Human Rights as well as the international organizations urging the Government of Greece to resolve the problems resulting from Article 19. As we celebrate the 70<sup>th</sup> anniversary of Universal Declaration on Human Rights, we call upon all states today to leave behind populist, ultra-nationalist practices endangering universal democratic values.

We call upon Greece to accelerate and facilitate the process of returning citizenship for all persons concerned whether they no longer live in Greece and have acquired citizenship from another country by removing the current obstacles and to compensate their losses in terms of ownership rights that occurred as a result of the process should be put in place. We urge the Government of Greece to comply with its commitments deriving from international agreements as well as acceding to the 1961 Convention on the Reduction of Statelessness as it affirmed to ratify it in the last Universal Periodic Review in 2016<sup>53</sup>. We reiterate also the recommendations made by Willy Fautré, expert on human rights, set out in his report after visiting Western Thrace in 2012, which urges Greek authorities to report without further delay and in total transparency on the cases of reacquisition of Greek nationality since 1998.

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<sup>49</sup> Report 2014, Hellenic Republic National Commission for Human Rights, p. 108.

<sup>50</sup> This number is estimated by the UNHCR in 2016 at 198, Available at: [www.unhcr.org/statistics/16-WRD-table-7.xls](http://www.unhcr.org/statistics/16-WRD-table-7.xls)

<sup>51</sup> Comments of the Greek Authorities on the Draft Report of the Commissioner for Human Rights of the Council of Europe following his visit to Greece, on 8-10 December 2008) in Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Following his visit to Greece on 8-10 December 2008, Issue reviewed: Human rights of minorities, Available at: <https://wcd.coe.int/ViewDoc.jsp?id=1409353>

<sup>52</sup> European Commission against Racism and Intolerance (ECRI) report on Greece (5th monitoring cycle), 24.02.2015, p. 34.

<sup>53</sup> Recommendation 134.4 made by Ghana, Available at: [https://www.uprinfo.org/sites/default/files/document/grece/session\\_25\\_avril\\_2016/recommendations\\_and\\_pledges\\_greece\\_2016.pdf](https://www.uprinfo.org/sites/default/files/document/grece/session_25_avril_2016/recommendations_and_pledges_greece_2016.pdf)



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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Twelfth Session**  
**28-29 November 2019, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Agenda Item II: Human rights and minority language education**

Name of (main) contact person(s): Mrs. Melek Kırmacı Arik, Mr. K. Engin Soyıılmaz  
E-mail: [info@abtff.org](mailto:info@abtff.org)

Dear Moderator,  
Distinguished representatives, delegates and NGO representatives,

During the first European Regional Forum on Minority Issues held in Brussels on 6-7 May 2019, the UN Special Rapporteur Prof. Varennes stressed that the issue of education as a human right and its impact for minorities constitutes one of his thematic priorities of the Special Rapporteur and underlined the importance of education in, and teaching of, minority languages.

As the UN Special Rapporteur on Minority Issues, Prof. Fernand de Varennes referred at the international conference organized by the civil society representatives of the Turkish community in Western Thrace in Komotini, in co-operation the Federal Union of European Nationalities (FUEN), on 2 March 2019, that the UN Handbook on “Language Rights of Linguistic Minorities: A Practical Guide for Implementation” notes that establishment and operation of private schools and educational services using minority languages as a medium of instruction should be allowed, recognized and even facilitated and legislation must clearly allow the establishment and operation of private schools teaching minorities in their own language.

With the 1923 Lausanne Treaty which granted official minority status to the Turkish community of Western Thrace, the Turkish community has right to education in its native language and autonomy in the management of its educational institutions. However, Greece does not recognize the ethnic identity of the Turkish community in Western Thrace and recognizes only one minority, the Muslim religious minority in Western Thrace, as Gay McDougall, the former UN Independent Expert on Minority Issues, reported in her report following her mission to Greece in 2008.

The report by the Minority Rights Group Europe (MRGE) on “The Turkish Minority in Western Thrace: The Long Struggle for Rights and Recognition” released on 23 October 2019

notes that the continued non-recognition of the Turkish community's collective ethnic identity has many implications, including lack of access to education in their own language<sup>54</sup>.

As MRGE report notes that the autonomous status of minority schools granted by the Treaty of Lausanne has been significantly weakened by numerous legislative acts and ministerial decisions. In education, minority schools in the Western Thrace region have obtained a hybrid semi-private and semi-public legal character over the years. This special education system with complex legal provisions which governs their establishment and operation are registered as private schools, but they are under the direct control of the state. A latest example of state intervention to the minority schooling system is that the Land Office did not approve the declaration on the Turkish minority primary school by the board of trustees in Çepelli(Mishos) village, while other 24 properties were approved, although the minority schools in minority villages are property of the legal pious foundation(waqf) in villages with a special right to administer and manage in their own language. Previously, the Municipality of İnhanlı (Topiros) in Xanthi sent a letter to minority primary schools within its borders and asked the transfer of the property right to the municipality in order to make renovations at these schools. These recent examples raised concerns of the Turkish community that the government might seek to transfer of the property rights of minority schools in villages to the state.

One of the alarming problems in education in, and teaching of minority languages is the lack of pre-schools in mother tongue in Western Thrace. Minority children are obliged to attend public kindergartens where the instruction is only in Greek under Law 3518/2006 which extends the compulsory period. However, extension of compulsory education period does not include minority schooling system. Therefore, there are no minority/private kindergartens or minority/private nurseries for the minority children to learn their mother tongue in their early childhood.

The Government of Greece has rejected proposals to open Turkish-Greek bilingual kindergartens in the existing bilingual Turkish minority primary schools, despite many applications by the community organizations for establishment of bilingual kindergartens within the special education system and establishment of other private bilingual kindergartens in the region.

The right not to be discriminated is violated because the Greek government, fails, without an objective and reasonable justification to treat differently Turkish children who speak a different language other than Greek. Bilingual education would allow better knowledge of both Turkish and Greek from an early age and enable greater choice of whether to go to minority or Greek public primary school. Due to the persistent lack of bilingual minority kindergartens, parents send their children to Greek-language state kindergartens despite the risk of losing their linguistic and cultural identity, where the medium of instruction is only Greek.

The European Commission against Racism and Intolerance of the Council of Europe (ECRI) mentioned in its fifth report on Greece in 2015 that there are no special measures for the minority. ECRI stressed that children's right to schooling should not be jeopardized and further recommended that the authorities should take all necessary steps to ensure that minority children have access to a bilingual or monolingual elementary school, as per their parents' choice.

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<sup>54</sup> [https://minorityrights.org/wp-content/uploads/2019/10/MRG\\_Rep\\_WThrace\\_EN\\_Sept19.pdf](https://minorityrights.org/wp-content/uploads/2019/10/MRG_Rep_WThrace_EN_Sept19.pdf)

Rather, the Ministry of Education started in 2017 a pilot project which envisages a bilingual minority member, graduated from one of the higher education institutions in Greece, to work with a teacher in a kindergarten class in public schools in villages where children belonging to the Turkish community in Western Thrace reside. This is, however, not a bilingual pre-school education. Besides, a bilingual minority member would not work in the class as a mother tongue teacher, but as an interpreter for the Greek teacher. Therefore, ABTTF urges Greek authorities to establish bilingual Turkish minority kindergartens in region in line with the minority schooling system and allow the Turkish community in Western Thrace to establish private kindergartens where the language of education will be Turkish and Greek.

At the national level, there are no inclusive policies and awareness-raising programs that promote tolerance and mutual understanding between the Turkish community and governmental authorities. Besides, are no educational programs and partnerships with civil society representing the Turkish community in Western Thrace as a means to address negative stereotyping and stigmatization in education. Negative portrayal of the ethnic “other”, i.e. the Turks, abound in history textbooks. Racism, xenophobia, intolerance and prejudice in Greek education continue and there are no provisions for encouraging diversity in education and for teacher training in diversity management.

MRGE recommends to Greek authorities to guarantee, in line with international guidelines, preschool education in the mother tongue of the minority and ensure that most of the subjects in primary and secondary schools are taught in minority language alongside the Greek language. MRGE warns Greek authorities that that educational programmes aiming to improve the Greek language skills of minority students continue, but not at the expense of improving minority language education.

ABTTF requests from the Greek Government to make good use of all available domestic and international instruments including advisory and consultative bodies in order to address problems in minority issues.



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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Twelfth Session**  
**28-29 November 2019, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Agenda Item III: Public policy objectives for education in, and the teaching of, minority languages**

Name of (main) contact person(s): Mrs. Melek Kırmacı Arik, Mr. K. Engin Soyyılmaz  
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Dear Moderator,  
Distinguished representatives, delegates and NGO representatives,

Persons belonging to national minorities in various regions of the world suffer disproportionately from unequal or restricted access to quality education and inappropriate education strategies. Goal 4 of the Sustainable Development Goals (SDGs) is quality education and its aims to ensure inclusive and equitable quality education for all.

The Turkish community in Western Thrace, Greece is granted with the Lausanne Treaty the right to establish, manage and control at their own expense any school for instruction and education, with the right to use their own language and to exercise their own religion freely therein. The autonomy in education has been undermined and diminished by governmental practices over years with complex legal provisions that put minority education under the full control of the state at all levels, in a stark contradiction to the relevant international documents.

The minority primary schools follow a bilingual – half Greek half Turkish – curriculum, although scholars categorize this type of education model as two parallel monolingual education systems, not bilingual education system. In 2008, there were 194 minority primary schools in Western Thrace. Despite autonomy in education, minority primary schools were closed with decision of the Directorate of Primary and Secondary Education in the Eastern Macedonia and Thrace since 2010. The number gradually decreased to 188 in 2011, 170 in 2014, and 164 in 2015 and 133 in 2016 and 130 in 2017, 128 in 2018 and 123 in 2019 on grounds of decreasing number of pupils in schools, while there is no further education planning for bussed education for pupils who need to go another village for education.

The Minority Rights Group Europe (MRGE) visited the Western Thrace region in September 2018 and had consultations with representatives of the Turkish community. In its report on the Turkish community published in October 2019, MRGE notes that the balance of hours per language per subject in minority education significantly shifted over the years in favour of the majority language. Turkish language, mathematics, science, religion, music and art (painting) are taught in Turkish, while Greek language, history, geography, civic education, and English are taught in Greek. Physical education is taught in either Turkish or Greek, depending on the size of the school. The Turkish curriculum is designed without approval or input from minority teachers. Moreover, Greek is the only language used by the authorities for school administration as counsellors supervising minority education are not expected to understand Turkish. While principals are from the Turkish community, vice-principals, always coming from the Greek majority, have more powers than them. Moreover, the overall quality of education in minority primary schools falls far below Greek public schools. This often means that children have poor command of both Greek and Turkish on leaving primary school.

Furthermore, textbooks used by the Turkish schools for the Greek curriculum are printed and distributed by the Ministry of Education. Textbooks used for the Turkish curriculum, are written, edited and printed in Turkey especially for the minority pupils and are imported and distributed after approval of the Greek Ministry of Education. Due to the long delays in distribution, Turkish textbooks are outdated, and the last textbooks were printed in 2010. Teachers in the Greek curriculum do not know the mother tongue of the minority pupils and have no special training for teaching in Turkish minority schools, while all teachers in the Turkish curriculum are graduates of a former special pedagogical academy in Thessaloniki with very limited courses taught in Turkish and with no internal education training programmes.

Moreover, MRGE notes that the Ministry for Education in Greece initiated the Programme of Education of Muslim Children (PEM) in 1997, known as Frangoudaki program, as part of the European Union policy against social exclusion. The main objective of the programme is to integrate Turkish children smoothly into the Greek society through the educational system. The project's main goal was to improve the Greek-language program of minority primary schools through production of new textbooks and educational materials for the Greek-language program and training of school teachers in the Greek programme. This programme has been extensively criticized by members of the Turkish community due to the fact that the programme only focuses on the Greek programme in Turkish minority primary schools. No steps have been taken to improve the quality of education in the Turkish programme which provides education in mother tongue in the region. Textbooks and educational materials for the Greek program have not been renewed since 1997.

As a result of the programme, minority school pupils' Greek language skills improved, minority school drop-out rates decreased, and the rate of secondary school attendance significantly increased. Nevertheless, weaknesses remained in the overall quality of education. In September 2018, Turkish minority primary schools belonging to the Turkish community in Western Thrace started a demonstration for demanding education with current Greek textbooks used in public schools instead of simplified Greek textbooks which were prepared under PEM. After protests by 48 Turkish minority primary schools, the Minister of Education issued a circular that ordered the use of Greek textbooks used at public schools to be used as supplementary material in Turkish minority schools.

European Commission against Racism and Intolerance (ECRI) noted in its report on Greece in 2015 that the situation in minority schools, together with a general lack of teaching resources,



resulted in lower educational standards and attainment levels amongst minority children, and ultimately their social and economic marginalisation and exclusion. Pupils often have to give up their right to bilingual education, if they wish to access the better-quality education provided in mono lingual (Greek-language) schools. Also, MRGE notes that since minority schools were failing to serve the fundamental needs of the community, some Turkish families started sending their children to monolingual Greek public schools with a risk of assimilation.

As ABTTF, we call upon Greece to restore the educational and religious autonomy of the Turkish community in Western Thrace enshrined in the 1923 Lausanne Treaty. We urge the Government of Greece to revise its policies concerning the minority primary and secondary schools, including their number and their location, the training and hiring of teachers, curriculum and textbooks to be used.

We reiterate MRGE's recommendation to Greek authorities to guarantee proper access to minority schools by ensuring that any necessary closure is implemented only in consultation with the community and to ensure necessary structural upgrades of minority schools and the availability of proper teaching materials for minority schools, including proper textbooks for both curriculums.

We request from the Greek Government to make good use of all available domestic and international instruments including advisory and consultative bodies in order to address problems in minority issues.



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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Twelfth Session**  
**28-29 November 2019, Geneva**

**Statement by Federation of Western Thrace Turks in Europe**  
**Agenda Item IV: Effective practices for education in, and the teaching of, minority languages**

Name of (main) contact person(s): Mrs. Melek Kırmacı Arik, Mr. K. Engin Soyyılmaz  
E-mail: [info@abtff.org](mailto:info@abtff.org)

Dear Moderator,  
Distinguished representatives, delegates and NGO representatives,

The right to education in mother tongue is a human right and each child has a right to enjoy this right. As noted in the agenda, it is essential to keep in mind the pedagogical value and significance of teaching in minority languages, and the impact it may have on learning outcomes for minority children, as well as on their interaction with other members of society.

A mother tongue is vital to literacy because it facilitates the acquisition of basic reading and writing skills, as well as basic numeracy, during the first years of schooling. The UN Handbook entitled “Language Rights of Linguistic Minorities: A Practical Guide for Implementation” notes that where there is a sufficiently high numerical demand, public education services must be provided in a minority language to the appropriate degree, broadly following a proportional approach. This includes all levels of public education from kindergarten to university. In addition, all children must have an opportunity to learn the official language.

On the other hand, researches show that various types of bilingual education (e.g. early total immersion and heritage language, bilingual education) appear to result in performance advantages in two languages and in general curriculum performance compared with submersion or monolingual education. Bilingual education increases mental flexibility and improves inter-cultural skills. And, the acquisition of the non-dominant language can lag behind monolingual norms or even run the risk to fail as only about 70% of bilingual children were reported to be able to understand and speak both of their languages. The 1923 Lausanne Treaty stipulates that the Turkish community in Western Thrace has a right to establish, manage and control at their own expense any schools and other establishments for instruction and education. The minority primary schools follow a bilingual program with two separate

curriculums in Turkish and Greek. The autonomy in education has been undermined through a number of regulations and practices, which resulted in a low-qualified education in minority schools with structural problems regarding training of teachers, the curriculum and textbooks. Therefore, the quality in education in minority schools is very far below Greek public schools.

That is why a workshop and conference entitled “Bilingualism in Turkish/Muslim Minority Education and Different Approaches in the World – Problems and Possible Solutions” was organised in March 2019 to identify the problems in education faced by the Turkish community in Western Thrace with the participation of scholars, experts and civil society representatives. The aim was to find efficient solutions, promote dialogue and cooperation between the state officials and minority as well as to analyse the examples of good practices in the world in line with the international human rights documents and the articles of the 1923 Treaty of Lausanne which granted the Turkish minority in Western Thrace autonomy in education.

At this workshop representatives of the Turkish community Western Thrace emphasised the importance of the education in mother tongue in the schools belonging to the Turkish community. They indicated that the number of the children, who wish to receive education in the primary and secondary schools belonging to the Turkish minority in Western Thrace, has declined in recent years due the low quality of education. Regarding the low quality of education, educators identified the textbooks in Greek provided to the students for the Greek curriculum in minority schools are different than the textbooks used in Greek public schools and are not adequate and up to date in terms of their content. Furthermore, educators expressed that teachers, who give lectures in the Turkish curriculum, do not have sufficient proficiency in Turkish grammar as a result of the poor-quality education in the Special Pedagogical Academy of Thessaloniki (EPATH - currently closed).

Structural and systematic problems in the minority education system have not been solved despite the efforts in recent years to increase the quality of education. This results in a low quality of education in minority schools, which in return cause social segregation, exclusion and marginalization of community members as second-class citizens. As Minority Rights Group Europe(MRGE) notes in its report on the Turkish community published in October 2019 that empirical studies in fact show that education in the minority language is more cost-effective than official language-only education due to the larger number of secondary school graduates it achieves comparatively. On the other hand, we would like to note that getting familiar with the Greek language in pre-school by children belonging to the Turkish community from early ages would enable the realisation of bilingualism through natural acquisition process. Early development of bilingualism would increase the academic success of the children during their educational life.

There is a need for bilingual education programmes in Turkish and Greek for the success of the children in both languages starting from the preschool education. Bilingual education materials must be improved and programs to train bilingual and multicultural teachers for the accomplishment of bilingual education practices is a prerequisite for bilingual education systems. Furthermore, there should be real consultative platforms between public authorities and the representatives of the Turkish community in Western Thrace. The Turkish community should be able to participate in the decision-making process, especially when the issues being considered affect them directly. The Turkish community should involve in decision-making processes in minority education through consultative platforms between public authorities and the representatives of the Turkish community in Western Thrace.



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**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Thirteenth Session**  
**19-20 November 2020, Virtual Meeting**

**Statement by Federation of Western Thrace Turks in Europe**  
**Agenda Item II: Causes, scale and impact of hate speech targeting minorities in social media**

Name of (main) contact person: Mrs. Melek Kırmacı Arik  
E-mail: [info@abtff.org](mailto:info@abtff.org)

Dear Moderator,

We recall the Recommendation 1 from the European Regional Forum on “Hate Speech”, Social Media and Minorities<sup>55</sup> which notes that States should effectively implement their obligations and responsibilities to protect the human rights of minorities and concerns about the situations of minorities in other states should not be regarded as a threat to state sovereignty.

We would like to stress once more that situations involving persons belonging to national/ethnic groups who constitute the numerical majority in one State but the numerical minority in another State should not be an issue of sovereignty, and any concern raised by the kin-State should be addressed on the basis of friendly relations and dialogue.

The status of the Turkish community in Western Thrace and the Greek community in İstanbul is established by the Lausanne Peace Treaty of 1923 and their rights were guaranteed by several bilateral and multilateral agreements. The Lausanne Peace Treaty (Articles 37-45) cover the rights of non-Muslim minorities in Turkey, while Article 45 states that “the rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory”.

Based on the 1923 Lausanne Treaty Greece claims that the Minority is Muslim and denies existence of an ethnic Turkish minority, although the Turkish community had been active with its associations bearing the word Turkish for about half a century without hindrance.

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<sup>55</sup>[https://www.ohchr.org/Documents/HRBodies/HRCouncil/MinorityIssues/Session13/Europe\\_Regional\\_Forum.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/MinorityIssues/Session13/Europe_Regional_Forum.pdf)

The fight for recognition of the ethnic Turkish identity repeatedly revived the image of the Turkish community as fifth columnists for Turkey among the Greek majority, which resulted in curtailments of the minority's rights, particularly during the military dictatorship (1967-1974) and beyond.

Greek governments instituted a series of informal but widespread restrictive measures against the Turkish community, including arbitrary deprivation of Greek citizenship from 1955 to 1998. A system of cultural and religious rights that had been established in reference to the provisions of the Lausanne Treaty remained in place. At the same time, the adoption of discriminatory measures from the late 1960s onwards implicitly assigned to the Turkish community a status of partial citizenship with a separate and restricted set of rights. Over the next two decades, it led to diffused grievances and the nearly complete ghettoization and disengagement of the Turkish community from the Greek majority and the political system.

The recognition of the Turkish community as a national - and not merely a religious minority is still denied by the Greek government and a large part of the Greek media. Moreover, its portrayal is closely linked to the negative stereotypes and reports concerning Turkey as a neighbouring country. The overall situation was further complicated and polarised by the complex and often tense external relations between Greece and Turkey.

Nothing about the situation of Turkish community in Western Thrace has changed into better. The fight against the historical prejudices is going on, pig's heads are being left at the doors of the leaders, cars are being burned and hate speech is being spread<sup>56</sup>. Hate speech in politics is part of structural and systematic discrimination against persons with different ethnicity, religion or belief in the Greek political system. "The best Turk is the dead one" said Theodoros Pangalos, the Greek Former Minister of Foreign Affairs in February 2018.

Negative portrayals of Turkish community with Islamic faith stereotypes and prejudices create a general climate of mistrust, fear and hostility towards Muslim communities in the territories they are used to live in. In December 2019, a hatred phrase ("Pig meat is delicious") was clearly intended to provoke Turkish community with Islamic faith spray-painted on the outer door of Xanthi Minority School<sup>57</sup>.

Intolerant discourse and scapegoating of the Turkish community in Western Thrace have been observed in Greece during the first days of the pandemic. When Prime Minister of Greece, Kyriakos Mitsotakis declared a nationwide curfew to prevent the coronavirus on 23 March 2020 due to the heightened risk of coronavirus, on the same day, the village of Echinós (Şahin) in Xanthi was the first village quarantined in the country after a 72-year-old man from the Turkish community in Western Thrace died. After the quarantine of the village of Echinós, Kyriakos Velopoulos, head of the far-right Greek Solution Party, said on Twitter, 'Echinós is in Quarantine!!! Ankara's spies live there, coming in and out of Turkey! Think about what it is in Erdoğan's Turkey!'<sup>58</sup>

During a period of deteriorating bilateral relations between the kin-state Turkey and Greece due to the political tensions in the eastern Mediterranean Sea, a military unit affiliated to the 4th Corps in İskeçe(Xanthi) carried out a military exercise and training on the streets in Gökçepınar (Glafki), one of the Turkish villages in Western Thrace on August 12, 2020. No

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<sup>56</sup> <https://minorityrights.org/publications/the-turkish-minority-in-western-thrace-the-long-struggle-for-rights-and-recognition-english-greek-and-turkish/>

<sup>57</sup> <https://gundemgazetesi.com/haber/detay/6354>

<sup>58</sup> <https://twitter.com/velopky>

information was given to the people of the village beforehand and residents and kids of the village had a great fear when they faced with armed soldiers on the streets when they left their homes in the morning<sup>59</sup>. There was also military activity yesterday in Şahin (Echinos), another Turkish village in Xanthi on the same day. Military vehicles came to the entrance of the village and left after being deployed here for a while<sup>60</sup>. After the media coverage of the military exercise, a website known for its opposition to Western Thrace Turks published a photo of a house in Glafki and showed the target of a house from where the photo of the soldiers participating in the exercise might possibly have taken<sup>61</sup>.

Furthermore, a civil society leader belonging to the Turkish community who condemned the military exercise in Glafki has been targeted in a website and accused of having direct relations with the Turkish Foreign Ministry and the Turkish Intelligence Service. With his photo published on the website, online newspaper wrote: “He is obviously threatening us. Keep this in mind, so that at least he does not set foot in Greece again...”<sup>62</sup>.

Names of some members of the Turkish community in Western Thrace who are working for media, academia and government institutions in Turkey were exposed in a Greek website in which they have been allegedly obliged to provide information to Turkish Intelligence Service as civil servants with Greek citizenship. Exposition of their full names and positions in Turkey have made them target of far-right groups in Greece<sup>63</sup>.

Stressing the importance of the Recommendations 2, 5 and 7, we must not forget that manifestations of racism and intolerance in the form of discrimination or hate crime against persons belonging to national minorities and other marginalized groups threaten the security of individuals, communities and societies and may give rise to wider scale conflict.

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<sup>59</sup> <https://tvxs.gr/news/ellada/antidraseis-gia-askisi-komantos-se-meionotiko-xorio-tis-thrakis-kathisyazei-o-stratos>

<sup>60</sup> <https://gundemgazetesi.com/haber/detay/7773>

<sup>61</sup> <https://tourkikanea.gr/uncategorized/glayki/>

<sup>62</sup> <https://tourkikanea.gr/thraki/bttdd-131/>

<sup>63</sup> <https://tourkikanea.gr/thraki/mit-183/>



**Avrupa Batı Trakya Türk Federasyonu**  
**Föderation der West-Thrakien Türken in Europa**  
**Federation of Western Thrace Turks in Europe**  
**Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης**  
**Fédération des Turcs de Thrace Occidentale en Europe**

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)

**HUMAN RIGHTS COUNCIL**  
**Forum on Minority Issues, Thirteenth Session**  
**19-20 November 2020, Virtual Meeting**

**Statement by Federation of Western Thrace Turks in Europe**  
**Agenda Item IV: Regulation of online hate speech: The role and responsibility of intergovernmental organizations, States, internet companies and social media platforms**

Name of (main) contact person: Mrs. Melek Kırmacı Arik  
E-mail: [info@abtff.org](mailto:info@abtff.org)

Dear Moderator,

Safe use of the Internet remains an important problem in the information society which plays a crucial role in promoting in enhancing citizens' ability to participate fully in democratic processes. However, safe use of the Internet needs combating the use of the Internet for incitement to racial hatred or racial discrimination, because the widespread circulation of material motivated by racism, xenophobia, anti-Muslim propaganda on the Internet is worrying in today's information society.

Aware of the fact that freedom of opinion and expression is essential in democracies, the circulation of hate material on the Internet still remains a serious concern and needs to be balanced. Therefore, States should provide adequate legal responses to the hatred propaganda, and they should combat all forms of discrimination, xenophobia and related intolerance. However, national legislation in most of the OSCE Participating States does not apply to racist, xenophobic, anti-Semitic and anti-Muslim offences committed via the Internet and it does not prosecute those responsible for this kind of offences.

The Fundamental Rights Report 2020 by the FRA notes that nineteen years after the adoption of the Racial Equality Directive and 11 years after the adoption of the Framework Decision on Racism and Xenophobia, several EU Member States had not correctly transposed and applied the relevant EU legislation. The report notes that the European Court of Human Rights and national courts set standards on the limits of free speech and incitement to hatred and hate speech and people with minority backgrounds and migrants continued to experience harassment, violence and ethnic and racial discrimination in different areas of life in the EU, according to survey and poll findings<sup>64</sup>.

<sup>64</sup> <https://fra.europa.eu/en/publication/2020/fundamental-rights-report-2020>

Hate-motivated attacks, crimes and hate speech are part of structural and systematic discrimination against persons belonging to national minorities, religious groups and other marginalized certain individuals and groups. The annual report released on 16 June 2020 by the Racist Violence Recording Network (RVRN), which was established in mid-2011 on initiative by the Greek National Commission for Human Rights (GNCHR) and the Office of the United Nations High Commissioner for Refugees in Greece (UNHCR), notes that the stigmatization of people with different backgrounds by acts of public authorities, institutions, the media, political parties is an act of racial discrimination and could create of a very dangerous environment that reinforces racist attitudes and prejudices in Greece<sup>65</sup>.

The RVRN notes that there is a trend in incidents of everyday racist violence which describes the expression of racist behaviours or even racist violence, usually of low intensity, expressed by individuals in the context of everyday life: in public transport, at school, at work, in public services against Greek citizens targeted them as «less» Greeks on grounds of ethnic origin. Therefore, it is very important to include civil society organizations representing the Turkish community which is perceived to be the “other”, the “foreigner” or the “one who does not belong” to the country which they live for centuries.

Greece reports hate crime data to OSCE/ODIHR and its Criminal Code contains a general penalty-enhancement provision for hate crimes. The Ministry of Justice, Transparency and Human Rights, the Public Prosecutor’s Office and the State Security headquarters of the Greek Police collect hate crime data and several government bodies and civil society organizations signed a Co-operation Agreement on Combating Racist Crime in Greece during a conference on Building an Integrated Response to Racist Crime in the Criminal Justice. The event and negotiations on the agreement were co-ordinated by the Ministry of Justice, Transparency and Human Rights in co-operation with ODIHR. However, no NGOs representing the Turkish community in Western Thrace participated in this co-operation.

Recalling the Recommendation 31 of the European Regional Forum 2020<sup>66</sup>, Greece and all States should effectively strengthen their mechanisms for identifying media hate speech including online and social media platforms, which may lead to the manifestation of hate crime, as well as the imposition of relevant sanctions. We call upon Greek authorities to ensure that relevant national legislation applies also to racist, xenophobic and anti-Semitic and anti-Muslim offences committed via the Internet and prosecute those responsible for this kind of offences.

The challenge in combating incitement to hatred on the Internet is to find a proper balance between freedom of expression and an effective fight against acts of racist and xenophobic nature. Although national legislation prohibits any acts or activities aiming at racial discrimination with regard to the incitement to hatred and dissemination of racist ideas through any means, it has a limited application in practice in Greece, like most of other states.

We recall the Recommendations 32-36, OSCE and other intergovernmental organizations should reaffirm the importance to collect and maintain reliable information and statistics on offline and online hate speech. Raising awareness of hate on the Internet must be at the root of any coherent strategy to combat hate crimes which are based on racist, xenophobic and anti-Muslim propaganda on the Internet. Emphasis should be placed on the need to develop new

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<sup>65</sup> <http://rvrn.org/wp-content/uploads/2020/06/ETHSIA-EKTHESH-2019-english.pdf>

<sup>66</sup> [https://www.ohchr.org/Documents/HRBodies/HRCouncil/MinorityIssues/Session13/Europe\\_Regional\\_Forum.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/MinorityIssues/Session13/Europe_Regional_Forum.pdf)



models and multiply their use and to promote the value of diversity and pluralism. In particular, OSCE Office for Democratic Institutions and Human Rights (ODIHR) should consider paying more attention to hate crimes on the Internet in the annual OSCE hate crime reports in which it should stress the importance of promoting tolerance, mutual respect, dialogue and understanding, including through the Media and the Internet within strategies based on a variety of measures.

Reaffirming the Recommendations 37, 42, 43, 44 and 45, states should take investigate and full prosecute any act and/or threat of violence motivated by hate on the Internet, while ensuring that the Internet remains an open and public forum for freedom of opinion and expression for all individuals and groups, including minority and/or youth organization.

**SESSIONS OF THE UN HUMAN RIGHTS COUNCIL**



**General Assembly**

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31 August 2007

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**HUMAN RIGHTS COUNCIL**  
**6<sup>th</sup> Regular Session**  
**10-28 September 2007, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Written statement\* submitted by the Federation of Western 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.

[20 August 2007]

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

## **Human Rights Violations in Greece**

### ***1. Turks who have been deprived of their citizenship by the Article 19***

The Article 19 of the Greek Citizenship Code, of which issuance number is 3379, was adopted in 1955 and reads as follows:

*'A person of non-Greek ethnic origin leaving Greece without intention of returning may be declared as having lost Greek nationality. This also applies to a person of non-Greek ethnic origin born and domiciled abroad. His minor children living abroad may be declared as having lost Greek nationality if both their parents and the surviving parent have lost the same. The Minister of the Interior decides in these matters with the concurrent opinion of the National Council'.*

This law mentioned above had remained in force and been practiced from 1955 to 1998, totally 43 years, and it had remained in force and been practiced during 17 years after Greece's membership in the European Union in 1981. Greek citizens, who are ethnically not Greek, had been deprived of Greek citizenship by this law. According to the Greek Parliamentary's reply to the notice of questions given by İlhan Ahmet in May 2005, MP for Rodopis in the Hellenic Parliament, 46,638 Turks (Muslims) in Western Thrace and the Island of Rhodes (Twelve Islands) were deprived of citizenship through the related article of the Greek Citizenship Law until 1998. The former Minister of Interior Affairs, Alekos Papadopoulos, announced that the victims of the law sum up to 60,000 until the announcement date, 23 January 1998<sup>67</sup>. The critical point is that these numbers give the sum up of the 'direct' victims but when we consider the 'indirect' victims, their number sum up to nearly 20,000-30,000 in these 43 years of time. We concept the 'indirect' victims as the children of these people who were denaturalized. Important number of these victims still live in Greece and in Turkey. Other victims are the minority members who are in Germany and in Australia as migrant workers.

Greek citizens were divided into two by this law: ethnically Greeks and ethnically non-Greeks. This is a clear racist discrimination. This law is exactly violation of the United Nations Convention which are also signed by Greece. The citizens who are not ethnically Greek have lost one of the basic human right named as citizenship right for 43 years, by this racist law. Also, Article 19 had been a law which limited the freedom of travel paradoxically.

After the abolishment of the article, international press yielded some not satisfactory results and Greece renaturalized 100 victims<sup>68</sup>. The victims cannot engage in economic activities since they are heimatlos, they cannot get their pensions although they paid all the premiums, and they cannot benefit from social security opportunities. These people live in their country as heimatlos and they cannot benefit from any right.

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<sup>67</sup> International Helsinki Federation for Human Rights, Parallel Report on Greece Compliance, March 2000, p.9.

<sup>68</sup> International Helsinki Federation for Human Rights, Parallel Report on Greece Compliance, March 2000, p.9.

On the ground that, the expatriation notification was always learned randomly but specially after the legal time of 60 days to commence a suit, the tools of interior law cannot be used and one of the prerequisite to apply European Court of Human Rights cannot be satisfied.

On the other hand, there is not a direct article that protects the ‘citizenship rights’, and the condition to be able to apply European Court of Human Rights, there should be other violations of the rights mentioned in treaty. First article of the first additional protocol that formulates ‘property right’ and the articles of the fourth additional article that formulate ‘freedom of travel’ offer strong points to the minority members.

When all the reasons and results are evaluated, it is possible to see a clear racist discrimination in Greece, a European Union member country. Besides opening of legal ways, it is needed a political force to restore the rights of victims. There is a situation which is contrary to all principles and Conventions of the United Nations. So, the United Nations should take responsibility and exert political pressure on Greece to restore the rights of the victims.

## ***2. Other Human Rights Violations***

*A. Religion:* Religious rights of Turkish Minority of Western Thrace are being violated in Greece. Muftis are appointed by the state and elected muftis are not allowed by the state to officiate in Xanthi and Rodopis Prefectures where Turkish minority lives. Even though European Court of Human Rights has decided to let elected muftis to officiate, Greece still does not take this resolution into practice. This is again violation of the United Nations Conventions. First article of 1981 the United Nations Convention says that ‘everyone has the right of free thought, conscience, religion and belief’, and the same article also says that ‘the right of free thought, conscience, religion and belief also imply election of leaders in comply with every belief’. As it is seen, this situation is in violation of the United Nations Conventions and it is a clear human rights violation because of the limitation of religious freedom.

*B. Limitation on Political Representation:* Election laws in Greece limit independent representation of Turkish Minority of Western Thrace. According to the election law in Greece, there is a 3% hurdle for election of independent parliamentarians. There is not such a similar practice in another European Union member country and in another country in the world. Election barriers are only for political parties. But 3% election hurdle in Greece is also for independent parliament candidates. This situation limits independent political representation of the Turkish Minority in Western Thrace in the Hellenic Parliament. While there is a quota for political representation of minorities in other European Union member countries and in modern democratic countries, there is a 3% election hurdle against independent parliament candidates in Greece. This is a limitation of political representation and a human rights violation because of limitation of reflection of free thought to the parliament.

*C. Close-down of Minority Associations:* Non-governmental organizations belonging to the Turkish Minority of Western Thrace are closed because of having the term ‘Turkish’ in their names. Associations such as Komotini Turkish Youth Union, Xanthi Turkish Union, Komotini Turkish Teachers Union which are established in 1920s are closed because of having the term ‘Turkish’ in their names. These closures are limitation on freedoms of thought and freedom of organization. So, they are clearly human rights violations.

*D. Limitation on Education in Native Language:* Turkish Minority schools in Western Thrace region of Greece are very insufficient and below the standards set by the

European Union. Children of the Turkish Minority have some difficulties to take education in their native language. Turkish teachers coming from Turkey are not appointed to the Turkish Minority schools. Therefore, Turkish children in Western Thrace cannot find enough Turkish teachers to learn their native language. This situation is in violation of Articles 13 and 18 of the 1948 UN Genocide Convention and violation of Article 7 of the UN Convention on the Prevention of All Forms of International Racist Discrimination. This is a clear human rights violation again, because of limitation on the right of taking education in native language.

E. *Limitation on Turks in Public Bodies:* Turks in Greece cannot work in public bodies because of their identity. Only a few people work in municipalities. But Turks are not let work in other public bodies. For instance, Turks are the majority of the population in the Western Thrace region but there is not a Turkish policeman in Western Thrace, there is not a Turkish officer in public banks in Western Thrace and there is not a Turkish civil servant in other public bodies in Western Thrace. This is also a clear human rights violation because of reflection of racist discrimination to the public.



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HUMAN RIGHTS COUNCIL  
Sixth session  
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS  
INCLUDING THE RIGHT TO DEVELOPMENT**

**Note verbale dated 26 September 2007 from the Permanent Mission of Greece to the  
United Nations Office at Geneva addressed to the Office of the United Nations High  
Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide here with the reply of the Government of Greece\* to the written statement of 31 August 2007 submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status with the Economic and Social Council (A/HRC/6/NGO/1), which has been submitted to the sixth session of the Human Rights Council under agenda item 3.

The Permanent Mission of Greece asks the secretariat of the Office of the United Nations High Commissioner for Human Rights to circulate the attached as an official document of the sixth session of the Human Rights Council.

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\* Reproduced in the annex as received in the language of submission only.

## Annex

### STATUS OF THE MUSLIM MINORITY IN THRACE

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

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

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

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

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

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

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

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

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



social need, with a view to protecting, among others, national security, public safety and the rights of the others, or to preventing disturbances of public order.

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

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

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

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

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

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

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

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

**HUMAN RIGHTS COUNCIL**  
**7<sup>th</sup> Regular Session**  
**3-28 March 2008, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

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HUMAN RIGHTS COUNCIL  
Seventh session  
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE  
RIGHT TO DEVELOPMENT**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe,  
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.

[20 February 2008]

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

## **Forced Deprivation of Citizenship: the ex-Article 19 of the Greek Citizenship Law**

Ex-Article 19 of the Greek Citizenship Law (No. 3370) was in force from 1995 to 1998, totally 43 years, and under this article, approximately 60,000 Turks were deprived of their Greek citizenship. This article was composed of clear racist expositions and divided Greek citizens into two: ethnically Greeks and ethnically non-Greeks. The content of the concerning article was as follows:

*'A person of non-Greek ethnic origin leaving Greece without intention of returning may be declared as having lost Greek nationality. This also applies to a person of non-Greek ethnic origin born and domiciled abroad. His minor children living abroad may be declared as having lost Greek nationality if both their parents and the surviving parent have lost the same. The Minister of Interior decides in these matters with the concurrent opinion of the National Council'.*

The Greek governments arbitrarily used Article 19 to deprive ethnic Turks and other non-ethnic Greeks of their citizenship. The main aspects of Article 19 are as follows:

\*With Article 19, the ethnic minorities and ethnic groups, in particular the Turkish Muslim minority of Western Thrace, were targeted. Neither the ethnic identity of minorities in Greece is respected, nor is their presence recognized. When it comes to oppression of these minorities by using such kind of measures, it is contributed to form a negative image of them. By this way, minority members were deprived of their citizenship under Article 19 not because they are 'Muslims' as they are officially recognized, but because of their 'Turkish identity' which is officially denied.

\*Article 19 was used by the Greek governments in an attempt to alter the demographic balance in Thrace in favour of ethnic Greeks. In clear violation of the guarantee of equality before the law under Articles 1 and 2 of the Greek constitution, and Article 40 of the Treaty of Lausanne, Article 19 differentiated between ethnic Greeks and ethnic non-Greeks.

\*The process of depriving an individual of his/her citizenship usually began when the police informed the Directorate of Citizenship that an individual and his/her family had left the country for an extended period of time. Since there was no obligation to inform the individual about deprivation of his/her citizenship, the person generally learned of it by coincidence, e.g. at border controls, or when he/she applies for a new identity card/passport. It was not rare that some minority members were deprived of their citizenship when they were in Thrace in Greece without having gone abroad. There were even minority members, who lost their Greek citizenship while performing their military service.

\*Although the individuals deprived of their Greek citizenship had by law two months from the time of revocation of their citizenship to appeal to the Council of State, only a few managed to meet the deadline as these persons were kept unaware of an uninformed about their denaturalization by the Greek administration.

\*Article 19 of the Greek Citizenship Law divided the citizens into ethnic Greeks, and ethnic foreigners. The separation was a racist one as it discriminated them and paved the way to deprive ethnic non-Greeks of their citizenship.

\*Article 19 had a real function and a symbolic function. By the second function, it was demonstrated how and with what philosophy the minority problem and minority members should have been treated. This philosophy still determines the behaviour of the Greek

administration toward the minority. Only the special function of Article 19 could be terminated with its abolition. But it will take longer time and harder efforts to change the symbolic meaning and the general perception of it.

\*Almost no legislator, lawyer, politician or journalist could dare to criticize Article 19. There has been a kind of national censorship on this issue. Because of this, it is easily understandable how difficult it is to talk about the minority, and other issues related with the minority in an environment, where total silence has produced via censorship a harsh human rights violation.

\*Article 19 of the 1955 Greek Citizenship Law, which had an explicit character of racial discrimination, was repealed in 1998 by the Greek government. However, the repeal did not apply retroactively. According to the Greek government, between 1955 and 1998, approximately 60,000 individuals were deprived of their citizenship under Article 19. Over 7,000 of these lost their citizenship between 1981 and 1998. One should not forget that Greece has become a member country of the European Union in 1981.

\*As mentioned above, Article 19 was repealed not retroactively. It means, those who remain stateless within Greece (about 200 today), and those who adopted the nationality of another country after losing their Greek citizenship and having left Greece (in this case mostly the Turkish nationality) have no right under Greek law to recover their Greek citizenship. The stateless individuals have difficulty receiving social services like health care and education, and although they worked many years in Greece and paid to the social system till deprivation of their citizenship, they have no right to receive a pension.

\*The case of Erntouvan Tzambas (Erdogan Cambaz), who was rejected to get a new passport at the Greek Consulate in Germany after his Greek citizenship was secretly revoked, clearly demonstrates the racist and arbitrary character of Article 19. Mr. Tzambas moved to Hagen in Germany in 1999. Since his passport was expired, he applied to renew it at the Greek Consulate in Düsseldorf in 2001. The officials at the Consulate asked him for a document (*pistopiitiko*) which should state that he was a Greek citizen. He requested the Municipality of Amaxades where he was registered for the concerning document. However, it was stated in the document he received that his Greek citizenship had been revoked. Upon this, he informed the Department of Foreigners of the City of Hagen about the situation and was granted 'heimatlos' (stateless) documents so he could stay and work further in Germany.

Due to the psychological depressions and crises caused by the thoughts that he could not renew his passport since his Greek nationality was revoked, he got into a state in 1997 where he could not work anymore. In 1999, due to his psychological problems, he was fired by his company. Later, he applied to the Work Agency (*Arbeitsamt*), and started to get unemployment money. In 2000, upon the request of the Work agency, his health status was again examined. It was found that his psychological problems continued. As a consequence of all of these, he retired earlier in 2000. The check-ups with regard to his health problems will continue in small intervals till he reaches 65.

In order to recover his Greek nationality, he gave his power of attorney to a lawyer in the years 1996-97, and to another one in 2001. He paid them a total of 4,000 German Marks. However, no result could be reached, and he applied for German nationality in 2004. Mr. Tzambas lives now in the Netherlands.

To conclude, we call upon Greece to restore at once the citizenship of those minority members whose citizenship was revoked arbitrarily and in a racist manner under Article 19 of the Greek Citizenship Code. We also urge the human rights bodies of the United Nations to

carry out a constructive dialogue and consultations with Greece to solve the problem. We believe that forced deprivation of citizenship is a clear human rights violation and a violation of the Constitution and laws and must be remedied urgently.

### **Recent Discriminations**

- *New media law in Greece:* According to the new media law in Greece, local radio institutions and newspapers have to pay a great amount of caution money. Minimum capital requirement for news radios is 100,000 € for regions whose populations is in a range between 100,000 and 150,000 according to the latest population census. Meanwhile, minimum capital requirement is 60,000 € for non-news radios. This media law targets minority media institutions and minority radios and newspapers face the danger of closure.
- *Kindergarten's Law:* New law related with kindergartens anticipates that the Greek language is a must in kindergarten education. However, the minority has the right to take education in its native language according to the Treaty of Lausanne. Thus, kindergarten education should be bilingual, but the law hinders bilingual kindergarten education and makes up an example of assimilation of Turkish children in Western Thrace.
- *Discrimination in Local Authorities:* Although there have been some positive developments with respect to minority rights in Greece, some racist discriminations still persist. At the beginning of 2008, a discrimination in the Municipality of Komotini, where Turks are the majority (60-70% of the population of Komotini) came into being. 42 workers and 12 civil servants were employed in the Municipality of Komotini, but all of them were ethnic Greeks. The Municipality did not announce job opportunities to the members of the minority and 60 ethnic Greeks were thus employed in secret and without any public announcement.

**HUMAN RIGHTS COUNCIL**  
**9<sup>th</sup> Regular Session**  
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**Agenda item 8: Follow-up and implementation of the Vienna Declaration and programme of action**

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HUMAN RIGHTS COUNCIL  
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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,  
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.

[25 August 2008]

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

## **Right to Education in Native Language: Bilingual Education at Kindergartens**

The Greek government under Law 3518/2006 decided to extend the compulsory period in education from nine to ten years starting from the school year 2007-2008. In that context, the condition of the admission of pupils in pre-school education was revised within the framework of Law 3518/2006. Article 73 defines a two-year kindergarten's attendance for pupils who have completed the 4<sup>th</sup> year of their age. The attendance of those pupils who have completed the 5<sup>th</sup> year of their age is obligatory. Also, according to Article 32 of Law 3577/2007, it is foreseen that for the school year 2007/2008 kindergartens could be established within the day nurseries for registered children who have completed the 5<sup>th</sup> year of their age<sup>69</sup>.

\*Law 3518/2006 compels the minority children who have completed the 5<sup>th</sup> year of their age in Western Thrace to attend the majority kindergartens under the Ministry of Education since the Law does not bring any regulation about ethnic and cultural differences of the children in Greece.

\*The Turkish Minority of Western Thrace in Greece appreciates the need for the extension of compulsory education period from nine to ten years and it considers the kindergartens vital for the next generations of the minority children. However, the Turkish Minority of Western Thrace is determined to establish kindergartens in bilingual rather than the state kindergartens in which Greek language is used in the areas inhabited by the Turkish minority. In line with the status of the minority and the legal framework in the field of education, the minority asserts that the kindergartens should be bilingual.

\*The Minority is granted with the right to education in its native language and autonomy in the management of its educational institutions:

- a) The Treaty of Lausanne which was signed between Greece and Turkey in 1923 determining the status and the basic rights of the Minority in general.
- b) The Cultural Protocol signed between Turkey and Greece on 20 April 1951 and the Exchange of Notes in 1952 regarding the issue of exchange teachers who would be assigned in Minority Schools.
- c) The Protocol of the Turkish-Greek Cultural Commission signed in 1968.

\*The Lausanne Treaty of 1923 endows the Muslim Turkish Minority of Western Thrace with the right to establish and administer its own schools. Article 40 states the following:

Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. 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'.

Article 41 of the Treaty granted rights to the Muslim Turkish Minority of Western Thrace ensuring that in primary schools, the instruction shall be given to the children of such Turkish nationals through the medium of their own language. It states the following:

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<sup>69</sup> Hellenic Republic, Ministry of Economy and Finance, National Reform Programme 2005-2008, Implementation Report 2007, October 2007.

‘As regards public instruction, the Turkish government will grant in those town districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes. The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned’.

\*The 1951 Education Agreement was abolished and replaced by the Bilateral Agreement on Cultural Cooperation in 2000 (hereinafter ‘the Bilateral Agreement’). The Bilateral Agreement is based on the context of strengthening the political relations between Greece and Turkey on an educational level. The educational cooperation between the two countries is based on an international model of the Council of Europe, the Organization for Security and Cooperation (OSCE) and UNESCO.

\*The right to education is provided by Article 16 of the Greek Constitution which defines the scope and aim of education ‘for the development of an ethnic and religious consciousness’.

- Legislative Decree 3065/1954 on the establishment of minority schools in Western Thrace
- Decree Law which brings changes in Decree 1109/1072 and Decree 3065/1954
- Law No. 694 and 695 of 1977 which provides the basic provisions for the structure of minority education
- Law No 1566/1985
- Law No. 2341/1995

\*In Article 4(3) of the UN Declaration on the Rights of Persons Belonging to Minorities, it is stated as follows: ‘States should take the appropriate measures so that, wherever possible, persons belonging to minorities have the adequate opportunities to learn their mother tongue’. This is supported by Article 26 (1) and (3) of the UN Declaration of Human Rights. It should also be noted that all these practices of the Greek State in the field of minority education are in violation of the Hague Recommendations Regarding the Educational Rights of National Minorities (1996).

\*The UN Covenant on Civil and Political Rights, of which Greece is a part, do protect the rights of the minority. Article 27 states the following:

‘In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language’.

Concerning Article 27 of the International Covenant on Civil and Political Rights, under the jurisdiction of the aforementioned Human Rights Committee and the Committee on the Rights of the Child (1998) concluded the following:



‘The Committee is concerned that the general principles of non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12), are not being fully integrated into the legislative policies and programmes relevant to children, in particular in relation to children from vulnerable categories such as those belonging to national and ethnic minorities’.

The Human Rights Committee, in its General Recommendation No. 23 (1994) concluded the following:

‘With regard to the exercise of the cultural rights protected under article 27, the Committee observes that culture manifests itself in many forms, including a particular way of life associated with the use of land resources, especially in the case of indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law. 5/The enjoyment of those rights may require positive legal measures of protection and measures to ensure the effective participation of members of minority communities in decisions which affect them’.

\*Article 8 of the European Charter for Regional or Minority Languages (EChRML) provides that states must seek a level of use of a minority language that best fits their demographic reality, since Article 8 is applicable ‘according to the situation of each language’.

\*The UNESCO Convention against Discrimination in Education prohibits discrimination based on several grounds, including language. According to Article 1(2) of the Convention, education refers to all types and levels, including access to education.

\*Convention of the Rights of the Child (1989) recognizes the right of the child to education. Article 28 (1) states:

‘States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular’.

### **Conclusions:**

\*The Federation of Western Thrace Turks in Europe (ABTTF) therefore urges the Greek government that the extension of the period of compulsory education from nine to ten years under Law No. 3518/2006 should be extended to the minority schooling system.

\*We assert that the minority education system in Greece should be reconstructed according to the principles of multiculturalism and multilingualism. In this context, we encourage the Greek government to provide Muslim Turkish students with sufficient opportunities to learn both the official language of the state and their mother tongue, and take the necessary steps to guarantee the right to education of the ethnic minorities in the country in order that the minority children have the right to bilingual pre-school education.



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HUMAN RIGHTS COUNCIL  
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**FOLLOW-UP TO AND IMPLEMENTATION OF THE VIENNA DECLARATION  
AND PROGRAMME OF ACTION**

**Letter dated 24 September 2008 from the Permanent Mission of Greece  
to the United Nations Office at Geneva addressed to the Office of the  
United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide herewith the reply of the Government of Greece\* to the written statement made by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/9/NGO/38), submitted to the Council at its ninth session under agenda item 8.

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the reply as a document of the ninth session.

\*Reproduced in the annex, as received and in the language of submission only.

## **Annex**

### **MUSLIM MINORITY IN THRACE**

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

In general terms, based on the principle of equality before the law and of civil rights, as well as in the framework of the rule of law, guaranteed by the Greek Constitution, and in accordance with the U.N. human rights covenants, as well as the European Convention of Human Rights and the very values of the European Union, the members of the Muslim minority enjoy the same rights and obligations as any other Greek citizen, irrespective of his or her religious beliefs. In this context, they enjoy a wide range of educational rights having more than 200 primary minority schools in Thrace, with courses being taught in both languages (Greek and Turkish). In the same vein, early in 2006, the Turkish language was introduced, on an optional basis, in a number of non-minority public schools in Thrace, a condition sine qua non for the integration of minorities where they live.

Regarding the specific issues raised by the N.G.O. 'Federation of Western Thrace Turks in Europe', the following should be mentioned:

- The Greek Government has indeed extended the period of compulsory education from nine to ten years. Nevertheless, this tenth year applies to children between five and six years, who go to kindergartens. Contrary to the written statement annexed to the A/I-ICR/9/NGQ/38 General Assembly document (Human Rights Council, 9<sup>th</sup> session), children at kindergartens do not have Greek textbooks (actually they do not have any textbooks) and do not follow any curriculum. Following international educational standards, the activities and games at Greek kindergartens serve as a smooth introduction to primary education. The Greek Government encourages kindergarten teachers, coming from the Muslim minority, to work at kindergartens in areas where there are many Muslims. Nevertheless, for the time being, the number of university-educated kindergarten teachers from the Muslim minority is still low, not exceeding 10 members. The situation will improve in the following years.
- Contrary to the view expressed in the written statement contained in the A/HCR/9/NGO/38 General Assembly document (Human Rights Council, 9<sup>th</sup> session), which focuses on kindergartens, the Greek Ministry of Education considers that the main problem in minority education is that the integration of Muslim pupils in the Greek society is still very low. The Greek State has adopted measures concerning the admission of Muslim students to Greek Universities (e.g. 0.5% of the total number of the students in all Greek Universities is reserved for students coming from the Muslim minority) and has spent over 21 million euros during the last ten years for the improvement of education in the 200 minority schools in Thrace. Nevertheless, Muslim students still have one of the highest drop-out rates both from primary and secondary education, which is mainly due to inadequate knowledge of the Greek language and trilingualism. This last problem is especially apparent among Pomaks and Roma population, which, together with those of Turkish origin, comprise the Muslim minority in Thrace.
- It has also to be pointed out that the core international documents, mentioned in the written statement contained in the A/HCR/9/NGO/38 General Assembly document (Human Rights Council, 9<sup>th</sup> session), are the 1923 Lausanne Treaty and the 1951

Cultural Convention between Greece and Turkey. It is to be mentioned that Greece is applying the said international agreements, even if 21<sup>st</sup> century developments in the field of human rights seem to go beyond the scope of the application of the agreements mentioned above. To this end, the 1951 Cultural Convention between Greece and Turkey. It is to be mentioned that Greece is applying the said international agreements, even if 21<sup>st</sup> century developments in the field of human rights seem to go beyond the scope of the application of the agreements mentioned above. To this end, the 1951 Cultural Convention, still valid in the minority schools in Thrace, is responsible for retrogress of minority education. In the 1990's, for example, it was very difficult to introduce new subjects (e.g. computers, the English language) to minority education, simply because there was no reference to them in the 1951 Protocol! That is the reason why every year there is a geometric progress of the number of pupils belonging to the Muslim minority, who prefer to be educated in public schools.

- In a broader context, respecting and promoting diversity of cultures and multilingualism is an asset and shared responsibility within the European Union policy and practices. Therefore, Greece encourages intercultural education in the school system. Above all, this well-rooted respect of different cultures and languages is a fact of life, instead of an argument occasionally raised or used in favourable circumstances.
- To that end, we express our concern on forced 'acculturation' tactics by segments of the largest in numbers part of the minority population in Thrace – that of Turkish origin who discriminates against non-Turkish speaking members of the Muslim minority.

Within the rural social context of Muslim villages, psychological pressure ends up in massive attendance of extra-systemic 'Quranic schools', which fundamentally disrupt the educational process provided for by minority schools. This not only contributes to the structural inefficiency of minority schools but also promotes an ethno-religious pattern, alien to both the minority and the society in Thrace as a whole. Islamic values are invested with ethnic concepts affiliated with the socio-economic processes in Turkey. It is deeply disconcerting that 'Quranic schools' alienate the young generation of the minority, at their first steps in life, from the social mainstream of their country, thus turning them against the values of the rest of the society.

- The articles of the 1923 Lausanne Treaty {mentioned in the written statement contained in the A/HRC/9/NGO/38 General Assembly document (Human Rights Council, 9<sup>th</sup> session)} deal with the protection of the rights of non-Muslim minorities in Turkey. Since the establishment of the Turkish Republic, these rights have been continuously and methodically violated. As a result, the vast majority of the Greek populations in Turkey have left, often forcibly, and 80% of community properties has been either seized or confiscated by the Turkish state. Infringing the Lausanne Treaty is still under way in Turkey, forming part of everyday life for the remaining Greek minority population. It goes without saying that any reference to the 1923 Lausanne Treaty has to go along with mentioning these violations.

**HUMAN RIGHTS COUNCIL**  
**10<sup>th</sup> Regular Session**  
**2-27 March 2009, Geneva**

**Agenda item 8: Follow-up and implementation of the Vienna Declaration and programme of action**

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HUMAN RIGHTS COUNCIL  
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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]

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\*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 Thrace, which lives in the north-eastern region of Greece, has an estimated population of 150,000, mainly concentrated in Xanthi, Komotini and Alexandroupolis<sup>70</sup>.
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.*

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.

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<sup>70</sup> 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>

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 de-regulated the law with regard to the post of mufti, with no consultation 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 1990 adopted a legislative decree which provides that muftis must be appointed by the 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, 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 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 the Lausanne Treaty.
12. It is a clear violation of the freedom of religion and conscience of the Turkish Minority of Western Thrace. In Orthodox Christianity, which is the basic constituent of the Greek culture and Greekness, the State pays the salaries of the religious staff in the Orthodox Church, because they are in charge of public service. However, the State still does not have the jurisdiction appointment of any religious men to the Orthodox Church. On the other hand, the Jewish Central Board and shared Jewish communities have a public law entity status. Nonetheless, the Armenians living in Greece do select their own religious leaders, although they are Orthodox too, and thus benefit from the same right as 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, the Mufti (appointed) is a public servant. The Western Thrace Muslim Turkish Minority does and must have a public law entity status with its Muftis, mosques, lodges and other institutions. However, the Greek authorities and legislators do not accept this status.

14. 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.
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 rite 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 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 (11<sup>th</sup> 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 Law 3536/2007 which provides in the creation of 240 posts of religious teachers (Imams) in Western Thrace under the competence 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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HUMAN RIGHTS COUNCIL  
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**FOLLOW-UP AND IMPLEMENTATION OF THE VIENNA DECLARATION AND  
PROGRAMME OF ACTION**

**Reply\* of the Greek Government to the written statement made by the Federation of  
Western Thrace Turks in Europe\***

**Geneva, 17 March 2009**

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and, has the honour to provide herewith the reply of the Greek Government to the written statement, made by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status, bearing the number A/HRC/10/NGO/24, dated 23 February 2009, submitted on the 10<sup>th</sup> session of the Human Rights Council, under agenda item 8: 'Follow-up and implementation of the Vienna Declaration and Programme of Action'.

The Permanent Mission of Greece kindly requests the Office of the High Commissioner for Human Rights to circulate the attached text as an official document, under agenda item 8 of the 10<sup>th</sup> session of the Human Rights Council.

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

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\*Reproduced in the annex, as received and in the language of submission only.

## Annex

### MUSLIM MINORITY IN THRACE

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

In general terms, based on the principle of equality before the law and of civil rights, as well as in the framework of the rule of law, guaranteed by the Greek Constitution, the members of the Muslim minority enjoy the same rights and obligations as any other Greek citizen, irrespective of his or her religious beliefs.

Moreover, several specific measures have been taken by Greece in order to enhance the said minority's rights, in accordance with the U.N. human rights Covenants, as well as the European Convention of Human Rights and the very values of the European Union.

B. The religious (Muslim) character of the minority unambiguously derives from both article 45 of the Peace Treaty of Lausanne of 1923 and Article 2 of the Convention on the Exchange of Greek and Turkish populations of 30 January, 1923.

More specifically, Article 45 of the Lausanne Peace Treaty stipulates that 'the rights conferred by the provisions of the present section (II) on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory'. Likewise, Article 2 of the Lausanne Convention on the Exchange of Greek and Turkish populations and in respect of the obligations undertaken by Turkey and Greece refers to a 'Greek minority' and to a 'Moslem minority', respectively.

The Muslim minority in Thrace consists of three distinct groups, whose members are Turkish, Pomak or Roma origin. Each of these groups has its own distinct spoken language and cultural traditions. Each of these groups has its own distinct spoken language and cultural traditions. The cultural heritage of all segments of the minority is fully respected. However, any attempt to identify the entire Muslim community in Thrace as Turkish is unacceptable not only for political reasons, but also because it does not reflect the actual composition of the Muslim minority, in accordance with objective criteria. Likewise, any effort by members of the Turkish-origin component of the Muslim minority in Thrace to impose their own cultural characteristics and traditions on the other two components of the minority (Pomaks and Roma) is against the contemporary human rights standards in the field of minority protection.

C. The provisions of the Treaty of Athens of 1913, which provided reciprocal and extensive minority rights for over 2 million Ottoman Greek Orthodox and approximately 650,000 Muslims of Greece which did not embrace that time the region of Thrace have been superseded by the subsequent provisions of the Lausanne Peace Treaty of 1923 (Section II). The latter regulates the protection of minorities in Turkey and in Greece, without any reference to the Treaty of Athens, or to the election of Muslim religious leaders by popular vote.

In fact, the Treaty of Lausanne, following the exchange of Greek and Turkish populations, establishes a comprehensive legal framework for the protection of minorities in Turkey and Greece, based on the principle of equal treatment of the minority and the majority population.

Article 40 of the Treaty of Lausanne is misquoted and misrepresented in the text of the NGO 'Federation of Western Thrace Turks in Europe', since this article addresses the Turkish undertaking to safeguard non-Muslim minority religious and communal rights in Turkey, an undertaking infringed repeatedly, and culminating in the closure of the sole Greek Orthodox seminary in Turkey, the Theological School of Chalki (Heybeliada) in 1971.

The Muftis in Thrace have never been elected and Law 2345/1920 (enacted provisionally on the expectation of the entry into force of the Treaty of Sevres), to which misleadingly refers the above written statement, was never applied and long fallen in disuse. This law was formally repealed in 1991 when Law 1920/1991 was enacted, regulating the status of Muftis.

Thus, the Muftis of Thrace are appointed on the basis of transparent procedures similar to those applied all over the world, including Turkey, since Holy Islamic Law does not foresee popular elections for Muslim religious leaders. The appointment of Muftis takes place with the participation of prominent Muslim personalities. This procedure is necessary, since the Muftis enjoy judicial authority in matters of family and inheritance law. It should be stressed that while Muftis in Greece were always appointed according to the above procedure, in the past few years, certain individuals within the minority have organized 'elections' for Muftis, in violation of the relevant Greek law, with the participation of only a part of the minority and with the exclusion of women, in defiance of modern human rights standards.

The decision of the European Court of Human Rights does not impose on Greek authorities the obligation to recognize the so-called 'elected' Muftis. The Court did not examine the issue of the appointment of Muftis; it has only found that the conviction of the applicants by the Greek courts for having usurped the office of the Minister of a known religion were not in conformity with the ECHR.

D. In the spirit of equal rights and equal opportunities (isopoliteia) pursued by the Greek State, Muslim spiritual elders, like their Christian religious counterparts, have now access if they choose so, to a state salary, as well as health and retirement benefits. The provisions of Law 3536/2007 extend this benefit to the preachers and teachers of the Holy Koran (ierodidaskaloi) and not necessarily to the imams (Muslim clerics) who in any case are chosen and employed by their parishioners. It goes without saying that imams too can opt to benefit from the provisions Law 3536/2007 since they are preachers and teachers of the Holy Koran. Therefore, the term of 'appointed' imams, used in the text, is a shrewd distortion of the letter and the spirit of the above law which has been enacted in the framework of offering equal access to state benefits to both Christian and Muslim taxpayers. It is strongly believed that because of the benefits of the Law 3536/2007, the preachers and teachers of the Holy Koran will be in a better position to contribute more efficiently to the spiritual needs of their communities.

The selection process of the preachers and teachers of the Holy Koran is deliberately presented in a distorted way since the Muftis and Muslim boards of examiners select the competent candidates. The candidates submit their applications to the official Muftis of their regions and Muslim theologians process the applications and judge on the competence of the candidate preachers and teachers of the Holy Koran. The Christian committee mentioned has the sole responsibility of seeing whether the chosen candidates fulfil certain formal requirements (absence of a criminal record, military service, certificate of primary school), a standard procedure for all state hiring. The contracts of employment are signed by the Muftis

and the preachers themselves, individually, and the salaries are paid through the office of the Muftis.

It is clearly untenable and self-contradictory to argue that the state's concern for the welfare of Muslim spiritual elders constitutes 'a clear violation of the freedom of religion and conscience of the Western Thrace Turkish Minority'. The extension of some financial and social benefit opportunities to a certain group of Greek citizens, who choose to opt for them, is in keeping with the spirit and practice of a modern state and only offend those circles that encourage introversion and isolation of the Muslim minority in Thrace.

March 2009

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**HUMAN RIGHTS COUNCIL**  
**11<sup>th</sup> Regular Session**  
**2-18 June 2009, Geneva**

**Agenda item 9: Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action**

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HUMAN RIGHTS COUNCIL  
Eleventh session  
Agenda item 9

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS  
OF INTOLERANCE, FOLLOW-UP AND IMPLEMENTATION OF THE DURBAN  
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.

[22 May 2009]

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

## **Discrimination on the ground of ethnicity: The Turkish Minority of Western Thrace and Hate Speech in the Media**

The Preamble of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities states that “...The promotion and protection of the rights of person belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live”. Although there is a heightened interest in the protection of minorities, discrimination persists and is a part of real life in many parts of the world, even in Europe.

The 2001 Durban Declaration and Programme of Action urged Governments to create favourable conditions and take measures that would enable persons belonging to minorities within their jurisdiction to express their characteristics freely and to participate on a non-discriminatory and equitable basis in the cultural, social, economic and political life of the country in which they live. However, the Turkish Minority of Western Thrace is still facing serious problems and discrimination in expressing and maintaining its identity in a country, which is deemed to be the cradle of democracy, namely Greece.

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”, there is, however, no direct provision in the Greek Constitution which prohibits discrimination on the grounds of ethnicity or nationality, religion, language.

Although the Outcome Document of the Durban Review Conference invites “Governments and their law enforcement agencies to collect reliable information on hate crimes in order to strengthen their efforts to combat racism, racial discrimination, xenophobia and related intolerance”, the Fundamental Rights Agency notes that the authorities in Greece do not provide any data on hate crimes.<sup>71</sup> Since hate crimes or bias-motivated crimes occur when a perpetrator targets a victim because of his or her membership in a certain social group, the Turkish Minority of Western Thrace expresses its concern over the rise in recent years of acts of incitement to hatred, which have targeted Turkish Minority and persons belonging to the Minority, whether involving the use of print, audio-visual or electronic media or any other means, and emanating from a variety of sources.

The Criminal Code of Greece does not contain provisions which specifically the racist or other bias-motivated actions of the offender to be taken into consideration by the courts as an aggravating circumstance when sentencing, although the Greek authorities does claim that the Criminal Code takes the motives of crimes or bias-motivated crimes into consideration when determining the sentence. However, the law does not specifically stipulate that, for all ordinary offences, racist motivation constituted an aggravating circumstance.

Law 927/1979 on punishing acts or activities aiming at racial discrimination with regard to the incitement to hatred and dissemination of racist ideas penalizes incitement to discrimination, hatred or violence towards individuals or groups because of their racial, national or religious origin, through public written or oral expressions; and prohibits the establishment of, and membership in, organizations which organise propaganda and activities aimed at racial discrimination. However, as of 2003, no convictions had been attained under the law.

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<sup>71</sup> FRA, “European Union Agency for Fundamental Rights, Annual Report”, page 28.

In 2005, Law on the “Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation” was adopted. Moreover, Article 16 (1) of Law 3304/2005, which amended Article 3 of Law 927/1979, provides that “whoever violates the prohibition of discriminatory treatment on the grounds of ethnic or racial origin or religious or other beliefs ... is punished with six months’ imprisonment and a fine of 1.000 –5000 euros”. However, the abovementioned criminal legislation has until now, had limited application in practice. Because 3304/2005 prohibits direct or indirect discrimination, it should however be noted that a difference of treatment based on a characteristic related to racial or ethnic origin, is not deemed as “discriminatory” provided that the aim pursued is legitimate and the requirement is proportionate (Article 5). This loophole leads a more limited effect in prevention of discrimination.

Apart from criminal law provisions, hate speech in the media is prohibited. Although Article 2(a) of the Code of Professional Ethics and Social Responsibility of the Journalists’ Union of Athens Daily Newspapers states that journalists should not make distinctions among citizens on the basis of their origin, gender, race, religion, political affiliation, economic situation and social status, the National Commission for Human Rights notes that there is a trend in news bulletins to reproduce stereotypes and prejudice concerning different ethnic or social groups. Today, there have been very few prosecutions and convictions under the criminal law provisions addressing racist offences, although a few exemplary penalties have been imposed. However, racist incidents have occurred in Greece - including racist statements made in public or reported in the press, and acts of racist violence - and that such incidents have not been prosecuted or indeed given all due attention by the Greek authorities. The problem is that the interpretation of the notion of racism by certain judicial authorities, leading to either no charges are being brought, or charges are dropped in the cases.

Some media express certain prejudices and negative stereotypes towards members of minority groups, including the Turkish Minority in Western Thrace. The statements in question are sometimes tolerated by the judicial authorities on the name of freedom of expression. However, ABTTF would like to stress that Greek Criminal Code (Law 927/1979) the principle of freedom of expression does not extend so far as to authorise the publication of racist statements.

Although Circular No 21979/13.2003 of the Ministry of the Press and Media aims at increasing the awareness of professionals working in the media against racism and xenophobia, racist articles and opinions have been and are being published by some media.

On 4 March 2009, *Hronos*, a regional newspaper published in Greek in Western Thrace, with regard to the report submitted by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, on human rights of minorities in Greece, commented that “Those who have given information to the Rapporteur are those who benefit from the focal points which try to make non-existent minorities exist and destroy the stability in the country”. Unfortunately, this is not an exceptional case in Greece. Not only *Hronos*, some other regional or national newspapers in Greece have a negative approach towards the Turkish Minority in Thrace, however, hate speech is rarely prosecuted by certain judicial authorities. In this context, they do threaten the solidarity in society, because they target a specific group within the society, namely the Turkish Minority.

Lately, on 19 February 2009, Abdülhalim Dede while he was on-air during the morning programme, *Kalimera Ellada*, broadcast by the Athens, Greece-based Antenna TV. The Turkish Ziraat Bank had invited, among others, Dimitris Stamatis, Secretary General of the



Region of East Macedonia and Thrace, to attend the opening of its first branch in Komotini, Thrace, Greece. Stamatis declined because the letter of invitation was written in English and Turkish, but not in Greek, and because the city of Komotini was referred to by its Turkish name only, Gümülcine. Abdülhalim Dede, activist on the promotion of minority rights of the Turkish Minority in Western Thrace and publisher and director of the newspaper *Trakyanın Sesi* and owner of the radio station *IŞIK FM* in Komotini, was invited by the hosts of *Kalimera Ellada* to express his opinion live from Komotini on Antenna TV. During the interview, an unknown man approached Dede, shouted at him using obscene language, and physically attacked him. The main studio in Athens immediately terminated the live broadcasting.

ABTTF notes with concern this increasing trend of assaults against journalists in the entire region. We would like all States to pay more attention to the hate or bias-motivated crimes and hate speech, and we call all participating States to act immediately. We, hereby, urge Greek authorities;

- To make express provision in the law for racist motivation to be considered as an aggravating circumstance in the case of all common offences.
- To introduce a provision into criminal law expressly stipulating that for all ordinary offences, racist motivation constitutes an aggravating circumstance. In addition, we would like to draw attention of the Greek authorities to ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, indicating the provisions that should be included in criminal legislation.
- To take every step to prosecute and punish the culprits, in cases where racist articles have been published
- To ratify as soon as possible the Framework Convention for the Protection of National Minorities.



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HUMAN RIGHTS COUNCIL  
Eleventh session  
Agenda item 9

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS  
OF INTOLERANCE: FOLLOW-UP TO AND IMPLEMENTATION OF THE DURBAN  
DECLARATION AND PROGRAMME OF ACTION**

**Letter\* dated 17 June 2009 from the Permanent Mission of Greece  
addressed to the Office of the United Nations High Commissioner for Human Rights\***

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the United Nations Office of the High Commissioner for Human Rights and has the honour to provide herewith the comments of the Government of Greece with regard to the written statement submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/11/NGO/25), submitted to the Human Rights Council at its eleventh session under agenda item 9.

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the attached text as a document of the eleventh session.

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\*Reproduced in the annex, as received and in the language of submission only.

## ANNEX

### MUSLIM MINORITY IN THRACE, GREECE

In general terms, it is a fact that, based on the principle of equality before the law and of civil rights, as well as in the framework of the rule of law, guaranteed by the Greek Constitution, the members of the Muslim minority in Thrace, Greece, enjoy the same rights and obligations as any other Greek citizen, irrespective of his or her religious beliefs.

It is beyond doubt that the region of Thrace in Greece has long been a place of harmonious coexistence between Christians and Muslims, even before the terms ‘xenophobia’ and/or ‘islamophobia’ – ‘christianophobia’ were brought to the agenda of the international community.

Furthermore, Thrace is a place where human rights and freedom of religion of the Muslim minority are fully respected.

Fringe electronic or written media comments and one isolated incident of verbal violence – which has never been reported by the minority press or denounced to the authorities – cannot constitute a hate crime whatsoever, nor can they be the basis for any claims that a racist, hostile to the Muslim minority, environment exists in Greece.

The Government of Greece rejects any allegations of hate speech in the media.

On the contrary one could not turn a blind eye to hate biased speeches delivered by few – but influential – Muslim religious leaders in Thrace, which insult the Christian majority.

The few provocative statements by a specific NGO should leave the vast majority of the members of the Muslim minority in Thrace to continue living in harmony with their Christian fellow – Greek citizens.

**HUMAN RIGHTS COUNCIL**  
**12<sup>th</sup> Regular Session**  
**14 September-2 October 2009, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

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HUMAN RIGHTS COUNCIL  
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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,  
INCLUDING THE RIGHT TO DEVELOPMENT**

**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.

[20 August 2009]

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

## **The Problem of Political Representation of the Turkish Minority of Western Thrace**

The recognition of and full respect for cultural diversity and multiculturalism is an important tool to end discrimination on the grounds of national or ethnic origin, Federation of Western Thrace Turks in Europe (ABTTF) reiterates that discrimination on the grounds of race, colour, religion, descent, nationality or ethnic origin further hinders enjoyment of national or ethnic minorities of their basic human and minority rights including economic, social and cultural rights.

Although Greece states that the Turkish Minority of Western Thrace has the same rights and obligations based on the principle of equality before of the law and, of civil rights guaranteed by the Constitution, the Turkish Minority suffers serious problems and discrimination in expressing its identity. Although a series of specific measures has been adopted during the last years, there is, however, no real progress in rights of the Turkish Minority.

□ The persons belonging to those minorities should be treated equally and enjoy human rights and fundamental freedoms without discrimination of any kind, the Turkish Minority does, however, continue to be subjected to discrimination on the ground of its ethnic origin. Former Article 19 of the Greek Nationality Code (Legislative Decree, Law No.3370/1955), which is a provision that was applied from 1955 until 1998, provided for the denationalisation of ‘citizens of different [non-Greek] descent’ ‘alloyenis’, as opposed to ‘omoyenis’, that is, ‘of the same [Greek] descent’) who left Greece ‘with no intent to return’. According to the Ministry of Interior’s reply given to the notice of question asked by İlhan Ahmet, MP for Rodopi in the Greek Parliament, in May 2005, 46,638 Turks (Muslims) in Western Thrace and the Island of Rhodes (Twelve Islands) were deprived of citizenship until 1998. Not only the persons who were deprived of citizenship but also their descendants were deprived of the Greek nationality, and they also have lost advantages of being an EU citizen. Today, persons, who were deprived of their citizenship and have remained in Greece (estimated at 200 persons) and wish to recover their Greek nationality, have had to go through the normal naturalization process applicable to aliens, a process that has been described as ‘long, expensive and uncertain as regards the outcome, and humiliating for persons who have wrongly lost their citizenship’.

□ There remains a serious concern about freedom of association of the Turkish Minority of Western Thrace. Since any interference in the exercise of this freedom is claimed to be fully scrutinized by national courts under strict standards, restriction to this right must be motivated by a pressing social need with a view to protecting national security or public safety or preventing disturbances of public order. However, there is no legitimate aim in dissolution or non-registration of associations which include the word “Turkish” in their appellation. This situation has led in fact to a number of relevant applications before and of unanimous judgments against Greece by the European Court of Human Rights. Although Greece does claim that there is no general prohibition to use certain words in the denomination of an association, there is no association recently registered or already in operation which includes the word “Turkish” in their appellation. Lately, the application for registration of South Evros Minority Culture and Education Association, which does not even have the word “Turkish” in its appellation, has been rejected by the Greek civil court on the ground that the term “minority” has a vague definition. Although there is not any kind of violence and threat against democratic society, there is no measure taken by the Greek authorities on the registration of the associations which were dissolved or not registered.

□ The Turkish Minority of Western Thrace does suffer problems in the field of education, although the situation has slightly improved in recent years. Although the right to education of the Minority is guaranteed and protected under the 1923 Lausanne Treaty, the autonomy of the Minority in education has been systematically violated by Greece. Although Greece claims to implement the principles of “isonomia” (equality of the law) and “isopoliteia” (equality before the law), while combating educational exclusion”, this should not necessarily imply the same treatment for all. Law 3518/2006, which extends compulsory period in education from nine to ten years starting from the school year, does not bring any regulation about ethnic and cultural differences of the children in Greece. Law 3518/2006 compels the Minority children who have completed the 5th year of their age in Western Thrace to attend majority kindergartens under the Ministry of Education and Religious Affairs. Although there may not be any textbooks in pre-school education, the language of education is Greek. In line with the status of the Minority and the legal framework in the field of education, bilingual minority kindergartens rather than the state kindergartens in which Greek language is used should be established in areas densely inhabited by the Turkish Minority, namely in Western Thrace.

□ Full and effective political participation is an essential component of a peaceful and democratic society. The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities states that “persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation”.

However, the Turkish Minority of Western Thrace in Greece is inadequately represented in society’s policy and decision-making system. After the Minority elected an independent deputy in 1989, a new electoral law was introduced in Greece, which set a threshold of 3% of the nationwide vote for a party and for an independent candidate to be represented in the Parliament. Under the current electoral law of “reinforced proportionality”, political parties and independent candidates cannot enter the Parliament unless they obtain at least 3 % of the votes throughout the country, although they may have enough votes to get electoral seats in specific electoral districts. Although independent candidates are allowed, they hardly have to be elected. This provision hinders full and effective participation of the Turkish Minority in the political system. In 1993, the independent Minority candidate, who had the largest vote among all Greek and Turkish candidates in Rhodope, was unable to be elected although the candidate had exceeded the district’s electoral quota for a seat. Since then, the Minority was forced to run candidates with national parties, even though all these parties oppose the Minority’s major demands.

Since 1994, prefects are elected, but the election law merged one of the two prefectures where the Turkish Minority is densely populated, Xanthi, with neighbouring Kavala and Drama; and the other one, Rhodope, with neighbouring Evros. The European Commission against Racism and Intolerance (ECRI) stated in its first report that “the redistribution of the electoral districts had adversely influenced the chances for the election of Muslim prefects or prefectural councillors”. ABTTF, therefore, demands the modification of the electoral districts in order to increase the possibility of a member of the Turkish Minority being elected to such positions.

The electoral law, which set the threshold of 3% of the nationwide vote for a party and an independent candidate, with new electoral districts makes it almost impossible for members of the Turkish Minority to be elected to the Parliament, unless they run candidates with majority parties. The division of local electoral districts, which is called “enlarged electoral districts”,

has also had a very negative effect on the possibilities of members of the Turkish Minority to be elected at local level.

ABTTF urges the Greek authorities:

- To take steps to ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Citizenship Code for all persons concerned, especially ethnic Turks. In particular, ABTTF urges the authorities to genuinely facilitate these persons' recovery of their citizenship by removing any obstacle, including the need for them to go through the naturalisation procedure. And Greece should restore immediately the nationality of those Minority members and their descendants now reside outside the Greek territory and acquired nationality of a third country.
- To adopt urgently all necessary measures in order to make possible the effective enjoyment by Minority members of their right to freedom of association, in full alignment with European and international human rights and minority protection standards and mechanisms.
- To extend compulsory education of ten years to the minority schooling system and reconstruct the minority system of education in line with the principles of multiculturalism and multilingualism. In this context, children belonging to the Turkish Minority of Western Thrace will have sufficient opportunities to learn the official language of the state and their mother tongue.
- To withdraw the 3% electoral threshold for an independent candidate to be elected and abolish the division of local districts into enlarged electoral districts which are now implemented in the prefectures of Rhodope and Xanthi.

**HUMAN RIGHTS COUNCIL**  
**13<sup>th</sup> Regular Session**  
**1-26 March 2010, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

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**Human Rights Council**  
Thirteenth session  
Agenda item 3  
Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development

**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.

[15 February 2010]

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



## **The Problem of Freedom of Expression and Media in Greece**

Freedom of expression and media is a basic human right and an essential foundation of democracy which should be protected and promoted. United Nations has always been a strong supporter of free and independent media which is a fundamental freedom and one of the cornerstones of democracy. Article 19 of the Universal Declaration of Human Rights states, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. Federation of Western Thrace Turks in Europe (ABTTF) reiterates that the United Nations and its Member States should advocate and promote full compliance with international principles and commitments in respect of freedom of expression and free media.

Law 3592/2007 on the “Concentration and Licensing of Media Enterprises and Other Provisions” adopted on 16 July 2007 in Greece contains some provisions which the authorities should review, including Article 8 13) (a) which provides that the main broadcasting language for radio programs should be Greek. A number of other requirements on the minimum human and financial resources required to obtain a license risk endangering smaller regional and minority media: 1) the minimum disbursed capital for radio owners has been established at 100,000 EUR for radio stations broadcasting news and 60,000 EUR for those broadcasting music; 2) radios are required to broadcast for 24 hours regardless of their programming. Moreover, according to the Greek authorities, Article 8 paragraph 14b (vi) provides that radio stations operating in regions with less than 100,000 inhabitants are obliged to employ at least 5 staff members, if they broadcast news, while radio stations broadcasting music, in the same regions, are obliged to employ at least 3 staff members.

The requirement for minimum disbursed capital for radio owners applies to regions with at least 100,000 inhabitants and no more than 150,000 inhabitants, although they are some of the poorest in Greece. It is unlikely to be met by local radio stations, in particular Turkish local radio stations broadcasting in the region of Western Thrace, where an estimated population of 150,000 Turkish people lives in. When considering that Western Thrace is the poorest region in Greece, the minimum disbursed capital for radio stations is disproportionate and it is almost impossible for radio owners in the region and other smaller local media organizations to obtain a license. With regard to the requirement for broadcasting which is that radio station must provide a 24-hour programming regardless of whether the station does broadcast news and information or music, this will burden a hardship on smaller media organizations and radio stations owned by the Turkish Minority. The Law further states that the main transmission language must be Greek.

In clear violation of the International Covenant on Civil and Political Rights (Article 27), the provision hinders the freedom of the Turkish Minority of Western Thrace to expression and media. Besides, the requirement that radio stations must employ a certain number of full-time employment burdens an additional economic barrier which most of radio station owners belonging to the Turkish Minority cannot stand with.

Have restricted diverse and plural media environment Law 3592/2007 has already had a negative impact on local and smaller media organizations, on minority media organizations in particular. ABTTF notes with concern that the law does threaten maintenance of the existence of radio stations owners belonging to the Turkish Minority of Western Thrace and undermines its freedom of expression and media and the free flow of information.

On 30 November 2009 National Council for Radio and Television (ESR) recommended that Tele Radio 104. 2 FM which broadcasts in Turkish language from Xanthi, Western Thrace must broadcast for 25 percent in Greek language. The Committee (Dec. 473- 19.10. 2009) issued a recommendation decision of warning that the Committee could even impose more harsh sanctions if the Tele Radio FM which only broadcasts in Turkish language does not broadcast 25 percent of qualifying time for works produced in Greek language. However, ABTTF has had information that radio stations which broadcast in English or Russian languages are not subjected to the requirement that they must also broadcast in Greek language. This clearly shows that National Council's decision is discriminatory in its nature, which is in clear violation of Article 14 of Greek Constitution on freedom of media.

Law 3592/2007 contains a number of provisions regarding language, employment and finances that hinder potential local and regional media from obtaining licenses for news and music radio stations. This further minimizes any opportunity for the Minority to express its opinion through media instruments and excludes the members belonging to the Minority from access to information. European Commission against Racism and Intolerance (ECRI) stated its criticism about the law in its report on Greece (fourth monitoring cycle). In July 2007, Miklos Haraszti, the OSCE Representative on Freedom of the Media expressed his concern about the law and stated "OSCE commitments regarding pluralism of views require that all communities have access to the flow of information and can contribute to it. Every government has a responsibility to facilitate respect and inclusiveness".

South East Europe Media Organization and International Press Institute (SEEMO-IPI) have also raised their objection to Law on the Concentration and Licensing of Media Enterprises and Other Provisions and they sent a letter to the President of Greece, Karolos Papoulias in which they stated that law that was designed solely to maintain the present restrictive media environment and further shrank any opportunity for the expression of minority points of view.

On 7 January 2007, ABTTF has sent a letter to international organizations and institutions and persons, competent for the matter, including the UN Independent Expert on Minority Issues, Ms. Gay McDougall, and it has raised its concern with regard to some provisions of above-mentioned law. In his reply letter on 22 January 2010, Executive Secretary to European Commission against Intolerance and Racism (ECRI) Stephanos Stavros has stated that he has taken good note of the concerns raised in ABTTF's letter with regard to some provisions of the above-mentioned law and its impact on smaller regional and minority media. He has also added that ABTTF's letter would be taken into consideration in part of ECRI's permanent monitoring of the situation regarding racism and racial discrimination in Greece, including the extent to which ECRI's recommendations are implemented.

In light of the information mentioned above, ABTTF urges the Greek Government;

- To review Law 3592/2007 in accordance with international standards on media pluralism and the free flow of information
- To take immediate steps to ensure that the freedom of expression, media and free flow of information and a diverse and pluralistic media environment is guaranteed in Greece.



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**Human Rights Council**  
Thirteenth session  
Agenda item 3  
Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development

**Note verbale\* dated 19 March 2010 from the Permanent Mission of the Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide here with the comments of the Government of Greece in relation to the written statement submitted by the 'Federation of Western Thrace Turks in Europe' (A/HRC/13/NGO/62), a non-governmental organization in special consultative status to the Human Rights Council under agenda item 3.

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the attached text as a document of the thirteenth session.

\*Reproduced in the annex, as received and in the language of submission only.

### Freedom of Expression and Media for the Muslim minority in Greece

The members of the **Muslim minority in Thrace, Greece**, enjoy the **same rights and obligations as any other Greek citizen**, irrespective of his or her religious beliefs, in the framework of the rule of law, guaranteed by the Greek Constitution.

With respect to document A/HRC/13/NGO/62 of February 23<sup>rd</sup> 2010, Greece would like to refer to the **following wording directly quoted** from **Resolution 1704 of the Parliamentary Assembly of the Council of Europe** [‘Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (Eastern Greece)’] and its attached report.

(a) Chapter II (Historical and legal context) / sub-chapter i. [Background to and identity (ies) of the minorities} / cluster 23 of the said report]: ***The Muslim minority in Thrace is estimated to number around 100,000 individuals in a region with a total population of 362,000***. ***The minority is made up of three different ethno-linguistic population groups: Muslims of Turkish origin (approx. 50%), Pomaks (an indigenous population who converted to Islam under the Ottoman Empire) (approx. 35%) and Roma/Gypsy Muslims (approx. 15%). The status of the Muslim minority derives mainly from the 1923 Peace Treaty of Lausanne***. (art. 45 of the Peace Treaty of Lausanne)

(b) Resolution 1704, in paragraph 18.6. (The whole of paragraph 18 of the resolution specifically concerns Greece) says ***ensure that no attempts are made to impose an identity on a person or a group of persons, even by representatives of other groups within the minority concerned, in keeping with the spirit of Article 3 of the Framework Convention for the Protection of National Minorities***.

In relation to the recommendation of Greece’s National Council for Radio and Television on the case of Tele Radio 104.2 FM, being referred to at the above document as ‘discriminatory’, the following should be clarified:

(a) The Council’s decision was based on Article 3, paragraph 18 of the Law 2328/1995. In accordance with this Article, radio stations are under the obligation to broadcast more than 25% of their programme in the Greek language.

(b) The National Council for Radio and Television is an independent authority. As such, it is not subject to any government or other state influence, as this would be a violation of its independent nature and code of conduct.

Finally, for presenting the wider picture in the area of freedom of expression and media in Greece, and in particularly in Thrace, **please find attached a list of minority press publications and radio stations in Thrace, Greece**:

## 1. MUSLIM MINORITY RADIO STATIONS in GREECE

City FM 107,6  
Joy FM 106,9  
Işık FM 91,8  
Yıldız FM 107,3  
King FM 106,2 105,5 106 106,2 107,8  
Tele Radio 104,2  
Radio DJ 90,6

## 2. MUSLIM MINORITY NEWSPAPERS in GREECE

Gündem	Weekly
Birlik	Weekly
Cumhuriyet	Weekly
Bülten	Weekly
Balkan	Weekly
Trakya'nın Sesi	Fortnightly
Periskopio	Weekly (in Greek language/Muslim owner)
Olay	Internet newspaper (www.btrolay.gr)
Millet	Weekly

## 3. MUSLIM MINORITY MAGAZINES in GREECE

Azınlıkça	Monthly
Rodop Rüzgarı	Monthly
Öğretmenin Sesi	Monthly
Arkadaş Çocuk	Occasionally
Akide	Monthly
Genç Bakış	Occasionally
Öğrencialemi	Occasionally
Rehber	Occasionally
Kartelen	Quarterly

**HUMAN RIGHTS COUNCIL  
14<sup>th</sup> Regular Session  
31 May-18 June 2010, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

United Nations

A/HRC/14/NGO/62



**General Assembly**

Distr.: General  
28 May 2010

English only

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**Human Rights Council  
Fourteenth session  
Agenda item 3  
Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[17 May 2010]

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

## **The problem of participation of women belonging to minority groups in public and political life**

Equal participation of women in public and political life is one of the foundations of democracy and one of the goals of the United Nations. Unfortunately, the situation in most places of the world including Europe demonstrates that women are still under-represented in public and political life, nearly thirty-five years after the first UN World Conference on Women in Mexico City. Although Ms. Rachel Majanya, the UN Secretary-General's Special Adviser on Gender Issues, noted that ECOSOC had set a target of 30 percent women in leadership positions to be met by 1995, the overall progress has been slow in the world, like the European countries. Women still hold less than 20% of parliamentary seats and ministerial positions worldwide.

The participation of women in public and political life is still limited in most of European states, including Greece. The Greek Constitution of 1975 does establish the principle of equality and the revisions of 2001 do oblige the Greek State to take appropriate measures to eliminate all forms of discrimination. The General Secretariat for Equality, which is now a part of the Ministry of Justice, Transparency and Human Rights in Greece, is the governmental agency competent to plan, implement, and monitor the implementation of policies on equality between women and men in all sectors. New mechanisms of promoting gender equality have been established in Greece, and a permanent Parliamentary Committee on Equality and Human Rights has been created. Besides, a National Committee for Equality between the State, the social partners and NGOs for the formulation of National Strategy has been established. Although the participation of women in public and political life has increased in recent years, gender equality in public and political life is not still balanced in Greece. The Committee on the Elimination of Discrimination against Women (CEDAW) has criticized in 2006 that patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society persist in Greece. These stereotypes present an impediment to the implementation of gender balance in society. Women are still in a disadvantaged position in a number of areas, including all sectors of the labour market and in political and public life.

The effective participation of members of minority groups in the public and political life of the society they belong to is an essential component of a peaceful and democratic society. However, minority groups around the world, in Europe in particular, are not adequately represented in policy and decision-making systems. In order to eliminate negative stereotypes with regard to the role of women in public and political life, Greece launched a programme for the sensitization of public-school teachers and implemented in regions of the country. However, the Turkish Minority of Western Thrace, which is the only officially recognized minority group on its religious ground in Greece, has not been included in the programme since the programme only applied to the public schools. Greece also implemented a program of enriching libraries with relevant material in all public schools of technological education with the aim of tackling professional segregation and stereotypes. In order to challenge stereotypes, special training programmes, which are named "Parents' Schools", have been implemented throughout Greece first in 2003. However, the programme did not include the schools in Western Thrace where women of the Turkish Minority are in a very disadvantaged position.

The women in the region of Western Thrace have a very low-level education is under-represented in Greece. Western Thrace Minority University Graduates Association (BTAYTD) implemented a research project with a view to recording the problems and the needs of the Muslim women in Western Thrace. With the project KÖYEP (Reaching out to the Countryside), BTAYTD visited the minority women in their own places, and the problems and the needs of the minority women have been recorded. Data on the level of education of the minority women, their professional status and their family model has been collected. Surveys, which were made in different villages in Rhodope and Xanthi, have proved that the level of education of the minority women in Western Thrace is at a very low level. Only 5.3% of women participated in the survey are university graduate or university student, 4.7% of them are high school graduate or student, and 6.6% of them are secondary school graduate or student. 82.6 % of the women interviewed are primary school graduate. The very low level of education prevents the minority women to participate in public and political life. The professional status of the participants has pointed out that 45% of the women who are between 21-30 ages and 38.9% of the women between 31 and 40 ages are housewives, and most of them are workers in their own small farmyard.

The participation of minority women in political life represents another deep-rooted problem in Western Thrace and the participation of women in political life is still not in a gender balanced proportion in political life and society in general. In October 2009 elections, the percent of women in the Greek Parliament has increased to 17.33%, and today there are 52 women MPs in the Greek Parliament. However, there are no women who belong to the member of the Turkish Minority of Western Thrace elected to the Greek Parliament. In 2009 elections in Greece, mainstream parties nominated fourteen candidates who are members of the Turkish Minority, but there were only two women candidates in the lists of mainstream parties. The participation of women in political life at the regional level is slightly different from the national level.

The government with Law 3647/2008 has introduced a quota measure of 0.5 % for the recruitment of minority people in the public sector. However this quota has been used for the positions outside the region of Western Thrace, which is the natural habitat of the minority. In 2002, an obligatory 1/3 quota for women has been introduced to the electoral lists for prefectural and municipal elections. Since then, there has been a steady increase of female elected members to the prefectural and municipal posts. However, there are only three elected minority women who do actively participate in political life at the regional level. The case of Mrs. Sibel Mustafaoğlu presents an example to the negative stereotypes and discrimination of minority women on the ground of their minority status. In the last local elections of 2006, Mrs. Sibel Mustafaoğlu has been elected to the Prefectural Council of Rodopi and appointed as Vice- Prefect. She ran for the European Parliament elections in June 2009, as the only minority candidate in the PASOK list. Since she is one of the most promising politicians at the local level, she has been considered to be appointed as the Head of the Komotini in April 2010. However, the Church and the local right-wing newspapers initiated a campaign to cast her out and pressured the government to appoint another person to this post. This campaign has been successful and a man from the majority has been appointed to the relevant post.

In order to promote gender balance and participation of minority women in public and political life, ABTTF encourages the Greek State to:

-Reform the electoral system in a way which would strengthen women's representation in the Parliament. The electoral system with a proportional representation list system should provide



not only a high proportion of female candidates including women who belong to the minorities, but also a strict rank-order rule.

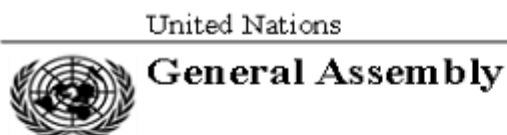
- Pay more attention to the women who are members of the vulnerable groups and carry out a program and/or project on the problems and the needs of these women. This includes research with a view to recording the needs of their families and their education structures of those women, and the existing legal and institutional framework should support full and effective participation of minority women in public and political life.

- Implement a policy which gives a first priority to the education of the minority women in the area of Western Thrace. Since the minority women in Western Thrace live in rural areas, rural development projects should be implemented in the region. The minority women should be included in the rural development projects. Thus, their participation to the public and political life is to be strengthened in the region of Western Thrace.

**HUMAN RIGHTS COUNCIL**  
**15<sup>th</sup> Regular Session**  
**13 September-1 October 2010, Geneva**

**Agenda items 2 and 3: Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**



A/HRC/15/NGO/41

Distr.: General  
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English only

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**Human Rights Council**  
**Fifteenth session**  
**Agenda items 2 and 3**  
**Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**  
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[23 August 2010]

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

## **The problem of high-quality minority education and the EPATH**

The report on the rights of persons belonging to national or ethnic, religious and linguistic minorities by the United Nations High Commissioner for Human Rights (A/HRC/15/42) summarized the most relevant concluding observations on the rights of the minorities made by treaty bodies in considering initial and periodic reports of States parties. The Committee on the Elimination of Racial Discrimination (CERD), in its concluding observations on the report submitted by Greece, requested more information about the groups that form the Muslim minority in Thrace, and about the measures the Government had taken to protect the identity and human rights of these groups.

Since there is no data with regard to the ethnic division of the population in Greece, there could be no certain information about ethno-linguistic division of the minority. Today the Turkish Muslim minority in Western Thrace has an estimated membership of 150,000 in Greece, mainly concentrated in Xanthi(İskeçe), Komotini(Gümülçine), Alexandroupolis(Dedeğaç). The Turkish Minority in Western Thrace may have different linguistic groups within it, while they are all members of the Muslim minority, of which ethnicity is defined as Turkish in the Etabli Documents granted in accordance with the provisions of the Agreement on the Exchange of Turkish and Greek Populations on 30 January 1923. 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. The Muslim Turkish minority in Western Thrace accounted for 65% of the local population in the region in the 1920s, the first years when the Treaty of Lausanne was signed, whereas they now account only for 30% of the local population in the region, and 1.3% of the total population (2001 census).

In the report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe<sup>72</sup>, following his visit to Greece on 8-10 December 2008, which was released on February 2009, the Commissioner recalled that freedom of ethnic self-identification was a major principle in which democratic pluralistic societies should be grounded and should be effectively applied to all minority groups, be they national, religious or linguistic. On 18 February 2009, the report of the UN Independent Expert on Minority Issues, Gay McDougall, following her mission to Greece on 8-16 September 2008, stated that “the absence of formal recognition by the state of a particular societal group as constituting “a minority” is not conclusive”. The Independent Expert continued that, “Rather, the existence of a group to which a state owes minority protections is a matter of objective facts and exercise of the right of self-identification by persons belonging to the group”. However, Greece does not subscribe to the right of any group to self-identification on a collective basis and the right of assembly or association of the group which seeks to determine its identity. Although so-called other segments within the minority are recognized and even welcomed and supported by Greek authorities, the Turks are not allowed to use their right of self-identification, while the existence in a country of ethnic minorities is defined on the basis of collective rights.

The Committee, in its report, expressed its concern about the reports of forced dissolution and the refusal to register associations with words such as “minority”, “Turkish” or “Macedonian”

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<sup>72</sup> Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Greece on 8-10 December 2008, CommDH(2009)9, <https://wcd.coe.int/ViewDoc.jsp?id=1409353&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>.

in their titles. It is unfortunate to state that this issue still remains to be solved, despite the Committee's expression of its concern about a year ago. Council of Europe Commissioner for Human Rights Thomas Hammarberg also expressed his worry that this situation led in fact to a number of relevant applications before and of unanimous judgments against Greece by the European Court of Human Rights. To date, there are no measures or steps taken by the Greek authorities on the solution of this problem. Lately, the application of South Evros Minority Culture and Education Association for registration has been rejected by Greek civil court on the ground that the term "minority" has a vague definition. There is still no step taken on registration of that association.<sup>73</sup>

The Committee concerned at the obstacles encountered by Roma and Turkish speaking persons, particularly in their access to employment, housing, health care and education. 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 right to education is not in practice enjoyed equally by the Turkish Minority of Western Thrace, and the Minority suffers from unequal access to quality education due to bad and inappropriate education strategies. ABTTF would like to draw attention to an old but recently most discussed problem with regard to education of the Turkish Minority of Western Thrace, Special Teacher Training Academy of Thessaloniki (EPATH), which is founded in 1968 by the Junta regime in stark violation of the rights of the Minority guaranteed by the treaties.

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. Although all pedagogic academies in Greece have been replaced by the Faculties of Education or Departments of Education, EPATH still exists in its current form. Moreover, the main language of education is predominantly Greek in EPATH, teachers have poor level of knowledge in Turkish language. It remains a serious concern that teachers graduating from EPATH are not qualified to have skills to teach in Greek and Turkish languages. That prevents Minority students who attend the Minority schools to learn both Greek and Turkish languages. Now, there left only teachers graduated from EPATH, since there are no more Turkish teachers graduated from Teacher Training Schools in Turkey, as of June 2009. Today, over 400 teachers in the minority schools are mostly graduates of the EPATH. This bad education strategy violates human rights of the Minority and is harmful to its interests.

In the report "Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (Eastern Greece)" (Doc. 11860, 21 April 2009) prepared by Michel Hunault, member of the Parliamentary Assembly of Council of Europe, the rapporteur noted that it remained a serious cause for concern that the teachers graduating from the EPATH, which trained teachers for the Muslim minority primary schools in Thrace, were reported to have poor skills in both the Greek and Turkish languages (in which they were supposed to teach). The report noted that some members of the Academy were replaced by a faculty of a higher level.

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<sup>73</sup> Federation of Western Thrace Turks in Europe, "Güney Meriç Azınlık Kültür ve Eğitim Derneği'nin kurulmasına red kararı", Press Release, 7 May 2009, <https://www.abtff.org/html/index.php?link=detay&id=2042&arsiv=1>.

In the panel meeting “EPATH: Past, Present and Future” on 26 June 2010, organized by Thalia Dragonas, the Special Secretary for Educational Planning and Intercultural Education at the Greek Ministry of Education, Lifelong Learning and Religious Affairs, the representatives of the Turkish Minority of Western Thrace stated that the EPATH should be replaced by a faculty of four-year higher education of which students were admitted only from members belonging to the Turkish Minority of Western Thrace. On 30 July 2010, Dragonas sent a letter to the EPATH that there was going to be no entrance examination to the EPATH in the 2010-2011 education years. Though, the uncertainty still remains about the future of the EPATH.

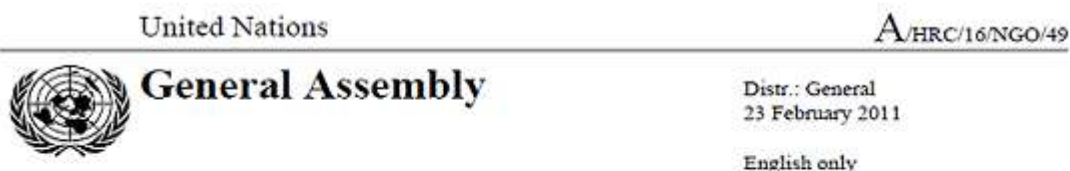
The Turkish Minority should have a right to participate in the life of the State and in decisions affecting itself and its children’s future. In the field of education, this right implies input by minorities into the design, implementation, monitoring and evaluation of education programmes and the administration of educational institutions.

In light of the information above ABTTF calls upon the Greek authorities:

- To adopt urgently all necessary measures in order to make possible the effective enjoyment by Minority members of their right to freedom of association, in full alignment with the Council of Europe human rights and minority protection standards.
- To replace the EPATH by a department of four-year higher education that will admit students only from the Turkish Minority of Western Thrace, and to establish a mechanism for dialogue between governmental authorities and the Turkish Minority of Western Thrace in the form of advisory or consultative bodies that will be the channel for the Minority to raise its own voice.

**HUMAN RIGHTS COUNCIL**  
**16<sup>th</sup> Regular Session**  
**28 February-25 March 2011, Geneva**

**Agenda items 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**



**Human Rights Council**  
Sixteenth session  
Agenda item 3  
Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[14 February 2011]

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

## **The right to freedom of religion to elect its appropriate leaders and the Mufti issue in Greece**

The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief does clearly state that the right to freedom of thought, conscience, religion or belief shall include, inter alia, to train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief [Article 6(g)].

Article 13(2) of the Greek Constitution of 1975 states “all known religions shall be free, and their rites of worship shall be performed unhindered and under the protection of the law”. 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 religious freedom of the Muslim Turkish minority of Western Thrace, which has been left in the Greek territory, is protected by the Treaty of Lausanne signed in 1923. Though the Treaty of Lausanne, which anticipates that “minorities administrate their own religion and institutions”, does not specifically mention that the minority shall elect its own religious leaders, the Treaty bring up the treaties which has taken into effect before itself, thus the Treaty reaffirms and acknowledges 1830 Protocol and 1881 Treaties and 1913 Athens Treaty and Its Third Protocol.

Athens Treaty states that, “the life and properties, and the honour, religion, sect and customs of the folks from the places left to Greece, and who will remain under the administration of Greece, will be fully cared and respected, and these folks will possess all kind of civil and political rights like the Greek citizens of Greek origin do”, and adds that, “each Mufti will be elected by those Muslim voters who find themselves under the authority realm of the related Mufti”. The Athens Treaty further notes that, “the Chief Mufti will be elected by an election council composed of all Muftis in Greece and will be appointed among three candidates determined by the King of Greece.”

Law 2345/1920 that had been adopted in accordance with provisions of Athens Treaty, envisaged that muftis were to be elected by Muslims which were entitled to vote, but this provision along with that the provision for the establishment of the position of Chief Mufti has never been implemented. Rather, the post of Chief Mufti, which is the counterpart of the Greek Orthodox Patriarch and the electoral assembly in question, is similar to the Orthodox Holy Synod. Even though there is no Chief Mufti, Greece adopted the election of the Patriarch as a model, and appointed muftis by a special decree issued by the King. Two of three muftis one in Komotini(Gümülcine), one in Xanthi(İskeçe) has been appointed by a special decree issued by the King, while mufti in Alexandroupolis(Dedeağaç) has never been appointed.

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 states that, muftis must be appointed by Presidential Decree on

nominations from the Ministry of Education and Religious Affairs, in breach of Article 40 of the Treaty of Lausanne which states that “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.”

In 1990, the Turkish Muslim Minority has elected its own muftis, although public authorities have not recognised the elected muftis, even they were prosecuted and sentenced to prison for the illegal use of religious symbols. Mr Mehmet Emin Aga, the former Mufti of Xanthi, elected by the Turkish Minority of Western Thrace had been tried unfairly many times and imprisoned. The Mufti was sentenced in January 1995 by the Larisa Court of Appeals in Greece to ten months on charges of “usurping the title of Mufti” and he was then sent to Larisa Prison. Through the subsequent trials on similar charges, Mr. Mehmet Emin Aga was sentenced to 8 years of imprisonment. In the same vein, on October 21, 1996, Mr. İbrahim Şerif, Mufti of Komotini elected in 1990 by members of the Turkish Minority, was convicted in Salonica “for false pretence of authority” because he had used the title of Mufti. He was sentenced to six months imprisonment but was released after appeal.

Greece doesn't still recognize the right of the Turkish Minority of Western Thrace to elect its own religious leaders and rather it appoints muftis on the ground that the muftis have legal authority on civic issues. The Presidential Decree, published in Official Gazette on 17 December 2010, extended “the terms of office of Cemali Meço, the son of Mufti of Komotini Hafuzidris, by 24 December 2010, upon the request of Minister of Education and Religious Affairs.

A parallel is often underlined between the Greek Orthodox Patriarchate in Turkey, and the muftis in Western Thrace, since the rights of these minorities are determined by the Lausanne Treaty. Though the Patriarch is elected by the Holy Synod after the submission of the list of would-be candidates to the public authorities, the muftis are still appointed on the ground that the muftis do have legal authority on civic issues. Federation of Western Thrace Turks in Europe (ABTTF) would like to remind that all decisions of the muftis (appointed) have to be ratified by first instance courts, and that they are liable to be null and void by the Greek authorities.

The relations between Turkey and Greece have gained a new dynamic dimension after PASOK assumed power in the elections of October 4, 2009, and, Prime Minister Yorgos Papandreou and Prime Minister Recep Tayyip Erdoğan in Turkey have expressed a strong political determination to develop mutual relations during Prime Minister Erdoğan's visit to Greece in May 2010. Turkey and Greece signed 21 agreements and cooperation protocols in Erdoğan's visit to Greece, and Prime Minister Erdoğan stated that the agreements would start a new era in Turkish-Greek relations.

Prime Minister Papandreou's speech at the 3<sup>rd</sup> Turkish Ambassadors' Conference in Erzurum, Turkey has triggered a new debate on the relations and brought up the mufti issue once again. Papandreou stated that the effort is still long and difficult, in the areas of respect for minority rights and religious freedom, which Greece attaches paramount importance because of the Ecumenical Patriarchate and the Greek minority. In his speech in Ambassadors Conference, Prime Minister Erdoğan has mentioned positive steps that Turkey has taken for improvement of the situation of Greek Orthodox minority in Turkey. Prime Minister Erdoğan has stated that although Turkey facilitates the process of the election of members of the Holy Synod through granting citizenship to the would-be members since there is an obligation arising from the



Treaty of Lausanne that members of the Holy Synod should be citizen of Turkey, the muftis in Western Thrace are not recognized, but rather are still appointed by the state.

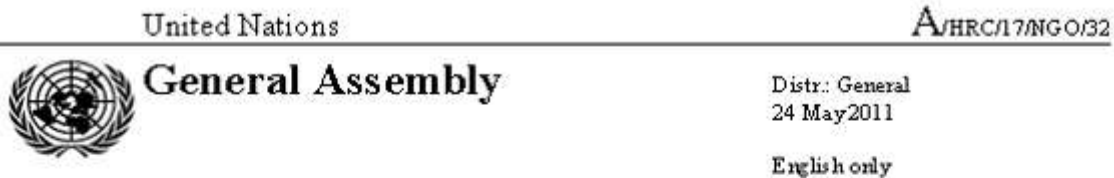
ABTTF would like to suggest that a qualified trilingual (Greek, Turkish and Arabic) person with a solid background of theology and law, a bachelor's degree if possible, should be charged with the duty of Mufti. Mufti should be a depoliticized moral person with a high esteem and respect from the Turkish 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.

ABTTF urges Greek authorities to:

- Hold a dialogue with members of the Turkish Minority in Western Thrace in order to find a long lasting and satisfactory solution to the problem of mufti,
- Not to diminish by no means autonomous establishment of the Turkish Minority of Western Thrace in accordance with Athens Treaty of 1913 and Its Third Protocol,
- Recognize the Muftis in Xanthi and Komotini elected by the Turkish Minority of Western Thrace in 1989, and recognize the right of the Turkish Minority to elect its own religious leaders,
- Act in accordance with Treaty of Lausanne of 1923 and prior Athens Treaty of 1913 and Its Third Protocol, and, apply the provision that Each Mufti will be elected by those Muslim voters who find themselves under the authority realm of the related Mufti and the Chief Mufti will be elected by an election council composed of all Muftis in Greece, and will be appointed among three candidates determined by the King of Greece [Article 11 of Athens Treaty], if Greek government decides to hold elections of mufti to solve the problem.

**HUMAN RIGHTS COUNCIL  
17<sup>th</sup> Regular Session  
30 May-17 June 2011, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**



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**Human Rights Council  
Seventeenth session  
Agenda item 3  
Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[16 May 2011]

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

## **Freedom of the minority press in Greece and excessive fines imposed on *Gündem* and *Millet* newspapers**

The Federation of Western Thrace Turks in Europe (ABTTF) would like to recall Article 19 of the Universal Declaration of Human Rights which states “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. The freedom of the press is integral and essential part of democracy. ABTTF reiterates that the United Nations and its Member States should advocate and promote full compliance with international principles and commitments in respect of freedom of expression and the free press.

*Gündem* and *Millet*, which are two major newspapers belonging to the Turkish minority of Western Thrace in Greece, were found guilty in the suit for damages filed by the Greek teacher Hara Nikopoulou, who worked in the Turkish minority primary school in the village of Büyük Derbent (Megalo Derio), and were convicted to pay compensation. Hara Nikopoulou had worked between 2005 and 2010 in the concerning Turkish minority primary school. The problem, which began with a discussion between the Greek teacher Hara Nikopoulou and the school council about the maintenance and painting works of the school in the academic year of 2007-2008, deteriorated thoroughly due to the teacher’s harsh attitude towards the pupils. The problem stirred up at the beginning of the academic year of 2008-2009 when Nikopoulou continued to work in the school. Due to the ongoing problem for about two years, the parents of the Büyük Derbent Turkish minority school decided not to send their children to the school until Nikopoulou was transferred to another school. Consequently, Hara Nikopoulou was transferred to another school.

During her teaching period at the Minority school of Büyük Derbent, the Greek teacher Hara Nikopoulou was frequently covered not only by local but also nationwide Greek press organs regarding her activities in the school. From time to time, she appeared at Greek televisions for which she was warned by the Greek Ministry of Education, Lifelong Learning and Religious Affairs.

Hara Nikopoulou’s ‘extracurricular’ activities have frequently been on the agenda of the Minority Press and several websites. *Gündem* and *Millet* published a story about Hara Nikopoulou that she asked the first-grade kids in the primary school to draw the picture of God. Since Islam prohibits the depiction of God, they refused to comply with the teacher’s request and complained to their parents. Nikopoulou claimed that the story published in *Gündem* and *Millet* was unsubstantiated and sued subsequently *Gündem* and *Millet* asking for 1 million-Euro-compensation for each newspaper.

On 22 September 2010, the Multi-Judge Civil Court of First Instance in Xanthi pronounced its judgement on the case of *Hara Nikopoulou v. Millet* and decided that a compensation of 120 thousand Euros was going to be paid to Nikopoulou, of which 30 thousand had to be paid immediately to the plaintiff. In the case of non-payment of compensation, 10-month imprisonment threatens the newspaper’s editor-in-chief Cengiz Ömer. *Millet* went for an appeal following the announcement of the court’s judgment, but the Council of State has not announced its decision yet. Furthermore, *Millet* has to pay 4.000 Euros for the court fees.

On 20 December 2010, the Multi-Judge Civil Court of First Instance in Komotini pronounced its judgment on the case of *Hara Nikopoulou v. Gündem* and decided that a compensation of 150 thousand Euros was going to be paid to Nikopoulou, of which 20 thousand had to be paid immediately to the plaintiff. Furthermore, *Gündem* has to pay 5.400 Euros as court fees. According to the judgment, even *Gündem* has to pay the initial amount even it appeals the decision to a higher court. In the case of non-payment of compensation, 10-month imprisonment threatens the newspaper's editor Cemil Kabza.

After the announcement of the court decisions, the solicitors of both newspapers concluded that the amount of penalty charged upon weekly Minority newspapers was huge and unprecedented. According to the owners of the two newspapers, the payment of this amount of money, which is well above their annual income, will lead to the closure of both newspapers. Currently, both cases have been brought before the Court of Appeal in Komotini. In a related development, while waiting for the Court of Appeal session, the teacher's lawyer asked for a partial advance payment of the fine: 32,600 Euros from *Gündem* and 22,300 Euros from *Millet*. Since the newspapers could not pay, the personal bank accounts of four journalists were blocked in April 2011. Furthermore, on 6 May 2011, The Thrace Court of Appeal in Komotini decided to adjourn the case of *Hara Nikopoulou v. Gündem*, the court will revise the case in 24 February 2012. On the other hand, the Thrace Court of Appeal will revise the case of *Hara Nikopoulou v. Millet* on 20 May 2011.

The Athens-based daily Eleftherotypia newspaper notes that the law stipulates that for a national publication the minimum fine is 29,325 Euros while for a local one it is 5,865 EUR. In other words, the fines of 150,000 Euros and 120,000 Euros go far beyond the stipulated legal amounts. Mr. Halil Mustafa, the defender of *Gündem* newspaper, said that the amount of the compensation was not that a newspaper with very limited resources could easily pay, and added that, "The amount of compensation should not be an amount which will result with unjust enrichment of the claimant, but rather it should compensate the moral loss of the claimant."

Any compensation should not be a vehicle for censorship and other restrictive measures, but rather it should compensate the moral loss of the plaintiff. The high amount of compensation penalties given by the authorized courts is not an amount to be able to be paid by the concerning two minority newspapers continuing their publication life with very limited resources and threatens their existence due to the result it has brought up. Mrs. Hülya Emin, Editor in Chief of *Gündem*, stated that both *Gündem* and *Millet* tried to operate with limited human and material resources and under harsh economic conditions with low income of advertisement. Mrs. Emin expressed that each newspaper was composed of only three journalists and none of them owned its printing houses. Even the distribution of the newspapers was undertaken by the journalists themselves.

In her regular report<sup>74</sup> to the Permanent Council, OSCE Representative on Freedom of the Media, Ms. Dunja Mijatovic stated that she had written on 8 March 2011 to the Greek authorities asking for details in the cases of two Muslim minority newspapers that were given high fines by a civil court for their articles about Hara Nikopoulou in Büyük Derbent minority school. Ms. Mijatovic stressed the importance of capping compensatory damage awards that can be levied to ensure that judgments do not lead to bankruptcy and thus weaken media pluralism in the country.

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<sup>74</sup> For the full report, see the link <http://www.osce.org/fom/76158>

In May 2011, the Vienna-based South East Europe Media Organization (SEEMO), an affiliate of the International Press Institute (IPI), expressed concern over excessive fines imposed on two Turkish-language minority publications in Greece, *Gündem* and *Millet*, which could result in the closure of the papers and even imprisonment for their journalists if they cannot afford to pay the stipulated fines. SEEMO is concerned that excessive fines could silence the minority press in Greece, and SEEMO Secretary General Oliver Vujovic declared that as a European Union member country, Greece was expected to uphold the highest standards of minority rights and respect cultural diversity.

Reporters Without Borders has repeatedly expressed its concern about the deteriorating press freedom situation in the European Union and the 2010 World Press Freedom Index confirms this trend. Thirteen of the EU's 27 members are in the top 20 but some of the other 14 are very low in the ranking. Greece is in 70<sup>th</sup> place (Note: 19) – the worst position held by an EU member country due to the political unrest and physical attacks on several journalists.

In the light to the information above, ABTTF calls upon the Greek Government:

- To respect the right to freedom of expression and the press freedom, in particular smaller and minority press in order to protect and enrich diversity of opinion in the media,
- To guarantee that the legal amount of compensation should not enrich the claimant in an unjust way, but compensate the moral loss of the claimant,
- To reconsider and revise the relevant legislation and ensure that the principle of equality is guaranteed for each element in society, including the Turkish minority of Western Thrace.

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**Human Rights Council**

Seventeenth session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Note verbale\* dated 6 June 2011 from the Permanent Mission of Greece to the United Nations Office and other international organizations in Geneva addressed to the Office Of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide here with the comments of the Government of Greece in relation to the written statement submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/17/NGO/62), submitted to the Human Rights Council at its seventeenth session under agenda item 3.

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the attached text as a document under agenda item 3 of the seventeenth session of the Human Rights Council.

\*Reproduced in the annex, as received and in the language of submission only.

**Annex**

**Freedom of the Press with regard to the Muslim minority in Thrace, Greece**

The Greek Government neither intervenes in the task and work of the independent judiciary nor comments on the latter's decisions. No interference exists either in the work of Mass Media.

To our surprise, third parties, who are, ab initio and ipso facto, unfamiliar with Greece's pluralistic society, see in judicial rulings, such as the ones in the aforementioned HRC document, an encouragement to a policy of censorship or an effort to bring particular papers/dailies down to their knees. Such arbitrary conclusions serve nothing but the interests of those who draw them.

Democratic notions/values, such as a freedom of press and independence of justice, are, with respect, kept vivid in everyday life throughout the country. Thrace, where Greek citizens, members of the Muslim minority, live and thrive, is no exception.

**HUMAN RIGHTS COUNCIL  
18<sup>th</sup> Regular Session  
12-30 September 2011, Geneva**

**Agenda item 6: Universal Periodic Review**

United Nations

A/HRC/18/NGO/31



**General Assembly**

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9 September 2011

English only

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**Human Rights Council  
Eighteenth session  
Agenda item 6  
Universal Periodic Review**

**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.

[24 August 2011]

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



## **Right to citizenship and the problem of former Article 19 of the Greek Nationality Code**

We, Federation of Western Thrace Turks in Europe (ABTTF), would like to express our sincere gratitude to the United Nations General Assembly for the creation of the Universal Periodic Review (UPR) mechanism under the auspices of the Human Rights Council. Although there is no other universal mechanism of this kind exists, this state-driven process prevents the Human Rights Council to address human rights violations wherever they occur since there is no mechanism of any kind of sanctions. Still, this is a huge step forward which enables the Council to remind States their responsibility to fully respect and implement all human rights and fundamental freedoms in their own countries.

Given the seriousness of the problem, we would like to bring the right to citizenship and the problem of former Article 19 of the Greek Nationality Code in Greece to the attention of the Human Rights Council. Nationality is a legal bond between a state and an individual, and statelessness and/or deprivation of citizenship refers to the condition of an individual who is not considered as a national by any state and/or deprivation of an individual from his/her citizenship of a country which he/she used to live in. Statelessness may occur for a variety of reasons including discrimination against a particular group in nationality legislation. This discrimination further hinders enjoyment of national or ethnic minorities of their basic human and minority rights of this particular group as a result of deprivation of his/her citizenship. This discrimination is not only a root cause, but also a result of statelessness.

Former Article 19<sup>75</sup> of the Greek Citizenship Code, which had been applied from 1955 until 1998, provided for the denationalization of ‘citizens of different [non-Greek] descent’ (‘alloyenis’, as opposed to ‘omoyenis’, that is, ‘of the same [Greek] descent’) who left Greece ‘with no intent to return’. When announcing the government’s decision to abolish Article 19 in June 1998, on 23 January 1998, Minister of the Interior Alekos Papadopoulos stated that, since its introduction in 1955, 60 thousand Greek citizens had lost their citizenship in application of that article; the large majority were members of the minority in Thrace<sup>76</sup>. According to the reply by the Greek Ministry of Interior, Public Administration and Order to the notice of question asked by İlhan Ahmet, the former MP for Rhodope in the Greek Parliament, in May 2005, 46,638 Turks (Muslims) in Western Thrace and the Island of Rhodes (Dodecanese Islands) were deprived of citizenship until 1998.

The process of depriving an individual of his/her citizenship usually began when the police informed the Directorate of Citizenship that an individual and his/her family had left the country for an extended period of time. Although individuals deprived of their Greek citizenship had by law two months from the time of revocation of their citizenship to appeal to the Council of State, only a few managed to meet the deadline as these persons were kept unaware of and were uninformed about their denaturalization by the Greek administration. Since there was no obligation to inform the individual about deprivation of his/her citizenship,

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<sup>75</sup> Former Article 19 of the Greek Nationality Code: “A person of non-Greek ethnic origin leaving Greece without intention of returning may be declared as having lost Greek nationality. This also applies to a person of non-Greek ethnic origin born and domiciled abroad. His minor children living abroad may be declared as having lost Greek nationality if both their parents and the surviving parent have lost the same. The Minister of the Interior decides in these matters with the concurrent opinion of the National Council.”

<sup>76</sup> Greek Helsinki Monitor and Minority Rights Group- Greece, “Greece’s Stateless Persons”, Report on Greece to the 1999 OSCE Implementation Meeting, 21 September 1999, <http://www.greekhelsinki.gr/english/reports/ghm-22-9-1999-stateless.html>

the person generally learned of it by coincidence, e.g. at border controls, or when he/she applied for a new identity card/passport.

The Commissioner for Human Rights of the Council of Europe Thomas Hammarberg noted in his report following his visit to Greece on 8-10 December 2008 that in the framework of Article 19 a Greek citizen of non-Greek descent ('alloyenis') meant an individual with Greek nationality who did not 'originate from Greeks, had no Greek consciousness and did not behave as a Greek [and consequently] it may be concluded that their bond with the Greek nation is completely loose and fragile'. The Commissioner stated that it has been widely accepted that the former Article 19 of the Greek Citizenship Code was in contravention of, inter alia, Article 12, paragraph 4, of the International Covenant on Civil and Political Rights (ratified by Greece by Law 2462/1997) which provides that 'No one shall be arbitrarily deprived of the right to enter his own country', as well as to Article 3, paragraph 2, of the Fourth Protocol to the European Convention on Human Rights (this Protocol has not as yet been ratified by Greece) which provides that 'No one shall be deprived of the right to enter the territory of the State of which he is a national'<sup>77</sup>.

In the report of the Working Group on the Universal Periodic Review (A/HRC/18/13), Greece states that there is a very small number of Muslims who are stateless as a result of the deprivation of their nationality, for whom a special ID has been provided. In paragraph 50 of the report, Greece claims that concrete steps have been undertaken to restore the Greek nationality of these few stateless people. However, these stateless persons deprived of their citizenship, though remained in Greece (estimated at 200 persons) have to go through the normal naturalization process applicable to foreigners, since there is no retroactive effect in repeal of Article 19. The Commissioner for Human Rights of the Council of Europe described this process as 'long, expensive and uncertain as regards the outcome, and humiliating for persons who have wrongly lost their citizenship'.

In addendum of the report of the Working Group on the UPR (A/HRC/18/13/Add.1), Greece states that it will consider accession to the 1961 Convention on the Reduction of Statelessness in due course. Furthermore, Greece notifies that it has introduced in its domestic legislation guarantees and legislative regulations in order to reduce statelessness and facilitate the access of stateless persons to Greek citizenship. On 19 January 2011, Çetin Mandacı, Xanthi PASOK Deputy, put a motion for question on the subject of undue delay in the inspection of applications for citizenship and asked to the Minister of Internal Affairs that when the Minister was going to establish the Citizenship Council to inspect pending applications of Western Thracians who lost their Greek citizenship under Article 19. The Citizenship Council re-gathered in the first quarter of 2011 after two years delay, though the applications are still pending and there is no response given to the applicants about the citizenship process.

In the report of the Working Group, Greece has claimed that among those people who left the country on their own will, many renounced the Greek nationality and acquired a foreign nationality. According to the Greek government, '[t]he vast majority of persons deprived of their citizenship by virtue of Article 19 are already foreign citizens and reside outside the Greek territory. The general provisions of the Citizenship Code on the naturalization of foreign citizens may be applicable to them. For the denationalized persons who have remained abroad and are not willing to return, Greece stated that "according to the general

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<sup>77</sup> Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Greece on 8-10 December 2008, Issue reviewed: Human rights of minorities, <https://wcd.coe.int/ViewDoc.jsp?id=1409353>

principles of international law the obligation to reparation results from the commission of an internationally wrongful act by the responsible State” and added that “in the present case, no decision of a judicial body has ever determined the commission of an internationally wrongful act by Greece as a result of the stripping of nationality on the basis of article 19, especially since the individuals concerned do not live in the country and have already acquired a foreign citizenship”<sup>78</sup>. Though, there is still a need for a satisfaction in accordance with the general principles of international human rights standards and mechanisms for the denationalized persons who have remained abroad and are not willing to return Greece, that is an immediate restoration of the nationality of those minority members and their descendants who were denationalized under the former Article 19 of the Greek Citizenship Code.

Recalling the Outcome Document of the Durban Review Conference, we urge Greece to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality, especially if such measures and legislation render a person stateless.

Recalling the Greek Constitution that 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 procedures more specifically provided by law, we urge the Greek authorities to take steps to ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Citizenship Code for all persons concerned, although they no longer live in Greece even they have acquired citizenship of another country. In particular, Greece should genuinely speed up the process of the reinstating the citizenship of these persons by removing any obstacle, including the need for them to go through the naturalization procedure.

Lastly, we kindly request the human rights bodies and mechanisms of the United Nations to monitor and review the human rights situation in all Member States, including Greece and establish a stronger mechanism of sanctions against Member States where human rights are violated.

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<sup>78</sup> Comments of the Greek Authorities on the Draft Report of the Commissioner for Human Rights of the Council of Europe following his visit to Greece, on 8-10 December 2008) in Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Following his visit to Greece on 8-10 December 2008, Issue reviewed: Human rights of minorities, <https://wcd.coe.int/ViewDoc.jsp?id=1409353>

**HUMAN RIGHTS COUNCIL  
19<sup>th</sup> Regular Session  
27 February-23 March 2012, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

United Nations  
**General Assembly**

A/HRC/19/NGO/S8

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**Human Rights Council  
Nineteenth session  
Agenda item 3  
Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**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.

[13 February 2012]

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

**The freedom of association of the Turkish Minority of Western Thrace and the problem of implementation of ECtHR's judgments in Greece**

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities grants to persons belonging to minorities the right to establish and maintain their own associations (Article 2.4). However, the restrictions and limitations on the right to freedom of association are still persistent in many Member States, including Greece.

Although the Treaty of Lausanne states that the Turkish Minority of Western Thrace shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, Greece does not subscribe the right of the Turkish Minority of Western Thrace to self-identification on a collective basis and denies the right of association of the Minority which seeks to determine their identity.

On March 27, 2008, the ECtHR notified in writing its Chamber judgments in the cases of *Emin and Others v. Greece* (application no. 34144/05) and *Tourkiki Enosis Xanthis and Others v. Greece* (no. 26698/05). The Court held unanimously that there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights in both cases, which concern associations founded by persons belonging to the Muslim minority of Western Thrace (Greece).

Further to the European Court of Human Rights' judgments on 27 March 2008, the applicants requested the cancellation of the decision dissolving them (the case of *Tourkiki Enosi Xanthis and Others*) or submitted a new registration of their associations (the cases *Bekir-Ousta and Others* and *Emin and Others*) before the national courts. Though Greece expresses its commitment to the implementation of the judgments of the European Court of Human Rights, there are three judgments about the freedom of association of the Turkish Minority of Western Thrace, of which domestic proceedings are still pending at the domestic courts.

In the case of *Tourkiki Enosis Xanthis and others*, on the basis of the European Court's finding of a violation regarding the dissolution of the applicant association, the applicants introduced two separate claims currently pending: one before the Court of First Instance of Xanthi, seeking annulment of its earlier decision No. 36/1986 ordering the dissolution; and one before the Court of Appeal of Thrace, seeking annulment of its earlier decision No. 31/2002 confirming the decision No. 36/1986. Regarding the first claim, the Court of First Instance of Xanthi (judgment No. 12/2009 published on 30/04/2009) rejected the application on the basis of *res judicata*. Concerning the second claim, the hearing before the Court of Appeal of Thrace was scheduled for 03/04/2009. The application was rejected by a decision published on the 18/08/2009 for reasons similar to those adduced in the decision of the Court of Appeal of Thrace in the case of *Bekir-Ousta and others*. In the present case, the Court of Appeal noted that the possibility, under the Article 758§1 of the Code of Civil Procedure, of an annulment or revision of a final domestic judgment in the framework of a non-contentious procedure, on the basis of new facts or a change in the circumstances in which the judgment had been handed down, does not extend to a judgment of the European Court.

In the case of *Bekir-Ousta and others*, on the basis of the ECtHR's judgment, the applicants applied again for registration of the association in the national courts. On 09/12/2008, the Single Member Court of First Instance of Alexandroupoli (judgment No. 405/2008) rejected the application as inadmissible on the ground of *res judicata*. The decision referred in

particular to the fact that under national law, retrial of a case further to a finding of a violation by the European Court is foreseen only for criminal proceedings (Article 525§5 of the Code of Criminal Procedure) but not for civil ones. The applicants appealed to the Court of Appeal of Thrace. The Court of Appeal of Thrace, by a decision made public on 31/07/2009, also rejected the application.

In the case of Emin and others, on the basis of the European Court's judgment, the applicants again applied for registration of the association before the national courts. A hearing was held at the Court of First Instance of Rodopi on 08/04/2009. The Court of First Instance of Rodopi, rejected the application on the ground that it was introduced by a lawyer who did not belong to the Bar of Rodopi. The Greek authorities confirmed that the application was rejected as inadmissible. Under the terms of the Code of Civil Procedure and Code of Lawyers, claims lodged before civil courts must be signed by a lawyer belonging to the bar of the geographical jurisdiction of the court. If not, the lawyer must jointly sign the claim with a colleague of the Bar from the geographical area of the court. Since in the present case, the claim was only signed by the applicants' lawyer who belongs to the Xanthi Bar, the applicants' request was rejected.

There is a further problem that associations which bear the title "Minority" are not being registered in Greece, although the ECHR ruled that Greece violated the freedom of association of Evros Minority Youth Association in the case of Bekir-Ousta and Others vs. Greece (No. 35151/05). On 9 December 2008, the First Instance Court of Alexandroupolis rejected the application of the Evros Minority Youth Association to be registered within the framework of relevant ECHR decision on the ground that the decisions of ECHR are not obligatory regarding the Greek domestic law and they do not necessarily require the Greek authorities to register the association. The second case is that the Alexandroupolis Civil Court of First Instance in March 2009 dismissed the request for registration of South Evros Minority Educational and Cultural Association on the ground that the word "minority" in its title had a vague meaning and the Thrace Court of Appeal upheld that decision on 13 December 2009. During the hearing before the Greek Court of Cassation on 7 October 2011, the association objected to the negative decision of the local court. On 13 January 2012, the Court of Cassation admitted the appeal of the South Evros Minority Educational and Cultural Association and decided the case to be handled before the Thrace Court of Appeal. The third case is that the request for application of the Evrenköy Minority Culture, Folklore and Education Association is dismissed by Civil Court of First Instance in Komotini on 13 April 2011, on the ground that the word "minority" in its title was specified neither as "Muslim" nor as "Turkish".

Council of Europe Execution of Judgments of the European Court of Human Rights undertakes the final judgments of the European Court of Human Rights and the Committee of Ministers supervises the execution process in Greece under the name of the Bekir-Ousta Group- the cases of Bekir-Ousta and Others (Application No. 35151/05), Emin and Others (Application No. 34144/05) and Tourkiki Enosi Xanthis and Others (Application No. 34144/05). Lately, on 2 December 2011, the Committee of Ministers of the Council of Europe examined the cases of Bekir-Ousta and Others (Application No. 35151/05), Emin and Others (Application No. 34144/05) and Tourkiki Enosi Xanthis and Others (Application No. 34144/05) in the light of recent developments. Under the Bekir-Ousta group of cases against Greece, the Committee of Ministers referred to the letter sent by the Federation of Western Thrace Turks in Europe (ABTTF) to the Department for the Execution of Judgments of the European Court of Human Rights (ECtHR) on 3 November 2011 and decided to resume the

examination of these cases in the light of the developments with regard to the proceedings pending before the Court of Cassation in the case of Tourkiki Enosi Xanthis.

In its written reply (12-9-2011, Protocol no.743) to the motion for question asked by Deputy Çetin Mandacı(Protocol Number. 21855/25.8.2011) in which the Deputy asked for the steps that the Government will take about the ECtHR's judgment on the Xanthi Turkish Union, the Ministry for Justice, Transparency and Human Rights stated that there is no need to annul or to rectify the judgment of national courts in the case of Xanthi Turkish Union on the basis of new facts or a change in the circumstances in which the judgment had been handed down. The Ministry replied that the Supreme Court of Appeal will give a final and conclusive decision on whether an annulment or revision of a final domestic judgment in the framework of a non-contentious procedure upon the judgment of ECtHR's decision.

Reminding the Article 46 of the Convention for the Protection of Human Rights and Fundamental Freedoms on binding force and execution of judgments that the High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties, we urge the Government of Greece to:

- Respect and fully comply with judgements of the European Court of Human Rights and guarantee the right of the Turkish Minority of Western Thrace to freedom of association,
- Recall the firm commitment of the Greek authorities to implementing fully and completely the judgments of ECtHR,
- Immediately ratify the Council of Europe's Framework Convention for the Protection of National Minorities.

**HUMAN RIGHTS COUNCIL**  
**20<sup>th</sup> Regular Session**  
**18 June-6 July 2012, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

United Nations

A/HRC/20/NGO/47



**General Assembly**

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**Human Rights Council**  
Twentieth session  
Agenda item 3  
**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**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.

[4 June 2012]

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



**The problem of effective and full participation of women belonging to Turkish Minority of Western Thrace in economic and political life of Greece**

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities states that persons belonging to minorities have the right to participate in cultural, religious, social, economic and public life, and, the UN Declaration of the Right to Development recognizes a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting there from.

National or ethnic, religious and linguistic minorities across many parts of Member States have been and are still being excluded from full and effective participation in economic life, and they are often poorly represented in economic, social and cultural life of their country. The legislation and policy-making processes on the full and effective participation of minorities in economic life often fail to address the needs of persons belonging to national or ethnic, religious and linguistic minorities, in most countries due to the lack of participation in the design and implementation. Positive measures or affirmative action which aim to address inequality that prevents persons belonging to national or ethnic, religious and linguistic minorities from meaningful and effective participation in economic life are often imperfect due to the non-recognition of minorities by Member States in their territory.

Discrimination against persons belonging to national or ethnic, religious and linguistic minorities is one of the largest barriers to the effective and full participation in economic life. The intersectional discrimination against persons belonging to minorities burden additional barriers and contribute to even further marginalization exclusion of minorities in all aspects of life. Though there are a large number of international, regional and domestic laws and policies adopted by Governments to address discrimination and the inequalities experienced by persons belonging to national or ethnic, religious and linguistic minorities, there is still discrimination and inequality in participation of these minorities in economic life.

The former UN Independent Expert on Minority Issues, Ms. Gay McDougall, stated in her report following her visit to Greece in September 2008 stated that women belonging to the Turkish Minority experience severe inequalities in access to education and consequent disproportionately high levels of illiteracy and unemployment. Most of minority women do not speak Greek, and therefore there are described as being confined to their homes and villages with few opportunities for employment or social interaction. Surveys which were made in different villages in Rhodope and Xanthi have proved that the minority women in Western Thrace cannot fully participate in economic life of the country due to the low level of education. According the surveys, 45% of the women who are between 21-30 ages and 38.9% of the women between 31 and 40 ages are housewives, and most of them are workers in their own small farmyard.

In the situation of deep economic crisis, unemployment rate in Greece raised 21.8 % in January 2012, the second highest rate among Member States. According to European Commission's Eurostat's unemployment statistics, compared with a year ago, the highest increases in unemployment rate were registered in Greece (14.7 % to 21.7 % between January 2011 and January 2012). Unemployed increased by 344,913 persons (a 46.6% rate of increase) compared with January 2011 and by 32,331 persons compared with December 2011

(a 3.1% rate of increase). Women have been more affected by unemployment than men. In January 2012, the unemployment rate for women in Greece was 25.7 %, while the rate for men was 18.7%.

The highest unemployment rate among decentralized administrations in Greece was recorded in the Macedonia- Thrace, where the Turkish Minority of Western Thrace resides. The unemployment rate jumped to 22.6 % in January 2012, while the unemployment rate in Macedonia-Thrace decentralized administration was 16.7% in January 2011. In the period of deep economic crisis, economic conditions of the persons, including women belonging to the Turkish Minority of Western Thrace have deteriorated, and the unequal distribution of resources and services prevents the persons belonging to this minority from enjoying their economic and social rights.

In Western Thrace Turks Women's Assembly which was co-organized by Western Thrace Women Platform, Western Thrace Turks Solidarity Association and Federation of Western Thrace Turks in Europe in 18-19 May 2012 in Komotini, Greece, women belonging to the Turkish Minority of Western Thrace discussed that deep economic crisis with high unemployment rates in the region resulted loss of their jobs and deteriorated the basic conditions of their life. Since Macedonia-Thrace decentralized administration recorded highest rate of unemployment in Greece, most of persons belonging to Turkish Minority of Western Thrace lost their jobs. Most of the young minority men went abroad, mostly to other European countries for seasonal jobs in order to maintain the supply of their families. The division of families bears as an additional burden for minority women and this kind of division may result in declining relationship between fathers and their children.

The discrimination against persons belonging to the Turkish Minority of Western Thrace prevents the minority to take an effective role in economic life of the country. This intersectional discrimination against women of the Turkish Minority of Western Thrace even further marginalizes the women in daily life in the region. Although Greece introduced a 0.5 % quota in 2008 (under Law 3647/2008) for persons belonging to the Turkish Minority of Western Thrace in order to redress the imbalances in the representation and participation of the Minority in economic life, this special measure has, thus far, not been implemented in Greece. The European Commission against Racism and Intolerance (ECRI)'s 4<sup>th</sup> Monitoring Cycle Report on Greece in 2009 highlighted that a comprehensive long-term programme has not yet been established by the authorities to improve the integration of the Turkish Minority of Western Thrace into the labour market, and it noted that reports indicate that the Turkish Minority of Western Thrace continue to be under-represented in the public sector and state-owned corporations.

Women are less visible in politics in Greece, and they are underrepresented in the political system, although the 1975 Constitution stipulated the "equality of rights between the sexes". Women are still socially inferior and politically marginalized. The persons belonging to the Turkish Minority of Western Thrace in Greece is inadequately represented in political life of the country. Under the current electoral system of reinforced proportionality, there is not any specific rule or a quota for the representation of the Turkish Minority. Furthermore, any political party and any independent candidate should get at least 3 % of the votes throughout the country in order to be represented in the Parliament, although they may have enough votes to get electoral seats in specific electoral districts. This provision makes it almost impossible for members of the Turkish Minority of Western Thrace with an estimated population of 150,000 to be elected to the Parliament, if they independently run in elections.

The participation of women in political life at the regional level is slightly different from the national level. The balanced participation of men and women in the organizations and bodies of the public sector and the local authorities has been guaranteed by law since 2000, with a participation quota of 33% of each gender in the collective bodies of the abovementioned organizations. In addition, since 2001, a quota of at least 1/3 participation of each gender in electoral lists for local elections is provided for. There has been a steady increase in number of women elected members to the prefecture and municipal posts. However, there is not any quota provided for the women belonging to the Turkish Minority of Western Thrace in order to encourage and promote the representation and participation of minority women in the parliament and the political life of the country. Today, there are only a small number of women who actively participate in the elected bodies at the local level.

In final declaration of Western Thrace Turks Women's Assembly, minority women called Greek authorities to raise awareness and make regulations in order to increase the participation of women persons belonging to Turkish Minority of Western Thrace in economic, social and political life. The minority women asked for distribution of EU grants to minority non-governmental organizations in order to protect the rights of women belonging to the Turkish Minority of Western Thrace.

In terms of full and effective participation of minority women in political life, the minority women asked for expanding the scope of national legislation in a way which would allow the minority women to equally participate in social, cultural and political life of the country. With regard to the effective participation of the minority women in Greek political life, the minority women asked Greek authorities to adopt special measure in order to promote the participation of Turkish women in political life of the country. The minority women asked the Greek Government to set a 50% women quota in local governments and abolish 3% electoral threshold for independent candidates in national parliament.



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**Human Rights Council**  
Twentieth session  
Agenda item 3  
Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

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**Note verbale dated 28 June 2012 from the Permanent Mission of Greece to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide here with the comments of the Government of Greece in relation to the written statement dated 11 June 2012 submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/20/NGO/47).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the attached text as a document of the twentieth session of the Human Rights Council, under agenda item 3.

\*Circulated in an annex, reproduced as received.

GE.12-14933

**Annex**

*[English only]*

We regret that the NGO ‘Federation of Western Thrace Turks in Europe’, continues its orchestrated campaign to raise, on every opportunity, issues pertaining to the Muslim Minority in Thrace – Greece in a tendentious and biased manner, attempting to put forward erroneous and distorted views of the situation of the minority, totally unrelated with the facts on the ground.

These tactics smack of political expediencies or other agendas and do not constitute well-meaning and constructive criticism which Greece always welcomes.

With regard to the written statement submitted by the above mentioned NGO in the framework of the 20<sup>th</sup> Session of the Human Rights Council under Agenda item 3 (Geneva, 18.06-06.07.2012), Greece would like to raise the following points.

With regard to the representation of Muslim women of the minority to the labor market and to the political system, there is definitely room for improvement. Existing shortcomings in this respect, can be attributed mostly to the traditions, customs and perceptions for the role of women in the particular social/religious group they belong to and less to other reasons such as the current economic crisis in Greece or the relatively lower level of participation of women in the political-economic life of the country compared to men.

However it is encouraging that the leader of the political party ‘Proto Vima Gia Tin Isotita’, which claims to represent the interests of the Muslim minority, is a woman, currently a member of the Municipal Council of the city of Komotini. Muslim women are represented also in the local government (municipalities) in the towns of Myki and Arriana, while the largest and most active NGO of the minority (PEKEM) has women in key positions.

In no case there is any kind of state discrimination against Muslim women (or men) because of their sex or religion as the written statement implies.

The Greek state does not discriminate against Muslim women but on the contrary, has taken and continues to take affirmative action to improve their better integration into all aspects of economic, social and political life, both at regional and national level.

In that respect, special quotas for the benefit of all minority members have been introduced<sup>79</sup>. Muslim women, in particular, are beneficiaries of broader gender equality policies and do actively participate in relevant programmes implemented by state authorities or civil society and NGO’s.

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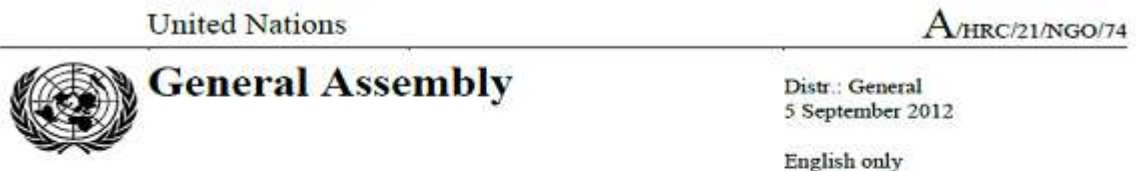
<sup>79</sup> A 0.5% quota for the admission to Universities and Higher Technical Educational Institutes/Institutions of students belonging to the Muslim minority as well as 0,5 0/00 quota to the state exam system for civil service in favour of the members of the Muslim minority in Thrace were introduced.

It should be noted that Muslim women in Thrace, as everywhere in Greece, are free to dress according to their traditions and wear the headscarf. This is a possibility that is not an option even in some Muslim countries.

Greece will continue to seek further ways and means to meet the needs of the members of the Muslim minority and enhance their progress, prosperity and well-being.

**HUMAN RIGHTS COUNCIL  
21<sup>st</sup> Regular Session  
10-28 September 2012, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**



**Human Rights Council**  
Twenty-first session  
Agenda item 3  
**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**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.

[24 August 2012]

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

## **The far-right politics in Greece and the rise of xenophobic violence and hate-motivated attacks**

The rise of the far-right under conditions of economic crisis is a serious concern in Greece, where economic hardship and the increasing number of undocumented migrants in the country deepened xenophobia and intolerance against migrants and asylum seekers in central Athens and other regions in Greece.

In the time of deep economic crisis, nationalist and far-right wing parties such as Golden Dawn has presented a strong discourse against migrants and asylum seekers in Greece and it has gained strength and popularity among Greeks. Golden Dawn won 18 seats in the June 2012 national elections and entered the Greek Parliament for the first time in its history. In an interview with Human Rights Watch before the elections, the leader of the Golden Dawn, Nikolaos Michaloliakos explained, “We want Greece to belong to the Greeks. We are proud to be Greek; we want to save our national identity, our thousands-year history. If that means we are racist, then yes we are. We don’t want to share the same fate of the Native Americans. Right now, the immigrants are the cowboys and we are the Apache.”<sup>80</sup>

The migrants and asylum seekers face a hostile environment over the past decade; however xenophobia and intolerance against migrants and asylum seekers turned into xenophobic incidents and hate-motivated attacks in the last years. Extreme nationalist discourse drifts towards violence against vulnerable groups, in particular against migrants and asylum seekers in Greece. Greek Helsinki Monitor stated that hate- motivated incidents against migrants and asylum seekers on the basis of the colour of their skin, their religion or their country of origin have increased dramatically and have become an almost daily phenomenon in Greece<sup>81</sup>.

Lastly, on 12 August 2012, an Iraqi migrant has been attacked in the capital city Athens. The migrant has been attacked on Anaxagora Street in the early hours of the morning; he was taken to a hospital but lost his life at the hospital. According to police investigation, five suspects who are believed to be involved in the killing of Iraqi migrant attacked a Romanian and a Moroccan earlier but managed to flee.

The extent of xenophobic violence and hate-motivated attacks against migrants and asylum seekers is unknown due to lack of reliable statistics in Greece. Greek Helsinki Monitor claimed that such criminal acts, perpetrated by groups on motorcycles, have been documented since March 2012. However, the competent authorities have not taken any particular measures to prevent and address such acts which have contributed to an escalation of violence.

The xenophobic and hate-motivated violence appears to be not limited to migrants and asylum seekers in and around Athens. The political discourse against migrants and asylum seekers has led to violence against persons with different nationality and/or ethnic origin, religion or language in other parts of the country.

The Turkish Minority of Western Thrace, of which status and rights are determined by the Lausanne Peace Treaty in 1923, has also become a vulnerable target, and activities of far-right

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<sup>80</sup> Human Rights Watch interview with Nikolaos Michaloliakos, Athens, January 12, 2012.

<sup>81</sup> [http://cm.greekhelsinki.gr/uploads/2012\\_files/ghm1418\\_racist\\_violence\\_diktyo\\_english.pdf](http://cm.greekhelsinki.gr/uploads/2012_files/ghm1418_racist_violence_diktyo_english.pdf)



and/or extremist groups. There is an increasing trend in hate-motivated attacks against the places of worship which belong to the Turkish Minority of Western Thrace in Greece. This increasing trend in hate-motivated attacks against persons, properties and places of worship belonging to the Turkish Minority of Western Thrace has created an environment of fear and anxiety among the members of the Turkish minority.

On 23 March 2012, an unidentified person or a group spray painted some figures on the walls of the Xanthi Turkish Union in Xanthi, Greece and wrote “ΕΞΩ ΟΙ ΤΟΥΡΚΟΙ (Turks Out)” on the entrance door. The Board of the Xanthi Turkish Union published a press release and condemned the attack and said, “We strongly condemn this attack, and we want that the vicious person or persons, who want to destroy the peace in the region in a period we have difficult times as country, to be brought before justice.” In the same day, an identified person or a group wrote “ΤΟΥΡΚΟΣ ΚΑΛΟΣ ΜΟΝΟ ΝΕΚΡΟΣ (The only good Turk is a dead Turk)” on the wall of the Bektashi lodge in Aşağımahalle (Kato Thermes) in Xanthi, Greece.

Since the election of Golden Dawn to the Greek Parliament in the June elections, the Turkish Minority faces an increasing hostile environment. The election of Golden Dawn to the Greek Parliament in the June elections has resulted in a fear among the members of the Turkish Minority of Western Thrace that attacks against persons and properties belonging to the Turkish Minority of Western Thrace would increase.

The period after the election of Golden Dawn to the Parliament has proved to be true that the political discourse which has been harshened after the June elections has turned into an anti-Greek sentiment and triggered xenophobia and racially-motivated hate crimes in the country. On 6 August 2012, a group of nearly 150 members of extreme nationalist Golden Dawn (Chrysi Avgi) party marched toward Komotini Turkish Youth Union (Gümülcine Türk Gençler Birliği) (GTGB) and chanted slogans against Turkey and Turkish Minority of Western Thrace, and the group threw bottles to the garden of the association. At that day, Golden Dawn organized a demonstration in order to protest the settlement of illegal immigrant to the police schools in Komotini and Xanthi. After the demonstration, a group of demonstrators marched toward the Turkish Consulate in Komotini, but the police did refuse access of the group to the street on which the consulate is located. Subsequently, the group congregated in front of the GTGB building. The group chanted Greek national anthem and shouted slogans against Turkish Minority and Turkey, then threw bottles to the garden.

On 12 August 2012, a group of members of the Xanthi provincial organization of Golden Dawn (Chrysi Avgi), who carried Greek flags in their hands, drove by the Turkish villages in Xanthi by motorbikes and cars and nurtured a climate of fear among the minority living in the Turkish villages of Yenice, Beyköy and Okçular. Lastly, on 23 August 2012, headquarter of Party of Friendship, Equality, Peace (Κόμμα Ισότητας, Ειρήνης και Φιλίας) , which is established by Turkish Minority of Western Thrace, was attacked in the late hours of evening and illuminated sign of the party was broken with rocks.

The far-right has sharply risen as the economic downturn deepens in the country and the current situation in Greece shows how quickly such political discourse against persons with different backgrounds can expand as xenophobia and racially motivated hate crimes in Greece. Since the June elections in Greece, it is recorded a marked rise in violence and intimidation against migrants and asylum seekers by members of Golden Dawn and its

sympathizers. The strong political discourse against foreigners has started to become an anti-Greek sentiment by members of Golden Dawn.

The persistent hate speech in the mainstream media with an explicit manifestation of hatred against Turkey makes the Turkish Minority of Western Thrace, of which all of whom are Greek citizens, a vulnerable target for far-right and/or extremist groups. The attack against Komotini Turkish Youth Union shows that members of Golden Dawn and its sympathizers represent a strong political opposition for persons belonging to a different nationality and/or ethnic origin, although the members of Turkish Minority of Western Thrace are all Greek citizens.

The Greek Government should investigate and prosecute perpetrators, and should condemn publicly and unequivocally such incidents, and it should undertake effective measures to prevent xenophobic and hate-motivated crimes. ABTTF urges the Greek authorities to:

- ensure co-operation, where appropriate, at the national and international levels, including with relevant international bodies and between police forces, to combat violent hate crime.
- call on the competent authorities to intervene decisively on websites and social media, whenever racist speech openly instigates acts of violence and criminal acts.
- set up of a national consultation body which acts as a permanent monitoring centre and increase public awareness of the problem of the dissemination of incitement to hatred in public discourse.

ABTTF invites the Human Rights Council to question the Greek government about steps taken to address racist and xenophobic violence during Greece's second cycle review under the Universal Periodic Review in 2016.



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**Human Rights Council**

Twenty-first session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Note verbale dated 24 September 2012 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide here with the comments of the Government of Greece in relation to the written statement submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/21/NGO/74), submitted to the Human Rights Council at its twenty-first session under agenda item 3.

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the attached text as a document of the twentieth session of the Human Rights Council, under agenda item 3.

\*Reproduced in the annex as received, in the language of submission only.

GE.12-17243  
A/HRC/21/G/11

## Annex

[English only]

The Greek region of Thrace has always been a place of harmonious coexistence between Christians and Muslims. All citizens, irrespectively of their religious beliefs or cultural backgrounds, enjoy the same rights and have the same obligations, without any discrimination. Religious freedoms, human and minority rights are fully respected and protected by the highest international standards.

There were very few isolated incidents in Thrace this year, as indicated in the written statement of the NGO 'ABTTF', which could be seen as acts of intolerance. These sporadic incidents are regrettable and have been condemned in the strongest terms.

The authorities, the local society and the overwhelming majority of the Greek people disapprove and reject similar acts, considering them as direct attacks to our democratic principles, institutions and values.

It should be noted that when incidents involving members of the Muslim minority occur, these are dealt with the required sensitivity, in full compliance with the relevant Greek legislation and in accordance with international standards. This was also the case with the incidents in question. The competent authorities reacted swiftly and effectively, restoring order and tranquillity, and thus preventing possible escalation. Necessary Investigations were duly launched by the police.

No modern society is totally free from acts of violence and hate crimes. Nevertheless, attempts to present isolated incidents as *'part of a broader pattern of growing intolerance and an increasing trend of hate crimes against persons, properties and places of worship belonging to the members of the Muslim minority in Thrace'* are misleading, distorting reality.

Greece remains committed to safeguarding all human rights and fundamental freedoms of every individual. The efforts of the Greek authorities have intensified regarding the fight against incidents of intolerance and discrimination, including hate crimes of any form.

**HUMAN RIGHTS COUNCIL**  
**22<sup>nd</sup> Regular Session**  
**25 February-22 March 2013, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

United Nations

A/HRC/22/NGO/18



**General Assembly**

Distr.: General  
11 February 2013

English only

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**Human Rights Council**  
Twenty-second session  
Agenda item 3  
**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**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.

[7 February 2013]

\*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 of Western Thrace and the problem of the ‘240 Imams law’ in Greece**

The status and the rights of the Turkish Minority of Western Thrace is established by the Treaty of Lausanne in 1923. The obligations assumed by Greece under “Section III” of this Treaty which deal with the protection of minorities, including “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”.

Although the Lausanne Treaty does not specifically mention that the minority shall elect its own religious leaders, this Treaty brings up the treaties which had been taken into effect before itself and reaffirms and acknowledges 1830 Protocol and 1881 Treaties and 1913 Athens Treaty and Its Third Protocol. The Athens Treaty states, “The life and properties, and the honour, religion, sect and customs of the folks from the places left to Greece, and who will remain under the administration of Greece, will be fully cared and respected, and these folks will possess all kind of civil and political rights like the Greek citizens of Greek origin do”, and notes, “Each Mufti will be elected by those Muslim voters who find themselves under the authority realm of the related Mufti”. It further adds, “The Chief Mufti will be elected by an election council composed of all Muftis in Greece and will be appointed among three candidates determined by the King of Greece.”

Law 2345/1920 adopted in accordance with provisions of the Athens Treaty envisaged that muftis were to be elected by Muslims who were entitled to vote, but this provision along with the provision for the establishment of the position of Chief Mufti has never been implemented. Rather, the post of Chief Mufti, which is the counterpart of the Greek Orthodox Patriarch and the electoral assembly in question, is similar to the Orthodox Holy Synod. Even though there is no Chief Mufti, Greece adopted the election of the Patriarch as a model, and appointed muftis by a special decree issued by the King. Two of three muftis, one in Komotini(Gümülcine), and one in Xanthi(İskeçe) have been appointed by a special decree issued by the King, while mufti in Alexandroupolis(Dedeğaç) had never been appointed.

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 without consulting with minority members or even asking for their opinion on the issue. In violation of the Athens Treaty, the Presidential Decree of 24 December 1990 adopted a legislative decree which states that muftis must be appointed by Presidential Decree on nominations from the Ministry of Education and Religious Affairs.

In 1990, the Turkish Muslim minority of Western Thrace has elected its own muftis, though public authorities did not recognise the elected muftis. Greece doesn’t still recognize the right of the Turkish minority of Western Thrace to elect its own religious leaders and rather it appoints muftis on the ground that the muftis have legal authority on civic issues. The Presidential Decree, published in Official Gazette on 17 December 2010, extended “the terms of office of Cemali Meço, the son of Mufti of Komotini Hafuzidris, by 24 December 2010, upon the request of Minister of Education and Religious Affairs.

A parallel is often underlined between the Greek Orthodox Patriarchate in Turkey, and the muftis in Western Thrace, since the rights of these minorities have been established by the

Lausanne Treaty. Though the Patriarch is elected by the Holy Synod after the submission of the list of would-be candidates to the public authorities, the muftis are still appointed on the ground that the muftis do have legal authority on civic issues. The Federation of Western Thrace Turks in Europe (ABTTF) would like to remind that all decisions of the muftis (appointed) have to be ratified by first instance courts, and that they are liable to be null and void by the Greek authorities.

In 2007, the Government passed Law 3536/2007 which envisaged the appointment of 240 “religious officers” i.e. imams to serve at the mosques in Western Thrace under the auspices of the muftis (appointed) in Komotini, Xanthi and Didymoteicho. The imams who will serve in the mosques in the regions inhabited by the Western Thrace Turkish minority will be appointed by the government.

Law 3536/2007 was prepared and put into effect without asking opinion of the Minority itself at any stage. Due to the reactions from members of the Turkish Minority of Western Thrace, Law 3536/2007 has, thus far, not been implemented. On 16 January 2013, the Parliament made a legislative regulation on Law 3536/2007 with the proposal of the governing parties New Democracy and PASOK. The adjustment was voted “yes” by the governing parties of PASOK and New Democracy with the support of Golden Dawn Party and Independent Greece. Coalition of the Radical Left (SYRIZA), Democratic Left (DIMAR) and the Communist Party (KKE) voted “no” for the adjustment. Without prior consultation or opinion sharing with the representatives of the Turkish Minority, the adjustment has been approved by the Hellenic Parliament. The three deputies who are members of the Turkish Minority of Western Thrace, Mr. Ahmet Haciosman(PASOK), Mr. Ayhan Karayusuf (SYRIZA) and Mr. Hüseyin Zeybek (SYRIZA) voted “no” to the adjustment.

The legislative regulation would allow the Greek government to exercise state control over religion through the appointment of Muslim preachers i.e. Imams to mosques under the realm authority of the official Muftis in Xanthi, Komotini and Didymoteicho in Greece. With the new regulation, the religious officers will work under a 9 month contract and salaries will be paid by the Ministry of Education. The committee which will select the religious officers will be composed of five persons, three of whom will be Muslim. The three Muslim of the board are: The Mufti (appointed) a Muslim theologian who will be determined by the Ministry of Education and a Muslim expert.

This legislative regulation would further allow the government to expand its control over religion in public schools in the region through the new provision which is made for the teaching of the Quran by appointed Muslim preachers in public schools in Western Thrace in which minority students are enrolled. The priority for appointment will be given to those who accomplished undergraduate or graduate studies at Islamic Theology either in Greece or abroad. In case there are still open positions, those graduates of religious schools without undergraduate education as well as those who finished primary or secondary education and had previously served as teaching the Quran for a total of ten years will be appointed.<sup>82</sup>

The Turkish Minority of Western Thrace objects the new adjustment on the ground that the Government violates the self-governing structure of the Minority in the field of religion and that the Government interfere with the religious affairs of the Minority. In contrast what Law 3536/2007 claims, the religious men of the Minority should be paid by the Communities themselves, just like the Jewish Central Board and the Catholic and Protestant Church. It is

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<sup>82</sup> <http://www.emisco.com/2013/01/22/press-release-situation-in-western-thrace/>

unacceptable that Greece, which does not even interfere with the Orthodox Church, shall prospectively be able to select/appoint servants of the religious organizations of the Minority.

ABTTF would like to stress that the State should not involve in /intervene to any matters regarding issues of faith, belief, or the organization of a religious group, and it should extricate itself any matter which might be considered internal. The ecclesiastic of the Eastern Orthodox Church of Christ, which is the prevailing religion in Greece, are public servants, but they are appointed/elected/selected by the Church itself, and the State is not allowed to involve in/intervene to any matter internal or doctrinal to the Church. It is unacceptable that Greece, which does not even interfere with the Orthodox Church, shall prospectively be able to select/appoint servants of the religious organizations of the Minority.

Greece should 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. Therefore, ABTTF request the State under review to repeal the relevant articles of the Law 3526/2007 and allow the Turkish Minority of Western Thrace to choose its own religious teacher and/or imams just like the Jewish Central Board and the Catholic and Protestant Church did.





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**Human Rights Council**

Twenty-second session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Note verbale dated 22 February 2013 from the Permanent Mission of Greece to the  
United Nations Office at Geneva addressed to the Office of the United Nations High  
Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide here with the comments of the Government of Greece in relation to the written statement submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/22/NGO/18).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the attached text as a document of the twenty-second session of the Human Rights Council.

\*Reproduced in the annex as received, in the language of submission only.

GE.13-11764

Referring to the written statement submitted by the NGO ‘Federation of Western Thrace Turks in Europe’, under agenda item 3, which focuses on a recently adopted Greek law about Muslim Preachers in Thrace, (A/HRC/22/NGO/18) Greece would like to raise the following points:

The basic parameters of the law in question (Law 4115/2013) are the following:

- For the first time, teaching of the Holy Koran is made possible in Greek public schools in Thrace, to the benefit of students of the Minority who choose the public educational system.
- The Muslim preachers who will teach the Holy Koran will be selected, through a fully transparent and inclusive procedure, by a qualified 5 member Committee, which will include the Mufti, a reputable Muslim academic and a Muslim theologian.
- The Holy Koran teachers will receive a steady and legal salary, with social security benefits. Their standing in society, in these times of crisis, will improve and they will not depend from other uncertain or unspecified sources of income.
- It goes without saying that Koran teachers have the right to freely choose whether they want to join this scheme. The entire philosophy of the law is based on this principle. Should they desire to be part of it, they will be selected by a transparent procedure.
- The same applies with the teaching of the Holy Koran in public schools. The minority children can freely decide whether they wish or not to attend the classes.

In light of the above, it is clear that contrary to the allegation of the NGO ‘Federation of Western Thrace Turks in Europe’, by virtue of this law a forward looking policy addressing the needs of the Muslim Minority, within the institutional framework of Greece is implemented. The text of the law is attached herewith, for all those interested in forming their own opinion about its true content.

Furthermore, we would like to underline, that the members of the Muslim minority residing in the Greek region of Thrace, are protected by the highest international standards in accordance with the provisions of the Treaty of Lausanne, which established their status, the Greek constitution and the European Union acquis. They enjoy full equality before the law, without any discrimination. As to their religious needs, they are fully respected. More than 300 mosques, two Koranic Schools, 3 Muftis bestowed also with judicial authority in family and inheritance matters and numerous imams and religious preachers are serving the needs of the Minority.

Any bona fide visitor who has been to the region, will see a diverse, vibrant society where Christians and Muslims live in harmony, cooperation and mutual respect. Of course there is always room for improvement on different issues that concern the minority, including in the field of religious freedoms. Therefore Greece always welcomes well-meaning and constructive criticism of its policies towards the Minority, no matter where this criticism is coming from. Nevertheless, she cannot accept the orchestrated campaign of those who try to raise, on every opportunity and in a tendentious and biased manner, issues that are totally unrelated with the facts on the ground. For Greece, meeting the needs of its Muslim citizens, members of the Muslim minority in Thrace, is an ever evolving challenge and commitment.

**HUMAN RIGHTS COUNCIL**  
**23<sup>rd</sup> Regular Session**  
**27 May-13 June 2013, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

United Nations

A/HRC/23/NGO/35



**General Assembly**

Distr.: General  
17 May 2013

English only

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**Human Rights Council**  
Twenty-third session  
Agenda item 3  
Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development

**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.

[10 May 2013]

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

## **The right to freedom of association and the problem of non-execution of ECtHR's judgements in Greece**

The freedom of assembly and association constitute the cornerstones of representative democratic system and the exercise of these rights have always been at the heart of the struggle for democracy around the world, and they still remain at the heart of societies, since they are essential to the development of civil society and thus to the strength of democracy. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities grants to persons belonging to minorities the right to establish and maintain their own associations (Article 2.4). The International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights guarantee that no restriction may be placed on the exercise of the rights to freedom of peaceful assembly and of association other than those that are prescribed by law. Reminding that States have an obligation to respect and fully protect the rights of all individuals to assembly peacefully and associate freely, there is a serious concern at violations of the rights to freedom of peaceful assembly and of association in various European countries, including Greece.

Under the 1923 Lausanne Peace Treaty, which determined the status and the right of the Turkish Minority of Western Thrace, the Minority has an equal right with the non-Muslim minority in Turkey to establish, manage and control at their own expense, any charitable, religious and social institution, any school and other establishment for instruction and education, with the right to use their own language and to exercise their own religion freely therein. Though, Greece does not subscribe to the right of any group to self-identification on a collective basis and the right of assembly or association of the group which seeks to determine their identity. Following her mission to Greece on 8-16 September 2008, former UN Independent Expert on Minority Issues, Gay McDougall, stated that "The absence of formal recognition by the state of a particular societal group as constituting "a minority" is not conclusive", and continued that "Rather, the existence of a group to which a state owes minority protections is a matter of objective facts and exercise of the right of self-identification by persons belonging to the group".

Although the other segments within the Minority are recognized and even welcomed and supported by Greek authorities, there are currently no associations in Greece operating legally with their names including the words "Macedonian" or "Turkish", which reflect the ethnic or national identity of their members. There is only one (ethnic) Macedonian association that attempted to register with the courts, the "Home of Macedonian Civilization" (Stegi Makedonikou Politismou) but denied registration and appealed to the European Court of Human Rights (ECtHR). Though, the Court ruled that Greece violated Article 11 of the European Convention on Human Rights, the new application for registration was again rejected in 2003 on the ground that "the word 'Macedonian' is not clear whether the word is being used in its historical sense to refer to an integral part of Greek civilisation with its local specificities, or in its geographical sense, in which case it is left undefined which part of the broader region of Macedonia is meant, as its territory took shape after the Balkan Wars."

The Greek government declared in 1983 that there were no Turks in Greece and claimed that the members of Muslim minority are Greek Muslims. Xanthi Turkish Union, Komotini Turkish Youth Union and Western Thrace Turkish Teachers' Union were dissolved in 1986 by local courts and the Supreme Court decided the dissolution of the associations on the

ground that the word “Turkish” referred to citizens of Turkey and could not be used to describe citizens of Greece.

Following the dissolution of the Turkish associations in the late 1980’s, the three associations (Xanthi Turkish Union, Cultural Association of Turkish Women of the Region of Rodopi and Evros Prefecture Minority Youth Association) lodged a complaint with the European Court of Human Rights in 2005; the ECtHR held unanimously there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights.

Further to the European Court of Human Rights’ judgments, the applicants requested the cancellation of the decision dissolving them (the case of Xanthi Turkish Union) or submitted a new registration of their associations before the national courts. The applications have been declared inadmissible on the ground that it is not possible to cancel a domestic decision which has become final in the context of non-contentious procedure following a judgment of the ECtHR, and that domestic law does not provide, in civil matters, for the reopening of proceedings following a finding of violation by the ECtHR.

Some of the associations which bear the title “Minority” are not being registered in Greece. Although the ECtHR ruled that Greece violated the freedom of association of the Evros Prefecture Minority Youth Association in the case of Bekir-Ousta and Others vs. Greece (No. 35151/05), the requests for registration by South Evros Minority Educational and Cultural Association and Evrenos Minority Culture, Folklore and Education Association are dismissed by local courts on the ground that the word “minority” in its title had a vague meaning and was specified neither as “Muslim” nor as “Turkish”.

In its written reply (12-9-2011, Protocol no.743) to the motion for question asked by Deputy Çetin Mandacı(Protocol Number. 21855/25.8.2011) in which the Deputy asked for the steps that the Government will take about the ECtHR’s judgment on the Xanthi Turkish Union, the Ministry for Justice, Transparency and Human Rights stated that there is no need to annul or to rectify the judgment of national courts in the case of Xanthi Turkish Union on the basis of new facts or a change in the circumstances in which the judgment had been handed down.

In Parliamentary Assembly of Council of Europe debate on 26 January 2011<sup>83</sup> the Assembly decided to give priority to the examination of major structural problems concerning cases in which extremely worrying delays in implementation have arisen, currently in nine states parties, including Greece. Under Article 46 of the European Convention on Human Rights, the Council of Europe Execution of Judgments of the European Court of Human Rights undertakes the final judgments of the ECtHR and the Committee of Ministers supervises the execution process in Greece under the name of the Bekir-Ousta Group. The Committee of Ministers referred to the letter sent by the Federation of Western Thrace Turks in Europe (ABTTF) to the Department for the Execution of Judgments of the European ECtHR on 3 November 2011 and decided to resume the examination of these cases in the light of the developments with regard to the proceedings pending before the Court of Cassation in the case of Tourkiki Enosis Xanthis.

ABTTF organized a side-event on non-execution of European Court of Human Rights (ECtHR) decisions on the three particular cases in which the Court ruled that Greece violated

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<sup>83</sup> 6th Sitting. See Doc. 12455, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pourgourides). Text adopted by the Assembly on 26 January 2011 (6th Sitting). See also Recommendation 1955 (2011). <http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=17953&lang=EN>

Article 11 of the Convention, i.e. right to freedom of association on 25 April 2013. The event hosted by Latvian Parliamentarian Boriss Cilevičs at the PACE 2013 Spring Session, brought together more than 50 participants from different political groups, Council of Europe (CoE) Member States and civil society members, which stressed Greece's pertinacious attitude in non-executing with the ECtHR decisions favouring the re-establishment of the three associations founded by Western Thrace Turkish Minority members; Xanthi Turkish Union, Cultural Association of Turkish Women of Rodopi and Evros Minority Youth Association. At this side event, Hülya Emin, Chairwoman Cultural Association of Turkish Women of Rodopi, stressed the fact that Greece denies minority's ethnic identity, which brought out the closure of associations founded by the minority. Ahmet Kurt, President of Xanthi Turkish Union said that upon the ECtHR decision, Xanthi Turkish Union applied to national court for retrieving its official status, yet the request was refused by the respective court of appeal and approved by the Court of cassation. Kurt furthermore indicated that upon the approval of court of cassation, Xanthi Turkish Union has for the second time lodged a complaint at the ECtHR in September 2012.

Recalling the Parliamentary Assembly's resolution in which it stresses the importance of the European Court of Human Rights for the implementation of the European Convention on Human Rights (ETS No. 5) in all member states of the Council of Europe, we urge Greek authorities to;

- implement, without any further delay, the decisions of the European Court in the cases Turkish Association of Xanthis and Others v. Greece, Bekir Ousta and Others v. Greece & Emin and Others v. Greece;
- reaffirm the commitment of the Greek authorities to implementing fully and completely the judgments of ECtHR and amend the Code of Civil Procedures in such a way that it allows the implementation of the European Court decisions in matters related to freedom of association;
- allow the registration of associations under the names of the choice of their founding members whether they contain the name of an ethnic group or the word "minority";
- immediately ratify the Council of Europe's Framework Convention for the Protection of National Minorities.



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**Human Rights Council**

Twenty-third session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Note verbale dated 29 May 2013 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide here with the comments of the Government of Greece in relation to the written statement dated 10 May 2013 and submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/23/NGO/35).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the attached text as a document of the twenty-third session of the Human Rights Council, under agenda item 3.

\*Circulated in the annex as received, in the language of submission only.

GE.13-14272

**Annex**

*[English only]*

Referring to the written statement submitted by the NGO ‘Federation of Western Thrace Turks in Europe’, under agenda item 3, of the 23<sup>rd</sup> session of the Human Rights Council, Greece would like to raise the following points:

Freedom of association is fully protected in the Greek legal order and guaranteed by the Constitution.

There is no specific legislation on minority association. The general provisions of the Civil Code are applicable in this respect. Associations are to be registered with the Greek Courts which exercise, for that purpose, a control of legality, and not of opportunity. These procedures have recently been simplified by the newly adopted modifications to article 80 of the Greek Civil Code which clearly provide that associations are registered with the Court by simply fulfilling the requirements of the Law (Law 4055/2012 articles 1 and 17).

With regard to the three minority associations mentioned in the above referred statement (Bekir Ousta group of cases), these are indeed not officially registered, because their statute was found incompatible with the Greek legislation by the Courts. The associations appealed to the European Court of Human Rights for violation of article 11 of the European Charter of Human Rights. The judgements rendered were in favor of the associations.

Greece fully respects the judgements of the European Court based on the principles upheld by the Council of Europe, the European Convention of Human Rights and other important human rights instruments instruments.

Full implementation of the judgements is pending due to procedural reasons. Greek authorities are currently considering the most appropriate means and ways to implement the decisions, including possible legislative adjustments. There is also an ongoing constructive dialogue with the Department for the Execution of the European Court’s judgements of the Council of Europe on this issue. Moreover, recent Greek courts judgements on similar cases take into account the requirements of article 11 of the ECHR as interpreted by the Court of Human Rights, following the ruling of the Supreme Court of Greece in the case of the minority association ‘South Evros Educational and Cultural Association of Western Thrace Minority’, also mentioned in the above referred statement.

It should be noted that there is thriving, multi-faceted and pluralistic civil society in Thrace, where the members of the Muslim minority of Greece reside. A large number of minority associations and NGOs have been registered with the competent courts and operate without impediments. Thus, they preserve, highlight and promote all aspects of the cultural, educational and economic life of the minority. Even the three associations in question, albeit not officially registered, do engage freely in numerous activities.

Greece is committed to ensuring full respect of the freedom of association for all, as guaranteed by the European Convention on Human Rights and the jurisprudence of the European Court for Human Rights.



**HUMAN RIGHTS COUNCIL**  
**24<sup>th</sup> Regular Session**  
**09-27 September 2013, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

United Nations

A/HRC/24/NGO/70



**General Assembly**

Distr.: General  
4 September 2013

English only

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**Human Rights Council**  
Twenty-fourth session  
Agenda item 3  
**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[22 August 2013]

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

**The right not to be discriminated and the education in mother tongue: The problem of bilingual minority pre-school education in Greece**

Every person has a right to education and to any other fundamental right dependent upon the realization of the right to education, the principle of equality and non-discrimination in the enjoyment of the right to education is a key to securing equal access to quality education for persons belonging to minority groups. The discrimination in educational opportunities and marginalization prevent minority children to take part fully in economic, social, cultural and political life of their country.

Under the 1923 Lausanne Peace Treaty, Turkish Minority of Western Thrace has an equal right with the non-Muslim minority in Turkey to establish, manage and control at their own expense, any charitable, religious and social institution, any school and other establishment for instruction and education, with the right to use their own language and to exercise their own religion freely therein. The autonomy in education has been undermined through a number of regulations and practices, which resulted in a low-qualified education in minority schools with structural problems regarding training of teachers, the curriculum and textbooks.

During fact-finding mission that Federation of Western Thrace Turks in Europe (ABTTF) and Friendship, Equality, Peace Party- the minority's own political party- organized on 16- 20 October 2012 with the participation of Hans Heinrich Hansen, President of Federal Union of European Nationalities (FUEN), MEP François Alfonsi (France) and Willy Fautre, Director of Human Rights Without Frontiers Int'l, the delegation found that the problems in the field of education are alarming and that the school education of minority children in Turkish and in Greek is an emergency issue.

The rapporteur Willy Fautre, Director of Human Rights Without Frontiers Int'l, stated in his report entitled, "Ethnic Turks in Greece: A Muslim Minority" based on his observations and consultations with the minority people that "the reality is however far from the provisions of this treaty (Lausanne) and from the official position of the Greek Government."<sup>84</sup> The rapporteur noted that state intervention on minority issues to such an extent that in practice, the Greek Government, through the Ministry of Education and Religious Affairs, has wide-ranging control over the minority schools at all levels, whether it concerns the composition and the functioning of the school boards, the hiring and firing of teachers, the distribution of textbooks or the building and repair of school buildings.

When the former UN Independent Expert on Minority Issues, Gay McDougall, visited Greece on 8-16 September 2008, there were 194 minority primary schools in Western Thrace with courses taught in both Turkish and Greek.<sup>85</sup> The number of minority schools was 188 in 2011 and the Ministry of Education, Lifelong Learning and Religious Affairs declared in May 2011 that the number would be decreased to 174 minority schools due to the economic crisis. In the decision of minority schools merger, the distance between the minority villages and infrastructural problems were not taken into consideration.

In February 2013, Greek Ministry of Education, Lifelong Learning and Religious Affairs has decided upon a temporary closure of 12 minority schools on the grounds of insufficient

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<sup>84</sup> For the full report, please visit [https://www.abtff.org/images/22\\_Raporlar/2012-1128-Report-Ethnic-Turks\\_.pdf](https://www.abtff.org/images/22_Raporlar/2012-1128-Report-Ethnic-Turks_.pdf)

<sup>85</sup> A/HRC/10/11/Add.3 para. 24, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>

number of students. SYRIZA Xanthi Deputy, Mr. Hüseyin Zeybek- a member of the Minority- asked, in July 2013, a written question to the Ministry of Education that on what ground the decision to suspend the activities of minority schools is taken and requested the copy of the official decision.<sup>86</sup> The minority deputy stated that the number of pupils on minority schools which were temporarily closed has increased this year and local representatives and the parents asked the authorities to resume activities of these 12 minority schools.

When the former UN Independent Expert on Minority Issues visited Greece in 2008, she stated in her report that a commonly stated problem is the absence of bilingual kindergartens for the Muslim minority. Four years later, Willy Fautre also noted that one of the most important problem stated during consultations with minority representatives and civil society organizations is the absence of bilingual minority kindergartens for the Turkish Minority of Western Thrace In accordance with Act 3518/2006 which envisages the extension of the compulsory period in education from nine to ten years, the pre-school education for all children at the age of 5 has been made compulsory. The Act does not bring any regulation about ethnic and cultural difference of the children in Greece; all children who complete the 5th year of their age are obliged to attend state kindergartens where the language of education is only in Greek.

In reply of the written statement submitted by ABTTF to the 9th Session of the UN Human Rights Council, the Permanent Mission of Greece to the United Nations Office at Geneva on behalf of the Government Greece, submitted a letter to the Office of the United Nations High Commissioner for Human Rights and claimed that children at kindergartens did not have Greek textbooks, because they did not have any textbooks or any specific curriculum.<sup>87</sup> The Representative underlined that activities and games were the only means used in kindergartens which served as a smooth introduction to primary education and helped to avoid segregation of the Muslim minority from the rest of the Greek society.<sup>88</sup>

The right not to be discriminated is violated because Greece without an objective and reasonable justification fails to treat differently minority children who speak a different language other than Greek. The local representatives of the Minority- the Minority MPs at the Hellenic Parliament, mayors and elected local representatives-signed a petition in 2010 for the inclusion of pre-school education into the minority schooling and submitted it to the Greek Ministry of Education. Though, the petition was not taken into consideration by Greek authorities.

During fact-finding mission in October 2012, the delegation visited Echinós(Şahin) village in Xanthi and met parents of the 20 minority children of whom children were not enrolled to the first grade of the primary school in September 2012 on the ground that those children did not attend public kindergarten. The delegation talked with the principal of primary minority school in Echinós, Hasan Kurak, who was dismissed from his position by the regional school inspectors because he allowed the children to attend the classes.

During consultations, the parents stated that they did not want to send their children to public kindergartens where the language of education is only Greek. Mothers of the concerned

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<sup>86</sup> [http://www.gundemgazetesi.com/news/detay\\_02.php?h1\\_id=1401](http://www.gundemgazetesi.com/news/detay_02.php?h1_id=1401)

<sup>87</sup> See [http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral\\_statements\\_forum\\_minority\\_2008.htm](http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2008.htm)

<sup>88</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/164/39/PDF/G0816439.pdf?OpenElement>

children told Human Rights Without Frontiers in Echinós, “We were told by the educational authorities to write in one of the documents to be completed that our children had not been able to go to a kindergarten because they had been sick during the whole school-year or because we did not have the financial means to do so, but we refuse to lie.”

The problem has been solved in November 2012, this, however, does not mean a long-lasting solution to the problem of bilingual minority kindergartens. Since minority children are obliged to attend public kindergartens where the education is only Greek, a similar problem may break out in other villages in the next school year.

The former UN Independent Expert on Minority Issues, Gay McDougall, recommended in her country visit report on Greece<sup>89</sup> in 2008 that bilingual kindergartens would allow better knowledge of both Turkish and Greek from an early stage therefore providing benefits in terms of integration, and enabling greater choice of whether to go to minority or Greek public primary school.

The Government of Greece should be urged to respect its obligations under the Treaty of Lausanne and take measures in order to restore the autonomous structure in the field of education. Greece should respect, protect and promote the rights enshrined in the Lausanne Treaty and act in full compliance with the provisions of the Treaty and the core international human rights treaties of which Greece is a party.

We urge Government of Greece to:

- establish bilingual minority kindergartens in region in line with the minority schooling system;
- give bilingual education in public kindergartens in the region until bilingual minority schools are established;
- allow the Turkish Minority of Western Thrace to establish private kindergartens where the language of education will be Turkish and Greek.

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<sup>89</sup> See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>



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**Human Rights Council**

Twenty-fourth session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Note verbale dated 18 September 2013 from the Permanent Mission of Greece to the  
United Nations Office and other international organizations in Geneva addressed to the  
Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide here with the comments of the Government of Greece in relation to the written statement dated 4 September 2013 submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/24/NGO/70).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the attached text\* as a document of the twenty-fourth session of the Human Rights Council, under agenda item 3.

\*Reproduced in the annex as received, in the language of submission only.

**Annex**

*[English only]*

**A.**

1. The Greek Government maintains policies implemented to uphold the right to education for Muslim minority students. The State continues to provide strong support to minority schools, while, at the same time, the increasing preference of Muslim minority students for the public educational system has been appropriately accommodated. In fact, the number of minority students who prefer to attend public schools at all levels has tripled since 1996. Moreover, the number of Muslim minority girls graduating from high school has significantly increased.

2. Pre-school Education: according to the legislation in force, pre-school education of one year is mandatory. This is a prerequisite for all children in order to enter primary schools. The authorities have tried to accommodate parents whose children did not manage to attend pre-school for a justifiable reason.

3. Primary and Secondary Education: In accordance with the 1923 Treaty of Lausanne, Greece guarantees the proper functioning of the existing minority schools, which are supported and funded by the State. Currently, there are 169 primary minority schools and 2 Seminaries (Koranic) schools in Thrace. In addition, there are 2 secondary minority schools.

4. As previously mentioned, an increasing number of Muslim minority students in Thrace demonstrate a preference for the public educational system. The authorities have successfully accommodated this preference, while offering courses aimed at preserving the cultural and linguistic characteristics of this group of students who attend public schools.

5. Greek language & civilization courses are available for Muslim parents in an effort to enable parents to get more involved in their children's education.

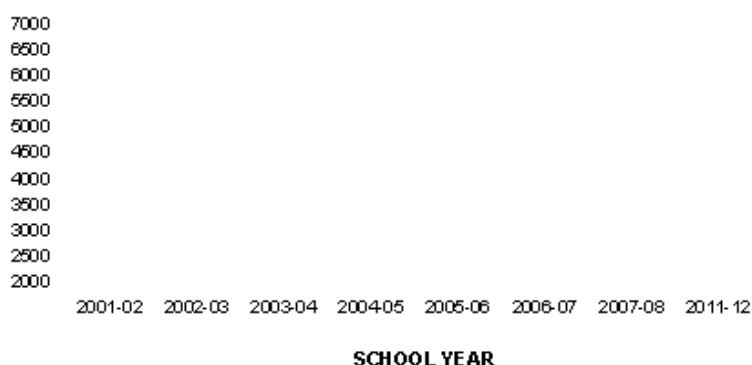
6. The number of minority students attending secondary schools has significantly increased in the last 10 years. About one quarter attend a minority school, while three quarters of students are in public schools. The programme for the 'Education of the Children of the Muslim Minority in Thrace' is an additional measure to support Muslim minority children in their schooling in terms of performance, attendance and assistance. Muslim minority students of Thrace are accommodated by special educational policies implemented, as well as by national social and educational policies.

7. Higher Education: a 0.5% quota for the admission to Universities and Higher Technical Educational Institutes of Muslim minority students of Thrace has been introduced. Due to this special measure, the number of Muslim minority University students has increased eightfold since 1996. Additionally, this quota along with the general positive policies in favor of Muslim minority students has led to their increased number of entrance in the School of Primary Education Teachers at University level.

**B. Greek Thrace: A modern, European model of Minority Education**

**The educational situation in a nutshell**

- In school year 2012-13, 172 minority primary schools operate in Thrace. Most of them are in mountainous and inaccessible areas and do not have the minimum number of students required for their operation. The state continues to operate them to help students who, otherwise, would be forced to move to other schools. In minority regions of Thrace there are 57 public kindergartens.
- In secondary education, there are two minority secondary schools in Xanthi and Komotini, as well as two religious secondary schools in Komotini and Echinis in the Municipality of Myki in Xanthi, respectively. The religious schools follow the curriculum of public schools, while educating students to undertake hieratic tasks in Islamic mosques. At the same time, a large number of Muslim students choose to attend public secondary education. In school year **2011-2012, 6.388** students attend public Junior, High schools, Senior and vocational High Schools in Thrace.



Muslim minority students are allowed to enter Greek Universities and Technological Institutes with additional rate posts (0,5%).

### Primary education

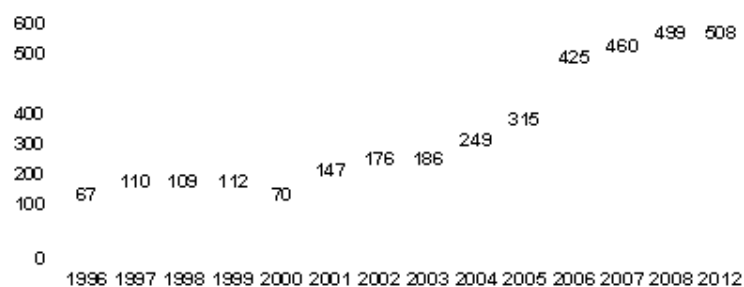
- **44 all-day** minority schools operate with **93 classes**. A circular was issued in May 2012 by the Ministry of Education in order to allow minority primary schools, among other sensitive groups, to operate as all-day schools even when they do fulfil the general requirement of total number of students and teachers. In the period **2004-2012, 146** young Muslim permanent teachers were recruited. In the school year 2011-12 there were 309 permanent Muslim teachers graduates of the Muslim Special Education College and 72 Muslim teachers have been recruited as alternates.
- There is an Educational Programme for Muslim students run by the University of Athens. The Programme offers additional supportive education to Muslim students as well as teachers in-service training.

### Secondary education

- Extension of 0.5% quota for the entry of Muslim Children to Greek higher education institutions for graduates of Vocational schools, as well.

### Building infrastructure

- In 2012 a new annexe was built for the kindergarten of Echinis which costed 14 000€.



## Higher education

- Over the last ten years, the rate of Muslim students who have succeeded in the university entrance exams and are now University students has increased by 180%.

Number of Muslim students entering Greek Universities increased from 67 in 1996 to 508 in 2012.

**Number of Muslim students entering Greek Universities for the academic year 2012-13 per region and gender**

	Universities		Technological Institutes		Total
	Male	Female	Male	Female	
<b>Evros</b>	4	4	4	2	14
<b>Rodopi</b>	40	55	54	51	200
<b>Xanthi</b>	68	49	78	77	272
<b>Total</b>	<b>112</b>	<b>108</b>	<b>136</b>	<b>130</b>	<b>486</b>

Total of male: 248 (percentage 51%)

Total of female: 238 (percentage 49%)

## Lifelong learning

- ‘Second-chance schools’ operate in the area in order to combat illiteracy:
  - In Komotini with branches in Organi, in the Municipality of Neo Sidirochorio and in the Municipality of Iasmos
  - In Sappes
  - In Xanthi with branches in Sminthi and in Myki in the Municipality of Myki
- Counselling programmes and health education for families of Greek Muslims.

## Conclusion

Greece is systematically improving the content of education in Thrace with respect towards different religions and cultures, renewing building infrastructure and equipment, modernizing the institutional framework. Greek policy aims at enabling every student of the Muslim minority to be educated, develop his/her personality freely and enjoy equal opportunities for integration socially and into the labour market.



**HUMAN RIGHTS COUNCIL**  
**26<sup>th</sup> Regular Session**  
**10-27 June 2014, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

United Nations

A/HRC/26/NGO/84



**General Assembly**

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English only

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**Human Rights Council**  
Twenty-sixth session  
Agenda item 3  
Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

**Written statement\* submitted by the Federation of Western  
Thrace Turks in Europe, 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.

[26 May 2014]

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

GE.14-04441 (E)

\*1404441\*

## **The Electoral Threshold Problem in Political Representation of the Turkish Minority of Western Thrace**

The Universal Declaration of Human Rights protects the right to everyone “to take part in the government of his country” and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities states that “persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation”.

The representation of ethnic minorities in political life is a strong indicator of the level of minority rights in modern democracies. Ethnic minorities can either have a right to self-government or they can participate in legislative institutions at both national and local level or take part in consultative bodies in order to take a key role in decision-making processes which are interest to them. Members of ethnic minorities can nominate through non-minority/majority parties or they form their own parties and achieve representation at the national and regional level.

It is very important that parties and legislation are inclusive and represent broader society including ethnic minorities. Electoral law or electoral system does have a great impact on the full and effective participation of persons, including persons belonging to national minorities. Only few states provide for specific rules on the representation of minorities in the elected bodies, but there are no established democracies that have adopted quota laws for ethnic minorities. Yet there have been efforts among political parties to widen their support and get their votes among ethnic communities and to recruit ethnic minority candidates in local and national elections.

The European Union has established protection of minorities as a pre-condition in the accession of candidate countries to the EU. This has provided the development of institutional rules in Eastern European countries throughout their accession process. The Turkish minority in Bulgaria and the Hungarian minority in Romania have established their own political parties despite different institutional frameworks. Romania has introduced special provisions to guarantee that they have a seat in the Romanian Parliament.

This pre-accession criteria regarding protection of minority rights are not applied in old EU members states. The Turkish minority in Western Thrace<sup>90</sup>, Greece, is not adequately represented in national and regional level and in decision making processes. The electoral system referred as “reinforced proportionality” is a form of semi-proportional representation with a 3% of electoral threshold for political parties and independent candidates and an awarded extra 50 seats for the political party that wins a plurality of votes cast. Under the

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<sup>90</sup> Turkish Minority of Western Thrace has an estimated population of 150,000, does comprise 1.3% of the general population (2001 census) and it constitutes majority in Rhodope (52%) and almost half of the population in Xanthi(45%). There is an officially recognized Muslim minority of 140,000 to 150,000 members reside in Thrace (Western Thrace) and the status of the Minority is determined by the Treaty of Lausanne in 1923. 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.

current electoral system of reinforced proportionality, political parties and independent candidates cannot enter the Parliament unless they obtain at least 3 % of the votes throughout the country, although they may have enough votes to get electoral seats in specific electoral districts. This makes it almost impossible for members of the Turkish Minority of Western Thrace to be elected to the Parliament as independent candidate, therefore members of the Minority stand for elections from majority parties. In the last elections, three persons belonging to the Turkish Minority of Western Thrace were elected to the Greek Parliament. The deputies are Mr. Ahmet Haciosman, PASOK MP for Rhodope; Mr. Ayhan Karayusuf, SYRIZA MP for Rhodope; Mr. Hüseyin Zeybek, SYRIZA MP for Xanthi.

The regional administration in Greece has gone an extensive reform process, of which second phase was implemented in 2010. The number of municipalities have been reduced to 325, and 54 prefectures have been merged into 13 administrative regions, i.e. peripheries. Each region acquired a directly elected governor (periferiarchis) and regional council roughly proportional to its population. Political parties are not permitted to contest local and regional elections and, therefore, the elections are contested by open regional lists headed by a candidate governor. In practice, however, most of these lists are openly created, supported or otherwise endorsed by political parties. In all local elections, the winning candidacy list is guaranteed a minimum three-fifths majority in the respective councils. In 2010, Greece held its first regional elections concurrently held with municipal elections. The elections for the regional governors and councils take place every five years under a two-round majority run-off electoral system where the winning list elects the governor. The regional elections with municipal elections in Greece will be held on 18 May 2014 (first round) and 25 May 2014 (second round). Following the first and second round municipal elections in Greece, three members of the Turkish minority in Arriana (Kozlukebir), Iasmos(Yassıköy) and Myki(Mustafçova) municipalities have been elected as mayor.<sup>91</sup> Unfortunately, there is no member of the Turkish minority whom has been nominated in the regional list as vice regional governor for regional units of Rhodope or Xanthi.

Events in Greece before the elections show that Western Thrace Turkish Minority is perceived and accepted as “the other” in Greece. New Democracy (NEA) Party Rodopi Deputy and former Minister of Education and Religious Affairs Evripidis Stilyanidis gave reportage to Greek daily Eleftheros Typos on 27 April 2014. Stilyanidis’ statements regarding the Western Thrace Turkish Minority received big reactions. According to Birlik, a daily of Western Thrace Turkish Minority, Stilyanidis affirmed the necessity to introduce new regulations to country’s administrative structure on the grounds that the municipalities have been Islamized especially when the examples of Maroneia and Iasmos were taken into account. Further to this point, Stilyanidis suggested the municipalities in Western Thrace, which were predominantly run by the Western Thrace Turkish Minority, shall be redistributed to those which were run by Christians.

Starting in 2014, peripheral and municipal elections are to be held every five years, concurrently with elections for the European Parliament. At the second round of local elections in Greece, on 25 May 2014, European Parliament elections will be held in Greece. Greece comprises one national electoral district for the EP elections and the electoral threshold is 3%, while 14 EU countries do not apply any electoral threshold for the EP elections. 49 political parties are participated in the EP 2014 elections, and party lists are closed and blocked. For the first time in history minority political party Friendship, Equality,

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<sup>91</sup>[http://www.ekloges.yves.gr/may2014/dn/public/index.html#{"page":"level","params":{"level":"snom\\_n","id":1}}](http://www.ekloges.yves.gr/may2014/dn/public/index.html#{)

Peace (FEP) Party has run for the EP elections, with 38 candidates from Rhodope, Xanthi and Evros.

With the slogan ‘Europe Europe Hear Our Voice’, FEP Party participated in the EP elections in order to give the message “We are Here As well” to Athens and Europe. FEP Party announced that they participated in the elections to give the necessary message to the mindset which does not take into consideration the demands of the Turkish Minority of Western Thrace. Following the results of the EP elections in Greece, FEP Party has been the first party in Rhodope and Xanthi, where the Turkish Minority of Western Thrace lives. The minority party has won 41, 68% in Rhodope and 25, 89% in Xanthi. The party has been the third party and has received 42.533 votes with 12.25% share of the vote in Eastern Macedonia-Thrace Prefecture. Since the party has received 46.620 votes and won 0.76% of at the nationwide.<sup>92</sup> The results clearly indicate how the application of 3% threshold for individuals prevents the Turkish minority from electing their representatives freely.

ABTTF urges the Greek authorities to:

- abolish 3% electoral threshold quota for political parties and independent candidates on national elections,
- introduce special provisions to guarantee that the Turkish Minority of Western Thrace is represented in the Greek Parliament,
- abolish 3% electoral threshold quota national elections on EP elections,
- ensure that the Turkish Minority of Western Thrace participates in legislative institutions at regional, local and national level or takes part in consultative bodies in order to take a key role in decision-making processes which are interest to them.

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<sup>92</sup> For FEP Party’s elections results

[http://www.ekloges.yves.gr/may2014/e/public/index.html#{"cls":"party","params":{"id":73}}](http://www.ekloges.yves.gr/may2014/e/public/index.html#{)



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Human Rights Council  
Twenty-sixth session  
Agenda item 3  
Promotion and protection of all human rights, civil, political, economic,  
social and cultural rights, including the right to development

**Note verbale dated 27 June 2014 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide here with the comments of the Government of Greece in relation to the written statement dated 26 May 2014 submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/26/NGO/84).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the attached text\* as a document of the twenty-sixth session of the Human Rights Council, under agenda item 3.

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\*Reproduced in the annex as received, in the language of submission only.

### **Participation of the muslim minority in Thrace in Greek public life**

The allegations expressed in the A/HRC/26/NGO/84 document, submitted to the HRC by the NGO ‘Federation of Western Thrace Turks in Europe’ have little to do with the actual participation of the Muslim minority to the governance of the local, the regional and the national affairs. According to the above mentioned NGO, Greece is allegedly impeding the political representation of Greek citizens of Muslim faith residing in Thrace in the decision making process at all levels due to the 3% electoral threshold.

Facts suggest otherwise; at the most recent local and regional elections of May 25, 2014 roughly 120 Greek citizens members of the Muslim Minority were elected at the local and regional councils in Thrace; among them three majors in the cities of Ariana, Iasmos (Rodopi constituency) and Miki (Xanthi constituency). Therefore, the participation of the Muslim Minority in the region’s local administration is far from restricted but vigorous and active.

What is more, at the last European elections – held at the same day with the local and regional election – the ‘Democratic and Equality Party’ gained a considerable part of the ballot in the constituencies of Rodopi and Xanthi – accounting to 41,425 votes with an overall voter turnout in the region as high as 70%.

The 3% electoral threshold is applicable in a non discriminatory way in all elections that are held in Greece. It has never served as the obstacle to the political representation of Greek citizens of Muslim faith residing at the region of Thrace the ‘Federation of Western Thrace Turks in Europe’ wishes to present. In fact, it is as early as 1927 that members of the Muslim Minority have been members of the Hellenic Parliament. And this is the case of almost all parliamentary elections without the exception of the most recent; as of June 17, 2012 three members of the Muslim minority in Thrace serve as MPs in the current Parliament with two different parties.

**HUMAN RIGHTS COUNCIL**  
**27<sup>th</sup> Regular Session**  
**08-26 September 2014, Geneva**

**Agenda item 9: Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action**

United Nations

A/HRC/27/NGO/20



**General Assembly**

Distr.: General  
25 August 2014

English only

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**Human Rights Council**  
**Twenty-seventh session**  
**Agenda item 9**  
**Racism, racial discrimination, xenophobia and related**  
**forms of intolerance, follow-up and implementation**  
**of the Durban Declaration and Programme of Action**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[22 August 2014]

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

GE.14-14411 (E)

\*1414511\*

**Discrimination in minority education: The problem of bilingual minority kindergarten in Greece**

The right to education is one of the core principles in international human rights and it should be faithfully implemented by all Member States. 1948 Universal Declaration of Human Rights clearly states that “Every person has a right to education and to any other fundamental right dependent upon the realization of the right to education”. The principle of equality and non-discrimination in the enjoyment of the right to education is a key for equal access to quality education for persons belonging to minority groups. The lack of equal access to quality education leads to denial of civil and political rights of children belonging to minorities and segregation in society due to the marginalization of minority children.

Under “Section III” of the Lausanne Peace Treaty which defined minority rights enshrined in the Treaty, the Turkish Minority of Western Thrace has an “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”.

When the former UN Independent Expert on Minority Issues, Gay McDougall, visited Greece on 8-16 September 2008<sup>93</sup>, she stated that a commonly stated problem is the absence of bilingual kindergartens for the Muslim minority. Four years later, Willy Fautre, who wrote a report following the fact-finding mission that Federation of Western Thrace Turks in Europe (ABTTF) and Friendship, Equality, Peace Party organized on 16- 20 October 2012 with the participation of President of Federal Union of European Nationalities (FUEN) Hans Heinrich Hansen and former MEP François Alfonsi (France) noted that one of the most important problem stated during consultations with minority representatives and civil society organizations is pre-school minority education for the Turkish Minority of Western Thrace.

In Greece, the compulsory period in education has been extended from nine to ten years in accordance with Law 3518/2006 and the pre-school education for all children at the age of 5 has been made compulsory. The relevant law does not bring any regulation about ethnic and cultural difference of the children in Greece; therefore all children who complete the 5th year of their age are obliged to attend state kindergartens where the language of education is only in Greek.

Since relevant law does not bring any regulation concerning minority schools belonging to Turkish Minority, it contradicts with the principle of educational autonomy enshrined in the Lausanne Treaty. The right not to be discriminated is violated because Greece without an objective and reasonable justification fails to treat differently minority children who speak a different language other than Greek. This violates the Treaty on the Functioning of the European Union and EU Charter of Fundamental Rights and the Council of Europe’s Framework Convention for the Protection of National Minorities, which Greece signed but not ratified yet.

Furthermore, it is recommended from a pedagogical perspective that it is crucial for children to learn the mother tongue well enough and it facilitates children’s learning and a second

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<sup>93</sup> A/HRC/10/11/Add.3 para. 24, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>



language easily and fluently. However, Greece does not allow the establishment of bilingual minority kindergartens within minority schooling system. Furthermore, it does not allow minority institution to build and operate private bilingual kindergartens. 211 local representatives of the Turkish minority signed a petition in 2010 for the inclusion of pre-school education into the bilingual education scheme in Western Thrace. Although the petition was submitted to the Greek Ministry of Education, it was not taken into consideration by relevant Greek authorities. Culture and Education Foundation of Western Thrace Minority (CEFOM) had applied to the Greek local authorities for establishment of a private bilingual kindergarten in 2011. The Greek authorities did not respond the establishment of the first private bilingual kindergarten in Western Thrace.

In the beginning of 2012-2013 school year, some children belonging to the Turkish Minority of Western Thrace in Echinós (Şahin) village of Xanthi were not enrolled to the first grade of the primary school on the ground that those children did not attend public kindergarten. During the fact-finding mission in October 2012, the delegation visited Echinós (Şahin) village in Xanthi and met parents of the 20 minority children of whom children were not enrolled to the first grade of the primary school in September 2012 on the ground that those children did not attend public kindergarten. During consultations, the parents stated that they did not want to send their children to public kindergartens where the language of education is only Greek. The mothers told Human Rights Without Frontiers in Echinós, “We were told by the educational authorities to write in one of the documents to be completed that our children had not been able to go to a kindergarten because they had been sick during the whole school-year or because we did not have the financial means to do so, but we refuse to lie.” The problem was solved in November 2012, this, however, did not mean a long-lasting solution to the problem of bilingual minority kindergartens.

The former UN Independent Expert on Minority Issues, Gay McDougall, had recommended in her country visit report on Greece<sup>94</sup> in 2008 that bilingual kindergartens would allow better knowledge of both Turkish and Greek from an early stage therefore providing benefits in terms of integration, and enabling greater choice of whether to go minority of Greek public primary school. On the other hand, Greece claimed that children at kindergartens did not have Greek textbooks, because they did not have any textbooks or any specific curriculum.<sup>95</sup> Greece underlined that activities and games were the only means used in kindergartens which served as a smooth introduction to primary education and helped to avoid segregation of the Muslim minority from the rest of the Greek society.<sup>96</sup>

The rapporteur of “Ethnic Turks in Greece, a Muslim Minority”, Willy Fautre, noted in his presentation at the Intergroup for Traditional Minorities, National Communities and Languages at the European Parliament in Strasbourg in March 2013 that there is increasing awareness among EU member states that their linguistic diversity must be preserved and that bilingual school education is an asset for all: the individuals, the linguistic minority group, society and the state. Fautre recommended that Greece needs to look at the good practices of other countries, to move forward in the same direction, and more specifically to talk with the Minority and provide its members with the necessary resources so that they can be fluent in the Greek language and go on practising their mother-tongue.

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<sup>94</sup> See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>

<sup>95</sup> See [http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral\\_statements\\_forum\\_minority\\_2008.htm](http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2008.htm)

<sup>96</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/164/39/PDF/G0816439.pdf?OpenElement>

The problem is still pending, and minority children are still obliged to attend state kindergartens in the following 2014-2015 education year. In June 2014, FUEN, the European Association of Daily Newspapers in Minority and Regional Languages (MIDAS), representatives of the Danish minority in Germany and representatives of the German minority in Denmark in partnership with the Federation of Western Thrace Turks in Europe (ABTTF), Western Thrace Minority University Graduates Association (WTMUGA) and Friendship, Equality, Peace Party (FEP) carried a fact-finding mission to Western Thrace, and the delegation met the parents of the 20 minority children in Echinós. The delegation noted with great concern that minority children are still obliged to attend public kindergartens where the education is only in Greek and the demand for bilingual minority kindergartens is still being disregarded by Greek authorities, though eight years' time have been elapsed since the adoption of the relevant law.

We urge the Government of Greece to respect its obligations under the Treaty of Lausanne and take measures in order to restore the autonomous structure in the field of education. We expect from the Government of Greece to respect, protect and promote the rights enshrined in the Lausanne Treaty and act in full compliance with the provisions of the Treaty and the core international human rights treaties of which Greece is a party

We urge Government of Greece to:

- establish bilingual minority kindergartens in region in line with the minority schooling system;
- give bilingual education in public kindergartens in the region until bilingual minority schools are established;
- allow the Turkish Minority of Western Thrace to establish private kindergartens where the language of education will be Turkish and Greek.

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**Human Rights Council****Twenty-seventh session**

Agenda item 9

**Racism, racial discrimination, xenophobia and related forms of intolerance,  
follow-up to and implementation of the Durban Declaration and  
Programme of Action****Note verbale dated 22 September 2014 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide here with the comments of the Government of Greece in relation to the written statement dated 25 August 2014 submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/27/NGO/20).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the attached text\* as a document of the twenty-seventh session of the Human Rights Council, under agenda item 9.

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\*Reproduced in the annex as received, in the language of submission only.

**Annex**

*[English only]*

**Minority education in Thrace, Greece**

Greece fully respects all rights of the members of the Muslim minority in Thrace, including their right to education. Special social and educational policies are constantly implemented by the State across all levels of education: primary, secondary and tertiary.

For instance, ‘The Education of the Children of the Muslim Minority in Thrace’ programme is a policy aiming at supporting Muslim minority children in their schooling in terms of attendance, performance and assistance. One of the positive results of this action is that the number of Muslim minority girls graduating from high school has significantly increased.

Moreover, a 0.5% quota of the general admission to Universities and Higher Technical Educational Institutes is reserved to Muslim minority students from Thrace. This has led to an equally significant increase of the number of Muslim minority undergraduate students (eightfold since 1996). Additionally, parents of Muslim children can themselves, as well, benefit from Greek language and culture courses, so that they will be able to engage more actively in their children’s education.

Greece firmly believes that education constitutes one of the key tools enabling minority children to further integrate into the society they live in while fully respecting their cultural diversity. Thus, Greece is complying with the provisions of the 1923 Treaty of Lausanne, as well as with relevant international conventions.

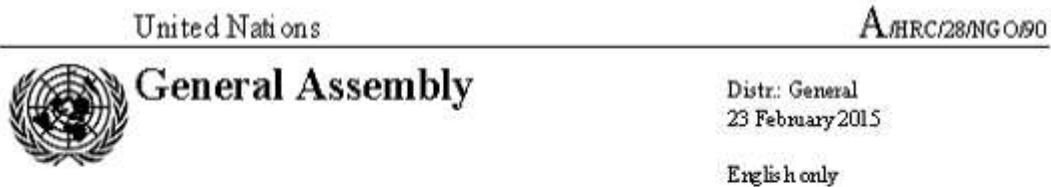
School-aged children, who are members of the Muslim minority and have opted for minority schooling are accommodated by 146 primary, 2 secondary and 2 religious (Koranic) schools. Muslim pre-schoolers can attend one of the 57 public kindergartens across the Region of Thrace, operating in the areas where Muslim population resides.

Greece spares no efforts in the continuous endeavour to improve existing education infrastructure and renew school equipment. Our policies aim at enabling every student, belonging to the Muslim minority, to be educated, to be guaranteed unfettered access to the labour market, to integrate into the society and to develop freely their personality.

The civil society is a useful ally in this effort. The Greek Government attaches great importance to the dialogue with the civil society, a dialogue, which is a comprehensive process oriented towards guaranteeing the prosperity and enhancing the opportunities for all Greek citizens in an equal manner – irrespective of their religious belief, cultural background or origin. Greece will continue to further explore ways and means to meet the needs of the Muslim minority and work for their well-being.

**HUMAN RIGHTS COUNCIL**  
**28<sup>th</sup> Regular Session**  
**02-27 March 2015, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**



**Human Rights Council**  
**Twenty-eighth session**  
**Agenda item 3**  
**Promotion and protection of all human rights, civil,**  
**political, economic, social and cultural rights,**  
**including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[15 February 2015]

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

### **The Status of Turkish Minority of Western Thrace in Education and Governmental Practices in Greece**

The status and the rights of the Turkish Minority of Western Thrace are established by the Treaty of Lausanne in 1923. Turkish Minority of Western Thrace has an equal right with the non-Muslim minority in Turkey to establish, manage and control at their own expense, any charitable, religious and social institution, any school and other establishment for instruction and education, with the right to use their own language and to exercise their own religion freely therein. The autonomy in education has been undermined through a number of regulations and practices in years and this caused a low-qualified education in minority schools with structural problems regarding training of teachers, the curriculum and textbooks.

During fact-finding mission in 2012 with the participation of Hans Heinrich Hansen, President of Federal Union of European Nationalities (FUEN), former MEP François Alfonsi (France) and Willy Fautre, Director of Human Rights Without Frontiers Int'l, the delegation found that the problems in the field of education are alarming. The rapporteur Willy Fautre noted that state intervention on minority issues to such an extent that in practice, the Greek Government has through the Ministry of Education and Religious Affairs wide-ranging control over the minority schools at all levels, whether it concerns the composition and the functioning of the school boards, hiring and firing of teachers, distribution of textbooks or building and repair of school buildings.<sup>97</sup>

On 27 November 2014, the new Law for “Research, Technological Development and Innovation and other Provisions” was approved by the Greek Parliament. Law 4310/2014 introduces reforms and changes in administrative organizations, in issues related to teaching staff at minority schools, issues related to the functioning and scientific-pedagogical support of the minority schools, establishment of a teachers school under Democritus University of Thrace and appointment and hiring of educators to primary minority schools. Law 4310/2014 was prepared with no prior consultation and/or dialogue with the Turkish minority. During vote in the Greek Parliament, minority deputies reacted against it and criticized the Greek government did not have consultations with members of the Turkish Minority. Tough, Independent Greeks and far-right Golden Dawn party supported it.

Through new law, Minority Primary and Secondary Schools Coordinator is repealed, and the Office of Minority Education is established and is included in the State Education Department of Eastern Macedonia-Thrace. Furthermore, the Council of Minority Education Registry is repealed, and its powers and authorities will be conducted by State Registration Board. Relevant State registration boards will perform authority in any cases related to minority education and its administrative staff for each type of business and its relationship. ABTTF would like to stress that these would not solve current problems but extend state control over minority education.

Through Law 4310/2014, a new Department of Minority Programme Teacher School which will be included in Department of Pedagogy in Democritus University of Thrace starting from the academic year 2015-2016 will be established. The Department of Minority Programme Teacher School will give a graduate diploma to the Minority members who have a four year

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<sup>97</sup> For the full report, please visit [https://www.abtff.org/images/22. Raporlar/2012-1128-Report-Ethnic-Turks\\_.pdf](https://www.abtff.org/images/22_Raporlar/2012-1128-Report-Ethnic-Turks_.pdf)

undergraduate education and the right to education in this department will only belong to those Minority members who are graduated from domestic elementary pedagogic departments in Greece. ABTTF would like to stress that the right to education in that department should not be limited to only those who are graduated from pedagogic departments in Greece. Minority members, who are graduated from other universities in Europe and other countries and received diploma equivalence in Greece, should have the right to enter that department. Furthermore, one-year education after graduation of four-year undergraduate education will not be enough for a high quality education in Turkish curriculum at minority schools. ABTTF recommends the establishment of a department of Turkish Literature and Language in Democritus University of Thrace for educators who will teach in Turkish curriculum at minority schools.

The law notes under 694/1977 only members of the Minority are allowed to serve in minority programme in Turkish curriculum at primary minority schools. Through Law 4310/2014 that Minority members are not allowed to teach in Greek curriculum at minority schools. Minority members, who are graduated from Greek faculties of education and teach in the Greek curriculum at minority schools, reacted against that on the ground this is a violation of the principle of equality enshrined in the Greek constitution. Furthermore, ABTTF would like to stress that there is no “Turkish” word in the text of the law while mentioning the curriculum in minority schools, which is Turkish. The word “minority programme” is used to define Turkish curriculum, while the word “Greek programme” is used for Greek curriculum in minority schools. We would like to remind that Greece does not subscribe to the right of Turkish minority to self-identification as “Turkish” on a collective basis and the right of assembly or association for minority associations which include the word “Turkish”.

Through new law, two school counsellors’ staff, i.e. “Counsellors for Minority Programme” who will make scientific and pedagogical guidance for teaching staff at primary and secondary minority schools in the Turkish curriculum is created. With the Ministerial Decision of the Ministry of Education and Religion (Protocol Number Φ.821/3451Π/213235/H2), Mehmet Derdiman for the regional unit of Rodopi and Evros, Nizam Ahmet for the regional unit of Xanthi have been appointed as school counsellors for the Minority Programme at primary school education. Thus two minority schools counsellors are appointed for the newly established “Minority Programme”, while school counsellors are in practice since 1985 at Greek programme. The Ministerial Decision notes that their appointments may not be less than four years and in any case expire automatically with the appointment and installation of school counsellors’ minority education in primary and secondary education program will be selected in the first after four years of a notice of Article 18 of N.3848 / 2010. Furthermore a school counsellor staff is created for educators who teach Islamic religion instruction at Muslim madrasas, minority secondary and high school and the Religion Teachers at state schools under Article 53 of Law 4115/2013. ABTTF would like to remind that Law 4115/2013 on the status of Muslim preachers in Western Thrace which created two hundred forty (240) positions of religious officers of the Islamic religion (Quran teachers) with the task of teaching Quran in the mosques and public schools of primary and secondary education in Western Thrace received reaction and disapproval on the ground that this law would further allow the government to expand its control over religion in public schools in the region and would violate the self-governing structure of the Minority in the field of religion.

ABTTF admits that the quality of education in minority primary schools falls far below Greek public schools and teaching standards are allegedly poor. Through this law Greek government aims to re-new building infrastructure and equipment and modernize the institutional

framework. But, Law 4310/2014, which is prepared with no dialogue with members and representatives of the Minority, will not be enough to solve current problems in minority education.

ABTTF regrets that a commonly stated problem of the absence of bilingual minority kindergartens mentioned in the report<sup>98</sup> of the former UN Independent Expert on Minority Issues Gay McDougall in 2008 and in the report of the Human Rights Without Frontiers International in 2012 is not included in Law 4310/2014, though a series of significant changes have been introduced. Through Law 3518/2006 the pre-school education for all children at the age of 5 has been made compulsory, and minority children are obliged to attend state kindergartens where the language of education is only in Greek. This contradicts with the principle of educational autonomy enshrined in the Lausanne Treaty. Furthermore, this violates the Treaty on the Functioning of the European Union and EU Charter of Fundamental Rights and the Council of Europe's Framework Convention for the Protection of National Minorities, which Greece signed but not ratified yet. The former UN Independent Expert on Minority Issues Gay McDougall recommended in her country visit report on Greece in 2008 bilingual kindergartens would allow better knowledge of both Turkish and Greek from an early stage therefore providing benefits in terms of integration and enabling greater choice of whether to go minority of Greek public primary school.

We urge Government of Greece:

- To respect its obligations under the Treaty of Lausanne and take measures in order to restore the autonomous structure in the field of education. Greece should respect, protect and promote the rights enshrined in the Lausanne Treaty and act in full compliance with the provisions of the Treaty and the core international human rights treaties of which Greece is a party.
- To repeal or amend relevant legislation in consultation and dialogue with representatives of the Turkish Minority,
- To establish a mechanism for dialogue between governmental authorities and the Turkish Minority of Western Thrace in the form of advisory or consultative bodies that will be the channel for the Minority to raise its own voice.

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<sup>98</sup> For the full report A/HRC/10/11/Add.3, <http://daccess-dds.ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>





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**Human Rights Council**

Twenty-eighth session

Agenda item 3

**Promotion and protection of all human rights, civil, political, economic,  
social and cultural rights, including the right to development****Note verbale dated 26 March 2015 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide here with the comments of the Government of Greece in relation to the written statement submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/28/NGO/90), submitted to the Human Rights Council at its twenty-eighth session under agenda item 3 (see annex).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the attached text\* as a document of the twenty-seventh session of the Human Rights Council, under agenda item 3.

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\*Reproduced as received, in the language of submission only.

**Annex**

*[English only]*

With regard to Document A/HRC/28/NGO/90, we would like to underline the following Law 4310/2014 isn't affecting either the teaching language, or the studies' programs or the schoolbooks. The upgrading of the teaching personnel of the minority program is the only and exclusive aim of this legislation, through a new hiring process that includes a competitive test, as it is the case for all Greek teachers since 1998.

Despite its dire economic situation, Greece spares no effort for the smooth operation of the minority education; just to mention that only in 2013 we have spent over 18 million Euros for the functioning of minority schools in Thrace. It goes without saying that the investment of respective amounts of money especially in this juncture requires reforms for the rationalization and their efficient use to the benefit of minority students.

We need to stress that the payroll of minority teachers has always been funded by the Greek budget and not by the minority itself, as it is the case in some other countries. Today, in Thrace 146 minority schools, 2 minority high schools and 2 Koranic schools are operating with the financial support of the Greek State, without which, it would have been highly unlikely for the minority to sustain their functioning.

Law 694/1977 fully protects the educational autonomy of minority schools in Thrace. The administrative changes that Law 4310/2014 brought aim at the removal of barriers in order for the teachers to be swiftly incorporated in the classroom. It is worth noting that the same organizations that now criticize the replacement of the Minority Education Coordinator by the Head of Office of Minority Education, they were complaining for the creation of the very same Coordinator post in the past.

Religious freedom and respect of the Islamic religion is secured not only in minority schools but also in public schools across Thrace, given that the teaching of the Quran is offered as an optional course to Muslim students attending public schools. The same NGO, that claims to be a representative one, has in the past strongly protested for this possibility offered to Muslim students. In this field again, Greece has paved the way without expecting any reciprocity.

Additionally, it is to be highlighted that Law 4310/2014 has been adopted prior to consultation with Minority Teachers' Association and they have all been briefed accordingly. Moreover, the draft law has been put in public consultation, as it is of rule for every single legislative proposal. The Rodopi Teacher's Association has congratulated the Ministry for satisfying long standing demands of the teaching community. With the creation of the Post-Graduate Specialisation School for Minority Program, the Greek State offers teachers the opportunity to benefit from gratis vocational training on the teaching language of the minority schooling scheme.

Thus, the Greek State reserves to the teachers, who belong to the Muslim minority, a beneficial status; pursuant to the present amendment, Muslim teachers are entitled to positioning in whatever public schools across the country, while they reserve their exclusive right to teach within the minority program of the minority scheme. Pedagogically and scientifically-wise, an additional year of studies is sufficient for the Muslim teachers to

acquire the necessary skills to instruct Muslim students – provided that the former's mother tongue is Turkish.

Finally, my Government considers that for a tangible reform forward in the field of education to make a difference, it should enhance the status of the teachers, this is why Greece created two school counsel or positions with special regard to the minority education scheme, as well as a special program for the vocational training and the skills' development of Muslim teachers.

**HUMAN RIGHTS COUNCIL**  
**30<sup>th</sup> Regular Session**  
**14 September-02 October 2015, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

United Nations

A/HRC/30/NGO/95



**General Assembly**

Distr.: General  
7 September 2015

English only

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**Human Rights Council**  
**Thirtieth session**  
Agenda item 3  
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[31 August 2015]

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

GE.15-15136 (E)

\*1515136\*

### **The problems of the Turkish minority of Western Thrace in education**

The 1923 Lausanne Peace Treaty which defines the status of the Turkish Minority of Western Thrace recognizes the 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. The Turkish minority has the right to administer its own schools in accordance with its autonomous structure in education which has been eroded in years.

During a fact-finding mission in 2012 with the participation of Hans Heinrich Hansen, President of Federal Union of European Nationalities (FUEN), former MEP François Alfonsi (France) and Willy Fautre, Director of Human Rights Without Frontiers Int'l, the delegation found that the problems in the field of education are alarming. The rapporteur Willy Fautre noted that state intervention on minority issues to such an extent that in practice, the Greek Government, through the Ministry of Education and Religious Affairs, has wide-ranging control over the minority schools at all levels, whether it concerns the composition and the functioning of the school boards, the hiring and firing of teachers, the distribution of textbooks or the building and repair of school buildings.<sup>99</sup>

Two private minority secondary schools operate in Xanthi and Komotini while two Koranic schools operate in Komotini and Echinós. All the teachers are paid by the school board. Muzaffer Salihođlu High School in Xanthi and Celal Bayar High School in Komotini are privately owned, although they are regulated by the Greek state. Although these minority secondary schools should be administered and run as any other private secondary schools in Greece, the Greek state determines how many students can attend that school and how they will be enrolled.

The shortage in the number of classrooms in the two minority secondary schools is an urgent problem which has resulted in many minority children enrolling in Greek-language state schools. The number of students in these two minority schools will increase in the next school year of 2015-2016, but there are not enough classrooms for their students. The number of students at Celal Bayar High School in Komotini rise from 780 to 860 and from 550 to 640 at Muzaffer Salihođlu High School in Xanthi with new enrolments. There is an urgent need for new classrooms or a new building at the high school in Xanthi.

According to minority daily newspaper Gündem, the owner of Muzaffer Salihođlu High School, Saime Kırıldökme said that they proposed their suggestions about the land problem and submitted their alternative solutions on the issue, yet there is no final answer delivered by governmental authorities.<sup>100</sup> SYRIZA Xanthi Deputy Hüseyin Zeybek declared that the problem is more serious in the minority secondary school in Xanthi and noted that partial relocation of the school or an additional building near to the school could be temporary solutions. However, the Deputy underlined that double shift system should not an option. The final decision belongs to the Ministry of Education, the Director of the State Education Department of Eastern Macedonia- Thrace and the Directorate of Secondary Schools. The Director of the State Education Department of Eastern Macedonia-Thrace Panagiotis

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<sup>99</sup> For the full report, please visit [https://www.abtff.org/images/22\\_Raporlar/2012-1128-Report-Ethnic-Turks\\_.pdf](https://www.abtff.org/images/22_Raporlar/2012-1128-Report-Ethnic-Turks_.pdf)

<sup>100</sup> <http://www.gundemgazetesi.com/haber/detay/631>

Keramaris declared on 25 August 2015 that double-shift schooling will be done at Muzaffer Salihoğlu High School in Xanthi in order to accommodate growing student numbers. The demand for a new building or a new classroom for the minority secondary-high school in Xanthi has not returned a positive answer.<sup>101</sup> The Director explained that the school board does not want double-shifting at school, but there is no other option due the limited time before next schooling year. Keramaris declared that they called in drawing-lots system for early registration procedure which has very highly criticized by members of the Turkish minority in order to manage all applications for enrolment. Keramaris noted that there is no time left to eliminate bureaucratic impediments and complete technical preparations for finding a new building near to the school and movement of some classes there. Keramaris noted that the registrations at the minority secondary schools both in Komotini and Xanthi are very high and added that two modular classrooms will be placed at the garden of Celal Bayar High School in Komotini.

The number of minority secondary schools is not sufficient. Willy Fautre, Willy Fautre, who wrote a report following the fact-finding mission the Federation of Western Thrace Turks in Europe (ABTTF) and the Friendship Equality Peace (FEP) Party organized on 16- 20 October 2012 with the participation of President of Federal Union of European Nationalities (FUEN) Hans Heinrich Hansen and former MEP François Alfonsi (France) noted in his report that While 52% of the population of the Rhodope Prefecture and 45% of the Xanthi Prefecture are Turkish speaking, there is only one minority school in each prefecture against 24 and 37 public (secondary and vocational) Greek-language schools respectively. In the Evros Prefecture, there are more than 45 Greek-speaking secondary schools but no minority secondary school for the Turkish-speaking families who represent 10% of the population.

The Culture and Education Foundation of Western Thrace Minority applied to the Greek authorities for opening new minority secondary schools in some localities with high minority populations, e.g. Fillira, Sappes, Ariana and Organi. Although the municipality of Fillira allocated a plot of land for the construction of a secondary school, their demands were not accepted. On 20 December 2011, an application submitted to the Ministry of Education and Religious Affairs for opening a minority secondary school in Rhodope Prefecture, but no reply received.

ABTTF admits that the quality of education in minority primary schools falls far below Greek public schools and teaching standards are allegedly poor. The Director of the State Education Department of Eastern Macedonia-Thrace Panagiotis Keramaris declared that the new Department of Minority Programme Teacher School which will be included in Department of Pedagogy in Democritus University of Thrace will start to operate in the academic year 2015-2016. The Department of Minority Programme Teacher School has been established under Law 4310/2014 which introduced reforms and changes in administrative organizations that were described as a heavy blow to the autonomous structure of the minority schooling system. This law was prepared with no dialogue with members and representatives of the Minority will not be enough to solve current problems in minority education.

ABTTF regrets that a commonly stated problem of the absence of bilingual minority kindergartens which is mentioned in the report<sup>102</sup> of the former UN Independent Expert on Minority Issues, Gay McDougall in 2008 and in the report of the Human Rights Without

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<sup>101</sup> <http://www.gundemgazetesi.com/haber/detay/644>

<sup>102</sup> For the full report A/HRC/10/11/Add.3,

<http://daccessddsny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>

Frontiers International in 2012 is not included in Law 4310/2014, though a series of significant changes have been introduced. Through Law 3518/2006 the pre-school education for all children at the age of 5 has been made compulsory, and minority children are obliged to attend state kindergartens where the language of education is only in Greek. This contradicts with the principle of educational autonomy enshrined in the Lausanne Treaty.

In the beginning of school year 2012-2013, some children belonging to the Turkish Minority of Western Thrace in Echinós (Şahin) village of Xanthi were not enrolled to the first grade of the primary school on the ground that those children had not attended public kindergarten. After the fact-finding mission in 2012, Federal Union of European Nationalities (FUEN) visited the region in June 2014 and the delegation met the parents of the 20 minority children in Echinós (Şahin). The delegation noted with great concern the Minority children are still obliged to attend public kindergartens where the education is only in Greek and the demand for bilingual minority kindergartens is still being disregarded by the Greek authorities, though eight years' time have been elapsed since the adoption of the regarding law. Furthermore, Culture and Education Foundation of Western Thrace Minority (CEFOM) had also applied to the Greek local authorities for establishment of a private bilingual kindergarten in 2011. The Greek authorities did not respond the establishment of the first private bilingual kindergarten in Western Thrace. The problem is still pending, and Minority children are still obliged to attend public kindergartens in the school year 2015-2016.

We call upon Greece to restore the educational and religious autonomy of the Turkish minority of Western Thrace enshrined in the 1923 Lausanne Treaty. A mechanism for dialogue between governmental authorities and the Minority should be established in the form of advisory or consultative bodies that would be the channel for the Turkish minority to raise its own voice.

Specifically with respect to the problem in the pre-school level of education, we urge Government of Greece to establish bilingual minority kindergartens in Western Thrace in line with the minority schooling system and allow the Turkish Minority of Western Thrace to establish private kindergartens where the language of education will be in Turkish and Greek.

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**General Assembly**Distr.: General  
16 October 2015

Original: English

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**Human Rights Council**

Thirtieth session

Agenda item 3

**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development****Note verbale dated 2 October 2015 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide here with the comments of the Government of Greece in relation to the written statement submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/30/NGO/95), submitted to the Human Rights Council at its twenty-eighth session under agenda item 3 (see annex).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and the text attached thereto\* as a document of the Human Rights Council under agenda item 3.

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\*Reproduced in the annex as received, in the language of submission only.



**Annex**

*[English only]*

**Muslims on Rhodes/Kos**

Greek citizens of Muslim faith residing on Rhodes and Kos enjoy the same rights and have the same obligations as all Greek citizens. No Treaty or other international instrument designates them as minority. Nevertheless, their religious and cultural rights are fully respected. Greece regrets the fact that unsubstantiated allegations with regard to their rights and status are promoted within international organizations, such as the Organization of Islamic Cooperation and the Human Rights Council.

The Greek State reinstates Greek citizenship to those people who were deprived of it in the past, according to the, currently revoked, Art. 19 of the Citizenship Code. The interested persons may apply to the competent Greek authorities and applications are examined individually based upon the relevant provisions of the Citizenship Code.

With regard to the teaching of Turkish, it is to be noted that despite the fact that there were lessons provided by the Association ‘Brotherhood’ 1 on Kos, they have been suspended, due to low attendance. At the moment, Turkish language, among others, is provided by a learning institution for foreign languages in Kos, and here again only 10 students are following the lessons.

On Rhodes, there are 6 mosques, including Ibrahim Pasa Mosque, which fully covers the religious needs of the limited muslim population on the island. Similarly, there are 2 mosques operating on Kos (Gasi Hasan and Defterdar) for the religious needs of the muslim population of the island. On both islands, Muslim citizens enjoy full support of their rights and have their own associations, cemeteries and libraries.

Historical monuments belong to the State, as a general rule all around the world, given that they constitute part of its national cultural heritage, and, in some cases, part of the world cultural heritage. Despite the current dire financial situation, the Greek State has spent more than 26 million euros, within the last few years, for the restoration of Ottoman or other muslim monuments, thus stressing the importance given to cultural heritage monuments in Greece.

The information provided about the muslim foundations is entirely preposterous: there was neither such a regulation – called ‘Katalipsis’, nor the rest of the facts stated in the FUEN-document are accurate. As far as the registration of real estate property to the Cadastre Office is concerned, there is no difference practice or legislation than the one in force for all Greek citizens, regardless of ethnicity, religion or other discrimination.

**Who pay for the minority schools?**

According to data provided by the Regional Directorate of Primary and Secondary Education of Eastern Macedonia-Thrace, during the financial year 2013, EUR 18,571,629.53 was spent for the operation of Minority schools in Trace. EUR 17,963,686 was allocated for teacher salaries and EUR 607,943.53 was paid by the State for operational expenditure of schools. Payment of such considerable amounts of money, particularly in this economic

uncture, requires reforms for more rational and effective utilization of this significant investment for the benefit of students attending Minority schools.

Salaries of teachers in the sector of the Greek-language program (both, in elementary and in the two minority secondary schools) have always been charged to the national budget and not to the Muslim communities.

#### Statistical data for minority schools

The tables below give an overview of the Minority education during school years 2013-14 and 2014-15:

##### A. Number of Schools by Level of Education

Region	Elementary Schools		Middle Schools- High Schools		Medresses	
	2013	2014	2013	2014	2013	2014
Xanthi	52	49	1	1	1	1
Rodopi	92	83	1	1	1	1
Evros	15	14	0	0	0	0
Total	159	146	2	2	2	2

##### B. Number of students

###### B1. School Year 2013-2014

Region	Elementary Schools		Middle Schools- High Schools		Medresses	
	Boys	Girls	Boys	Girls	Boys	Girls
Rodopi	1.397	1.305	328	366	157	127
Xanthi	1.345	1.315	225	309	23	16
Evros	211	207	-	-	-	-
Total	2.953	2.827	553	675	180	143
		5.780		1.228		323

###### B2. School Year 2014-2015

Region	Elementary Schools		Middle Schools- High Schools		Medresses	
	Boys	Girls	Boys	Girls	Boys	Girls
Rodopi	1.358	1.248	360	417	158	117
Xanthi	1.353	1.279	248	324	20	23
Evros	210	205	-	-	-	-
Total	2.921	2.732	608	741	178	140
		5.653		1349		318

##### C. Number of teachers in minority primary schools

Region	Elementary school teachers		Elementary school substitute teachers		Graduates of the Special Pedagogical Academy of Thessaloniki		Graduates of the Special Pedagogical Academy of Thessaloniki (substitutes)		English teachers		P.E. Teachers	
	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014
Rodopi	160	162	7	10	137	140	25	29	14	9	12	6
Xanthi	136	147	4	5	111	110	31	28	15	16	14	14
Evros	28	20	1	9	26	24	5	4	1	-	3	2
Total	324	329	13	24	274	274	61	61	30	25	29	22

D. Number of teachers in minority schools of secondary education

	<i>Number of Teachers</i>			
	Greek-Language Program		Minority Program	
	2013	2014	2013	2014
Medresses	26	23	9	9
Minority Middle Schools-				
Minority High Schools	29	36	35	37

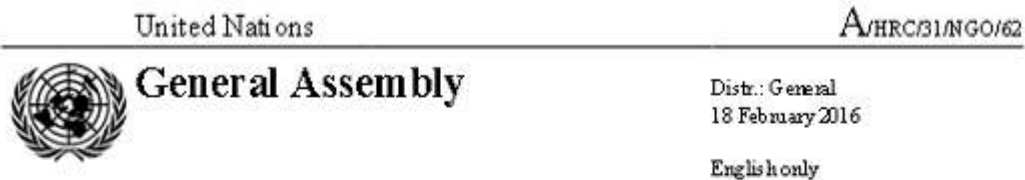
Establishing and operating minority middle schools is not part of the obligations established by the Lausanne Peace Treaty.

Law 4310/2014 was the result of a lengthy consultation with members and representatives of the minority as well as the majority. The Association of Graduates of the Special Pedagogical Academy of Thessaloniki for the regional units of Rodopi and Evros states in their letter (ref. num. 14/17-02-2015) addressed to the Minister of Education: ‘We are puzzled indeed and the whole of the Minority is puzzled about the purpose and the content of this document (i.e. the document of the Association of Graduates of the Special Pedagogical Academy of Thessaloniki for the regional unit of Xanthi denouncing Law 4310/2014), since as we have officially set out to you in a previous document, the changes that have occurred in the minority education have the universal acceptance of the Minority. The provisions of the amendment have been our long-standing demands we therefore thank the Greek State for responding for the first time in a serious manner and with an honest intention to provide equal rights and equality before the law by intergrading teachers-members of the minority in the system of Education Management. It is worth asking who those are who speak on behalf of the Minority and why, opening discussions which damage the interests of the minority education presenting themselves as arbiters of issues and situations that have resolved continuing institutional problems of education’.

By law 4301/2014 the Supervisory Board for Medresses in Thrace is established. Three Muftis of Thrace (one of whom shall be appointed as President) and three Muslim Theologians will participate in this institution which shall set out all issues regarding the religious education of the Muslim minority. Law 4310/2014 has established for the first time two posts on Educational Counselors for the minority program in which solely members of the minority shall be appointed. Thus, an institution aiming to support scientifically and pedagogically the minority program of minority schools is established, in line with the public education.

**HUMAN RIGHTS COUNCIL**  
**31<sup>st</sup> Regular Session**  
**29 February-24 March 2016, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**



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**Human Rights Council**  
**Thirty-first session**  
**Agenda item 3**  
**Promotion and protection of all human rights, civil,**  
**political, economic, social and cultural rights,**  
**including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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 2016]

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

GE.16-02387 (E)

\*1602387\*

### **The Non-Recognition of the Turkish Minority of Western Thrace in Greece and the Limitations on the Right to Association of the Turkish Minority of Western Thrace in Greece**

The principle of non-discrimination including is enshrined in the Universal Declaration of Human Rights and all other international human rights documents. The Eight Session of the UN Forum on Minority Issues on “Minorities in the Criminal Justice System” on 24-25 November 2015 has discussed the problems that minorities face in the justice system and recommended that an effective and responsive criminal justice system must, at the front end, combat social, economic, political disadvantage of minorities and that States, in this regards, should consider taking special measures for minority groups.

The restrictions and limitations on the right to freedom of association prevent minority groups to express and maintain their own characteristics and identities in the countries they live in. This would harm diversity in society and lead social segregation, exclusion and marginalization of minority groups.

Greece does not subscribe to the right of any group to self-identification on a collective basis. Greece only recognizes a “Muslim minority in Thrace”<sup>103</sup> and denies the existence of an ethnic Turkish minority in Western Thrace. Although some other groups are recognized and even welcomed and supported by Greek authorities, there are currently no associations in Greece operating legally with their names including the word “Turkish”, which reflect the ethnic or national identity of their members. The Greek government declared in 1983 that there were no Turks in Greece and claimed that the members of Muslim minority are Greek Muslims. Xanthi Turkish Union, Komotini Turkish Youth Union and Western Thrace Turkish Teachers’ Union were dissolved in 1986 by local courts and the Supreme Court decided the dissolution of the associations on the ground that the word “Turkish” referred to citizens of Turkey and could not be used to describe citizens of Greece.

On 18 February 2009, the report of the former Independent Expert on Minority Issues, Gay McDougall, following her mission to Greece on 8-16 September 2008, stated that “The absence of formal recognition by the state of a particular societal group as constituting “a minority” is not conclusive”, and continued that “Rather, the existence of a group to which a state owes minority protections is a matter of objective facts and exercise of the right of self-identification by persons belonging to the group”. The former independent expert urged Greece to protect the right to self-identification and the freedoms of expression and association of minority communities.<sup>104</sup>

The government continues to place legal restrictions on the names of associations that include the word “Turkish”. There are three cases which have been brought before the European Court of Human Rights concerning the dissolution and refusal to register associations established by the persons belonging to Turkish Minority of Western Thrace, Greece:

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<sup>103</sup>The legal status of the Muslim minority is based on the Treaty of Lausanne of 1923 signed between Turkey and Greece. The obligations assumed by Greece under Section III of this Treaty which deal with the protection of minorities, include the following basic rights and liberties with a 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.

<sup>104</sup> A/HRC/10/11/Add.3, p. 2, and paras. 83, 88 and 90.

35151/05 Bekir-Ousta and others, judgment of 11/10/2007, final on 11/01/2008  
26698/05 Tourkiki Enosi Xanthis and others, judgment of 27/03/2008, final on 29/09/2008  
34144/05 Emin and others, judgment of 27/03/08, final on 01/12/2008

These cases concern the dissolution or refusal to register the applicant associations by the competent courts on the sole basis of a suspicion that the applicants intended to promote the idea that an ethnic minority existed in Greece. On March 27, 2008, the ECtHR notified in writing its Chamber judgments in the cases of Emin and Others v. Greece (application no. 34144/05) and Tourkiki Enosis Xanthis and Others v. Greece (no. 26698/05). The Court held unanimously that there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights in both cases, which concern associations founded by persons belonging to the Muslim minority of Western Thrace. In the case of Tourkiki Enosis Xanthis and Others the ECtHR also held, unanimously, that there had been a violation of Article 6 § 1 (right to a fair hearing within a reasonable time) of the Convention.

The European Court noted that the contested measure rested only on a simple suspicion concerning the true intentions of the founders of the association and concerning the actions that the association might pursue once it began to operate. The European Court also noted that even if the real aim of the associations was to promote the idea that an ethnic minority existed in Greece; this could not in itself constitute a threat to a democratic society.

Further to the European Court of Human Rights' judgments, the applicants requested the cancellation of the decision dissolving them (the case of Xanthi Turkish Union) or submitted a new registration of their associations before the national courts. The applications have been declared inadmissible on the ground that it is not possible to cancel a domestic decision which has become final in the context of non-contentious procedure following a judgment of the ECtHR, and that domestic law does not provide, in civil matters, for the reopening of proceedings following a finding of violation by the ECtHR. The Court of Cassation also dismissed on procedural grounds the applicants' appeals in cassation in the cases of Bekir-Ousta and others and Emin and others.

Council of Europe's Committee of Ministers closely follows the developments about the implementation of Court's judgments under the name of Bekir-Ousta group of cases against Greece since 2008. At the execution held on 5 December 2013(1186th meeting), the Committee of Ministers urged the Greek authorities to provide in due time concrete and tangible information on the measures that they are currently exploring in order to implement the individual measures, accompanied by an indicative calendar for their adoption.<sup>105</sup> On 5 June 2014, the Committee of Ministers adopted an interim resolution and called upon the Greek authorities to take all necessary measures so that the applicants benefit from proceedings in compliance with the Convention requirements, in the light of the Court's case-law.

The Court declared on 5 January 2015 that it will rehear the cases of Bekir Ousta and others (35151/05), Emin and others (34144/05) and Turkish Association of Xanthi and others (26698/05) since Greece failed to implement the Court's decisions on Bekir Ousta group of cases. The Court reheard the three cases in July 2015; the decision of the Court is being awaited.

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<sup>105</sup>[https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/OJ/DH\(2013\)1186/10&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/OJ/DH(2013)1186/10&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)

The Parliamentary Assembly of the Council of Europe (PACE) in its Autumn Session 2015 adopted a resolution deploring the persistent slowness in the implementation of decisions from the European Court of Human Rights (ECHR) and called for more firm measures. In its eighth report on the implementation of judgments of the European Court of Human Rights written by Klaas de Vries, Greece is one of the nine member states with the highest number of unenforced Court judgments with 558 cases which have not been implemented by the Greek authorities by the end of 2014.

In note verbal dated 29 May 2013<sup>106</sup> from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights in relation to the written statement dated 10 May 2013 and submitted by the Federation of Western Thrace Turks in Europe (A/HRC/23/NGO/35), Greece noted that full implementation of the judgments is pending, due to procedural reasons. Greece noted that authorities are currently considering the most appropriate means and ways to implement the decisions, including possible legislative adjustments. We regret that the Greek authorities have failed to take any precise and concrete step. Given the time that has elapsed since the Court's judgments, we believe that the Greek authorities are, in fact, unwillingness to implement the Court's decisions.

We urge the Greek Government:

- To implement, without any further delay, the decisions of the European Court in the cases Turkish Association of Xanthis and Others v. Greece, Bekir Ousta and Others v. Greece & Emin and Others v. Greece;
- To reaffirm the commitment of the Greek authorities to implementing fully and completely the judgments of ECtHR and amend the Code of Civil Procedures in such a way that it allows the implementation of the European Court decisions in matters related to freedom of association.
- To improve diversity throughout the system and develop strategies that are inclusive of minorities which would be part of an overall governmental policy for the promotion and protection of minority rights in the country.

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<sup>106</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/142/72/PDF/G1314272.pdf?OpenElement>

**HUMAN RIGHTS COUNCIL**  
**32<sup>nd</sup> Regular Session**  
**13 June-01 July 2016, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

United Nations

A/HRC/32/NGO/74



**General Assembly**

Distr.: General  
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**Human Rights Council**  
**Thirty-second session**  
**Agenda item 3**  
**Promotion and protection of all human rights, civil,**  
**political, economic, social and cultural rights,**  
**including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[30 May 2016]

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



### **The Limits on the Freedom of the Turkish Minority of Western Thrace to Self-Identify and Freedom of Association**

Under the 1923 Lausanne Peace Treaty, Turkish minority in Western Thrace has an equal right with the non-Muslim minority in Turkey to establish, manage and control at their own expense, any charitable, religious and social institution, any school and other establishment for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

Greece does not subscribe to the right of any group to self-identification on a collective basis. Greece only recognizes a “Muslim minority in Thrace”<sup>107</sup> and denies the existence of an ethnic Turkish minority in Western Thrace. Although some other groups are recognized and even welcomed and supported by Greek authorities, there are currently no associations in Greece operating legally with their names including the word “Turkish”, which reflect the ethnic or national identity of their members. The Greek government declared in 1983 that there were no Turks in Greece and claimed that the members of Muslim minority are Greek Muslims. Xanthi Turkish Union, Komotini Turkish Youth Union and Western Thrace Turkish Teachers’ Union were dissolved in 1986 by local courts and the Supreme Court decided the dissolution of the associations on the ground that the word “Turkish” referred to citizens of Turkey and could not be used to describe citizens of Greece.

The ethnic identity of the Turkish Minority of Western Thrace is not still recognized by the Greek Government. The U.S. Human Rights Freedom Report on Greece for 2015 notes that there are limits on the freedom of certain ethnic-minority groups to self-identify and discrimination against and social exclusion of the officially recognized “Muslim minority in Thrace”. The report noted that although the government recognized an individual’s right to self-identification, many individuals who defined themselves as members of a minority group found it difficult to express their identity freely and to maintain their culture. The report mentioned that use of the terms *Tourkos* and *Tourkikos* (Turk and Turkish) is prohibited in the titles of organizations, although individuals may legally call themselves *Tourkos*. The report mentioned further that although the constitution and law provide for freedom of association, the government continued to place legal restrictions on the names of associations that included the term “Turkish”.

During his visit to Komotini on the occasion of Independence of Komotini on 14 May 2016, Greek President Karolos Papoulias mentioned in his speech at Komotini Chamber of Commerce and Industry on the same day that the Minority, of which rights are guaranteed by the Lausanne Treaty has a religious status, it is a Muslim minority, while minorities in Turkey are ethnic, which proves that there is a Greek minority there. The President continued that “Every person has a right to self-identify, but the situation is different in Western Thrace. Since it is a “religious minority” according to the Treaty of Lausanne, they cannot legally express themselves with another identity different from the one mentioned in the Treaty”.<sup>108</sup>

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<sup>107</sup>The legal status of the Muslim minority is based on the Treaty of Lausanne of 1923 signed between Turkey and Greece. The obligations assumed by Greece under Section III of this Treaty which deal with the protection of minorities, include the following basic rights and liberties with a 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.

<sup>108</sup> <http://www.millegazetesi.gr/view.php?id=4729>

On 25 May 2016, Greek Minister of Foreign Affairs Nikos Kotzias stated in his speech during presentation of a book titled “Thrace: The Next Step” by former minister and former deputy Evripidis Stilyanidis that Greece respects the rights of all special groups, it will not allow the Minority to be an instrument for motherlands and an instrument of foreign policy.<sup>109</sup>

The statements by Greek President and Minister of Foreign Affairs have gained strong reaction among members of the Minority. The recent closure of the two branches of a prominent minority association which is legally recognized and operated since 1982 has raised concerns about the government’s policy towards the Turkish minority. Most of the minority members have perceived the closure of the two branch offices as part of a strategy of deterrence and fear by Greek authorities against the minority association and a heavy blow to the freedom of association.

The Western Thrace Minority University Graduates Association (WTMUGA) is a minority association established and legally registered in 1982 with more than 1200 members from different professions and it has branch offices in the region of Western Thrace and youth offices in Athens, Thessaloniki and Larissa established by the minority undergraduates students through its youth organization in accordance with the relevant legislation and its statutes.

With a vision to preserve culture and traditions of the Minority and contribute to cultural, social and intellectual progress of the Minority, its mission includes organizing cultural and academic events generally in education and culture fields and preparing reports, statements and submitting proposals to the relevant authorities on the problems of its members.

With its vision to promote and develop the ideals of friendship, humanitarian values and human rights, democracy and freedom between the nation, in particular between Turkish and Greek nations, the association continues its activities with no legal restrict since 1982, while minority associations which bear the title of “Turkish” in their names were dissolved in 1986 and no new registration is authorized for minority association with the word “Turkish” in their names, even with the word “minority” in some cases.

On 12 April 2016, Social Assistance Unit of the Municipality of Komotini sent a letter to the association and requested information about the activities in its branch offices A and B in the city of Komotini based on the prior letters by the Rhodope Office of the Public Prosecutor and the Macedonia-Thrace Local Government Unit. On 21 April 2016, the two branch offices in Komotini were raided by the police and the public prosecutor, and the Social Assistance Unit visited the branch offices and told that they should have been closed. On the same day members of the Executive Board received summons to appear in the Magistrates’ Court exhibiting a charge of operating unlicensed nursery on 13 May 2016. The trial was postponed to 18 November 2016.

On 10 May 2016, two police officers from Komotini Police Department visited the branches in Komotini and recorded names of the members present there. Following two police raids on 21 April and 10 May, the two branches were closed down by the decision of the Mayor of Komotini on 23 May 2016. The association will appeal to the administrative courts for the cancellation of the decisions by the Mayor of Komotini.

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<sup>109</sup> <http://www.gundemgazetesi.com/trakyahaber/detay/1745>

The minority association has published that it does not operate any kindergartens or nurseries in its branch offices and the branch offices carries out social and cultural activities and work for the children along with other activities in accordance with its statutes. The association noted only activities for the minority children in branch offices were taken into consideration and claimed that the branch offices were unlicensed nurseries, while all other activities in branches were totally ignored. The association underlined that there is no nursery or kindergarten under its roof, but there are branches in different places with many activities for minority people<sup>110</sup>.

We urge the Greek Government:

- To recognize the right of Turkish minority to self-identification on a collective basis and recognize the ethnic Turkish identity of the minority in Western Thrace,
- To respect its obligations under the Treaty of Lausanne and act in full compliance with the provisions of the Treaty and the core international human rights treaties of which Greece is a party,
- To end discrimination against the Minority and improve diversity throughout the system by eliminating prejudices and develop strategies that are inclusive of minorities which would be part of an overall governmental policy for the promotion and protection of minority rights in the country.

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<sup>110</sup> <http://www.btaytd.com/v2/view.php?lng=tr&id=158>



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**Human Rights Council**

Thirty-second session

Agenda item 3

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development****Note verbale dated 1 July 2016 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide here with the comments of the Government of Greece in relation to the written statement submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/32/NGO/74), submitted to the Human Rights Council at its thirty-second session under agenda item 3 (see annex).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and the annex thereto\* as a document of the thirty-second session of the Human Rights Council under agenda item 3.

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\*Circulated as received, in the language of submission only.

**Annex to the note verbale dated 1 July 2016 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nation High Commissioner for Human Rights**

**Submission by the Permanent Mission of Greece, on the Muslim Minority in Thrace and Freedom of Association, HRC 32, 1 July 2016**

Greece attaches great importance to implementing coherent, comprehensive, and effective policies that guarantee, inter alia, equality before the law, respect for human rights/religious freedom and equality – of opportunities for all. The same principles and goals apply with reference to the protection of and full respect for the rights of Greek citizens members of the Muslim minority in Thrace. With regard to question of ‘ethnic self-identification’ of the minority, we recall our standing position on the free individual self-identification. Moreover, the 1923 Treaty of Lausanne established the status of the Muslim minority in Thrace/Greece identifying it on the basis of the only common denominator i.e. the Muslim faith of the three – otherwise distinct – groups (Greek citizens of Turkish, Pomak and Roma origin) that comprise it. Each of these groups has its own language and cultural traditions/heritage.

With regard to the link between self-identification and the freedom of assembly and association, we would like to underline that over 50 associations which are active among minority members, have been legally registered by the relevant Courts since 2008. The Greek Justice fully complies with the *acquis* of the European Convention on Human Rights and other international instruments, under the rule of law.

With regard to the references of the shutdown of two ‘minority associations’ annexes’ in Komotini, we stress that there were not ‘annexes’, but informal kindergartens, which were operating illegally, housing activities for children of preschool age, with the cover of the activities of that specific minority association and under its auspices. The operation of those kindergartens, which had not applied for a legal permission from the competent authorities, on the one hand goes against the principle of legality. On the other hand, it has put at risk the physical integrity of the children, since there were no guarantees for the rules of establishment, operation and implementation of all appropriate security measures. Although the objective of the Court’s decision has been the implementation of the Law and the provision of the appropriate operation measures, the NGO so-called ‘Federation of Western Thrace Turks in Europe’ attempts to present this issue as a violation of minority rights, distorting the true facts.

We would also like to highlight that according to the journalist Mr. Dede, correspondent of the minority newspaper ‘Trakyanin Sesi’, those annexes ‘were justifiably shut down since there was no official permission’.

**HUMAN RIGHTS COUNCIL**  
**33<sup>rd</sup> Regular Session**  
**13-30 September 2016, Geneva**

**Agenda item 6: Universal Periodic Review**

United Nations

A/HRC/33/NGO/X



**General Assembly**

Distr.: General  
XX August 2016

English only

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**Human Rights Council**  
Thirty-third session  
Agenda item 6  
Universal Periodic Review

**Written statement\* submitted by Federation of Western Thrace Turks in Europe, 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.

[26 August 2016]

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

## **The Turkish Minority of Western Thrace in the 2<sup>nd</sup> Cycle Review of Greece**

ABTTF would like to extend its sincere gratitude to the Working Group of Universal Review Mechanism (UPR) for the second-cycle review of Greece on 3 May 2016. We regret that that most of the recommendations regarding the rights of the Turkish Minority of Western Thrace did not enjoy Greece's support during the review.

Firstly, ABTTF notices regretfully that the competent Greek authorities have in no manner consulted any association or NGO belonging to the Turkish minority in Western Thrace. Neither ABTTF nor any organization belonging to the Turkish Minority of Western Thrace participated in the meetings, if any, with NGOs for the second national report and then after.

ABTTF submitted a written contribution<sup>111</sup> to the UPR's second-cycle review on Greece concerning the implementation of the recommendations related to the Minority since the first review and mentioned recent developments since the first review. On 31 March 2016 ABTTF made a presentation at the Pre-session on Greece reviewed at the UPR Working Group's 25<sup>th</sup> Session and made recommendations in the fields of women's rights and freedom of religion or belief, self-identification and freedom of expression, peaceful assembly and association, National Action Plan on Human Rights and mentioned its additional concerns on the Turkish minority and its right to education<sup>112</sup>.

### **Self-identification and the recognition of the Minority**

Greece does not confer official status on any indigenous ethnic group nor recognize "ethnic minority" or "linguistic minority" as legal terms, it affirms an individual's right of self-identification, not right of collective self-identification by members of an ethnic or linguistic group. Greece defines Turkish Minority of Western Thrace by its religious identity, as "Muslim Minority in Thrace" and also stressed during the review that one group of persons, "the Muslim minority in Thrace", was considered to be a minority under the terms of the Treaty of Peace, signed at Lausanne, July 24, 1923.

### **The right to choose its own religious leaders and its religious personnel**

With reference to Sharia law affecting family and inheritance for Muslims residing in Western Thrace and the recommendation from the first UPR, ABTTF noted, as referred in the summary of the stakeholders' information, all decisions of the muftis appointed by the Greek government on marriages, divorces or inheritance issuance are liable to be made null and void by first instance courts and therefore, it is the responsibility of the State under review to prevent any impediments that may occur.

As noted in the summary of the stakeholders' information, we urged Greece to comply with the applicable bilateral treaties and allow the Turkish minority in Thrace to freely elect its own religious leaders. Today, Greece does not recognize the Turkish minority's right to elect its own religious leaders and appoints the Muftis on the grounds that these have judicial power on civic matters. Therefore, there is a duality today in Western Thrace, the Muftis

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<sup>111</sup> <https://daccess-ods.un.org/TMP/5632681.84661865.html>

<sup>112</sup> <http://www.upr-info.org/en/upr-process/pre-sessions/pre-session-upr-25>

appointed by the State under review and the Muftis elected by the Turkish minority. We stress that the elected Muftis do not necessarily apply the Sharia law on family and inheritance law matters and just perform religious duties. It is those Muftis appointed by the Greek government who use their judicial competences on inheritance and family issues based on Sharia law.

The presentation made by Greece at the first-cycle includes the note that 1991 law sets out a procedure for the selection of the Muftis who are nominated by the State to the three Mufti offices, and the Government noted it is currently considering ways to meet the needs of the Muslim minority in this field through an open consultation process. However, there is neither further explanation on this issue in the initial statement by the Secretary General for Human Rights Kostis Papaionnou during the review, nor the recommendation 137.14 by Turkey which calls Greece to take necessary steps for recognizing the Muftis elected by the Turkish Muslim minority did not enjoy the support of Greece.

Although the recommendation by Turkey (85.4) in the first-cycle and the recommendation 137.14 regarding the relevant articles of the Law 3536/2007 regarding the appointment of religious servants of Islamic religion, i.e. Imams did not enjoy support Greece's in both of the cycles, this remains a very important issue for the Minority.

The Law 4115/2013 which amended Law 3536/2007 envisages the appointment of 240 Islamic religious instructors to teach Islam to the children belonging to the Turkish minority in Greek-language public primary and secondary schools and mosques in Western Thrace under the auspices of the government-appointed muftis. The Law 4115/2013 was implemented first in the Greek-language public schools in Western Thrace in 2013, but not in the mosques belonging to the Turkish minority. However, an Islamic religious instructor, i.e. *muezzin* was appointed in March 2014 to the mosque in the Turkish minority village of Mega Derio. This was against the well-established traditions since the Muslims employ the imams and muezzins themselves in all the villages in Western Thrace.

We urge the Government of Greece to allow the Turkish minority in Western Thrace to elect freely its own religious leaders as the Jewish Central Board or the Catholic and Protestant Church and to repeal the Law 4115/2013 which hinders the minority from managing and controlling its own religious institutions and exercising its religion freely therein.

### **The freedom of association and the (non) implementation of the ECtHR judgments**

In his initial statement during the review, the Secretary General for Human Rights Kostis Papaionnou noted in reply to a question raised by Mexico Greece is currently considering appropriate ways and means of executing three judgments of the European Court of Human Rights, finding a violation of freedom of association, including possible legislative adjustments in order to pave the way for the Courts to be able to provide the appropriate redress.

Today, the three cases which have been brought before the European Court of Human Rights concerning the dissolution and refusal to register associations established by the persons belonging to Turkish Minority of Western Thrace still pending implementation. The recommendation 137.16 by Turkey on the implementation of the ECtHR's judgments is not supported by Greece at the second cycle.



We request the Greek government to implement, without any further delay, the decisions of the European Court in the cases Turkish Association of Xanthi and Others v. Greece, Bekir Ousta and Others v. Greece & Emin and Others v. Greece.

### **The right to education and the lack of bilingual minority kindergartens**

In the initial presentation by Greece during the second-cycle, Greece did not mention any further steps taken for the improvement of minority education. Greece only noted that it was firmly committed to upholding the right to education of the Muslim minority in Thrace, but there is no general recommendation made by States and accepted by Greece on the education of the Turkish Minority of Western Thrace neither in the first nor in the second cycle. Greece did not support the recommendation 137.19 by Turkey for the opening of Turkish-Greek bilingual kindergartens, as well as new bilingual minority schools in line with the current needs of the minority in the second cycle.

The Turkish Minority of Western Thrace is granted the right to education in its native language and autonomy in the management of its educational institutions. The educational autonomy of the Turkish Minority of Western Thrace has been undermined and diminished by governmental practices over years. The Greek government has wide-ranging control over the minority schools at all levels, whether it concerns the composition and the functioning of the school boards, the hiring and firing of teachers, the distribution of textbooks or the building and repair of school buildings.

During fact-finding mission Federation of Western Thrace Turks in Europe (ABTTF) and Friendship Equality Peace Party organized on 16-20 October 2012 with the participation of Hans Heinrich Hansen, President of Federal Union of European Nationalities (FUEN), MEP François Alfonsi (France) and Willy Fautre, Director of Human Rights Without Frontiers Int'l, the delegation found the problems in the field of education are alarming and the school education of minority children in Turkish and in Greek is an emergency issue. The former UN Independent Expert on Minority Issues Gay McDougall had commented bilingual education would allow better knowledge of both Turkish and Greek from an early age and enable greater choice of whether to go to minority or Greek public primary school.<sup>113</sup>

We urge the Government of Greece to restore the educational and religious autonomy of the Turkish minority of Western Thrace enshrined in the 1923 Lausanne Treaty. We, once again, ask the Greek authorities to establish bilingual minority kindergartens in the region of Western Thrace in line with the minority schooling system and give bilingual education in public kindergartens in the region until bilingual minority schools are established. We urge the Government of Greece revise its policies concerning the minority primary and secondary schools, including their number and their location, the training and hiring of teachers, curriculum and textbooks to be used.

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<sup>113</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>



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**Human Rights Council**  
Thirty-third session  
Agenda item 6  
Universal periodic review

**Note verbale dated 30 September 2016 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide here with the comments of the Government of Greece on the following written statements submitted under agenda item 6 to the Human Rights Council at its thirty-third session (see annex):

(1) Written statement submitted by the ‘Federation of Western Thrace Turks in Europe’, a non-governmental organization in special consultative status (A/HRC/33/NGO/25);

(2) Written statement submitted by the ‘Federation of Western Thrace Turks in Europe’, a non-governmental organization in special consultative status (A/HRC/33/NGO/52);

(3) Written statement submitted by the ‘Federation of Western Thrace Turks in Europe’, a non-governmental organization in special consultative status (A/HRC/33/NGO/59).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and the annex thereto\* as a document of the thirty-third session of the Human Rights Council under agenda item 3.

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\*Reproduced as received, in the language of submission only.

**Annex to the note verbale dated 30 September 2016 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

**1. Written statement submitted by the ‘Federation of Western Thrace Turks in Europe’, no A/HRC/33/NGO/25, dated 1 September 2016**

The 1923 Treaty of Lausanne (multilateral Peace Treaty) is the international Treaty that guarantees specific rights and freedoms for the Muslim minority in Thrace/Greece. The Treaty establishes the status of the minority, identifying it on the basis of the only common denominator – the Muslim faith – of the three distinct groups that comprise it (Greek citizens of Turkish, Pomak and Roma origin). Each of these groups has its own language and cultural traditions/heritage.

Furthermore, the 1923 Treaty of Lausanne is the only international Treaty, which is valid and applicable regarding the status, the rights and the freedoms of the Muslim minority in Thrace.

In order to gain a better view of the significance of the 1923 Treaty of Lausanne for the Muslim minority, which qualifies its special status and guarantees its fundamental rights and freedoms, interested stakeholders may consult the following extract from the ‘2015 International Religious Freedom Report’ on Greece, of the State Department.

‘The 1923 Treaty of Lausanne gives the recognized Muslim minority of Thrace the right to maintain mosques and social and charitable organizations (awqafs) allows government-appointed muftis to render religious judicial services in the area of family law and provides for bilingual education for the Muslim minority. The government, in consultation with a committee of Muslim leaders, appoints three muftis in Thrace to 10-year terms of office, with the possibility of extension. Civil courts in Thrace routinely ratify the family law decisions of the muftis. The muftis also appoint imams to serve in the community’s mosques’.

As a result, we consider the views expressed by the ‘FWTTE’-NGO, which only recalls rejected individuals recommendations made by Turkey, to be biased and ill-affected, as far as they mislead and distort truth about the minority in Greece. For instance, some would expect to read that appointing Islamic religious instructors in public (not minority) schools and mosques is an initiative to be welcomed by the Muslim minority. Furthermore, regarding information on the implementation of the three ECtHR judgements that are mentioned, we stress that the competent Ministry of Justice is already establishing a special structure responsible for the execution of the Court’s judgements, as this was agreed in the last session of the CoE Committee of Ministers, resuming consideration of this question at their DH meeting in March 2017 at the latest.

With full respect towards the Muslim minority in Thrace, Greece expects that possible future statements by interested stakeholders are more objective and not misleading.

**2. Written statement submitted by the ‘Federal Union of European Nationalities’, no. A/HRC/33/NGO/52, dated 5 September 2016**

First of all, we regret the fact that ‘FUEN’, which is supposed to be an independent and objective NGO promoting the respect of human and minority rights, does not give credit to positive policies adopted by the Greek State in favour of the Muslim minority. Given that board members of this NGO have visited the region of Thrace on many occasions, their statement does not highlight the real condition of the Muslim minority and its special status, rights and freedoms fully guaranteed by the State.

Once again, we would like to remind in this respect, that Greece abides by the international law, namely the 1923 Treaty of Lausanne, which establishes the status of the minority, identifying it on the basis of the only common denominator, the Muslim faith.

The NGO draws conclusions from few acts of violence (mainly misdemeanors) over the past years to arbitrarily view them as motivated by hatred or racism. The Greek State cannot be held accountable for the criminal behavior of isolated persons, since it does its utmost to prevent, penalize and prosecute such behaviour, as well as to take all preliminary measures, where possible and necessary, to avert such incidents, no matter what the target, the place or the motives are. The Greek society frowns upon any action of racism or hatred. Extremist behavior is discouraged. The same applies with regard to representatives of extreme political movements (Golden Dawn), who are marginalized within the society and are prosecuted for actions disrespectful of democratic principles.

Another example of an ill-informed position taken by ‘FUEN’ is when this NGO mentions the parliamentary debate, having taken place last August, on the construction of a mosque in Athens and it focuses on minor selected incidents in order to put the blame on the Greek society and to justify its statement on an alleged ‘increasing trend in hate speech’. However, it disregards the highly positive trend for tolerance and implementation of human rights as confirmed by the adoption by the Parliament, after the abovementioned debate, of the Law towards the construction of a mosque in Athens.

Over the last years, unfortunately, ‘FUEN’ has been taken hostage by specific actors, promoting a biased perception of reality. We hope that the new Presidium will live up to the expectations of a free, fair and independent civil society organization. Greece expects from ‘FUEN’ to respect its non-governmental role on promotion of human rights and to apply objective standards.

In any case, this is not feasible by reiterating the propaganda of certain third countries, which is even more obvious when there is reference to Greek cities under their name in Turkish language, instead of using their official, international name (e.g. ‘Dimetoka’ instead of Didimoticho’).

**3. Written statement submitted by the ‘Federal Union of European Nationalities’, no. A/HRC/33/NGO/59, dated 6 September 2016**

Greece is regretful to read ‘FUEN’ reproducing unfounded claims regarding Muslims residing in Rhodes and Kos islands.

Greek Muslims of Rhodes and Kos are fully integrated in the local society, living peacefully with all other residents, no matter what their religion. They enjoy the same rights

and have the same obligations as all Greek citizens. Despite the fact that they do not have a minority status, their religious and cultural rights are fully respected.

‘FUEN’ uses provocative language like ‘cultural purification policy’, without making any specific reference at all for this supposed ‘policy’, which by no means reflects the policy of the Greek Government. The same applies for further unsubstantiated claims about restriction to their rights, without referring to any specific examples. Greek Muslims on the two islands freely practice their rights, without any state interference.

‘FUEN’ also brings up claims for teaching of the Turkish language and for the protection of Ottoman architecture in Rhodes and Kos.

With regard to the teaching of the Turkish language, it is to be noted that despite the fact that there were lessons provided by the Association ‘Brotherhood’ on Kos, the lessons have been suspended, due to low attendance. At the moment, Turkish language, among others, is provided by learning institutions for foreign languages, and only few students are following the lessons.

With regard to the academic performance of some children, this – of course – is not the result of state policy, given that all pupils are equal before law and follow the same core program enjoying the same opportunities (with the exception of the religious lessons, which are provided on a voluntary basis).

As far as the Ottoman monuments of the two islands are concerned, it is to be reminded that historical monuments constitute part of national cultural heritage, and, in some cases, part of the world cultural heritage and it is the sole responsibility of the State to care for their preservation. Despite the current dire financial situation, the Greek State has spent more than 26 million Euros, within the last few years, for the restoration of Ottoman monuments, many of them being on Rhodes and Kos, thus stressing the importance given to cultural heritage monuments in Greece.

**HUMAN RIGHTS COUNCIL**  
**34<sup>th</sup> Regular Session**  
**27 February-24 March 2017, Geneva**

**Agenda item 5: Human rights bodies and mechanisms**

United Nations

A/HRC/34/NGO/108



**General Assembly**

Distr.: General  
20 February 2017

English only

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**Human Rights Council**  
**Thirty-fourth session**  
**Agenda item 5**  
**Human rights bodies and mechanisms**

**Written statement\* submitted by the Federation of Western Thracian Turks in Europe, 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.

[13 February 2017]

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

**The right of the freedom to elect its own religious leaders and the long-standing Mufti issue in Greece**

The legal status of the Turkish Minority of Western Thrace and Greek minority in İstanbul is based on the Treaty of Lausanne of 1923 signed between Turkey and Greece. The obligations assumed by Greece and Turkey under Section III of this Treaty include the 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.

A parallel is often underlined between the Greek Orthodox Patriarchate in İstanbul and the Muftiate in Western Thrace as the rights of the concerning Greek and Turkish minorities have been determined by the same treaty. The Greek Orthodox Patriarch of İstanbul is elected by the Holy Synod after the submission of the list of would-be candidates to the public authorities.

A similar method has been implemented in Western Thrace until 1990. Law 2345/1920 was put into effect for the implementation of the provisions of the 1913 Athens Treaty which noted, “Each Mufti will be elected by the Moslem electors in their respective jurisdiction areas”. In accordance with provisions of this Treaty, Muftis in Komotini and in Xanthi were appointed by a special decree issued by the King, while mufti in Alexandroupolis was never appointed. In violation of the Athens and the Lausanne Treaties, the Presidential Decree of 24 December 1990 adopted a legislative decree and ordered that Muftis must be appointed by Presidential Decree on nominations from the Ministry of Education and Religious Affairs.

Following the promulgation of the legislation which laid out provisions for the appointment of Muftis in 1990, members of the Turkish minority have elected their own religious leaders. However, public authorities did not recognise the Muftis who were elected by minority members and they were prosecuted and sentenced to prison for the illegal use of religious symbols.

Due to the lack of implementation of commitments undertaken by Greek authorities, the right of the Turkish Minority of Western Thrace to elect its own religious leaders is not still recognized. There is a duality today in Western Thrace, the Muftis appointed by the State and the Muftis elected by the Turkish minority. Greece notes in international platforms that it is examining possible ways of introducing new elements that would allow an even more representative and transparent process for the selection of the Muftis. We would like to remind that any steps that would be taken on the Mufti issue should be in accordance with the freedom of religion, including the right to choose its own religious leaders and in accordance with autonomous structure in the religious field granted to the minority by international treaties.

Another important problem in the religious field in recent years is that under a law adopted in 2013, the government appointed Islamic religious instructors to teach Islam to the children belonging to the Turkish minority in Greek-language public primary and secondary schools and mosques in Western Thrace under the auspices of the government-appointed muftis. This law provides for Islamic religious instructors to teach Islam to the Muslim minority in Greek-language public schools in Thrace in lieu of mandatory Greek Orthodox religious courses offered twice a week for two hours. The new legislation in practice allows the government to

exercise state control over religion through the appointment of religious officers i.e. Imams to mosques and public schools under the realm authority of the official Muftis (appointed) in Xanthi, Komotini and in Didymoteicho in Greece.

The law was implemented first in the Greek-language public schools in Western Thrace in 2013. As the second part of the implementation of the law, an Islamic religious instructor, i.e. muezzin was appointed in March 2014 to the mosque in the Turkish minority village of Büyük Dervent (Mega Derio). Many uniformed police officers deployed themselves in the coffee house of the village just half an hour before the Friday Adhan and then the muezzin walked into the mosque with apparent intention to lead the service. The community in the mosque did not allow him to lead the adhan. The police escort continued several weeks. This is against the well-established traditions since the Muslims employ the imams and the muezzins themselves in all the minority villages in the region.

There are some new developments in the religious field which raise concerns of the Turkish minority on grounds that the Greek government is planning to take a step on the Mufti issue again with no prior consultations or dialogue with the minority in a way which would further destroy the autonomy in the religious field. On 25 December 2016, it was declared that the duty of Mufti (appointed) Naib Mehmet Şerif Damatoğlu was ended as of December 21, 2016 in accordance with the official decision of the General Secretariat of the Administration under the Ministry of Interior of Greece, and that Hamza Osman Aliosman was appointed as the naib (regent) to the Muftiate of Dimetoka(Didymoteicho) (appointed) until the permanent appointment of the Mufti to the vacant mufti office since 1986<sup>114</sup>. This appointment was commented in minority media and by minority members as the Government was preparing to take a step for the selection for the Muftis (appointed) in 2017.

It is commented in minority media that the Greek government demands resignation of appointed Mufti of Rhodope and appointed Mufti of Xanthi in order to make ad hoc appointments until the election of the Muftis by religious instructors hired in the public schools in the region of Western Thrace under Law 4115/2013<sup>115</sup>. Then, Greek government would appoint these persons as the Muftis for Rhodope, Xanthi and Didymoteicho which would be a clear violation of the religious autonomy granted by international treaties.

Today, there is a clear violation of the right to freedom of religion by the Greek government. The ecclesiastic of the Eastern Orthodox Church of Christ, which is the prevailing religion in Greece, are public servants, but they are selected by the Church itself. And, the Jewish Central Board or the Catholic and Protestant Church are free to elect its own religious leaders. However, due to the lack of implementation of commitments undertaken by Greek authorities, the right of the Turkish Minority of Western Thrace to elect its own religious leaders is still usurped by the Greek state.

Recalling the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, we call upon the Greek State:

- To comply with the Treaty of Lausanne of 1923 and prior Athens Treaty of 1913 and its Third Protocol,

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114 <http://milletgazetesi.gr/view.php?id=6367>

115 <http://www.birlikgazetesi.net/haberler/12301-meco-ve-nkolunun-stfasi-stenyor.html>



- To allow the Turkish minority in Western Thrace to elect freely its own religious leaders as the Jewish Central Board or the Catholic and Protestant Church,
- To recognize the Muftis elected by the Turkish minority of Western Thrace,
- To repeal Law 4115/2013 and respect the right of the Turkish Minority to select, appoint and replace their personnel in accordance with its respective requirements and standards,
- To guarantee 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 a mechanism for dialogue between governmental authorities and the Turkish minority in the form of advisory or consultative bodies that would be the channel for the minority to raise its own voice.



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**Human Rights Council**  
**Thirty-fourth session**  
27 February-24 March 2017  
Agenda item 3  
**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Note verbale dated 21 March 2017 from the Permanent Mission of Greece to the United Nations and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide here with the comments of the Government of Greece in relation to the written statement submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status with the Economic and Social Council (A/HRC/34/NGO/108).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and its annex\* as a document of the thirty-fourth session of the Human Rights Council under agenda item 3.

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\*Reproduced as received, in the language of submission only.

**Annex to the note verbale dated 21 March 2017 from the Permanent Mission of Greece to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

**Comments of the Greek Government in relation to the written statement A/HRC/34/NGO/108 submitted by the Federation of Western Thrace Turks in Europe**

‘Articles 37 – 45 (Section III ‘Protection of Minorities’) of the 1923 Lausanne Peace Treaty (which was ratified by Greece under the Decree A 238/1923 ‘on the ratification of the Lausanne Peace Treaty’), define the legal framework for the protection of the populations, which were not included in the Convention concerning the exchange of Greek and Turkish populations signed on January 30<sup>th</sup>, 1923, namely the Greek-orthodox Christians in Istanbul and the Muslims in Thrace.

Specifically, Article 2 of the Convention states ‘The following persons shall not be included in the exchange provided for in Article 1: (a) the Greek inhabitants of Constantinople, (b) the Moslem inhabitants of Western Thrace. All Greeks who were established before October 30<sup>th</sup>, 1918 within the areas under the Prefecture of the City of Constantinople, as defined by the law of 1912, shall be considered as Greek inhabitants of Constantinople. All Moslem established in the region to the east of the frontier line laid down in 1913 by the Treaty of Bucharest shall be considered as Moslem inhabitants of Western Thrace’.

Therefore, the minority in Thrace has a religious character. It consists of Greek-Muslim citizens and is governed by the Greek Constitution and the laws of the Hellenic Republic. In addition, the minority’s protection is based on the full respect of the religious and cultural attributes of Muslim Greek citizens in Thrace, who, as Greek citizens, are protected by the Constitution and the Greek legislation whereas they are also subjected to the legal obligations and requirements of domestic law. The above mentioned eloquently display that the claims contained in the ‘Federation of Western Thrace Turks in Europe’ written statement, with regard to the existence of a so-called Turkish minority in Thrace, are fallacious and misleading, since the relevant international documents exclusively qualify them as a Muslim minority.

Regarding the Ecumenical Patriarch, it needs to be pointed out that he is also the Archbishop of Istanbul, as determined by the Holy Canons of the Orthodox Church. Therefore, the same person has two positions. The latter (Archbishop of Istanbul) concerns the interior of the Orthodox Church in Turkey, while the former (Orthodox Ecumenical Patriarch) concerns Christianity as a whole, since the Ecumenical Patriarch is the first among equals in the Orthodox Church worldwide. The spiritual jurisdiction of the Ecumenical Patriarchate is neither limited to Istanbul, nor to Turkey, and that is the reason why his election is a global event.

The position of the Mufti is not equivalent to the position of Archbishop, and not even to the position of Bishop, given that he also exerts judicial powers. Therefore, it is obvious that it is not equivalent to the position of the Ecumenical Patriarch. The two positions are different in terms of importance and hierarchy, therefore there is no parallel between them, if only as it applies to fundamental religious freedoms.

Under the Greek Constitution, only the Treaties in force may oblige the country to enact laws in compliance with treaties themselves. The relevant provisions of the 1913 Treaty of Athens have been replaced by the 1923 Lausanne Treaty (1330/2001 Decision, Hellenic Council of State, 11.4.2001). The same is valid for Law 2345/1920 which has been abolished by Article 9 of Law 1920/1991. Under Law 1920/1991, 10 representatives of the Muslim minority in Thrace propose the Mufti to the Ministry of Education, Research and Religious Affairs and then he is appointed by a Presidential Decree. With regard to the Orthodox Church, the Holy Synod of the Church proposes the bishops of the Orthodox Church of Greece to the above Ministry and then they are appointed by Presidential Decree, without the participation of its adherents.

The Holy Synod of the Church consists of 82 members. That is approximately one bishop per 130,000 Christian Orthodox. The 10 Muslim representatives provided by law 1920/1991 for each Mufti office consists of 30 representatives for the three Muslim offices, which approximately corresponds to 1 Muslim representative per 4,000 Muslims (on average between the three Mufti offices due to a different composition of the total population). It should be noted that no Muslim country follows an election process for Muftis.

With regard to law 4115/2013, the Islamic preachers have the right to teach the Holy Quran in public schools to Muslim students that so wish, meaning that the lesson of the Holy Quran is optional. Due to the fact that the regular course of religion is attended by Christian Orthodox, it should be clarified that the course of religion in public schools addressed to Orthodox Christians is not given by priests of the Orthodox Church but by theologians. The syllabus is not determined by the Church of Greece. It is determined by the State and the theologians are recruited and remunerated in the same way as all teachers in public schools. Greece offers the opportunity to any student who wishes to attend the lesson of the Holy Quran to do so.

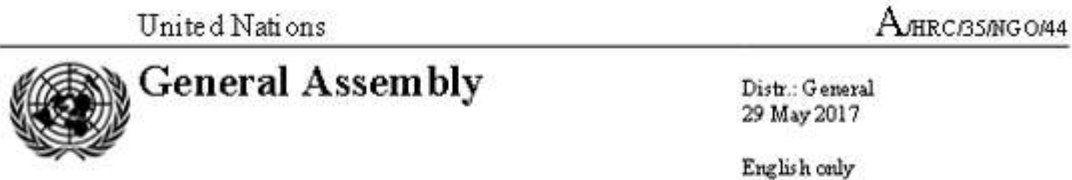
Concerning allegations contained in the written statement in question with regard to what is happening in other religious communities in Greece, the following should be noted: the bishops of the Orthodox Church of Greece are not elected through general elections in which its adherents would participate, but through elections conducted by the Holy Synod in which only the Bishops of the Church of Greece have the right to vote. The bishops of the Catholic Church in Greece are not elected but selected by the Pope. Neither the Rabbis of the Jewish community are elected through elections involving all Greek Jews, instead they are selected by the boards of the Jewish communities.

From the above it is clear that in none of the cases mentioned, the religious leaders are being elected by their adherents but either their election is the choice of their supreme religious leader, or it is the choice of an electoral body, which is composed of religious officers, or a limited number of representatives from their community. And of course, there is another distinctive difference: none of the above is exerting judicial powers over his followers, as the Muftis in Greece do.

Therefore, the 'Federation of Western Thrace Turks in Europe' requests from Greece to apply a preferential status for the Muslims of Thrace that is neither provided for in the Treaty of Lausanne, nor is followed by any other major religious community in Greece, nor is applied by any Islamic country in the world.

**HUMAN RIGHTS COUNCIL**  
**35<sup>th</sup> Regular Session**  
**06-23 June 2017, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**



**Human Rights Council**  
**Thirty-fifth session**  
**6-23 June 2017**  
**Agenda item 3**  
**Promotion and protection of all human rights, civil,**  
**political, economic, social and cultural rights,**  
**including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[15 May 2017]

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

### **The problem of bilingual pre-school education in Western Thrace, Greece**

The right to education is one of the core principles in international human rights and it should be faithfully implemented by all Member States. 1948 Universal Declaration of Human Rights clearly states that “Every person has a right to education and to any other fundamental right dependent upon the realization of the right to education”. Principle of equality and non-discrimination in the enjoyment of the right to education is a key to securing equal access to quality education for persons belonging to minority groups.

The Turkish community in Western Thrace<sup>116</sup>, Greece is granted with the right to education in its mother tongue and autonomy in the management of its educational institutions with the Treaty of Lausanne which determined the status and basic rights in general. However, educational autonomy has been undermined and diminished by governmental practices over years. Today, Greek authorities have wide-ranging control over minority schools at all levels, whether it concerns the composition and the functioning of the school boards, the hiring and firing of teachers, the distribution of textbooks or the building and repair of school buildings. Furthermore, there are no bilingual kindergartens or nurseries for the Turkish children to learn their mother tongue in their early childhood, although compulsory education includes pre-school education under a law adopted in 2006.

The Turkish community in the region appreciates the extension of compulsory education in Greece. Since learning and use of mother tongue in early childhood education is very important during transition to school to prepare children for multi-language education in primary school, the Turkish community considers the establishment of bilingual pre-schools within minority education system in Western Thrace vital for next generations of Turkish children. Under these circumstances the right not to be discriminated is violated because the Greek government, fails, without an objective and reasonable justification to treat differently Turkish children who speak a different language other than Greek. All Turkish children are obliged to attend public kindergartens whether they will continue minority primary schools or public primary schools for the next year or not. Families reluctantly send their children to Greek-language state kindergartens despite the risk of losing their linguistic and cultural identity.

In the beginning of 2012-2013 school year, some children belonging to the Turkish community in Echinós (Şahin) village of Xanthi were not enrolled to the first grade of the primary school on the ground that those children did not attend state kindergarten in the previous school year. The parents stressed that they did want to send their children to state kindergartens where the language of education is only Greek.

The European Commission against Racism and Intolerance of the Council of Europe (ECRI) mentioned in its fifth report on Greece in 2015 that there are no special measures for the minority under Law No. 3518/2006 which has made pre-school education compulsory. The ECRI noted that the Government has rejected proposals to open Turkish- Greek bilingual kindergartens in the existing bilingual primary schools and referred to the case in Echinós where the regional school inspectors refused to enrol 20 children who had not attended the

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<sup>116</sup> The status of the Turkish Minority of Western Thrace was established by the Lausanne Peace Treaty of 1923. However, the Greek government officially recognizes only a “Muslim minority in Thrace” and denies existence of an ethnic Turkish minority in the country.

obligatory kindergarten and dismissed a bilingual school's principal, who had registered and taught them. The ECRI stressed that children's right to schooling should not be jeopardized and further recommended that the authorities should take all necessary steps to ensure that minority children have access to a bilingual or monolingual elementary school, as per their parents' choice<sup>117</sup>.

ABTTF regrets that a commonly stated problem of the absence of bilingual kindergartens which is mentioned in the report<sup>118</sup> of the former UN Independent Expert on Minority Issues, Gay McDougall in 2008, has not been taken into consideration by Greek authorities despite many applications by the community organizations in the region for establishment of bilingual kindergartens within the special education system that the Turkish community has been granted and establishment of other private bilingual kindergartens in the region.

There is still no step taken by Greek authorities or there are no plans on how to avoid such situations in Echinós in the next school year. The enrolment of students to the bilingual primary schools for the next school year has started in May 2017, while parents wait for the establishment of bilingual kindergartens in the minority schooling system.

In February 2017, the Institute of Educational Policies under the Ministry of Education of Greece declared that they would carry out a pilot project which envisages that a bilingual minority member, graduated from one of the higher education institutions in Greece, would work with a teacher in a kindergarten class in state kindergartens in six provinces where children belonging to the Turkish community in Western Thrace live<sup>119</sup>.

According to the statement published by the Institute, the pilot project would be implemented in the remaining part of the academic year in six state kindergartens for an easy adaptation of the children to kindergartens, where Turkish children have no option than to go state. The institute declared that the project, which will be implemented in six schools at the initial stage, would be expanded into 12 in the next academic year and further noted that necessary proposals after the assessment of the results of the pilot program would be presented to the Ministry at the end of the academic year.

Civil society organizations representing the Turkish community reacted this pilot project implementation on grounds that this is not an improvement in educational rights of the Turkish community in Western Thrace. The pilot project which would provide working in state schools of a bilingual member of the Turkish community, not necessarily a bilingual pre-school teacher, does not meet the Turkish community's demand for the establishment of bilingual kindergartens within minority schooling system.

The Turkish community should have a right to participate in the life of the State and in decisions affecting them. Greece should provide adequate opportunities to persons belonging to the Turkish community to learn its mother tongue or to learn through the medium of the mother tongue, alternatives which should not be understood as mutually exclusive. As Gay McDougall, former UN Independent Expert on Minority Issues recommended, bilingual kindergartens would allow better knowledge of both Turkish and Greek from an early stage therefore providing benefits in terms of integration and enabling greater choice of whether to go minority of Greek public primary school.

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<sup>117</sup> <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-V-2015-001-ENG.pdf>

<sup>118</sup> For the full report A/HRC/10/11/Add.3,

<http://daccessddsny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>

<sup>119</sup> <http://www.gundemgazetesi.com/haberyunanistan/detay/2718>

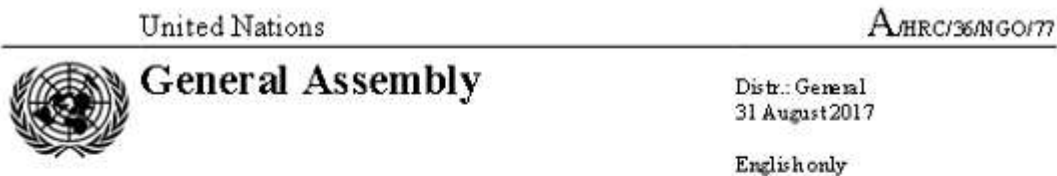
In light of the information above, we call the Government of Greece:

- To revise its policy concerning bilingual pre-school education in the region of Western Thrace and make good use of all available domestic and international instruments including advisory and consultative bodies in order to address problems in minority issues,
- To establish bilingual kindergartens in the region in line with the minority schooling system,
- To allow the Turkish community to establish private bilingual kindergartens where the language of education will be Turkish and Greek.



**HUMAN RIGHTS COUNCIL  
36<sup>th</sup> Regular Session  
11-29 September 2017, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**



**Human Rights Council  
Thirty-sixth session  
11-29 September 2017  
Agenda item 3  
Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[18 August 2017]

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

**‘240 Imams Law’ in Greece and state intervention into religious affairs of the Turkish community in Western Thrace**

The freedom of religion or belief is a fundamental right enshrined in the UN treaties and documents. Persons belonging to national or ethnic minorities have the right freely to profess and practice their religion, including acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue, in private and in public, freely and without interference or any form of discrimination.

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities underlines that States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs. Article 5(1) and Article 5(2) note that national policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

The legal status of the Turkish community in Western Thrace, Greece is based on the Treaty of Lausanne of 1923 signed between Turkey and Greece. The Turkish community in the region, all of whom are Muslims, has a 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. Due to the lack of implementation of commitments undertaken by Greek authorities, the right of the Turkish Minority of Western Thrace to elect its own religious leaders is usurped by the state since 1991. Public authorities do not recognise the Muftis who were elected by minority members and they were prosecuted and sentenced to prison for the illegal use of religious symbols. There is a duality today in Western Thrace, the Muftis appointed by the State and the Muftis elected by the Turkish minority.

The religious autonomy of the Muslim Turkish community in Western Thrace has further been undermined and diminished by Law on Muslim Preachers (4115/2013) envisages appointment of 240 Islamic preachers, “Quran teachers”, who would offer their services in the public schools of primary and secondary education and mosques in Western Thrace under the auspices of the official muftis who are appointed by the State.

Despite strong objection by the Turkish community to Law 4115/2013, Greece insists that Islamic preachers are recruited and remunerated in the same way as all teachers in public schools. Greece notes that Islamic preachers have the right to teach Quran in public schools to Muslim students as an optional course<sup>120</sup>. The U.S. 2016 International Religious Freedom Report on Greece further repeats the government’s position that that the relevant law provides for Islamic religious instructors to teach Islam to the Muslim minority in Greek-language public schools in lieu of mandatory twice weekly Greek Orthodox religious courses<sup>121</sup>.

Within the implementation of the law, in the first phase 63 religious instructors, among whom only 3 are university graduates, started to teach Islam and Quran in Greek in public schools of

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<sup>120</sup> [http://www.osce.org/odihr/shdm\\_1\\_2017](http://www.osce.org/odihr/shdm_1_2017)

<sup>121</sup> <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

secondary education in Western Thrace in January 2014. Islamic preachers were trained and textbooks for teaching Islam in Greek state schools were prepared. For further implementation of the law, the Greek Ministry of Education has made an announcement in August 2017 for filling of positions of in the region and noted that one hundred and twenty (120) positions of Islamic religious instructors will be recruited under a fixed term contract of nine (9) months duration<sup>122</sup>.

It should be reminded that the mother tongue of the minority children is Turkish, and the Muslim Turkish children in the public schools in the region will learn their own religion Islam in Greek under Law 4115/2013. Furthermore, European Muslim Initiative for Social Cohesion (EMISCO) and the Federal Union of European Nationalities (FUEN) expressed their deep concern about the situation in Western Thrace and noted that the legislation violated the religious autonomy of the minority by abrogating the right to choose their own clergymen to teach Quran. Law 4115/2013 envisages appointment of Islamic preachers not only in public schools, but in mosques which belong to the Turkish community itself in the region. Since entry into force, the implementation of the law is limited to the public schools in the region. However, a religious instructor i.e. muezzin was appointed to the mosque in the village of Mega Derio in March 2014. This is against the well-established traditions since in all villages in Western Thrace, Muslims employ imams and muezzins themselves. In Mega Derio, many uniformed police officers deployed themselves in the coffee house of the village just half an hour before the Friday Adhan. The instructor walked into the mosque with apparent intention to lead the service. The community in the mosque of course did not allow him. But those police officers asked the people coming out of the mosque if he could lead the prayer or not. This police escort continued several weeks.

The legislation would in practice allow the government to exercise state control over religion through the appointment of religious officers i.e. Imams to mosques and public schools under the realm authority of the official Muftis (appointed) in Xanthi, Komotini and in Didymoteicho, whom are not accepted and recognized by members of the Muslim Turkish community due to a long-standing Mufti issue in Greece.

We would like to remind that any steps that would be taken in the religious field should be in accordance with the freedom of religion, including the right to choose its own religious leaders and its religious personnel in accordance with autonomous structure granted to the Muslim Turkish minority by international treaties.

Recalling the Declaration on the Elimination of All Forms of Intolerance and of Discrimination

Based on Religion or Belief and the UN Declaration we call upon the Greek State to:

- comply with the Treaty of Lausanne of 1923 and prior Athens Treaty of 1913 and its Third Protocol,
- repeal Law 4115/2013 and respect the right of the Turkish Minority to select, appoint and replace their personnel in accordance with its respective requirements and standards,
- establish a mechanism for dialogue between governmental authorities and the Turkish minority in the form of advisory or consultative bodies that would be the channel for the minority to raise its own voice.

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<sup>122</sup> <http://www.minedu.gov.gr/news/29588-09-08-17-prokiriksi-plirosis-theseon-ierodidaskalon-stis-moufteies-tis-thrakis>



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**Human Rights Council**

Thirty-sixth session

11-29 September 2017

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Note verbale dated 28 September 2017 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide here with the comments of the Government of Greece in relation to the written statement submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status with the Economic and Social Council (A/HRC/36/NGO/77).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and its annex thereto\* as a document of the thirty-sixth session of the Human Rights Council under agenda item 3.

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\*Reproduced as received, in the language of submission only.

**Annex to the note verbale dated 28 September 2017 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights**

**Comments of the Greek Government in relation to the written statement A/HRC/36/NGO/77 submitted by the Federation of Western Thrace Turks in Europe**

First of all, we would like to invite the 'FWTTE' 'NGO' to respect and abide by international law. Though in its statement it makes a clear reference to the 1923 Lausanne Treaty, it intentionally lies when it mentions that the 'legal status of the Turkish community in Western Thrace is based on the Treaty of Lausanne of 1923'. There is not a single line in the Lausanne Treaty that makes reference or even allusion to a 'Turkish community'. We challenge the 'FWTTE' 'NGO' to prove us wrong, otherwise their already seriously eroded credibility will be further diluted.

Moreover, it is sad that a so-called 'NGO' merely serves as a branch of the Turkish Ministry of Foreign Affairs as anyone can witness, since they simply reproduce misleading claims from the website of the Turkish Ministry of Foreign Affairs ([www.mfa.gov.tr/turkish-ministry-of-western-thrace.en.mfa](http://www.mfa.gov.tr/turkish-ministry-of-western-thrace.en.mfa)).

As far as Law 4115/2013 is concerned, the main objective of the Law is to create 240 posts of Koran teachers, who may also be appointed in the Greek public schools in Thrace. It is a forward-looking initiative because, for the first time, Muslim Minority students, who attend public schools in increasing numbers, will have the opportunity, if they so wish, to study the Holy Koran in public schools.

The Koran teachers are selected, through a fully transparent and inclusive procedure, by a qualified Committee presided by the local Mufti. The Koran teachers receive a steady salary provided by the Greek State and also enjoy social security benefits. The Koran teachers have the right to freely choose whether they want to join this scheme. The entire philosophy of the law is based on this principle.

The Law 4115/2013 does not touch upon the status of Imams. The Imams in Thrace are selected in accordance with the Islamic law, the traditions and the practices of the Muslim Minority, without any involvement whatsoever of the State. They exercise their religious duties freely, without any impediment.

The same applies with the minority students and the teaching of the Holy Koran in public schools. The children (or their parents) can freely decide whether they wish or not to attend the classes.

An innovative and forward looking policy is implemented, in full respect of the freedom of religion and in accordance with international standards. It is also clear that this legislative framework follows closely current trends and best practices in the fields of education and respect of diversity.

The ongoing campaign to present a different picture on the pretext of alleged state involvement in the religious freedom of the Minority is simply misleading.

The rights of the members of the Muslim Minority, residing in the Greek region of Thrace, are protected and promoted through the implementation of the highest contemporary standards in the field of human rights, the provisions of the Treaty of Lausanne which established their status, the European Union acquis and the Greek Constitutions.

The members of the Muslim Minority enjoy full equality before the law, without any discrimination. For Greece, meeting the needs of its Muslim citizens, members of the Muslim Minority in Thrace, is an ever evolving challenge and commitment.

**HUMAN RIGHTS COUNCIL**  
**37<sup>th</sup> Regular Session**  
**26 February-23 March 2018, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

United Nations

A/HRC/37/MG/157



**General Assembly**

Distr.: General  
15 February 2018

English only

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**Human Rights Council**  
**Thirty-seventh session**  
26 February-23 March 2018  
Agenda item 3  
**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[2 February 2018]

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

**The pending question of the freedom of association of the Turkish community in Western Thrace, Greece and non-execution of the judgments of the European Court of Human Rights**

Although the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities has turned its twenty-fifth anniversary, persons belonging to minorities in many European countries including Greece continue to be targets of discrimination in social and public life. Minority rights challenges experienced by members of national or ethnic and religious minorities in many European countries cause social and political marginalization.

Under the 1923 Lausanne Peace Treaty, Turkish community in Western Thrace, which has been officially recognized as Muslim minority in Thrace by Greek authorities, has an equal right with the non-Muslim minority in Turkey to establish, manage and control at their own expense, any charitable, religious and social institution, any school and other establishment for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

The first association established by the Turkish Minority is Xanthi Turkish Union; of which first name was “House of Turkish Youth of Xanthi” established in 1927 and registered by Xanthi Court of First Instance. Not only Xanthi Turkish Union, but Komotini Turkish Youth Union established in 1928, Western Thrace Turkish Teachers’ Union established in 1936 were legally registered associations with the “Turkish” word in their titles. The signboards of the associations and the minority schools in the region included the word “Turkish” and the names of the associations and minority schools were written both in Greek and Turkish.

The deteriorating relations between Turkey and Greece had an adverse effect in the situation of the Turkish community in Greece. Although Turkish associations were officially registered and continued to operate since 1920’s, the Greek government declared in 1983 that there were no Turks in Greece and claimed that the members of Muslim minority are Greek Muslims. Xanthi Turkish Union, Komotini Turkish Youth Union and Western Thrace Turkish Teachers’ Union were dissolved in 1986 by local courts and the Supreme Court decided the dissolution of the associations on the ground that the statute of the association that was contrary to public policy and constituted a threat to democratic society with an aim to promote the idea that there was an ethnic minority with the word Turkish which refers to citizens of Turkey and could not be used to describe citizens of Greece.

The ban on the associations; namely, the “Western Thrace Turkish Teacher’s Union”, the “Komotini Turkish Youth Association” and the “Turkish Union of Xanthi” still continues today. Following the exhaustion of the internal remedies, there are three cases which have been brought before the European Court of Human Rights concerning the dissolution and refusal to register associations established by the persons belonging to Turkish Minority of Western Thrace, Greece:

1. Evros Prefecture Minority Youth Association: The Case of Bekir-Ousta and others (35151/05), judgment of 11/10/2007, final on 11/01/2008
2. Xanthi Turkish Union: The Case of Tourkiki Enosi Xanthis and others (26698/05), judgment of 27/03/2008, final on 29/09/2008



3. The Cultural Association of Turkish Woman in the Prefecture of Rodopi: Emin and others (34144/05), judgment of 27/03/08, final on 01/12/2008

These three cases concern the dissolution or refusal to register the applicant associations by the competent courts on the sole basis of a suspicion that the applicants intended to promote the idea that an ethnic minority existed in Greece. The Court held unanimously that there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights in both cases, which concern associations founded by persons belonging to the Muslim minority of Western Thrace.

Further to the European Court of Human Rights' judgements, the applicants requested the cancellation of the decision dissolving them (the case of Xanthi Turkish Union) or submitted a new registration of their associations before the national courts. The applications have been declared inadmissible on the ground that it is not possible to cancel a domestic decision which has become final in the context of non-contentious procedure following a judgement of the ECtHR, and that domestic law does not provide, in civil matters, for the reopening of proceedings following a finding of violation by the ECtHR.

Amendment to Article 758 of the Code on Civil Procedure which would allow the applicants to have their applications requesting their associations' registration or the reversal of the judgments ordering the dissolution of their associations was, initially, debated in the Greek parliament on 19 September 2017. Upon severe and harsh reactions of the junior coalition partner Independent Greeks (ANEL) and no support by other opposition parties of New Democracy and Democratic Alliance, the Ministry of Justice decided to withdraw the draft legislation<sup>123</sup>. Withdrawal of the draft legislation caused a great disappointment among members of the Turkish community of Western Thrace. Anti-democratic, even racist explanations by junior coalition partner ANEL and prejudgments against members of the Turkish community prevented the draft legislation to be discussed in the Greek parliament<sup>124</sup>.

Following amendments in the first draft by the Ministry of Justice, on October 10, 2017, the amendment was discussed in the Greek parliament and coalition parties SYRIZA and ANEL and some MPs from opposition parties voted in favour of the amendment. The legislative procedure of adoption of has been concluded by the Greek parliament with the adoption of Law No. 4491/2017 on October 10, 2017.

The admissibility of an application of revocation or amendment following an ECtHR judgment to be issued in the future is now subject to the terms and restrictions provided in the relevant provisions concerning the protection of national security, public order, and the protection of rights and freedoms of others and international conventions implying the Treaty of Lausanne which officially refers to the religious affiliation of the Turkish community in Western Thrace with the term "Muslim minority in Thrace".

Although the ECtHR ruled that even assuming that the true aim of the three associations had been to spread the idea that there was an ethnic Turkish minority, this did not alone amount to a threat to democratic society or contrary to public policy, Law No. 4491/2017 introduced restrictions provided in the relevant provisions concerning the protection of national security, public order, interests of third parties and international conventions.

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<sup>123</sup> <http://www.gundemgazetesi.com/haber/detay/3450>

<sup>124</sup> <http://www.gundemgazetesi.com/haber/detay/3458>

As a recent development, relevant domestic court in Komotini did not approve the request of the Rhodope-Evros EPATH Graduated Teachers' Association to change its name as "Rhodope-Evros Minority Schools Turkish Curriculum Teachers' Association" in accordance with the decision taken by the General Assembly on November 18, 2017. While the domestic court approved amendments in statutes of the association, it did not allow the association to change its name with the word including "Turkish" in its name<sup>125</sup>.

After the adoption of the new law, Xanthi Turkish Union applied to the domestic court with the demand to have the decision regarding the case it has won at the ECtHR implemented by Greece and official legal entity of the association returned. The Thrace Court of Appeal will hear the case on 9 February 2018. The Cultural Association of Turkish Woman in the Prefecture of Rodopi and Evros Minority Youth Association will apply to the domestic courts for re-opening of the legal procedures and ask for the annulment of the domestic court's decision of non-registration of their associations.

We would like to note that the Council of Europe's Committee of Ministers closely follows the developments about the implementation of Court's judgments under the name of Bekir-Ousta group of cases against Greece since 2008. At its last examination held on 5-7 December 2017, the Committee decided to resume consideration of these cases in case re-opened proceeding are delivered under the mentioned law adopted in October 2017. The Parliamentary Assembly of the Council of Europe recently reiterated its call on Greece to ratify the European Charter for Regional Minority Languages and the Framework Convention for the Protection of National Minorities and fully implement the judgements of the European Court of Human Rights to enhance the rights of minorities in the resolution adopted Resolution 2203 (2018) on the progress of the Assembly's monitoring procedure (January-December 2017) and the periodic review of the honouring of obligations by Estonia, Greece, Hungary and Ireland<sup>126</sup>.

Recalling the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, we kindly ask the Government of Greece to fully implement the judgments of the European Court of Human Rights in order to ensure that right to freedom of association for persons belonging to the Turkish community are protected.

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<sup>125</sup> <http://www.gundemgazetesi.com/haberyunanistan/detay/3676>

<sup>126</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24493&lang=en>



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**Human Rights Council**

Thirty-seventh session

26 February–23 March 2018

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Note verbale dated 29 March 2018 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to the written statement submitted by the “NGO” “FWTTE” (A/HRC/37/NGO/157), has the honour to forward, attached hereto, a written statement in reply to the above-mentioned “NGO” (see annex).

The Permanent Mission of Greece kindly requests that the present note verbale and the annex thereto\* be circulated as a document of the thirty-seventh session of the Human Rights Council.

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\* Reproduced as received, in the language of submission only

**Annex to the note verbale dated 29 March 2018 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

**Comments of the Greek Government in relation to the written statement A/HRC/37/NGO/157**

It is deplorable that the “NGO” “FWTTE” continues to make biased and inaccurate references to a “Turkish community” in Thrace, thus clearly displaying not only a total ignorance of the international legal order but also lack of good faith on minority issues. It is in fact not the Greek Authorities but the 1923 Lausanne Peace Treaty, to which Greece fully abides by, that officially recognizes a Muslim minority in Thrace, not a Turkish one.

Greece fully respects international law, fundamental human rights, as well as minority rights and religious freedoms, a commitment carried out by both the State and civil society.

We have proven time and again our unwavering dedication to addressing issues pertaining to the Greek citizens that are members of the Muslim minority in Thrace, with full respect to the principle of equality and in accordance with the relevant provisions of the 1923 Lausanne Peace Treaty, the Greek Constitution and the religious and cultural background of the minority.

Furthermore, rule of law and freedom of association are fundamental principles of the Greek legal order, and as such apply to all citizens without any ethnic, cultural or religious discrimination, in compliance with the existing national and international legal frameworks. The Greek citizens belonging to the Muslim minority in Thrace are considered equals before the law and are treated as such.

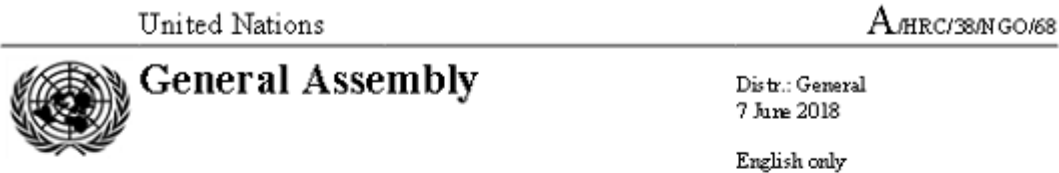
The progress that Greece has achieved towards the full implementation of the judgments of the European Court of Human Rights, as well as the recommendations of the Council of Europe, is clear for all to see. The recent amendment of our Code of Civil Procedure, with the adoption of Law 4491/2017 is evidence that we keep addressing any issues which the muslim minority might have.

With regard to specific cases mentioned by the “NGO” “FWTTE”, we note that it falls within the discretion of the associations in question to pursue any legal action pertaining to the recognition of their legal status before a domestic court or before the European Court of Human Rights.

Greece, for its part, will continue to step up its efforts in pursuing comprehensive minority policies for the Muslim minority of Thrace.

**HUMAN RIGHTS COUNCIL**  
**38<sup>th</sup> Regular Session**  
**18 June-06 July 2018, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**



**Human Rights Council**  
**Thirty-eighth session**  
18 June-6 July 2018  
Agenda item 3  
**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[25 May 2018]

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

**Juridical investigations and lawsuits against representatives of the Turkish community in Western Thrace as an instrument of political pressure and intimidation**

The Federation of Western Thrace Turks in Europe (ABTTF) is concerned about acts of political intimidation against representatives and religious leaders of the Turkish community in Western Thrace, of which status was established by the 1923 Lausanne Treaty.

Juridical investigations against representatives and religious leaders i.e. elected muftis in particular have revealed that there is political pressure against the Turkish community, while this situation threatens the right to freedom of speech and expression for the community members.

In the year 2016, the president and the vice-president of the Friendship, Equality and Peace (FEP) Party were called to make their depositions in the criminal complaint filed by the neo-Nazi Golden Dawn Party for the “Search for Justice” march organized by the FEP Party on 24 July 2016<sup>127</sup>. The party president made his deposition once again in October 2016 in relation to an investigation for his speech during the FEP Party’s 4<sup>th</sup> General Congress on 22 May 2016 about the Party’s founder and first President Dr. Sadık Ahmet’s stolen car, in which he lost his life in an accident<sup>128</sup>.

In December 2016, the Mayor of Iasmos (Yassıköy) Municipality İsmet Kadı was sentenced to a four-month-imprisonment, because he allegedly used the official car outside the municipality borders and for his personal affairs. On 19 December 2016, the Mayor was stopped by the police while driving in the vehicle after leaving his children to the school in the morning.<sup>129</sup>

In December 2017, Koray Hasan, former chairman of Komotini Turkish Youth Union, established in 1928 and dissolved in 1983 for the word “Turkish” in its name, appeared before the judge because that he made refurbishment in the club house without taking permission. Furthermore, the former chairman was previously called to bear testimony in the investigation for the frame in Turkish on the wall of the clubhouse<sup>130</sup>.

Not only representatives of the Turkish community were filed criminal complaints for their speeches and actions on various grounds in the year 2017, but also the religious leaders who were elected by the Turkish community in Xanthi and Komotini were filed many complaints for their religious services and for their speeches.

The Elected Mufti of Komotini, İbrahim Şerif was subjected to seven juridical investigations within ten months in 2017. On 9 November 2017, Şerif was called to testify at the Komotini Police Department upon the order of the Public Prosecutor of Alexandroupolis on the ground that he executed Friday prayer with Western Thrace Turks in the Turkish village Musaköy (Komara) in Evros in 2016.

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<sup>127</sup> <http://milletgazetesi.gr/view.php?id=5336>

<sup>128</sup> <http://www.debpartis.org/indexENG1.php?s=detailsENG&id=4742>

<sup>129</sup> <http://www.gundemgazetesi.com/haberyunanistan/detay/2457>

<sup>130</sup> <http://www.birlikgazetesi.net/haberler/13572-koray-hasanin-bakanliisona-erd-ama-mahkemelerde-kovalamaca-devam-edyor-.html>

There is a lawsuit filed against İbrahim Şerif with the charge of usurping the office of the mufti. Mufti Şerif is charged with performing activities at a mass circumcision ceremony for the Western Thrace Turks in Alankuyu neighbourhood in the city of Komotini in December 2016 by interfering in the mandate of the Mufti appointed by the state. Concerning this issue, İbrahim Şerif said, “The actual situation was very different from the claims of the prosecution. We attended the event over the request of fellow Muslims. I’m charged with organizing a religious event, as religious authorities, we need to provide religious services to those requesting help”<sup>131</sup>.

There are two lawsuits against Ahmet Mete, Elected Mufti of Xanthi. Ahmet Mete was sentenced to seven-month imprisonment on 13 November 2017 with the charge of usurping the office of the Mufti at the funeral of a young minority member Ahmet Katunlu who lost his life in 2016 during his military service, because Ahmet Mete led the prayer during the funeral. During the memorial ceremony on 14 July 2016, the appointed Mufti of Xanthi, who is not recognized by community members, wanted to make the prayer at the funeral, however community members voiced their strong objection and wanted Mete to lead the prayer. Ahmet Mete appealed the decision of the domestic court, there will be a hearing at the Three-Judge Appeal Court in Thessaloniki on 21 September 2018.

The second lawsuit against Ahmet Mete has been filed with the charge of causing discrimination among the Greek citizens in Thrace and disrupting the public order and peace for his speech in which he drew a parallel between Rauf Denktaş, former president of the Turkish Republic of Northern Cyprus and the president of the FEP Party Mustafa Ali Çavuş at the FEP Party’s Congress in May 2016. Ahmet Mete appeared before the judge on 28 November 2017, the hearing was postponed to 26 June 2018.

ABTTF would like to remind that the right of the Turkish community to choose its own religious leaders has been granted and guaranteed by the 1881 Convention of Constantinople and the 1913 Treaty of Athens that Greece signed with the Ottoman Empire. The election of the religious leaders was incorporated into Greek domestic legislation in 1920 with a procedure which enabled the Turkish community to determine their own religious leaders i.e. muftis in Rhodope, Xanthi and Didymoteicho. However, Greece abolished this right by the appointment of muftis by the Ministry of Education and Religious Affairs by Presidential Decree of December 24, 1990 and Law no. 1920/1991 on Muslim religious instructors. In reaction to the violation of religious autonomy, the community elected their own Muftis as their own religious leaders in Komotini and Xanthi.

Today in Western Thrace there is a dual structure where there are muftis appointed by the state and muftis elected by Western Thrace Turkish community. In 1995-1996, elected muftis in Komotini and Xanthi were prosecuted and sentenced to prison for usurping the functions of Mufti and publicly wearing the dress and using the religious symbols of Mufti. İbrahim Şerif applied to the ECtHR, and the Court ordered in 1999 that there has been a violation of Article 9(freedom of religion or belief) of the Convention in the case of Şerif v. Greece<sup>132</sup>.

ABTTF urges the Government of Greece to protect, respect and promote the rights of the Turkish minority guaranteed by the Treaty of Lausanne and other bilateral and multilateral agreements with no further interventions. Recalling that every person should have a right to freedom of expression and the right to freely to profess and practice their religion in the

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<sup>131</sup> <https://www.aa.com.tr/en/europe/greece-mufti-to-be-tried-for-usurping-authority/1083573>

<sup>132</sup> Case of Serif v. Greece(Application no. 38178/97) and Case of AGGA v. Greece (Application no. 32186/02)

framework of freedom of religion or belief, ABTTF demands from Greek authorities to stop intimidation and deterrence against representatives and religious leaders of the Turkish community. ABTTF demands from the Greek government to ensure that Turkish community enjoys its right to elect its own religious leaders as other known religions in Greece.





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**Human Rights Council**

Thirty-eighth session

18 June–6 July 2018

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Note verbale dated 2 July 2018 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide here with the comments of the Government of Greece in relation to the written statement submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status with the Economic and Social Council (A/HRC/36/NGO/77).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and the text attached\* as a document of the thirty-eighth session of the Human Rights Council under agenda item 3.

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\*Reproduced as received, in the language of submission only.

**Annex to the note verbale dated 2 July 2018 from the Permanent Mission of Greece at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

**Comments of the Government of Greece in relation to the written statement submitted by the Federation of Western Thrace Turks in Europe (A/HRC/38/NGO/68)**

At the outset, we would like to stress that we regret once again witnessing a Government Organized NGO following an intentionally misleading strategy with the Human Rights Council, hoping to gain from an unsubstantiated accusations.

We deplore having to reply to the written statement by the ‘NGO’ ‘FWTTE’ for two reasons: First, its authors refer to issues already addressed over a year ago, during the 34<sup>th</sup> session of the Human Rights Council, and second, the statement twists into accusations of Human Rights violations cases where the law was applied without any discrimination, as well as other ones that were dismissed before going to trial.

The statement refers to a criminal complaint filed by the political party ‘Golden Dawn’ in July 2016, asking that the march organized by the ‘Friendship, Equality and Peace’ (F.E.P.) party be prohibited. This complaint was dismissed by the competent Prosecutor and filed without proceedings. The mention of this case is clearly aiming to create a false impression regarding the Greek judicial system. Regarding the deposition of the same party’s president in October 2016, the FEP President was called by the Prosecutor to provide substantiated evidence backing up his statement accusing Greece of having murdered the late minority politician, Sadik Ahmet.

These events can under no circumstances be qualified as a ‘policy of intimidation of the minority’, as the statement of the NGO is claiming.

With regard to the Mayor of Iasmos, as we already stated in 2017, media reports confirmed that he was repeatedly using the official vehicle of the municipality for private purposes, something prohibited by law. He was arrested following complaints made by citizens. Once again, this is not a case of political intimidation of a minority representative, as falsely claimed in the statement, but just the implementation of legal provisions with regard to the use of publicly funded means of transport for private purposes.

Concerning the case of Mr Ahmet Mete, the Public Prosecutor brought charges against him following a statement inciting to sedition. Specifically, Mr Mete expressed the wish that the President of the F.E.P. party become the ‘Rauf Denktash of Thrace’. Rauf Denktash was a Cypriot politician, who in 1983 proceeded to the unlawful act of unilateral proclamation of a secessionist state in the northern part of Cyprus, an act that has been categorically condemned by the United Nations Security Council in successive resolutions. Thus, Mr Ahmet Mete has been prosecuted and he will stand trial later this month, for inviting a Greek politician to proceed to the secession of part of the Greek territory.

Furthermore, with regard to Mr Ibrahim Serif, he proceeded to a mass circumcision ceremony without having any license or authorization to perform these surgical operations. It goes without saying that neither Greece nor any other country in the world would jeopardize

the health of its youth by allowing unauthorized persons to proceed to assist on public surgical operations.

Finally, regarding Mr Koray Hasan, he held renovation works in a building without having the administrative authorization to proceed accordingly.

In conclusion, we would like to remind the NGO that Greece fully upholds the minority rights of the Muslim minority of Thrace as they are provided for in the Lausanne Peace Treaty, including their religious rights and their freedom of expression.

**HUMAN RIGHTS COUNCIL**  
**40<sup>th</sup> Regular Session**  
**25 February-22 March 2019, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

United Nations

A/HRC/40/NGO/66



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**Human Rights Council**  
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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[8 February 2019]

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\*Issued as received, in the language (s) of submission only.

**The restrictive legislation threatening the freedom of association in Greece and the problem of execution of ECtHR judgements concerning the Turkish community in Western Thrace**

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his report submitted to the 38th Session of the UN Human Rights Council, noted that enjoyment of the rights to freedom of peaceful assembly and of association is especially important for groups who find themselves at particular risk because they constitute a minority or are marginalized.

The Turkish community in Western Thrace in Greece has the right to establish, manage and control at their own expense, any charitable, religious and social institution, any school and other establishment for instruction and education, with the right to use their own language and to exercise their own religion freely therein under the 1923 Treaty of Lausanne. The deteriorating relations between Turkey and Greece had an adverse effect in the situation of the Turkish community in Greece and the Greek government declared in 1983 that there were no Turks in Greece. Xanthi Turkish Union (the first association in the region established in 1927), Komotini Turkish Youth Union (est. 1928) and Western Thrace Turkish Teachers' Union (est. 1936) were dissolved in 1986 by local courts and the Supreme Court decided the dissolution of these associations on grounds that the statutes of these association were contrary to public policy and constituted threats to democratic society with an aim to promote the idea that there was an ethnic minority with the word Turkish which refers to citizens of Turkey and could not be used to describe citizens of Greece.

There are three pending cases before the European Court of Human Rights (ECtHR) concerning the dissolution and refusal to register associations established by the persons belonging to Turkish community in Western Thrace, namely dissolution of Xanthi Turkish Union (application no. 26698/05) and refusal to registration of the two new established associations, Evros Prefecture Minority Youth Association (no. 35151/05) and Cultural Association of Turkish Women in the Prefecture of Rodopi (no.34144/05). The Court held unanimously in 2007 and 2008 that there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights in both cases, which concern associations founded by persons belonging to the Muslim minority of Western Thrace.

As the Special Rapporteur noted that restrictive and repressive legislation is a major legislative trend which contains clauses in laws that threaten associations with de-registration, loss of legal existence and stressed that this trend translated into the rise of legal and administrative provisions designed to hinder civil societies' human rights activities with an effect of destabilizing and intimidating associations by generating confusion and increasing the administrative burden of continuing their activities, while instilling fear of action among their members<sup>133</sup>, which is clearly seen in the Bekir Ousta group of cases against Greece.

Further to the ECtHR's judgments, the three applicants requested the cancellation of the decision dissolving them (the case of Xanthi Turkish Union) or submitted a new registration of their associations before the national courts. Their applications have been declared inadmissible on the ground that the Code on Civil Procedure does not provide, in civil

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<sup>133</sup> <http://undocs.org/A/HRC/38/34>

matters, for the reopening of proceedings following a finding of violation by the ECtHR. Nine years after the ECtHR's judgments, an amendment on the Code on Civil Procedure was, initially, debated in the Greek parliament on 19 September 2017. Upon severe, harsh and racist reactions of the former junior coalition partner Independent Greeks (ANEL) and no support by any other opposition parties the Ministry of Justice decided to withdraw the draft legislation<sup>134</sup>.

After amendments in the initial draft, Law No. 4491/2017 adopted on October 10th, 2017 despite strong objection of members of the Turkish community. This law introduced a strict limitation on civic space through terms and restrictions provided in the relevant provisions concerning the protection of national security, public order, the prevention of crime, the protection of health or morals and the protection of rights and freedoms of others<sup>135</sup> for the admissibility of an application of revocation or amendment following an ECtHR judgment to be issued in the future.

Xanthi Turkish Union's lodged an appeal on 4 December 2017(no. 91 / 5-12-2017) requesting the revocation of the decision of the Thrace Court of Appeal dissolving the association. After the hearing held on 9 February 2018, the Court ordered in June 2018 that there is no possibility of the re-opening of the proceedings after the first application following the ECtHR's decision. Xanthi Turkish Union appealed this judgment of the before the Supreme Court and no date for the hearing has yet been determined.

The other two applicant associations, Evros Minority Youth Association and Cultural Association of Turkish Women in the Prefecture of Rodopi lodged appeals to the Thrace Court of Appeal requesting the re-opening of domestic procedures and revocation of the earlier decision of refusal of their registration. The hearings which were supposed to be held on 7 December 2018 were adjourned to 30 October 2019 due to general strike of lawyers. There is no possibility for both of the cases for the acceleration of legal proceedings requesting an earlier date for hearings.

Today, there is still no association which bear the word "Turkish" in the region. The Cultural Association of Turkish Women in the Prefecture of Xanthi was refused registration in 2011 by the domestic court, in 2014 by the Thrace Court of Appeal, and in 2017 by the Supreme Court noting that the association's title was considered misleading, as its members are not and cannot be proven to be "Turks" and cannot claim a "Turkish national identity" which would indicate the presence of a "structured national Turkish minority" in Xanthi, which would also be contrary to "the Treaty of Lausanne of 1923 that recognizes only the existence of a Muslim minority, not a Turkish minority".<sup>136</sup> In reply to our written statement submitted to the 32<sup>nd</sup> Session of the UN Human Rights Council, the Permanent Mission of Greece in its note verbal dated 1 July 2016 stated that Greece stressed that the 1923 Treaty of Lausanne established the status of the Muslim minority in Thrace and claimed that Muslim faith is the common denominator of "Greek citizens of Turkish, Pomak and Roma origin" that comprise the Muslim minority. However, any Pomak or Roma association in the region does not face any limitations in registration, and they are even welcomed and supported by Greek authorities.

The Committee of Ministers of the Council of Europe supervises the execution of Court's judgments under the name of Bekir-Ousta group of cases against Greece since 2008. At

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<sup>134</sup> <http://www.gundemgazetesi.com/haber/detay/3450>

<sup>135</sup> <https://rm.coe.int/16807662bb>

<sup>136</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016807948c5>

1331st meeting held 4-6 December 2018 (DH), the Committee recalled that a Contracting State's obligation under Article 46 of the Convention to fully and effectively comply with the Court's judgments extends to the interpretation by domestic courts of domestic legislation<sup>137</sup>. It decided to resume the examination of this group of cases at the first meeting following the delivery of the Supreme Court's judgment in response to appeal lodged by Xanthi Turkish Union, or at their 1354th meeting (September 2019) (DH) at the latest.

We strongly regret that Greece refuses to execute individual and general measures in Bekir-Ousta group of cases, although the it persistently keeps saying since 2008 that they were considering the most appropriate solution to execute measures in these cases. The Committee of Ministers further noted in its latest decision that the registration of the Cultural Association of Turkish Women in the Prefecture of Xanthi was rejected by the Supreme Court on grounds already criticised by the European Court in its 2008 judgments in the Bekir Ousta group. Therefore, the Committee requested from Greek authorities to take additional measures such as wide dissemination of the Court's case-law and systematic training of domestic judges at all levels, to ensure that the domestic courts make decisions concerning the registration or dissolution of associations which are fully and effectively aligned with the Court's case-law. However, no information has been received for such training of domestic judges at all levels.

We also note with great disappointment that the two applicant associations believe that the date for the hearings in the cases of Evros Minority Youth Association and the Cultural Association of Turkish Women in the Prefecture of Rodopi has purposefully suspended almost a year later than the earlier scheduled hearing in order to delay the examination of the Committee of Ministers in September 2019.

We call upon Greece to take, without any further delay, all necessary measures so that the applicants benefit from proceedings in compliance with the ECtHR's judgments and provide tangible information about change in domestic courts' case law concerning the applications for the re-opening of domestic proceedings on merits and registration of new associations in Western Thrace following the adoption of 4491/2017.

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<sup>137</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016808fddb7](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016808fddb7)



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**Human Rights Council**

Fortieth session

25 February–22 March 2019

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Note verbale dated 28 March 2019 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide here with the comments of the Government of Greece in relation to the written statement submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/40/NGO/66) (see annex).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and the annex thereto\* as a document of the fortieth session of the Human Rights Council under agenda item 3.

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\*Reproduced as received, in the language of submission only.



**Annex to the note verbale dated 28 March 2019 from the Permanent Mission of Greece at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

**Reply to the written statement of the NGO ‘Federation of Western Thrace Turks in Europe’**

The non-governmental organization “Federation of Western Thrace Turks in Europe” has circulated a written statement regarding the freedom of association in Greece and “the problem of execution of ECtHR judgments concerning the Turkish community in western Thrace”.

First of all, it is to be noted that the above-mentioned NGO continues to use inaccurately the term “Turkish community” in Thrace, instead of “Muslim minority”, which is the correct term used in the 1923 Treaty of Lausanne which established the status of the said religious minority in Greece.

Further to fully complying with the relevant provisions of the Lausanne Treaty, Greece’s policy and legislation reflect and implement contemporary human rights norms and standards, the very values of the European Union and its *acquis*, aimed at improving the living conditions of the members of the minority and their smooth integration into all aspects of both local and national society.

Greece’s commitment to the preservation of the rule of law and the right of freedom of association applies to all citizens without ethnic, cultural or religious discrimination, in compliance with the existing national and international legal frameworks.

In Thrace there is a thriving civil society comprising a large number of Muslim minority associations and NGOs that have been registered by the competent courts. Over the last 10 years, over 50 minority associations have been registered by domestic courts in the region of Thrace (e.g. the “Cultural and educational association of the Minority of Western Thrace” in 2007 and the association “Solidarity-Development of Greek Muslim citizens whose mother tongue is Turkish” in 2015).

With regard to the cases mentioned by the NGO “Federation of Western Thrace Turks in Europe”, we note that Law 4491/2017, adopted on 10 October 2017, allows (through the amendment of para. 1 of Art. 758 of the Code of Civil Procedure) the reopening of proceedings in cases in which the European Court of Human Rights has found a violation of the right to a fair trial or a substantive right under the Convention – originating in a domestic court judgment issued in a non-contentious procedure.

Moreover, a transitional provision was adopted allowing for the reopening of proceedings in cases, such as the present ones, where the ECtHR had found violations before the entry into force of the above legislative amendment.

The allegation that the new law has introduced a “strict limitation on civic space” through restrictions stipulated in the law is completely misleading, since the restrictions provided for in the Greek law are those foreseen in the ECHR itself in the exercise of substantive rights, such as the protection of national security, public order, public health, etc.

Although the Court of First Instance and the Court of Appeal of Thrace have dismissed the new requests by the minority associations based on Law 4491/2017, an overall assessment of the implementation of this law can only be made after the completion of the ongoing judicial procedures, i.e. after the relevant irrevocable decisions of the Court of Cassation.

Greece will continue its ongoing efforts to ensure that the decisions by domestic courts are fully and effectively aligned with the ECtHR case law

**HUMAN RIGHTS COUNCIL**  
**41<sup>st</sup> Regular Session**  
**24 June-12 July 2019, Geneva**

**Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

United Nations

A/HRC/41/NGO/17



**General Assembly**

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**Human Rights Council**

Forty-first session

24 June–12 July 2019

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[30 May 2019]

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\*Issued as received, in the language (s) of submission only.

**The right to education in mother tongue and the problems in bilingual education system of the Turkish community in Western Thrace, Greece**

Persons belonging to national minorities in various regions of the world suffer disproportionately from unequal or restricted access to quality education and inappropriate education strategies. As the UN Special Rapporteur on Minority Issues, Prof. Fernand de Varennes referred at the international conference organized by the civil society representatives of the Turkish community in Western Thrace in co-operation the Federal Union of European Nationalities (FUEN) on 2 March 2019 in Komotini that the UN Handbook on “Language Rights of Linguistic Minorities: A Practical Guide for Implementation” notes that establishment and operation of private schools and educational services using minority languages as a medium of instruction should be allowed, recognized and even facilitated and legislation must clearly allow the establishment and operation of private schools teaching minorities in their own language.

The education of the Turkish community in Western Thrace is regulated by the 1923 Treaty of Lausanne which granted the right to establish, manage and control at their own expense any school and other establishment for instruction and education with the right to use their own language and to exercise their own religion freely therein. The autonomy in education has been undermined and by governmental practices over years and the Greek government has wide-ranging control over the minority schools at all levels with complex legal provisions which governs their establishment and operation.

At the pre-school level there are no minority/private kindergartens or minority/private nurseries for Turkish children to learn their mother tongue in their early childhood. The Government of Greece has rejected proposals to open Turkish-Greek bilingual kindergartens in the existing bilingual minority primary schools, despite many applications by the community organizations for establishment of bilingual kindergartens within minority schooling system and other private bilingual kindergartens in the region.

The right not to be discriminated is violated because the Greek government, fails, without an objective and reasonable justification to treat differently Turkish children who speak a different language other than Greek. Bilingual education would allow better knowledge of both Turkish and Greek from an early age and enable greater choice of whether to go to minority or Greek public primary school.

The quality in bilingual education in minority schools is very far below Greek public schools and minority schools do not meet modern needs of the minority children. The European Commission against Racism (ECRI) also noted in its fifth report on Greece that the general lack of teaching resources for the bilingual primary schools resulted in lower educational standards and attainment levels amongst minority children, and ultimately their social and economic marginalisation and exclusion. Pupils often have to give up their right to bilingual education, if they wish to access the better-quality education provided in mono-lingual (Greek-language) schools.

The Turkish primary schools follow a bilingual – half Greek half Turkish – curriculum, although scholars categorize this type of education model as two parallel monolingual education system, not a bilingual education model. For a qualified education in minority schools’ protests were started in 48 Turkish primary schools in September 2018 to demand

textbooks which are used in state schools to be used in the Greek curriculum in minority schools instead of simplified Greek textbooks prepared under the “Program for the Education of Muslim Children” (PEM), as part of the European Union policy against social exclusion started in 1997. The protests were ended only after the meeting with the Minister of Education and his decision to the establishment of a commission for the Greek curriculum in Turkish minority schools in Western Thrace and a circular which orders the use of the textbooks in state schools as supplementary material in Turkish minority schools.

The textbooks used by the minority schools for the Greek curriculum are printed and distributed by the Ministry of Education. Textbooks used for the Turkish curriculum, are written, edited and printed in Turkey especially for the minority pupils and are imported and distributed after approval of the Greek Ministry of education. Due to the long delays in distribution, Turkish textbooks are outdated, and the last textbooks were printed in 2010. Teachers in the Greek curriculum do not know the mother tongue of the minority pupils and have no special training for teaching in minority schools, while all teachers in the Turkish curriculum are graduates of a former special pedagogical academy in Thessaloniki with very limited courses taught in Turkish and with no internal education training programmes.

There are only two private minority secondary schools operate in Xanthi and Komotini while two religious schools operate in Komotini and Echinus. All the teachers are paid by the school board. Although these minority secondary schools should be administered and managed as any other private secondary schools in Greece, public authorities decide on the procedure of enrolment of students to these minority schools. The shortage in the number of classrooms in the two minority secondary schools is an urgent problem which has resulted in many minority children enrolling in Greek-language state schools.

Greece provides a quota of 0.5% for admission of minority students to Greek universities. Although this positive discrimination measure has been introduced, a quota of 0.5% for the Minority students on their entrance to higher education has had a slight impact due to the poor level of quality in education in minority schools.

The end result is a very low quality of education in minority schools which in turn lead social segregation, exclusion and marginalization of minority members as second-class citizens. The assimilation imposed through the medium of education, or enforced social segregation generated through educational processes, are harmful to the rights and interests of minority communities and to the wider social interest.

**We call on Greek authorities to:**

- a). restore autonomy in education granted to the Turkish Minority in Western Thrace by the 1923 Lausanne Treaty in full compliance with the special status of the Turkish minority in education,
- b). establish bilingual kindergartens within minority schooling system and allow the Turkish community in Western Thrace to establish private bilingual kindergartens where the language of education will be Turkish and Greek,
- c). revise its policies concerning the primary and secondary schools of the Turkish minority, including their number and location, management of school councils, recruitment and training of teachers of both Greek and the Turkish curriculum, and to secure the revision and modernisation of textbooks and education materials to be used for both curriculums together

with experts from both countries and the Turkish minority as well as the distribution of textbooks of Turkish curriculum in due time,

d). cancel the decision to minority primary schools on economic grounds in full compliance with special status of the Turkish community in education.

e). make good use of all available domestic and international instruments and establish co-operation and collaboration with the Turkish minority through advisory and consultative bodies in order to address problems in education at all levels including higher education.



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**Human Rights Council**

Forty-first session

24 June–12 July 2019

Agenda item 3

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development****Note verbale dated 5 July 2019 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide here with the comments of the Government of Greece in relation to the written statement submitted by the 'Federation of Western Thrace Turks in Europe', a non-governmental organization in special consultative status (A/HRC/41/NGO/17) (see annex).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and the text attached\* as a document of the forty-first session of the Human Rights Council under agenda item 3.

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\*Reproduced as received, in the language of submission only.

**Annex to the note verbale dated 5 July 2019 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

**Comments of the Government of Greece in relation to the written statement submitted by the Federation of Western Thrace Turks in Europe (A/HRC/41/NGO/17)**

The non-governmental organization “Federation of Western Thrace Turks in Europe” has circulated, under document A/HRC/41/NGO/17/19.06.19, a written statement containing false and misleading allegations regarding the education of the Muslim minority in Greece.

First of all, it is to be noted that the said NGO continues to use inaccurately the terms “Turkish community” and “Turkish minority” in Thrace, instead of “Muslim minority”, which is the correct term used in the 1923 Treaty of Lausanne which established the status of the said religious minority in Greece. The Muslim minority in Greece, located in the region of Thrace, is composed by three distinct groups, whose mother tongue is Turkish, Pomak or Romani. Moreover, there are no “Turkish” primary/minority schools in Greece as alleged by the above mentioned NGO. Bilingual schools for the minority have been established as “minority primary/secondary schools” since they are addressed to all members of the minority, i.e. persons of Turkish, Pomak and Roma origin.

Parents of pupils belonging to the Muslim minority in Thrace have the option to enrol their children either in ordinary public schools or in minority schools. In both cases, the special cultural, religious and linguistic characteristics of the Muslim minority are protected.

Minority schools in Greece function under a special status and, unlike the other public schools in the country, are granted a degree of autonomy in their functioning. In particular, the directors of minority schools are members of the Muslim minority and the “School Committees”, elected by the pupils’ parents of each school, play an important role in the administration of these schools (budget management, recruitment of teachers for the Turkish program of secondary minority schools, etc).

As far as kindergartens are concerned, a pilot program has been launched by the Ministry of Education, aiming at assisting minority children to adapt to the new school environment. In this context, in each class, alongside the Greek speaking main teacher, there is an assistant teacher (“facilitator”) who speaks the mother tongue of the majority of the students. The aim of the program is to facilitate the integration of minority pupils in the educational system and to better prepare them for elementary school where, in minority schools, half of the curriculum is in Greek. Given that there is a serious lack of knowledge of the Greek language, it is of paramount importance for minority children to learn the language of the country they live in from an early age, in order to be active members of this society in the future.

As regards minority schoolbooks, the Ministry of Education is currently working on their renewal, in order to better accommodate the needs of the minority students. A scientific committee, set up in 2018, is assessing the current educational material and will submit proposals for its update in the near future. In the meantime, additional teaching material has been prepared for the Greek section adapted to the needs of the pupils whose mother tongue is not Greek.



The textbooks of the Turkish section of minority schools fall under the responsibility of the Turkish Ministry of Education. Therefore, the complaints regarding their poor quality and outdated character should be addressed to the Turkish authorities. As regards delays in their distribution, it is noted that for the textbooks to be used in 2019-2020, the competent Greek authorities have already granted their approval since March 2019. It is therefore the responsibility of the Turkish side to print them and send them on time to Greece for the beginning of the new school year.

As regards minority secondary schools in Xanthi and Komotini, the Ministry of Education is examining ways to extend and upgrade the existing classrooms, as well as to improve the overall operating conditions of these schools. Every effort is being made in order to satisfy all minority students' applications to these schools. The establishment of minority secondary schools in the countryside is not feasible given that this would require the presence of teachers of many different specializations.

Greece, while fully complying with the relevant provisions of the Lausanne Treaty, will spare no effort in further improving minority education, thus promoting the integration of the members of the minority into all aspects of both local and national society.

**HUMAN RIGHTS COUNCIL**  
**43<sup>rd</sup> Regular Session**  
**24 February-20 March 2020, Geneva**

**Agenda item 5: Human rights bodies and mechanism**

United Nations

A/HRC/43/NGO/50



**General Assembly**

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**Human Rights Council**  
Forty-third session  
24 February–20 March 2020  
Agenda item 5  
**Human rights bodies and mechanisms**

**Written statement\* submitted by the Federation of Western Thrace Turks in Europe, 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.

[31 January 2020]

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\*Issued as received, in the language (s) of submission only.

**The persistent structural and systematic problems in education of children belonging to the Turkish community in Western Thrace, Greece**

The UN Handbook on “Language Rights of Linguistic Minorities: A Practical Guide for Implementation” notes that establishment and operation of private schools and educational services using minority languages as a medium of instruction should be allowed, recognized and even facilitated. However, persons belonging to national minorities in various regions of the world suffer disproportionately from unequal or restricted access to quality education and inappropriate education strategies as stated at the UN Forum on Minority Issues held in November in 2019.

The Turkish community in Western Thrace, Greece is granted with the Lausanne Treaty the right to establish, manage and control at their own expense any school for instruction and education, with the right to use their own language and to exercise their own religion freely therein. Turkish community has the right to establish private and public schools, but in practice this division between public and private schooling is not implemented. In practice, Turkish minority schools are registered as private schools, but are under the direct control of the state, while a complex system of legal provisions governs their establishment and operation.

The autonomy in education has been undermined through a number of regulations and practices, which resulted in a low-qualified education in minority schools with structural problems regarding training of teachers, the curriculum and textbooks with a full control of the state at all levels, in a stark contradiction to granted rights to the community by international treaties. The most recent example to state intervention is that the Ministry of Education released a circular for celebration of religious holidays at Turkish minority schools where all students are Muslim.

The most alarming problem in education in, and teaching of minority languages is the lack of preschools in mother tongue in Western Thrace. Turkish children are obliged to attend public kindergartens where the instruction is only in Greek under Law 3518/2006 which extends the compulsory period in education. However, extension of compulsory education does not include Turkish minority schooling system and therefore there are no Turkish/private kindergartens or nurseries for the community children to learn their mother tongue in their early childhood. The government rejected proposals to open Turkish-Greek bilingual kindergartens in the existing bilingual Turkish minority primary schools, despite many applications by the community organizations for establishment of bilingual kindergartens in the region.

In 2008, there were 194 Turkish minority primary schools in Western Thrace. Despite autonomy in education, minority primary schools were closed with decision of the Directorate of Primary and Secondary Education in the Eastern Macedonia and Thrace since 2010. The number gradually decreased to 188 in 2011, 170 in 2014, and 164 in 2015 and 133 in 2016 and 130 in 2017, 128 in 2018 and 123 in 2019 on grounds of decreasing number of pupils in schools, while there is no further education planning for bussed education for pupils who need to go another village for education.

The minority primary schools follow a bilingual – half Greek half Turkish – curriculum, although scholars categorize this type of education model as two parallel monolingual

education systems, not bilingual education system. In the Turkish primary schools, Turkish curriculum is designed without approval or input from minority teachers. In these schools, the balance of hours per language per subject in minority education significantly shifted over the years in favour of the majority language.

Furthermore, textbooks used by the Turkish primary schools for the Greek curriculum are printed and distributed by the Ministry of Education. Textbooks used for the Turkish curriculum, are written, edited and printed in Turkey especially for the Turkish pupils and are imported and distributed after approval of the Greek Ministry of Education. Due to the long delays in distribution, Turkish textbooks are outdated, and the last textbooks were printed in 2010. Teachers in the Greek curriculum do not know the mother tongue of the Turkish pupils and have no special training for teaching in Turkish minority schools, while all teachers in the Turkish curriculum are graduates of a former special pedagogical academy in Thessaloniki with very limited courses taught in Turkish and with no internal education training programmes.

The Ministry of Education in Greece initiated the Programme of Education of Muslim Children (PEM) in 1997, known as Frangoudaki program, as part of the European Union policy against social exclusion. The programme aimed to improve the Greek curriculum of Turkish minority primary schools through production of new textbooks and educational materials and training of school teachers in the Greek curriculum. This programme has been extensively criticized by members of the Turkish community due to the fact that the programme only focuses on the Greek curriculum in Turkish minority primary schools. No steps have been taken to improve the quality of education in the Turkish curriculum which provides education in mother tongue in the region. In September 2018, Turkish minority primary schools belonging to the Turkish community in Western Thrace started a demonstration for demanding education with current Greek textbooks used in public schools instead of simplified Greek textbooks which were prepared under PEM. After protests by 48 Turkish minority primary schools, the Minister of Education issued a circular that ordered the use of Greek textbooks used at public schools to be used as supplementary material in Turkish minority schools.

With regard to secondary education, the main problem is the number of schools. While 52% of the population of the Rhodope Prefecture and 45% of the Xanthi Prefecture are Turkish speaking, there is only one Turkish school in each prefecture. The increase of number of students in the school year of 2019-2020 led the Xanthi Turkish Minority Secondary and High School to implement two-shift system of morning and afternoon schools. Two-shift schools with practical problems are objected by the Parent-Teacher Association and the School Council and they demanded a new school building. Although the association and school council officially sent letters to public authorities for solution of the building problem in February and June 2019, the letters remained unanswered. This led demonstration on 12 September 2019 and a march was organized on 23 September 2019 with participation of 2000 people. No steps have yet been taken by relevant authorities.

Structural and systematic problems in the Turkish minority education system have not been solved despite the efforts in recent years to increase the quality of education. The overall quality of education in Turkish primary schools falls far below Greek public schools. This often means that children have poor command of both Greek and Turkish on leaving primary school. Pupils often have to give up their right to bilingual education, if they wish to access the better-quality education provided in public schools which are mono-lingual. The European Commission against Racism and Intolerance (ECRI) noted in its report on Greece in 2015 that

the situation in minority schools, together with a general lack of teaching resources, resulted in lower educational standards and attainment levels amongst minority children, and ultimately their social and economic marginalisation and exclusion.

Goal 4 of the Sustainable Development Goals (SDGs) is quality education and its aims to ensure inclusive and equitable quality education for all. The right not to be discriminated is violated because the Greek government, fails, without an objective and reasonable justification to treat differently Turkish children who speak a different language other than Greek in the field of education.

We call on Greek authorities to:

- restore autonomy in education granted to the Turkish community in Western Thrace by the 1923 Lausanne Treaty in full compliance with the special status of the Turkish community in education,
- establish bilingual kindergartens within minority schooling system and allow the Turkish community in Western Thrace to establish private bilingual kindergartens where the language of education will be Turkish and Greek,
- annul the decision on closure of Turkish primary schools on economic grounds,
- revise its policies concerning the primary and secondary schools of the Turkish minority, including their number and location, management of school councils, recruitment and training of teachers of both Greek and the Turkish curriculum, and to secure the revision and modernisation of textbooks and education materials to be used for both curriculums together with experts and the Turkish community,
- make good use of all available domestic and international instruments and establish co-operation and collaboration with the Turkish community through advisory and consultative bodies in order to address problems in education at all levels.

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**HUMAN RIGHTS COUNCIL**  
**44<sup>th</sup> Regular Session**  
**30 June-17 July 2020, Geneva**

**Agenda item 9: Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action**

United Nations

A/HRC/44/NGO/X



**General Assembly**

Distr.: General  
XX June 2020

English only

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**Human Rights Council**

Forty-fourth session

June–July 2020 (TBC)

Agenda item 9

**Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action**

**Written statement\* submitted by Federation of Western Thrace Turks in Europe, 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.

[4 June 2020]

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\*Issued as received, in the language (s) of submission only.

## **Manifestations of racism and intolerance against the Turkish community in Western Thrace, Greece during the COVID-19 pandemic**

As the Advisory Committee on the Framework Convention for the Protection of National Minorities stated member states should reach out to persons belonging to national minorities and to respond to their specific needs during the pandemic. However, it noted with that the crisis has exacerbated their vulnerability and deepened the already existing inequalities in the Council of Europe member States<sup>138</sup>.

The Committee said persons belonging to national minorities have often faced discrimination, hate speech and stigma, as well as a lack of relevant information in minority languages. Concerning the lack of information in minority languages, Federal Union of European Nationalities (FUEN) has conducted a survey to analyse to what extent communication in minority languages is assured by diverse stakeholders in the Member States of the European Union. An online questionnaire was completed for 29 minority groups in 18 European countries and the questionnaire found out that only 21 percent of the countries in the survey provided official information in minority languages<sup>139</sup>.

In Greece, there is no official information provided in Turkish in the region, because the government only recognized a religious minority in the region, with the official use of the term as the Muslim minority in Thrace. The ethnic Turkish identity of the minority is not recognized and associations which bear the word “Turkish” in their titles were dissolved in 1986 and are not registered since then, although there are three ECtHR judgments on violation of the freedom of association in 2007 and 2008.

Due to non-recognition of the ethnic Turkish identity of the minority in the region, Turkish language is not used in any official documents, including official correspondences in the existing minority schools in their communication to their own students or governmental authorities. Under such circumstances there is no exceptional official information provided in Turkish targeting the people in the region in their decisions to implement confinement policies in specific Turkish villages in the region. General information on the coronavirus outbreak provided most often community organizations as well as minority press. This non-recognition of the community even during the time of the pandemic has deepened the feeling of insecurity and mistrust towards governmental authorities.

Intolerant discourse and scapegoating of minorities has been observed in many countries and there is a strongly shared concern that bias-motivated violence and discriminatory discourse and practices have reached a worrying point across Europe and in many other countries. The Turkish community in this trying period is being scapegoated for the high numbers of cases of COVID in the villages they live in with hate-motivated political statements and differentiated language in the media while reporting cases from the region.

We are fully aware that manifestations of racism and intolerance in the form of discrimination or hate crime and hate speech against persons belonging to ethnic and/or national, religious minorities has the potential to exacerbate in times of crisis with a less tolerant attitude towards

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<sup>138</sup> <https://rm.coe.int/acfc-statement-covid-19-and-national-minorities-28-05-2020-final-en/16809e8570>

<sup>139</sup> <https://www.fuen.org/en/article/Do-You-Speak-Corona-Many-European-countries-do-not-offer-information-on-the-pandemic-in-minority-languages>

the other. Political opportunism with racist and discriminatory statement of the head of the far-right Greek Solution Party targeting the Turkish community in Western Thrace through the coronavirus was met with a huge backlash among the Turkish community.

When Prime Minister of Greece, Kyriakos Mitsotakis declared a nationwide curfew to prevent the coronavirus on 23 March 2020 due to the heightened risk of coronavirus, on the same day, the village of Echinós (Şahin) in Xanthi was the first village quarantined in the country after a 72-year-old man from the Turkish community in Western Thrace died. After the quarantine of the village of Echinós, Kyriakos Velopoulos, head of the far-right Greek Solution Party, said on Twitter, ‘Echinós is in Quarantine!!! Ankara's spies live there, coming in and out of Turkey! Think about what it is in Erdoğan’s Turkey!’

Moreover, on 12 May 2020, a fountain in the village of Nimfea (Yanıköy) in Komotini, Greece, which was built by a philanthropist belonging to the Turkish community in Western Thrace, was damaged by unidentified persons. According to the newspaper *Gündem*, the fountain plate written in Turkish was removed on Tuesday night on 12 May 2020 and a slogan against the Turks was written with spray paint on the fountain. While shattering the marble plate where the name of the benevolent Western Thrace Turk who built the fountain and the construction date were shown, the unidentified persons wrote the slogan “Erdoğan Turks Nazi” on the fountain wall. We strongly condemn this abominable hate-motivated and racist attack which bears motifs of enmity against Turks and is clearly targeting the Turkish community in Western Thrace, and we want the perpetrator to be identified immediately by the police and brought to justice.

On the other side discriminatory practices concerning their own minority rights during the COVID-19 pandemic has created counter-productive effect on the Turkish community. Arbitrary restrictions in this time of crisis are questioned by the Turkish community and has increased the sense of fear and mistrust towards governmental authorities.

During the pandemic, the holy Ramadan started. But prohibitive actions against the traditional and cultural values of the Turkish community in Western Thrace in Greece persisted under the pretext of the coronavirus pandemic. The Ramadan drummer announcing the *iftar* and *sahur* times was prevented from playing in the Western Thrace, especially in the villages where Turks and Greeks live together. In the villages of Topiros (İnhanlı) and Lefkopetra (Sakarkaya) in Xanthi (İskeçe) province, Ramadan drummers were reportedly warned by the police not to play the drum, otherwise that they would be fined for it. Similar issues regarding playing the Ramadan drum were also reported in other villages which have a mixed population in Xanthi province. Although the necessary permissions for playing the Ramadan drum were obtained from the municipal administrations by the board of trustees in these two villages and there is nothing unlawful, the police warning and hindering to play the Ramadan drum was met with opposition from the Turkish community in Western Thrace.

Moreover, due to the measures taken due to the virus, as in previous years, the Turkish community did not meet together at iftar tables or pray together in mosques in the region like other religious groups in the country. However, an imam belonging to the Turkish community in Western Thrace in Greece was called to testify on grounds of having led a collective prayer in the mosque where he is preaching albeit this is banned as a result of the coronavirus outbreak on 25 April 2020. According to the *Millet News*, in his explanation to the police, Ali Mahmut Paşa who has been working for many years as Imam in Hebilköy (Hloi) village, which is bound to Kozlukebiri (Arriana) Municipality, indicated that there was absolutely no collective prayer within the mosque and that the video which had been shared on social media



and shown as an alleged proof dates back at least 5 or 6 years. In his statement to the police station director, Ali Mahmut Paşa said that within the framework of the measures taken in Greece against the coronavirus outbreak, neither prayers nor Friday prayers have been conducted collectively in the village mosque for the last six weeks<sup>140</sup>.

During this period, the Appointed Deputy Mufti of Rodopi Cihad Halil designated by the Greek government, appointed new imams to the mosque located in the neighbourhood of Harmanlık in Komotini(Gümülcine) and Hamidiye Mosque in Sapes(Şapcı) albeit the Turkish community in Western Thrace had not made such request and has not shown consent in that respect. Although the imams elected and supported by the community and the board of trustees are serving in both mosques, these appointments by the government-appointed deputy mufti were met with strong criticism for the Turkish community in Western Thrace. The residents of the neighbourhood of Harmanlık started a signature campaign against this appointment by upholding and defending their imam Nihat Kaplan elected by the village community and served under the Mufti elected by the Turkish community. This is commented by community members that the government-appointed deputy mufti has taken an opportunistic step while all people stayed at their homes for the

Manifestations of racism and intolerance in the form of discrimination or hate crime against persons belonging to national minorities and other marginalized groups threaten the security of individuals, communities and societies. Greece should ensure that the Turkish community in Western Thrace is empowered to engage actively in protection of its specific minority rights granted by international treaties and its social, economic, political and cultural rights during pandemic and the post-pandemic period. The Government should take result-oriented measures for eliminating discrimination and intolerance against the Turkish community as part of an overall governmental policy for the promotion and protection of minority rights even in the times of crisis.

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<sup>140</sup> <http://www.milletnews.com/view.php?id=1210>



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**Human Rights Council****Forty-fourth session**

30 June–17 July 2020

Agenda item 9

**Racism, racial discrimination, xenophobia  
and related forms of intolerance, follow-up to and  
implementation of the Durban Declaration and Programme of Action**

**Note verbale dated 20 July 2020 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide herewith the comments of the Government of Greece in relation to the written statement submitted by the “Federation of Western Thrace Turks in Europe”, a non-governmental organization in special consultative status (A/HRC/44/NGO/74) (see annex).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note and the annex thereto\* as a document of the forty-fourth session of the Human Rights Council under agenda item 9.

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\*Reproduced as received, in the language of submission only.

**Annex to the note verbale dated 20 July 2020 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

**Reply to the written statement of the NGO “Federation of Western Thrace Turks in Europe”**

With reference to the written statement No. A/HRC/44/NGO/74, dated 13.7.2020, Greece would like to set things right and state the following:

In the context of the 1923 Peace Treaty of Lausanne, of which Turkey is a party, in the region of Thrace, Greece, resides a religious Muslim minority, which is defined as a whole by its religious identity and not by ethnic origins. The members of the minority are Greek citizens of Muslim faith. Insisting on the term “*Turkish*” purposefully ignores a large part of the Muslim minority population in Thrace (Pomaks and Roma) and violates the letter and the spirit of the Lausanne Treaty.

Greece is a member of the Council of Europe (CoE) since 1949 and, for the current period, holds the Chairmanship of the said Organization till 18.11.2020. Although the Framework Convention for the Protection of National Minorities (FCPNM) was signed in the context of CoE, Greece is not bound by the FCPNM, as long as it has not yet ratified it. As a consequence, any reference to that Convention or invocation of its provisions by any party concerned, has no effect on Greece whatsoever.

Freedom of association is strongly protected by the Greek Constitution. It applies to all citizens, irrespective of ethnic origin, culture or religion. In Thrace there is a thriving civil society comprising of a large number of Muslim minority associations (and NGOs), duly registered with the competent courts, as foreseen by the relevant legislation for all associations.

Over the last 10 years, more than 50 minority associations have been registered with local courts in the region of Thrace. They are actively and freely pursuing their goals by promoting various activities.

As regards the 2008 ECHR rulings on the freedom of association, Greece has adopted Law 4491/2017, which introduced an amendment to the Code of Civil Procedure, allowing for the re-examination of the case of minority unions by the Greek courts.

Although First Instance and Appeal Courts have dismissed new requests submitted by the minority associations based on Law 4491/2017, an overall assessment of the implementation of this law can only be made after the completion of the ongoing judicial procedures. A hearing at the Supreme Court of Greece, Areios Pagos, is now scheduled for 16 October 2020. Greece has adopted all the necessary protection measures and provisions in order to ensure and safeguard the health and wellbeing of the Muslim minority in Thrace.

On special circumstances, when it was deemed necessary for health reasons and in order to reduce the spread of the Covid-19 virus, local quarantine regimes were imposed in areas where members of the Muslim minority reside, in close cooperation with the local authority officials and based on impartial and uncontested medical data available at the time. The same

measures and provisions were applied to the whole of the Greek territory and to the whole population, with the aim of addressing the Covid-19 pandemic.

Moreover, special care and attention was given so as to protect the affected populations, help them go through the pandemic without unnecessary restrictions and the least possible casualties. Within the Muslim minority population, which comprises more than 120.000 members, eighteen (18) persons have lost their lives due to the virus.

On numerous occasions, the Deputy Minister for Citizen Protection, Mr. Nikos Chardalias, has visited Thrace to personally coordinate the necessary actions in order to prevent the spread of the virus and to shield those with underlying illnesses.

Especially for the mountainous village of Echinós, a lock-down was imposed anew on 12.6.2020, because of the reemergence of the virus there which claimed the lives of nine (9) villagers within one week. It goes without saying that drastic and customized measures should be taken in order to decisively prevent the virus from spreading any further, not only inside the village but also outside of it, to the rest of Xanthi prefecture.

At this point, it has to be cited that this prefecture was concurrently hit by a new wave of Covid-19 incidents and, as a consequence, the Echinós outbreak should be dealt with swiftly and, most importantly, at the source. The special measures in Echinós were lifted on 6 Jul 2020. For the time being, certain measures are still in place for the whole of Xanthi prefecture and not specifically for the Echinós village.

During the challenging times of the ongoing pandemic, it should be underscored that local quarantine regimes have also been imposed to other parts of the Greek territory.

Since the outbreak of the Covid-19 pandemic, the Greek State has adopted all measures deemed necessary to safeguard the health of all its citizens. In this context, the competent authorities, using various channels of communication, provide critical information to the members of the minority regarding the current epidemiological data in their region, as well as helpful instructions for self-protection in the official language of the State.

In addition, the elected local authorities in areas where members of the minority reside and were gravely affected by the pandemic, emanate from its ranks and are constantly seized of the matter. No gaps of communication were reported or could have taken place.

The prayer of Ezan (the calling to the Mosque) in Thrace was never silenced. In consultation with the minority, there had been an unofficial *in situ* arrangement for the lowering of its volume, given that mosques were closed to mass praying. The arrangement was respected by the vast majority in Thrace. It should be noted that, during the Easter period, the ringing of Christian churches' bells was not at all allowed.

The custom of sounding drums during Ramadan in order to notify the Muslims of the evening break of the fast was also never prohibited in Thrace. Everybody was free to perform it in their own premises. Drum playing public restriction resulted only as a side-effect of the general restrictive measures of free movement in the entire Greek territory, because of the pandemic.

Allocation of public spaces or premises for performing religious rituals and customs *en masse* was prohibited for all denominations throughout Greece with the aim of preventing gatherings, congestion and overcrowding in order to avert the spread of Covid-19.

As far as the damages inflicted on the fountain in the village of Nymfaia, the Greek police are investigating the case and the perpetrators will be brought to justice.

Finally, Greece fully respects the freedom of religion of all its citizens, including the members of the Muslim minority in Thrace. At the moment, there are approximately 260 mosques operating in Thrace, as well as Muslim graveyards. The 3 Muftis in Thrace, beyond their religious duties, appoint, supervise and dismiss imams who serve in the mosques. They also perform religious wedding ceremonies between Muslims and advise on issues related to the Islamic law.

The appointment of imams, regardless of its timing, constitutes a standard administrative procedure falling within the competence of the respective local Mufti. Under no circumstances could it be possibly construed as a violation of freedom of religion.



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**Human Rights Council**

Forty-fifth session

14 September–2 October 2020

Agenda item 9

Racism, racial discrimination, xenophobia and related  
forms of intolerance, follow-up and implementation  
of the Durban Declaration and Programme of Action

**Written statement\* submitted by Federation of Western Thrace Turks in Europe, 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.

[20 August 2020]

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\*Issued as received, in the language (s) of submission only.

## **Institutional racism and discrimination against the Turkish community in Western Thrace, Greece**

Principle of equality and non-discrimination in the enjoyment of the right to education is a key to securing equal access to quality education for persons belonging to minority groups. The status of the Turkish community in Western Thrace, Greece and the Greek community in İstanbul, Turkey is established by the Lausanne Peace Treaty of 1923 and their rights were guaranteed by several bilateral and multilateral agreements.

The Turkish community in Western Thrace<sup>141</sup>, Greece is granted with the right to education in its mother tongue and autonomy in the management of its educational institutions with the Treaty of Lausanne. However, Greek authorities have wide-ranging control over minority schools at all levels, whether it concerns the composition and the functioning of the school boards, the hiring and firing of teachers, the distribution of textbooks or the building and repair of school buildings.

The Turkish community has the right to establish private and public schools, but in practice this division between public and private schooling is not implemented. In practice, Turkish schools are registered as private schools, but are under the direct control of the state, while a complex system of legal provisions governs their establishment and operation. Although the Turkish primary schools are autonomous, the government, as part of the austerity measures taken in 2010, has suspended the activities of Turkish primary schools temporarily under the pretext of lesser number of students. In practice Turkish primary schools, which are stated to be suspended temporarily have been closed. This practice has become a tool of systematic discrimination against the Turkish community in Western Thrace.

There were 194 Turkish primary schools in Western Thrace with courses taught in both Turkish and Greek, when the former United Nations Independent Expert on Minority Issues carried out a fact-finding mission in 2008. The primary schools decreased to 188 in 2011, 170 in 2014, and 164 in 2015 and 133 in 2016 and 130 in 2017, 128 in 2018 and 123 in 2019 due to the closure of Turkish primary schools on grounds of austerity measures on closing of schools with number of students less than 9.

In the 2020-2021 academic year, the Ministry of Education decided closing of eight additional Turkish primary schools in Uysallı (İsalo), Bekirköy (Velkio), Menetler (Skaloma) and Kozlardere (Linos) villages in Rhodope (Rodop), İnanlı (Evlalo) and Höyükköy (Velochori) Turkish primary schools in Xanthi (İskeçe) and Babalar (Goniko) and Taşağıl (Petrolofos) in Evros (Meriç). Thus, the total number of Turkish primary schools will drop to 115 this year from 123.

In response to a question, the kin-state Turkey criticized closing of Turkish primary schools in Western Thrace on 12 August 2020<sup>142</sup> and commented that this practice by Greece is a part of the assimilation and oppression efforts towards the Turkish community. Turkey asked Greece to cease its systematic policy, which is not compatible with the Lausanne Peace Treaty, hindering the education of the children of the Minority, and re-open the schools it has closed. On the same day, Greek Ministry of Foreign Affairs made an announcement regarding

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<sup>141</sup> The status of the Turkish Minority of Western Thrace was established by the Lausanne Peace Treaty of 1923. However, the Greek government officially recognizes only a “Muslim minority in Thrace” and denies existence of an ethnic Turkish minority in the country.

<sup>142</sup> [http://www.mfa.gov.tr/sc\\_-75\\_-yunanistan-in-bati-trakya-turk-azinligina-ait-ilkokullari-sistemik-olarak-kapatma-politikasi-hk-sc.en.mfa#](http://www.mfa.gov.tr/sc_-75_-yunanistan-in-bati-trakya-turk-azinligina-ait-ilkokullari-sistemik-olarak-kapatma-politikasi-hk-sc.en.mfa#).

statement by the Turkish Ministry of Foreign Affairs and claimed that educational policies of the Greek State are planned and implemented to all Greek citizens alike with no exception or discrimination, based solely on the quality of the education provided and the interests of pupils<sup>143</sup>.

Another state intervention to the education of the Turkish community is that operation and functioning of the school councils in historically religious schools, madrasas, in Rhodope and Xanthi has drastically been changed. Madrasas are educational institutions in Western Thrace which provides education on religious studies and training for religious clergy like imams, muezzins, preachers and muftis. These religious schools belong to the Turkish community in Western Thrace alike other Turkish schools in the region and have secondary school status. Students are taught in Greek, Arabic, English and Turkish, but the number of subjects taught in Turkish has been reduced over time. Students in the religious school in Rhodope staged a two-day boycott in 2018, when a ministerial decree was issued to reduce Turkish language lessons and Islamic teachings at the school<sup>144</sup>.

Law 4713/2020 on Improving Special Education and Other Emergency Provisions drafted by the Greek Ministry of National Education and Religious Affairs dated 29 July 2020 is another direct state intervention to the operation of religious schools in the region. Article 32 has amended Law 2621/1998 with new provisions on composition and functioning of the School Council and envisaged the introduction of government-appointed acting muftis, who are not recognized by the Turkish community, to the presidency of the school councils of two madrasahs in Rhodope and Xanthi. Furthermore, the school council's powers, all kinds of economic, administrative and working methods will be determined by the decision of the Minister of Education.

Furthermore, the Greek Ministry of Education and Religious Affairs and the Ministry of Interior announced in a joint decision on July, 31 that 120 religious instructors will be appointed to madrasas in Rhodope and Xanthi under Law 4115/2013 which envisages appointment of Islamic religious instructors to teach Islam to the children belonging to the Turkish community in Greek-language public primary and secondary schools and mosques in Western Thrace under the auspices of the government-appointed muftis.

ABTTF would like to remind that religious schools in Rhodope and Xanthi are secondary schools belonging to the Turkish community. These schools are not public schools and the Greek government cannot appoint religious instructors to the two madrasas. That is why the Ministry of Education ordered on August 13, 2020 that the official name of madrasas in Rhodope and Xanthi should be written in all correspondences as the "Muslim madrasa" instead of minority madrasa<sup>145</sup>. This means that the minority school status of the two religious schools in Rhodope and Xanthi is being removed in stark violation of the autonomy granted in education by international treaties.

The 1923 Treaty of Lausanne determined the status and rights to the Turkish community in Western Thrace and the Greek community in Turkey on the basis of the principle of reciprocity. Historically, the Turks of Western Thrace were seen as reminiscent of the era of

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<sup>143</sup> <https://www.mfa.gr/en/current-affairs/statements-speeches/ministry-of-foreign-affairs-announcement-regarding-todays-statement-by-the-turkish-ministry-of-foreign-affairs-on-muslim-minority-schools-in-thrace.html>.

<sup>144</sup> [https://minorityrights.org/wp-content/uploads/2019/10/MRG\\_Rep\\_WThrace\\_EN\\_Sept19.pdf](https://minorityrights.org/wp-content/uploads/2019/10/MRG_Rep_WThrace_EN_Sept19.pdf).

<sup>145</sup> <http://birlikgazetesi.org/micotakis-hukumetine-bati-trakyada-tepkiler-devam-ediyor/>.



Ottoman yoke. Such views have produced an understanding of minorities as “Trojan horses” which are seen as hindrances to national unity and integrity as well as public order.

In a period of deteriorating bilateral relations between the kin-state Turkey and Greece due to the political tensions in the eastern Mediterranean Sea, further state intervention to the minority education as an act of intimidation and pressure against the Turkish community has caused great reaction among Turkish institutions and civil society organizations in the region.

During this period of tense relations between two countries, a military unit affiliated to the 4th Corps in İskeçe (Xanthi) carried out a military exercise and training on the streets in Gökçeşim (Glafki), one of the Turkish villages in Western Thrace on August 12, 2020. No information was given to the people of the village beforehand and residents and children of the village had a great fear when they faced with armed soldiers on the streets when they left their homes in the morning<sup>146</sup>. There was also military activity yesterday in Şahin (Echinos), another Turkish village in Xanthi on the same day. Military vehicles came to the entrance of the village and left after being deployed there for a while<sup>147</sup>.

Although members of the Turkish community in Western Thrace are Greek citizens, as the Racist Violence Recording Network (RVRN) notes in its annual report released in June, there is a trend in incidents of everyday racist violence which describes the expression of racist behaviours or even racist violence, usually of low intensity, expressed by individuals in the context of everyday life: in public transport, at school, at work, in public services against Greek citizens targeted them as «less» Greeks on grounds of ethnic origin<sup>148</sup>. Racist rhetoric at central and local political levels played a key role in the development of racist attitudes and prejudices, and significantly contributed to the normalization of xenophobia and intolerance which is further aggravated by institutional racism.

We call on Greek authorities to:

1. restore autonomy in education granted to the Turkish community in Western Thrace by the 1923 Lausanne Treaty in full compliance with the special status of the Turkish community in education,
2. annul the decision on closure of Turkish primary schools on economic grounds,
3. annul the relevant article on the composition and operation of school councils in religious schools belonging to the Turkish community
4. end systematic and institutional discrimination and racism against the Turkish community in Western Thrace.

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<sup>146</sup> <https://tvxs.gr/news/ellada/antidraseis-gia-askisi-komantos-se-meionotiko-xorio-tis-thrakis-kathisyxazei-o-stratos>.

<sup>147</sup> <https://gundemgazetesi.com/haber/detay/7773>.

<sup>148</sup> <http://rvrn.org/wp-content/uploads/2020/06/ETHSIA-EKTHESH-2019-english.pdf>



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**Human Rights Council**

Forty-fifth session

14 September–2 October 2020

Agenda item 9

**Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action****Note verbale dated 15 October 2020 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Geneva herewith submits to the Office of the United Nations High Commissioner for Human Rights the comments of the Government of Greece in relation to the written statement submitted by the ‘Federation of Western Thrace Turks in Europe’, a non-governmental organization in special consultative status (A/HRC/45/NGO/159) (see annex).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and the annex thereto\* as a document of the Human Rights Council under agenda item 9.

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**Annex to the note verbale dated 15 October 2020 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

**Reply to the written statement of the NGO ‘Federation of Western Thrace Turks in Europe’**

With reference to the written statement No. A/HRC/45/NGO/159, dated 30.9.2020, Greece would like to state the following:

The Muslim minority which resides in the region of Thrace, Greece is defined as a whole by its religious identity and not by ethnic origins. The members of the minority are Greek citizens of Muslim faith. Insisting on the term “Turkish” purposefully ignores a large part of the Muslim minority population in Thrace (Pomaks and Roma) and violates the letter and the spirit of the 1923 Lausanne Peace Treaty, to which Turkey is a party.

The Greek State ensures and guarantees the equal and unhindered participation of minority students in education, as well as the protection of their cultural identity, language and religious conscience and worship. Parents of pupils belonging to the Muslim minority in Thrace retain the right to decide to enrol their children in ordinary or minority schools. The latter function under a special status and are granted a large degree of autonomy in their functioning, significantly more so than other Greek schools.

The accusations that Greece is deliberately reducing the number of minority schools (quote) “as part of the assimilation and oppression efforts towards the Turkish community” (end quote) are totally unfounded. The reason for the decrease is that mergers of elementary schools are being carried out in communities where there are fewer than 9 pupils in order to ensure the optimal functioning of the school units. Consequently, the operation of certain minority schools has been suspended in order to achieve both the better socialization of students and an improved and more effective education. The main aim is therefore to upgrade minority education through larger minority school units, as is the case for the general curriculum schools. However, the suspension of some school units’ functioning constitutes a temporary measure, and their re-opening will be considered, should the relevant student body increase in the future. In the meantime, the Directorate of Primary Education ensures the transportation of students to the host schools by adding more transportation itineraries to the already existing ones.

The cities of Xanthi and Komotini host two Islamic educational institutions (Koranic Schools or “Medresses”), which are funded by the State. Law 2621/1998 stipulates that all students of Muslim faith who have completed primary education may enrol in the Islamic educational institutions. The Religious Specialization courses are taught in the Turkish language, while the duration of teaching hours of the Quran has been increased.

Furthermore the Supervisory Council for Medresses in Thrace was established by Law 4301/2014 as an advisory body to the Ministry of Education, Research and Religious Affairs on issues concerning the Medresses and the religious education of the Muslim minority in Thrace in general. This ensures the right of the religious leaders of the Muslim minority to propose solutions, practices and ideas which meet the religious needs of the minority, as well as the need for co-operation and support by the State in laying the educational and scientific

foundations of Islamic religious education. Thus, the best experiences and practices of the general Educational system can be associated with the specific needs of the religious education of the Muslim minority in Thrace.

The degrees offered by the two Islamic educational institutions are equivalent to the Public Ecclesiastical High Schools; their holders have access to the Greek higher education system. Moreover, a 0.5% quota in favour of the members of the Muslim minority in Thrace has long been introduced for the admission to Universities and Higher Technical Educational Institutes / Institutions. The obvious advantages of such a measure are the promotion of further integration of persons belonging to the Muslim minority in Thrace in the wider society, in an effective and inclusive way, and an improved access to the labour market.

Moreover, the Theology Faculty of the Aristotle University of Thessaloniki established an Islamic Studies Program in the academic year 2016-2017, as well as a “Minority Education Department”, leading to a specialized public university degree in this field.

Finally, Greece underlines that, in recent years, a number of laws, policies and measures aiming to combat both racism as a phenomenon and its expressions through racist behaviours has been adopted. The establishment of a national board against racism and intolerance with the participation of independent bodies such as the National Commission of Human Rights and the Ombudsman, as well as civil society, is key in this respect. Seeking to further enhance policy coherence on the matter, Greece is currently elaborating its first national action plan on combating racism and all forms of intolerance. Racism, racial discrimination, xenophobia and related forms of intolerance are in clear and direct opposition to the core values and principles enshrined within the Greek constitution, which safeguards and protects the rights of all Greek citizens, including the members of the Muslim minority in Thrace.

**SESSIONS OF THE UN COMMITTEE ON THE ELIMINATION OF  
RACIAL DISCRIMINATION**



**Avrupa Batı Trakya Türk Federasyonu**  
**Föderation der West-Thrakien Türken in Europa**  
**Federation of Western Thrace Turks in Europe**  
**Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης**  
**Fédération des Turcs de Thrace Occidentale en Europe**

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)

**Parallel Summary Report on Greece's Compliance with the International  
Convention on the Elimination of All Forms of Racial Discrimination**

**July 2009**

This report is submitted to the United Nations' **Committee on the Elimination of Racial Discrimination (CERD)** as a contribution to the consideration of the Sixteenth, Seventeenth, Eighteenth and Nineteenth Periodic Reports of Greece (CERD/C/GRC/19) during CERD's 75th Session (3 – 28 August 2009).

Federation of Western Thrace Turks in Europe (ABTTTF), which is the umbrella organization of 30 associations and is based in Witten, Germany, was established on 28.02.1988 by the members of the Turkish Minority of Western Thrace in Greece, who have immigrated to Western Europe and live there now. ABTTTF is a non-governmental organization in Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations since July 2006 and is full member of the Federal Union of European Nationalities (FUEN) since May 2007 and member of the Fundamental Rights Platform (FRP) since December 2008.

The main goal of ABTTTF is to secure the rights of the Turkish Minority of Western Thrace in Greece, and to achieve solutions for its problems by means of democracy and peace. It represents the Turkish Minority before international organizations such as the United Nations (UN), the European Union (EU), the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE) and carries out activities aiming the integration of the immigrant minority members with the domestic population and satisfaction of their social needs. It issues press releases and news bulletins and prepares detailed annual reports; research papers and specialized reports on ill-treatment of and the rights and problems of the Turkish Minority of Western Thrace in Greece and parallel reports to the UN Treaty Bodies and Council of Europe Bodies. ABTTTF operates a web site ([www.abttf.org](http://www.abttf.org)) in four languages, namely in Turkish, Greek, English and German that covers the human and minority rights issues and comprehensive presentation of the Turkish Minority of Western Thrace, and from where ABTTTF's press releases, news bulletins, research papers, reports and other related documents can be accessed.

## Introduction

1. The delays in the submission of reports by the States parties to the Committee of Elimination of Racial Discrimination (CERD) hinder the effective implementation of the Convention and hamper the Committee's operation and monitoring function. We would like to recall that that timely submission of reports by States parties is an obligation under article 9 of the Convention, and **CERD is requested Greece to call to submit its reports in due time, in full cooperation and constructive engagement with relevant civil society actors, including minority organizations.**

## INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

### General Legal Framework: Recent Developments

2. ABTTF would like to welcome the adoption of Law on the "Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation". Article 16 (1) of Law 3304/2005, which amended Article 3 of Law 927/1979, provides that "whoever violates the prohibition of discriminatory treatment on the grounds of ethnic or racial origin or religious or other beliefs ... is punished with six months' imprisonment and a fine of 1.000 –5000 euros". However, the abovementioned criminal legislation has until now, had limited application in practice. Because Article 5 of Law 3304/2005 prohibits direct or indirect discrimination, it should however be noted that a difference of treatment based on a characteristic related to racial or ethnic origin, is not deemed as "discriminatory" provided that the aim pursued is legitimate and the requirement is proportionate. **CERD is requested to ask the State to provide detailed information and data on the implementation of Law 3304/2005, including a detailed report of proceedings and complaints.**
3. The punishment of acts or activities of racial discrimination has still had a limited application. Law 927/1979 on punishing acts or activities aiming at racial discrimination with regard to the incitement to hatred and dissemination of racist ideas penalizes incitement to discrimination, hatred or violence towards individuals or groups because of their racial, national or religious origin, through public written or oral expressions; and prohibits the establishment of, and membership in, organizations which organise propaganda and activities aimed at racial discrimination. However, as of 2003, no convictions had been attained under the law.
4. ABTTF welcomes the introduction of an additional paragraph to Article 79 of Law 927/1979 with the adoption of Law 3719/2008. However, Law 927/1979 does not specifically stipulate that, for all ordinary offences, racist motivation constituted an aggravating circumstance. It does not contain provisions which specifically describe the racist or other bias-motivated actions of the offender to be taken into consideration by the courts as an aggravating circumstance when sentencing, although the Greek authorities does claim that the Criminal Code takes the motives of crimes or bias-motivated crimes into consideration when determining the sentence. **CERD is requested to ask the State to provide information on the implementation of Law and an English translation of the related document.**
5. In paragraph 5 of the State report, isolated incidents of discrimination or unlawful use of force have been handled in accordance with the applicable criminal and disciplinary

provisions so as to increase the accountability of police officers the fight against racism and xenophobia is mentioned. However, Article 1 of Greek Police Code of 2004 states that the Police personnel shall serve the Greek people and perform its duties in accordance with the Constitution and laws. The term “Greek people” not “Greek citizens” does have a discriminatory character. **Therefore CERD is requested to ask the State to provide an explanation on the above mentioned provision of the Greek Police Code.**

6. In paragraph 5 of the State report, it is mentioned that training in human rights of police personnel has been further strengthened. However, on May 2009 a police officer tore up an Iraqi migrant’s Koran while checking his identity and a riot erupted in Athens. **CERD is requested to ask the State to provide detailed information on the training in human rights of the police personnel.**

#### **Information on the demographic composition of the country**

7. In paragraph 8 of the State report, it is stated that the Muslim minority in Thrace numbers around 100,000 persons and consists of three distinct groups, whose members are of Turkish, Pomak and Roma origin. ABTTF would first like to mention that since there is no data with regard to the ethnic division of the population in Greece, there could be no certain information about ethno-linguistic division of the Minority. **CERD is requested to ask the State to provide information and data on ethnic composition of the Country, while census does not collect data on ethnic composition of the country.**
8. The Muslim Minority in Western Thrace accounted for 65% of the local population in the region in the 1920s, the first years when the Treaty of Lausanne was signed, whereas they now account only for 30% of the local population in the region, and 1.3% of the total population (2001 census). Today the Turkish Muslim minority in Western Thrace has an estimated membership of 150,000 in Greece, mainly concentrated in Xanthi(İskeçe), Komotini(Gümülcine), Alexandroupolis(Dedeağaç). The Turkish Minority in Western Thrace may have different linguistic groups within it, while they are all members of the Muslim Minority, of which ethnicity is defined as Turkish in the Etabli Documents granted in accordance with the provisions of the Agreement on the Exchange of Turkish and Greek Populations on 30 January 1923. 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.

#### **The rights of persons belonging to national minorities**

9. In the report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe<sup>149</sup>, following his visit to Greece on 8-10 December 2008, which is released on February 2009, the Commissioner recalled that freedom of ethnic self-identification is a major principle in which democratic pluralistic societies should be grounded and should

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<sup>149</sup>Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Greece on 8-10 December 2008, CommDH(2009)9, <https://wed.coe.int/ViewDoc.jsp?id=1409353&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>



be effectively applied to all minority groups, be they national, religious or linguistic. UN CERD General Recommendation No:8 *Identification with a particular racial or ethnic group*, 22/08/90 is referred in the report “The Committee...[i]s of the opinion that such identification shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned”. The Commissioner noted that “The existence in it of minority groups, be they ‘national’, ‘religious’ or ‘linguistic’, should be considered as a major factor, not of division, but of enrichment for the Greek society”.

10. The Commissioner noted that “Greece, like all other Council of Europe member states, is an inherently pluralistic society. The existence in it of minority groups, be they ‘national’, ‘religious’ or ‘linguistic’, should be considered as a major factor, not of division, but of enrichment for the Greek society.”
11. The Commissioner called upon the Greek government to create a consultative mechanism, at national, regional and local levels, which would ensure an institutionalised, open, sincere and continuous dialogue with representatives of different minorities and/or representatives of individual minority groups. These consultative bodies should have a clear legal status and be inclusive and representative. On 18 February 2009, the report of the independent expert on minority issues, Gay McDougall, following her mission to Greece on 8-16 September 2008, stated that “The absence of formal recognition by the state of a particular societal group as constituting “a minority” is not conclusive”. The Independent Expert continued that “Rather, the existence of a group to which a state owes minority protections is a matter of objective facts and exercise of the right of self-identification by persons belonging to the group”.
12. On 24 March 2009, in the Report by Michel Hunault (France, EDG) “Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (Eastern Greece)”, of which provision version adopted by the Committee on Legal Affairs and Human Rights of the Council of Europe, the Rapporteur noted that “it is actually first and foremost the countries where the minorities live which are responsible for their own citizens, including the members of the respective religious minorities”. **CERD is requested to consider all the reports and remind the State of its obligations and duties under bilateral and international agreements to respect, protect and promote the rights of the Minority.**
13. Such statements contradict the State’s claim that “Greece fully subscribes to the right of each person to self-identification” (State report to CERD, Para. 25). However, Greece does not recognize any group as a minority with specific minority rights. Although CERD in its Concluding Observations dated 27.4.2001, CERD drew the attention of the State party to its General Recommendations VIII (38) on the right of each person to self-identification and XXIV (55) (State Report, Para. 23). ABTTF would like to mention that Greece does not subscribe to the right of any group to self-identification on a collective basis and the right of assembly or association of the group which seeks to determine their identity. Although so-called other segments within the Minority are recognized and even welcomed and supported by Greek authorities, the Turks are not allowed to use their right of self-identification, while the existence in a country of ethnic minorities is defined on the basis of collective rights. **CERD is requested to ask the State to provide a detailed explanation on Greece’s position on the issue.**
14. Based on the Commissioner of Human Rights of the Council of Europe report, Greece noted that Greece’s policy towards the Muslim minority in Thrace is being pursued on the basis of the principle of:

*- Full respect for Greece’s obligations under both the 1923 Treaty of Lausanne, which establishes the status of the Muslim minority in Thrace, and the contemporary universal and regional human rights treaties. In conformity with the principles of*

*equality before the law and equal enjoyment of civil rights, the Members of the Muslim minority in Thrace enjoy the same rights and are subject to the same obligations as their fellow Christian citizens.*

15. In paragraph 31 of the State report, it is mentioned that the rights of the members of the Muslim minority in Thrace are fully guaranteed and effectively protected in a democratic society, where the rule of law prevails. Unfortunately, the Turkish Minority of Western Thrace is still facing serious problems and discrimination in expressing and maintaining its identity.
16. In paragraph 32 of the State report, it is mentioned that the education of the children of the Muslim minority in Thrace is also a matter of high priority. The State mentioned that “the education of the Muslim Greeks is of fundamental importance, as it implements the principles of “isonomia” (equality of the law) and “isopoliteia” (equality before the law), while combating educational exclusion”. On the contrary, ABTTF considers the policy of minority education. ABTTF would like to mention its position on the issue:

The Turkish Minority of Western Thrace is granted with the right to education in its native language and autonomy in the management of its educational institutions.

- a) The Treaty of Lausanne which was signed between Greece and Turkey in 1923 determining the status and the basic rights of the Minority in general.
- b) The Cultural Protocol signed between Turkey and Greece on 20 April 1951 and the Exchange of Notes in 1952 regarding the issue of exchange teachers who would be assigned in Minority Schools.
- c) The Protocol of the Turkish-Greek Cultural Commission signed in 1968.

The Lausanne Treaty of 1923 endows the Muslim Minority in Western Thrace with the right to establish and to administer their schools. Article 40 states:

*Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. 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.*

Article 41 of the Treaty granted rights to the Muslim Turkish minority in Thrace ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. It states:

*As regards public instruction, the Turkish Government will grant in those towns districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.*

*In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of*

*public funds under the State, municipal or other budgets for educational, religious, or charitable purposes.*

*The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.*

The 1951 Educational Agreement was abolished and replaced by the Bilateral Agreement on Cultural Cooperation in 2000 (hereinafter “the Bilateral Agreement”). The Bilateral Agreement is based on the context of strengthening the political relations between Greece and Turkey on an educational level. The educational cooperation between the two countries is based on an international model of the Council of Europe, the Organization for Security and Cooperation (OSCE) and UNESCO.

17. The situation of the Turkish Minority in the islands of Rhodes (Rodos) and Kos (İstanköy) should also be addressed. Although there are more than 5000 Turks living in the islands, the minority rights enshrined in the Lausanne Peace Treaty of 1923 and European standards on minority rights do not apply to 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 motion for a resolution presented by Mr. Gross and others (Doc. 11904)<sup>150</sup> on May 2009 state(d) that Turkish schools in Rhodes (Rodos) and Kos (İstanköy) ceased to operate in 1972. Accordingly, the Turkish minority on the islands is denied the right to education in their mother tongue and they are not even allowed to organise weekend schools or additional classes. **CERD is requested to ask the State to provide information on the situation of Turkish minority of Rhodes and Kos and to recall the State its obligations and duties which arise from international agreements to respect, protect and promote the rights of persons with different ethnicity, language or religion who are its own citizens.**

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. ABTTF would like to remind that Article 60(5) of the Vienna Convention of Treaty Law prohibits the reciprocity principle in the human rights field, and that the reciprocity clause in the Treaty of Lausanne should be interpreted and applied in a positive manner and spirit. **CERD is requested to consider all relevant information about education of the Minority and to call the State comply with its obligations and duties which arise from bilateral and international agreements.**

#### *Pre-school education*

Law 3518/2006 extended compulsory period in education from nine to ten years starting from the school year 2007-2008 and revised the condition of pupils' admission in pre-school education Article 73 of Law 3518/2006 defined a two year kindergartens attendance in for

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<sup>150</sup> Parliamentary Assembly of Council of Europe, “The situation of the Turkish minority in Rhodes (Rodos) and Kos (İstanköy)”, Motion for a resolution, Doc. 11904, 6 May 2009, <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC11904.htm>

pupils who have completed the 4th year of their age and made attendance of children who have completed the 5th year of their age is obligatory.

Law 3518/2006 compels the minority children who have completed the 5th year of their age in Western Thrace to attend majority kindergartens under the Ministry of Education since the Law does not bring any regulation about ethnic and cultural differences of the children in Greece. ABTTF appreciates the need for the extension of compulsory education period from nine to ten years and it considers kindergartens vital for the next generations of the minority child. However, in line with the status of the minority and the legal framework in the field of education, ABTTF considers those bilingual minority kindergartens rather than the state kindergartens in which Greek language is used should be established in areas densely inhabited by the Turkish minority.

Western Thrace Minority Education and Culture Company (BAKEŞ) demanded four different places from the Xanthi Community Authority for the day care centre after the day care centre under the Western Thrace Minority Graduates Association were closed down.<sup>151</sup> However, the demand was rejected.

**ABTTF requests the Committee to ask the State to provide information on the implementation of law and calls the State to review and amend the law in line with the Minority's demands.**

#### *Primary Education*

Today, there are 198 primary schools in Western Thrace where the language of education is Greek and Turkish. The schooling of minorities is a major challenge in Western Thrace. Since there is a huge disparity in terms of level between the minority schools and majority schools in the region, members of the Turkish minority are somehow forced to send their children to majority schools in order to guarantee a good-quality education for them.

In the first day of education year of 2008-2009, 24 students, who could not make their registration to the 1st Minority School in Xanthi between 1-20 June 2008 due to specific reasons applied for late registration between 1-7 September 2008, and the principal of the school approved the late registration of those students after the submission of the required documents. Parents, who paid the first instalment of the tuition fee, learned that the late registration of their children was not approved by the Supervisor of the Minority Schools. The justification made out was the exceeding number of pupils applied for the registration. The Supervisor of the Minority Schools, who visited the 1st Minority School in Xanthi, demanded the students to make registration to the 2nd School in Xanthi established by the Greek state. A similar case made out last year in the Minority High School in Xanthi makes the Western Thrace Turkish Minority perceptionize the event occurred in the 1st Minority School in Xanthi as an effort of the Greek state to direct the Minority children to the state schools rather than the minority schools. In view of that the registrations of the concerned children was cancelled because of the limitation of 25 student per classroom, the minority representatives expressed that since there were used to be

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<sup>151</sup> Federation of Western Thrace Turks in Europe, "Minority demands a new education policy", Press Release, 7 January 2009, <https://www.abtff.org/html/index.php?link=detay&id=1830&arsiv=1>

three classrooms for the first grade in the 1st Minority School in Xanthi, the number of students who applied for registration did not exceed the limit.<sup>152</sup>

With regard to primary education, although the situation has improved in recent ten years with the programme entitled “Education of Muslim Children”, the education at primary level does still lack a good quality of education. Although there are major steps taken in the last ten years for the improvement of Greek curriculum, there is no step taken with regard to the improvement of the Turkish curriculum. Although the Cultural Protocol provides for the exchange of textbooks between Greece and Turkey, the delivery of textbooks sent by Turkey has been effective only since 2001.

In violation of the 1952 Cultural Protocol which provides for an annual exchange of 35 teachers, Greece has unilaterally reduced the number of Turkish teachers at the Turkish minority schools in Western Thrace to 16, because the State does no longer need more than 16 teachers in Greek minority schools in Istanbul. We would like to remind that Article 60(5) of the Vienna Convention of Treaty Law prohibits the reciprocity principle in the human rights field, and that the reciprocity clause in the Treaty of Lausanne should be interpreted and applied in a positive manner and spirit.

And, there are no qualified teachers for the Turkish instruction. By June 2009, there are no more Turkish teachers who have graduated from Teacher Training Schools in minority schools of Western Thrace. The last teacher Maide Halil Osmanoglu who performed for 40 years in a village in Western Thrace has retired.<sup>153</sup> Now, there left only teachers who have graduated from EPATH. Founded in 1968, the Special Teacher Training Academy of Thessaloniki (EPATH) does apply instruction mainly in Greek language. Although all pedagogic academies in Greece have been replaced by the Faculties of Education or Departments of Education, EPATH still exist in its current form. Moreover, the main language of education is predominantly Greek in EPATH, teachers have poor level of knowledge in Turkish language. It remains a serious concern that teachers graduating from EPATH are not qualified to have skills to teach in Greek and Turkish languages. That prevents Minority students who attend the Minority schools to learn both Greek and Turkish languages. Therefore, the Turkish minority wants EPATH be closed down, and replaced with a pedagogic faculty or department, with a truly constructive dialogue with member of the Minority.

**CERD is requested to ask the State to provide information on the Turkish curriculum of the Minority schools and to urge the State to prepare an action plan to improve the quality of education in the schools.**

### *Secondary Education*

With regard to the secondary education, the main problem is the number of schools. Unlike the vast number of minority primary schools, there are only two minority high schools that are offer education in higher levels of secondary education. There are only two Minority secondary and high schools in Western Thrace with a capacity of 1000 students. Although the

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<sup>152</sup> Federation of Western Thrace Turks in Europe, “Education year started with problems in the 1st Minority School in Xanthi”, Press Release, 23 September 2008,

<https://www.abttf.org/html/index.php?link=detay&id=1641&arsiv=1>

<sup>153</sup> [http://www.burasibatirakya.com/index.php?option=com\\_content&task=view&id=643](http://www.burasibatirakya.com/index.php?option=com_content&task=view&id=643)

compulsory education in Greece is now ten years, this rule is not applied in the minority schools, which does directly affect the level of education in Western Thrace.

Although there are applications for the establishment of a new minority high school, Greek authorities are indifferent to the situation. The demand of Western Thrace Minority Education and Culture Company (BAKEŞ) for the establishment of a Minority secondary school in Domruköy has been rejected for three times. BAKEŞ applied to the Sirkeli municipality for appropriation of land for a Minority secondary school in the region of Sirkeli, and that the application was rejected by the Eastern Macedonia- Thrace Regional General Secretary on the grounds that there was no reference that there was a school necessity in the region and that BAKEŞ was a non-profit company, despite the approval of local council. After necessary corrections were made in the application, BAKEŞ re-applied. However, the application was rejected once again on the ground that there was no decision approved by the local council of Domruköy.<sup>154</sup>

### *Higher Education*

18. In paragraph 34 of the State Report, it is stated that some additional measures have been taken in favor of pupils of the Minority in Thrace. ABTTF welcomes the effort to facilitate entry into Greek universities for the students of Turkish Minority. Although positive discrimination measures have been introduced, a quota of 0.5% for the Minority students on their entrance to higher education has had a slight impact. Due to the poor level of quality in education in minority schools, the number of students who entered the universities remains very limited. Between 1996 and 2008, the approximate number of Minority students who entered universities in Greece in only around 2000.<sup>155</sup> Moreover, most of them cannot complete their higher education; they either quit or change their departments. CERD is requested to consider all relevant information mentioned above and ask the State to provide information about the issue mentioned above.

19. In paragraph 37 of the State Report, it is mentioned that “a recently adopted legislative framework provides, inter alia, for the creation of 240 posts of religious teachers (Imams) in Thrace, under the competent Muftis.” Law 3536 /2007 envisages the appointment of 240 imams to serve for the appointed muftis of Komotini, Xanthi and Dimetoka. Thence, the imams, who will serve in the mosques in the regions inhabited by the Western Thrace Turkish minority, will be appointed by the government. Identified as “religious commissaries”, the Greek Ministry of the Interior agreed to appoint 240 imams as public servants under the competent appointed Muftis. The selection of the imams by a committee of five Christians is against the provision that “Minority administrates its own religious and vakfs institutions” of the Lausanne Treaty.

20. In stark contradiction with the State’s position, ABTTF considers the creation of posts of imams under the competent appointed Muftis as an attempt to destroy the religious sovereignty of the Minority, unless the Mufti issue is resolved. **CERD is requested to ask the State to provide information about the implementation of Law and to urge the State**

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<sup>154</sup> Federation of Western Thrace Turks in Europe, “Minority demands a new education policy”, Press Release, 7 January 2009, <https://www.abttf.org/html/index.php?link=detay&id=1830&arsiv=1>

<sup>155</sup> Western Thrace Minority University Graduates Association, “The Educational System The Muslim Turkish Minority in Western Thrace”, The Written Statement submitted to the UN Forum on Minority Issues, Geneva, 15-16 December 2008, <http://www.pekem.org/en/default.asp?P=Padded&islem=openpage&Page=11&yid=4>

**to act in accordance with its obligations arising from bilateral treaties and international human rights standards and mechanisms.**

21. In paragraph 38 of the State report, it is stated that wakfs are exempted from the obligation to pay the tax on major real estate, while loans and mortgages raised on their properties with the adoption of a Law which regulates all issues concerning the Muslim religious foundations. ABTTF considers Law 3647/2008, which is prepared without taking the opinion of the Turkish Minority, far from being a good many of the problems that have plagued the legal status of the vakfs 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.

A vakf is an inalienable religious endowment in Islam, typically devoting a building or plot of land for Muslim religious or charitable purposes as to support a mosque or caravansaray, or to benefit the poor, etc.

Article 12 of the Treaty of Athens has laid down the following provision:

*The statute of the Mazbut, Mülhak and Müstesna Ottoman Vakfs with Idare-i Vahide, Icarateyn and Mukataa within the ceded territories will be respected considering their legal status in Ottoman Law at the time of military occupation. These Vakfs will be administered by the Moslem Community of the ceded territory and the rights of their trustees and beneficiaries will be recognized.*

Law 2345/1920 contained the provisions regarding how the Board of Administration of Vakfs should be elected. However, the military Junta in 1967 abolished the Vakfs' existing administrations and replaced them with a new Board of Administrators. Although all remnants of the Junta regime have been cleansed after re-establishment of democracy in Greece, the regulation on the administration of the Vakfs of the Turkish Minority in Western Thrace still exist.

Law 1091/1980 on the Vakfs 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. Although the Greek Minister of Foreign Affairs announced during her visit to Western Thrace in February 2007 that the debts and mortgages of the vakfs would be wiped out and remain exempt from major property tax, the implementation is still pending.

22. ABTTF welcomes the 0.5% quota for the recruitment of members of the Muslim minority in the public sector. However, ABTTF would like to note that there is still discriminatory treatment in recruitment process in public sector. At the beginning of 2008 the Municipality of Komotini, where Turks are in majority (%60-70 of population of Komotini), recruited 42 workers and 18 civil servants who are all ethnic Greeks without any public announcement.

23. With regard to freedom of religion or belief, the statement that “Muslims in Thrace carry out their religious duties and follow their traditions without any restrictions” (paragraph 41 of the State report) does not reflect the real situation in Greece.

In Greece, the right to freedom of religion or belief is guaranteed by the Constitution. The freedom of religious conscience is inviolable, and the enjoyment of civil rights and liberties does not depend on the individual's religious beliefs (Article 13.1). Article 13.2 of the Constitution of Greece 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.”

While freedom of worship is guaranteed by the Constitution of Greece, Athens is the only European capital which does not have a proper mosque or cemetery to serve its more than 300,000 Muslim residents, mainly from various parts of northern Africa and Pakistan.

Even though there are mosques in the old part of Athens known as Plaka, e.g. the Fethiye or victory mosque dating back to 1458, today these buildings are not allowed to be used by Muslim prayers. Thousands of Muslims, living in the city of Athens, have been using abandoned factories and converted coffee shops as makeshift prayer houses for years. Today, there are approximately 150 illegal mosques operating across the Greek capital.

In 2007, the Greek government unveiled a bill for the construction of the mosque, which would be built on a large plot of land owned by the Greek Navy. A previous proposal to build a mosque near Athens' International Airport ahead of the 2004 Olympics was blocked following objections by residents and opposition from the Greek Orthodox Church.

Today, the only operating mosques in Greece are in the region of Western Thrace, where the Muslim Minority, which is the only officially recognized minority in Greece, has an estimated population of 150,000. 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.

24. However, the Turkish Minority of Western Thrace minority has still difficulties in carrying out their religious duties and follow their traditions. For many years in Western Thrace, Muslim places of worship, mosques which were in need of repair could not be repaired because the authorities did not grant permits.

Law 1577/1985 conducts the procedure of getting permission to build any kind of house of prayer as well as mosques and minarets. Article 21(2) of Law 1577/1985 reduced the height of the minarets from 16 meters to 7.5 meters. Since a discretionary power was granted to the Ministry of Religious Affairs and Education for reasonable and special cases, permissions for mosques, minarets and any other kind of house prayer needed authorization of the Bishop of the region. In 1997, the discretionary power was transferred to the Ministry of Religious Affairs and Education. Till 2004, the Ministry of Religious Affairs and Education did grant permission for building of minarets up to and over 16 meters. Since 2004, applications have either been refused or ignored.

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.

On May 2008, MP of Rodopi Region, Ahmet Hacıosman, raised a Parliamentary question to the Ministry of Religious Affairs on permissions for building of minarets in the Venna (Demirbeyli), Kallindirio (Kalenderköy) and Filira (Sirkeli) villages of the region of Rodopi. Evripidis Stilianidis, Minister of Education and Religious Affairs of the period, stated that the Law 1577/1985, which stated that the height of the minarets should be 7.5 meters, is to be implemented.<sup>156</sup> **CERD is requested to consider all relevant information and ask the State to provide information on the issue.**

25. The Turkish Minority of Rhodes and Kos islands still face serious difficulties in construction or operation of mosques. The Turkish Minority in Rhodes and Kos encounter restrictions in practicing their religion. Only one of the still existing 12 mosques in Rhodes is open for religious services. **CERD is requested to ask the State to provide information about measures taken to respect, protect and promote religious freedoms and traditions of the Turkish Minority of Rhodes and Kos.**

26. Contrary to the argument of the State that the mosques are well kept by the vakf committees and protected by the State, wakfs which are Muslim charitable foundations does suffer problems. Members of Administrative Board of Muslim foundations are still appointed by the State. Although foundations are of financial immunity, the State imposed excessive taxes and sanctions on properties belonging to the foundations. Because the Minority cannot govern accounts of the vakfs, Minority's vital needs cannot be supplied. Although Law 3554/2007 erased the existing debts of vakfs, fines and income taxes imposed on wakfs remained intact.

Although Law 3647/2008 allowed the appointment of members of Administrative Boards of vakfs, it delegates excessive powers to the Secretary General of Eastern Macedonia and Thrace and vests power in the office of appointed Muftis. **ABTTF considers Law 3647/ 2008 is far from being a solution to the problems of vakfs and requests the Committee to ask the State provide information about abovementioned issue.**

27. With regard to the Mufti issue, the State mentioned that "the Muftis, as spiritual leaders of the Muslim community are, throughout the world, appointed and not elected" (paragraph 41 of the State report). Although the Greek church could select their own metropolitans and the Jews could determine their rabbis with their own administration, the Turkish Muslim Minority in Western Thrace are not allowed to elect their own religious leader, mufti.

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).

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<sup>156</sup> Western Thrace Minority University Graduates Association, "Mosques In Western Thrace", Written Statement submitted to OSCE Supplementary Human Dimension Meeting on Freedom of religion or belief, Hofburg, Vienna, 9-10 July 2009, [http://www.osce.org/documents/odihr/2009/07/38803\\_en.pdf](http://www.osce.org/documents/odihr/2009/07/38803_en.pdf)

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.”

In 1990, the Turkish Muslim Minority has elected its own muftis, although public authorities have not recognised the elected muftis, even they were prosecuted and sentenced to prison for the illegal use of religious symbols. Mehmet Emin Aga, the former Mufti of Xanthi, elected by the Turkish Minority of Western Thrace had been tried unfairly many times and imprisoned. The Mufti was sentenced in January 1995 by the Larisa Court of Appeals in Greece to ten months on charges of “usurping the title of Mufti” and he was then sent to Larisa Prison. Through the subsequent trials on similar charges, Mehmet Emin Aga was sentenced to 8 years of imprisonment. In the same vein, on October 21, 1996, Mr. İbrahim Şerif, Mufti of Komotini elected in 1990 by members of the Turkish Minority, was convicted in Thessaloniki “for false pretence of authority” because he had used the title of Mufti. He was sentenced to six months imprisonment but was released after appeal. **CERD is requested to consider all relevant information mentioned above and urge the State to take all necessary steps to protect and promote religious rights and freedoms of the Minority, in full alignment with international human rights mechanisms and standards.**

28. ABTTF firmly rejects the statement that a further reason for the appointment of Muftis is that they perform certain judicial and administrative functions in matters of family and inheritance law. Although there have raised some concerns with regard to the use of the Sharia law by Muftis, ABTTF should remind that members of the Turkish Minority could address either to Mufti or Greek civil courts and that judgements of Mufti do not take into effect unless approved by competent Greek courts. Besides, only appointed Muftis who are public officers use their judicial functions in Greece today.

Since the seat of Mufti is a historical position which is established to manage and rule religious matters of Muslim population in territories of the Ottoman Empire. This seat had to be maintained when Greece won its independence because there left a considerable population of Muslim people living in those territories. Although Greece seems to put up with the appointed and elected muftis, the Turkish Minority does not accept the post of the “appointed” mufti. However, eradication of judicial and administrative functions of Muftis would be a breach of provisions of bilateral treaties of which Greece is a part. **CERD is requested to consider all relevant information mentioned above and ask the State to provide information about the issue.**

## **ARTICLE 4**

### **Criminalization of offences aiming at racial discrimination**

29. With regard to criminalization of offences aiming racial discrimination, see *supra*, paras. 2-6.

### **Prohibition of hate speech in the media**

30. In paragraph 136 of the State report, Greece mentioned that legislation which regulates electronic media prohibits hate speech. Although Article 2(a) of the Code of Professional Ethics and Social Responsibility of the Journalists' Union of Athens Daily Newspapers states that journalists should not make distinctions among citizens on the basis of their origin, gender, race, religion, political affiliation, economic situation and social status, the National Commission for Human Rights notes that there is a trend in news bulletins to reproduce stereotypes and prejudice concerning different ethnic or social groups. Today, there have been very few prosecutions and convictions under the criminal law provisions addressing racist offences, although a few exemplary penalties have been imposed. However, racist incidents have occurred in Greece - including racist statements made in public or reported in the press, and acts of racist violence - and that such incidents have not been prosecuted or indeed given all due attention by the Greek authorities. The problem is that the interpretation of the notion of racism by certain judicial authorities, leading to either no charges are being brought, or charges are dropped in the cases.

31. Some media express certain prejudices and negative stereotypes towards members of minority groups, including the Turkish Minority in Western Thrace. The statements in question are sometimes tolerated by the judicial authorities on the name of freedom of expression. However, ABTTF would like to stress that Greek Criminal Code (Law 927/1979) the principle of freedom of expression does not extend so far as to authorise the publication of racist statements.

32. Although Circular No 21979/13.2003 of the Ministry of the Press and Media aims at increasing the awareness of professionals working in the media against racism and xenophobia, racist articles and opinions have been and are being published by some media.

33. On 4 March 2009, Hronos, a regional newspaper published in Greek in Western Thrace, with regard to the report submitted by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, on human rights of minorities in Greece, commented that "Those who have given information to the Rapporteur are those who benefit from the focal points which try to make non-existent minorities exist and destroy the stability in the country". Unfortunately, this is not an exceptional case in Greece. Not only Hronos, some other regional or national newspapers in Greece have a negative approach towards the Turkish Minority in Thrace, however, hate speech is rarely prosecuted by certain judicial authorities. In this context, they do threaten the solidarity in society, because they target a specific group within the society, namely the Turkish Minority.

34. On 19 February 2009, Abdülhalim Dede was attacked, while he was on-air during the morning programme, Kalimera Ellada, broadcasted by the Athens, Greece-based Antenna TV. The Turkish Ziraat Bank had invited, among others, Dimitris Stamatis, Secretary General of the Region of East Macedonia and Thrace, to attend the opening of its first branch in Komotini, Thrace, Greece. Stamatis declined because the letter of invitation was written in

English and Turkish, but not in Greek, and because the city of Komotini was referred to by its Turkish name only, Gümülcine. Abdülhalim Dede, activist on the promotion of minority rights of the Turkish Minority in Western Thrace and publisher and director of the newspaper Trakyanın Sesi and owner of the radio station IŞIK FM in Komotini, was invited by the hosts of Kalimera Ellada to express his opinion live from Komotini on Antenna TV. During the interview, an unknown man approached Dede, shouted at him using obscene language, and physically attacked him. The main studio in Athens immediately terminated the live broadcasting. **CERD is requested to ask the State to provide detailed information on actions and measures to prosecute and punish culprits where racist articles are published.**

## **ARTICLE 5**

### **The right to security of person and protection by the State against violence or bodily harm**

35. With regard to the right of security of person and protection by the State against violence or bodily harm, see paras. 5-6 and para. 26.

### **Political Rights**

36. In paragraph 194 of the State report, it is mentioned that in almost all successive elections since 1927, Muslim deputies were elected within the main governing and opposition political parties. However, Turkish Minority of Western Thrace in Greece is inadequately represented in society's policy and decision making system. The electoral law which set the threshold of 3% of the nationwide vote for a party and an independent candidate with new electoral districts makes it almost impossible for members of the Turkish Minority of Western Thrace to be elected to the Parliament, unless they run candidates with majority parties.

37. After the Turkish Minority elected an independent deputy in 1989, a new electoral law was introduced in Greece, which set a threshold of 3% of the nationwide vote for a party and for an independent candidate to be represented in the parliament. Under the current electoral law of "reinforced proportionality", political parties and independent candidates cannot enter the Parliament unless they obtain at least 3 % of the votes throughout the country, although they may have enough votes to get electoral seats in specific electoral districts. Although independent candidates are allowed, they hardly have to be elected. This provision hinders full and effective participation of the Turkish Minority in the political system. In 1993, the independent minority candidate who had the largest vote among all Greek and Turkish candidates in Rhodope was unable to be elected although the candidate had exceeded the district's electoral quota for a seat. Since then, the minority was forced to run candidates with national parties, even though all these parties oppose the minority's major demands. **CERD is requested to consider all relevant information mentioned above and ask the State to provide information on the implementation of 3% threshold for nationwide and its impact on the representation of the Minority.**

38. The division of local electoral districts which is called "enlarged electoral districts" has also had a very negative effect on the possibilities of members of the Turkish Minority to be elected at local level. Since 1994, prefects are elected, but the election law merged one of the two minority prefectures, Xanthi, with neighbouring Kavala and Drama; and the other one, Rhodope, with neighbouring Evros. European Commission against Racism and Intolerance (ECRI) stated in its first report that "the redistribution of the electoral districts had adversely influenced the chances for the election of Muslim prefects or prefectural

councillors”. Federation of Western Thrace Turks in Europe (ABTTF) therefore demands the modification of the electoral districts in order to increase the possibility of a member of the Turkish minority being elected to such positions. **CERD is requested to ask the State to provide information on redistribution of the electoral districts and its impact on the representation of the Minority at the local and national level.**

## **Other civil rights**

### **Freedom of religion**

39. With regard to freedom of religion, see paras. 21-24.

### **Right to nationality**

40. In paragraph 225 of the State report, Greece mentioned that former Article 19 of the Greek Nationality Code referred to all those person of non-Greek origin, who abandoned Greek territory with no intention of returning. However, the European Commission against Racism and Intolerance (ECRI) has noted that Greece has not taken measures that would lead to the reparation of ‘the serious consequences that arose from the deprivation of citizenship on the basis of Article 19.

41. Law 3370/1955 which had remained in force and been practiced from 1955 to 1998, totally 43 years, and under this article, approximately 60.000 Turks were deprived of their Greek citizenship. It provided for the denationalisation of ‘citizens of different [non-Greek] descent’ (‘alloyenis’, as opposed to ‘omoyenis’, that is, ‘of the same [Greek] descent’) who left Greece ‘with no intent to return’.

Former Article 19 of the Greek Nationality Code included clear racist expositions and divided Greek citizens into two: ethnically Greeks and ethnically non-Greeks.

*“A citizen who is not from Greek race may be deprived of citizenship in case he/she leaves the country without the intention to come back. Deprivation of citizenship may be applied the ones that are not from Greek race, born abroad and still live out of the borders of Greece. The underage children whose parents or the alive parent have been deprived of citizenship may be denaturalized as well. Ministry of Interior Affairs decides with the ratification of Citizenship Council of Greece. ”*

42. The Law 3370/1955 had been practiced even after Greece became a member of the European Union in 1981. According to the reply by Greek Parliamentary to the notice of question asked by İlhan Ahmet in May 2005, MP for Rodopi in the Hellenic Parliament, 46,638 Turks (Muslims) in Western Thrace and the Island of Rhodes (Twelve Islands) were deprived of citizenship until 1998.

43. In clear violation of Article 1(3) of the Greek Constitution which states that “all powers derive from the People and exist for the People and the Nation; they shall be exercised as specified by the Constitution”, Greece differentiated between ethnic Greeks and non-ethnic Greeks. Article 2(1) of the Greek Constitution which notes that “respect and protection of the value of human being constitute the primary obligations of the State” had strictly been violated and Greek citizens which are not ethnic Greeks were deprived of their citizenship.

Article 4(1) of the Greek Constitution states that “all the citizens are equal before the law” and Article 4(3) talks about withdrawal of Greek citizenship only in case of voluntary

acquisition of another citizenship or of undertaking service contrary to national interests in a foreign country. In this context, former Article 19 of the Greek Nationality Code is against the Greek Constitution and the underlying reasons to denaturalize the members of the Western Thrace Turkish Minority had a clear racist character in its nature.

44. The process of depriving an individual of his/her citizenship usually began when the police informed the Directorate of Citizenship that an individual and his/her family had left the country for an extended period of time. Since there was no obligation to inform the individual about deprivation of his/her citizenship, the person generally learned of it by coincidence, e.g. at border controls, or when he/she applies for a new identity card/passport. It was not rare that some minority members were deprived of their citizenship when they were in Thrace in Greece without having gone abroad. There were even minority members, who lost their Greek citizenship while performing their military service.

Although the individuals deprived of their Greek citizenship had by law two months from the time of revocation of their citizenship to appeal to the Council of State, only a few managed to meet the deadline as these persons were kept uninformed about their denaturalization by the Greek administration.

45. However, the repeal of Article 19 does not have a retroactive effect. Persons who were deprived of their citizenship and have remained in Greece (estimated at 200 persons) and wish to recover their Greek nationality have had to go through the normal naturalization process applicable to aliens, a process that has been described as ‘long, expensive and uncertain as regards the outcome, and humiliating for persons who have wrongly lost their citizenship’. Those who remain stateless within Greece (about 200 today), and those who adopted the nationality of another country after losing their Greek citizenship and having left Greece (in this case mostly the Turkish nationality) have no right under Greek law to recover their Greek citizenship. The stateless individuals have difficulty receiving social services like health care and education, and although they worked many years in Greece and paid to the social system till deprivation of their citizenship, they have no right receiving pension. Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe<sup>157</sup>, following his visit to Greece on 8-10 December 2008, noted:

Commissioner has been especially concerned at reports according to which the remaining stateless persons in Greece, most of them middle- and old-aged and of limited financial means, often encounter difficulties in benefiting particularly from health services when in need thereof. The Commissioner has noted that in 2006 the Greek National Commission for Human Rights called upon the Greek state to urgently provide for coverage of all these particularly vulnerable persons under the state health system.

46. With regard to growing circumstances due to the deprivation of citizenship, the case of *Zeybek v. Greece* does require special attention. On July 9th, 2009, the European Court of Human Rights (ECHR) in the case of *Zeybek v. Greece* (Application No: 46368/06)) sentenced Greece to money penalty. Bedriye Zeybek had prosecuted Greece due to Greece’s

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<sup>157</sup>Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Greece on 8-10 December 2008, CommDH(2009)9, <https://wcd.coe.int/ViewDoc.jsp?id=1409353&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

refusal to provide Mrs. Zeybek as “the mother of big family” life-long pension. The Court held unanimously that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, and in conjunction with Article 14 (prohibition of discrimination) of the Convention. Additionally, under the Article 41 (fair satisfaction), the Court ruled Greece to pay 13,455 Euro for pecuniary and non-pecuniary damage and 2,500 Euro for other expenses.

Mrs. Zeybek, the applicant born in 1951, was denaturalized by a decision of Ministry of Interior in 1984 when she was visiting Turkey with her family. Following the abolishment of Article 19 in 1998, Mrs. Zeybek and her family applied for naturalization in November 1999. Yet, Zeybek’s daughter, İlkay Zeybek’s application was refused as she was married and under statutory age. Zeybek’s and her other daughters’ application were accepted.

With the birth of her fourth daughter in 1982, Mrs. Zeybek became “the mother of a large family”. On 19 December 2001, Mrs.Zeybek applied for a pension, payable for life, as the mother of a large family, in accordance with law no. 1982/1990. However, her application was rejected on 22 November 2002 on the ground that her four children did not all have Greek nationality. On 22 May 1996 the Supreme Administrative Court decided that Article 21 of the Constitution – which protects the family and motherhood – was relevant only to the need to preserve and promote the Greek nation and did not cover foreign families living in Greece. However, European Court of Human Rights stated that even if one or more of the children ceased to be attached to the family and regardless of the children’s nationality (provided the mother lived permanently and legally in Greece), the status did not change. Thus, the Court found it surprising that the Supreme Administrative Court, in its judgment, had associated the granting of such protection with the “need to preserve and promote the Greek nation” – a criterion based not on Greek nationality but on national origin.<sup>158</sup>

47. As for the denationalised persons who have remained abroad and are not willing to return, the Commissioner called upon the authorities to consider the possibility of providing them, or their descendants, with satisfaction, in accordance with the general principles of international law. Today, there are around 60.000 people who were deprived of their citizenship, most of which have already acquired the citizenship of another country. Not only the persons who were deprived of citizenship but also their descendants were deprived of the Greek nationality, and they also have lost advantages of being an EU citizen. Greece should take steps to ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Citizenship Code for all persons concerned, especially ethnic Turks. In particular, ABTTF urges authorities to genuinely facilitate these persons’ recovery of their citizenship by removing any obstacle, including the need for them to go through the naturalisation procedure. And Greece should restore immediately the nationality of those minority members and their descendants who were denationalised under the former Article 19 of the Greek Nationality Code and have remained in the country and those who have remained abroad and now reside outside the Greek territory and acquired nationality of a third country. **CERD is requested to consider all relevant information mentioned above and ask the State to provide information on actions and efforts made to proceed to the immediate restoration of the nationality of persons who were deprived of Greek citizenship under former 19 of the Greek Nationality Code.**

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<sup>158</sup><http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=46368/06&sessionid=27160768&skin=hudoc-pr-en>

## Freedom of association

48. In paragraph 227 of the State report, the statement that freedom of association is fully protected in the Greek legal order does not reflect the real situation. The Commissioner for Human Rights of the Council of Europe noted:

The Commissioner remains concerned by the authorities' refusal to recognize the existence of any other kind of minority except for the 'Muslim' one and the over-restrictive practice of Greek courts which by proceeding to a preventive, in effect, control of certain applicant minority associations have refused to register them. Also of serious concern has been the radical measure of the dissolution of a minority association that used to operate in Greece for decades. In this context, the Commissioner expresses his worry that this situation has led in fact to a number of relevant applications before and of unanimous judgments against Greece by the European Court of Human Rights. The Commissioner calls upon the Greek authorities to adopt urgently all necessary measures in order to make possible the effective enjoyment by minority members of their right to freedom of association, in full alignment with the Council of Europe human rights and minority protection standards.<sup>159</sup>

49. The Commissioner has taken note with particular concern that the Greek authorities' refusal to recognise the existence of any other kind of minority apart from the 'Muslim' one has led in fact to a number of applications before the European Court of Human Rights, especially concerning minority members' right to freedom of association, as provided for by Article 11 of the European Convention.

50. In 2007, the Court found unanimously against Greece in the case of *Bekir-Ousta and others*. Hasan Bekir Usta had applied to ECHR in 1996 right after the Greek court closed Evros Minority Youth Association due to association's establishment objective. Meanwhile, Evros Administrative Court did not permit the establishment of the association by reason that Treaty of Lausanne described Western Thrace Turkish minority as Muslim Minority rather than Turkish Minority. ECHR concluded the file on 11 October 2007, stating that the association was closed even before its activities were observed, as a sign of prejudiced opinions of Greek authorities against Turkish associations. In its reasoned statement, ECHR clearly stated that "Associations' conditions of establishment do not imply any kind of violence and threat against democratic society."<sup>160</sup> To date, there are no measures taken by the Greek authorities aimed at the registration of the above association.

51. In March 2008, the European Court of Human Rights(ECHR), notified in writing its Chamber judgments in the cases of *Tourkiki Enosi Xanthis (Xanthis Turkish Union) and Others v. Greece* and *Emin and Others v. Greece* and the Court convicted Greece for the cases that was brought before the ECHR in the date of July 2005 by the Xanthis Turkish Union which was abolished because it had denomination "Turk" in its name and the Cultural Association Turkish Women of the Region of Rodopi which had never been registered because the Greek courts had founded that the association constituted a danger to public policy.

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<sup>159</sup> Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Greece on 8-10 December 2008, CommDH(2009)9, <https://wcd.coe.int/ViewDoc.jsp?id=1409353&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

<sup>160</sup> Federation of Western Thrace Turks in Europe, "Victory of Western Thrace Turkish Minority", Press Release, 11 October 2007, [https://www.abttf.org/html/?callback\\_id=139144&link=detay&id=1321&l=en](https://www.abttf.org/html/?callback_id=139144&link=detay&id=1321&l=en)



The ECHR, in the cases of “Xanthi Turkish Union and others v. Greece” (no. 26698/05) and *Emin and Others v. Greece* (application no. 34144/05) held unanimously that Greece violated the “right to freedom of assembly and association”. In the case of the Xanthi Turkish Union and others v. Greece that brought before the Court by Galip Galip and other seven applicants after that the Xanthi Turkish Union was dissolved because the term “Turkish” are used on any document, stamp or sign, the Court noted that the proceedings in question had lasted more than 21 years, and it considered that Greece failed to satisfy the “reasonable time” requirement, a violation of Article 6(1) (right to a fair hearing within a reasonable time) of the Convention. Besides, the Court awarded the association Xanthi Turkish Union 8,000 euros (EUR) in respect of non-pecuniary damage.

In February 2009, the Xanthi Civil Court of First Instance handled the file claimed by the Xanthi Turkish Union to retrieve the previous legal status of the Union as of before 1983. The Thrace Associations Federation (Omospondia Trakikon Silogon) based in Selanik intervened in the case against the Xanthi Turkish Union. Yet, Union’s attorney Orhan Hacıibram stated that the Thrace Association Federation did not exist at the time of Xanthi Civil Court of First Instance’s verdict on the Xanthi Turkish Union, and hence the Thrace Associations Federation did not have any right to intervene in the case.<sup>161</sup> However, in May 2009, Xanthi Civil Court of First Instance however rejected the case of Xanthi Turkish Union (ITB) regarding the restoration demand of pre-1983 legal status.<sup>162</sup>

52. Contrary to the statement of the State in para. 228, associations which include the word “Turkish” in their appellation are not registered. In the case of *Emin and Others v. Greece*, which was brought before the ECHR by Hülya Emin and other six applicants after the Greek courts dismissed a request for registration of the association of the Cultural Association of Turkish Women of the Region of Rodopi on the ground that its title might mislead the public regarding the origin of its members, the Court held that the finding of a violation constituted in itself just satisfaction for the non-pecuniary damage suffered by the applicants. To date, there are no measures taken by the Greek authorities aimed at the registration of the above association.

53. Lately, the application of South Evros Minority Culture and Education Association for registration has been rejected by Greek civil court on the ground that the term “minority” has a vague definition. To date there is no step taken on registration of the association.<sup>163</sup> **ABTTF requests the Committee to consider all relevant information mentioned above and urge the State to adopt urgently all necessary measures in order to make possible the effective enjoyment by Minority members of their right to freedom of association.**

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<sup>161</sup> Federation of Western Thrace Turks in Europe, “Xanthi Civil Court of First Instance handled the case of Xanthi Turkish Union”, Press Release, 23 February 2009,

<https://www.abtff.org/html/index.php?link=detay&id=1903&arsiv=1>

<sup>162</sup> Federation of Western Thrace Turks in Europe, “İskeçe (Xanthi) Civil Court rejected the case of İskeçe (Xanthi) Turkish Union”, Press Release, 18 May 2009,

<https://www.abtff.org/html/index.php?link=detay&id=2062&arsiv=1>

<sup>163</sup> Federation of Western Thrace Turks in Europe, “Güney Meriç Azınlık Kültür ve Eğitim Derneği’nin kurulmasına red kararı”, Press Release, 7 May 2009,

<https://www.abtff.org/html/index.php?link=detay&id=2042&arsiv=1>

**SESSIONS OF THE UN WORKING GROUP ON UNIVERSAL  
PERIODIC REVIEW**

UN WORKING GROUP ON UNIVERSAL PERIODIC REVIEW

11<sup>th</sup> Session

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**Federation of Western Thrace Turks in Europe**  
**Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης**  
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**Parallel Report by ABTTF on the Report of the Working Group on the Universal Periodic Review, Greece**

**Human Rights Council**

**Eighteenth session**

Agenda item 6

**Universal Periodic Review**

11 July 2011

**Federation of Western Thrace Turks in Europe (ABTTF)**, which is the umbrella organization of 30 associations and is based in Witten, Germany, was established on 28.02.1988 by the members of the Turkish Minority of Western Thrace in Greece, who have immigrated to Western Europe and live there now. ABTTF is a non-governmental organization in Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations since July 2006 and is regular member of the Federal Union of European Nationalities (FUEN) since May 2007 and member of the Fundamental Rights Platform (FRP) of the European Union Agency for Fundamental Rights (FRA) since December 2008.

The main objective of ABTTF is to protect and promote the rights of the Turkish Minority of Western Thrace in Greece, and to aid in obtaining solutions for the concerns of the Minority through democracy and peace. It represents the Turkish Minority before international organizations such as the United Nations (UN), the European Union (EU), the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE) and carries out activities aiming the integration of the immigrant minority members with the domestic population and satisfaction of their social needs. It issues press releases and news bulletins and prepares detailed annual reports; research papers and specialized reports on ill-treatment of and the rights and problems of the Turkish Minority of Western Thrace in Greece and parallel reports to the UN Treaty Bodies and Council of Europe Bodies. ABTTF operates

a web site ([www.abttf.org](http://www.abttf.org)) in four languages, namely in Turkish, Greek, English and German that covers the human and minority rights issues and comprehensive presentation of the Turkish Minority of Western Thrace, and from where ABTTF's press releases, news bulletins, research papers, reports and other related documents can be accessed.

## **Foreword**

\* Federation of Western Thrace Turks in Europe (ABTTF) 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 in Thrace.

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.

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

## **Introduction**

ABTTF would like to express its sincere gratitude to the United Nations General Assembly for the creation of the Universal Periodic Review (UPR) mechanism under the auspices of the Human Rights Council, which is a unique process that involves a review of the human rights records of all Member States once every four years. ABTTF would like this mechanism to be an instrument to urge all Member States to improve the situation of human rights in their own country. ABTTF would like all Member States to establish an open and constructive dialogue based on mutual respect and understanding with human rights institutions and NGOs that operate in the field of human rights, including fragile groups such as minority groups in the country, whether or not these minority groups are officially recognized by States.

Although there is no other universal mechanism of this kind exists, this state-driven process prevents the Human Rights Council to address human rights violations wherever they occur since there is no mechanism of any kind of sanctions. Still, this is a huge step forward which enables the Council to remind States their responsibility to fully respect and implement all human rights and fundamental freedoms in their own countries.

In regard to the report, the Working Group on Greece does partially mention the problems of "Muslim minority in Thrace" (hereafter, Turkish Minority of Western Thrace) based on the information of the State under review, Greece. Unfortunately, ABTTF finds the report facile and imperfect in explaining the problems of the Turkish Minority of Western Thrace. Therefore, ABTTF would like, hereby, to present its parallel report on the report of the Working Group on the UPR on Greece.

## **I. Summary of the proceedings of the review process**

### **A. Presentation by the State under review**

1. ABTTF welcomed that Greece drafted its national UPR report in close cooperation with competent ministries and held consultations with civil society stakeholders and the National Commission for Human Rights. However, ABTTF regrets that associations and non-governmental organizations established by the Turkish Minority of Western Thrace were not included in this consultation process.
2. On the fight against discrimination, ABTTF welcomes the adoption of Law on the “Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation”. Article 16 (1) of the Law 3304/2005 amended Article 3 of the Law 927/1979 and provided “whoever violates the prohibition of discriminatory treatment on the grounds of ethnic or racial origin or religious or other beliefs ... is punished with six months’ imprisonment and a fine of 1.000 –5000 euros”. However, the abovementioned criminal legislation has, until now, had limited application in practice. The Working Group is requested to ask the State under review to provide detailed information and data on the implementation of the Law 3304/2005, including a detailed report of proceedings and complaints.
3. The punishment of acts or activities of racial discrimination has still had a limited application. The Law 927/1979 on punishing acts or activities aiming at racial discrimination with regard to the incitement to hatred and dissemination of racist ideas penalizes incitement to discrimination, hatred or violence towards individuals or groups because of their racial, national or religious origin, through public written or oral expressions; and prohibits the establishment of, and membership in, organizations which organise propaganda and activities aimed at racial discrimination. Article 5 of the Law 3304/2005 prohibited direct or indirect discrimination, but a difference of treatment based on a characteristic related to racial or ethnic origin is not deemed as “discriminatory” provided that the aim pursued is legitimate and the requirement is proportionate. ABTTF requests the State under review to update and strengthen the relevant legislation with no delay and any prior condition.
4. On the rights of persons belonging to minorities, the Turkish Minority in Western Thrace (Muslim minority in Thrace) may have different linguistic groups within it, while they are all members of the Muslim Minority, of which ethnicity is defined as Turkish in the Etabli Documents granted in accordance with the provisions of the Agreement on the Exchange of Turkish and Greek Populations on 30 January 1923. 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. In paragraph 12 of the report of the Working Group, Greece’s statement that “persons belonging to the Muslim minority in Thrace are free to declare their origin, speak their language, exercise their religion and manifest their particular customs and traditions” is partial, and it does not reflect the State’s formal opinion rather than the truth itself.
5. On 18 February 2009, the report of the Independent Expert on Minority Issues, Gay McDougall, following her mission to Greece on 8-16 September 2008, stated that “The absence of formal recognition by the state of a particular societal group as constituting “a minority” is not conclusive”, and continued that “Rather, the existence of a group to which a state owes minority protections is a matter of objective facts and

exercise of the right of self-identification by persons belonging to the group”. ABTTF would like to mention that Greece does not subscribe to the right of any group to self-identification on a collective basis and the right of assembly or association of the group which seeks to determine their identity. Although so-called other segments within the Minority are recognized and even welcomed and supported by Greek authorities, the Turks are not allowed to use their right of self-identification, while the existence in a country of ethnic minorities is defined on the basis of collective rights.

6. In paragraph 13 of the report, Greece stated that a 1991 law sets out a transparent procedure for the selection of the religious leaders of the Muslim minority, who are subsequently nominated by the State to the three Mufti Offices. ABTTF would like to mention that the relevant legislation is in breach of Article 40 of the Lausanne Treaty which states that “they (the Muslim minority) 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.”. In a reaction to the Government’s decision to appoint the religious leaders of the minority, the Turkish minority elected its own muftis. However, public authorities did not recognise the muftis who were elected by members of the Muslim community, the muftis (elected) were prosecuted and sentenced to prison for the illegal use of religious symbols. Mr. Mehmet Emin Aga, the elected Mufti in Xanthi in that period was adjudicated in several times and sent to prison. In January 1995, Mr. Aga was sentenced by the Court of Appeal in Larisa up to ten months of a charge on the ground of “usurping the title of Mufti”, and then sent to the Larisa Prison. Through the subsequent trials on similar charges, Mr. Aga was sentenced to an eight- year of imprisonment. In 1996 Mr. İbrahim Şerif, the elected Mufti in Komotini, stood up in a trial in Thessaloniki “for false pretence of authority”, and was sentenced to a six-month imprisonment, though he was released after appeal.
7. Today, Greece doesn’t still recognize the right of the Turkish minority of Western Thrace to elect its own religious leaders and still continues to appoint the muftis on the ground that they are bestowed with judicial authority on civic issues. With the Presidential Decree published in Official Gazette on 17 December 2010, Greece extended “the terms of office of Cemali Meço, the son of Mufti (appointed) in Komotini Hafuzidris, by 24 December 2010, upon the request of Minister of Education and Religious Affairs. ABTTF notes with appreciation that the Government is currently considering ways to meet more effectively the needs of the Turkish minority in this field through an open consultation process respecting at the same time the international standards. In this regard, ABTTF urges the Greek authorities to hold a dialogue with members of the Turkish minority of Western Thrace in order to find a long lasting and satisfactory solution to the problem of mufti in a way that would not diminish by no means autonomous establishment of the Turkish minority of Western Thrace in accordance with the Athens Treaty of 1913 and Its Third Protocol. ABTTF would like Greece to act in accordance with the Treaty of Lausanne of 1923 and prior Athens Treaty of 1913 and Its Third Protocol, and, apply the provision that each Mufti will be elected by those Muslim voters who find themselves under the authority realm of the related Mufti and the Chief Mufti will be elected by an election council composed of all Muftis in Greece, and will be appointed among three candidates determined by the King of Greece [Article 11 of Athens Treaty], if the Greek Government decides to hold elections of mufti to solve the problem.

8. In paragraph 14 of the report, Greece stated that it stands ready to improve the functioning of the existing minority schools and to accommodate the preference for the public educational system increasingly shown by the Muslim minority. 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. ABTTF would like to remind that Article 60(5) of the Vienna Convention of Treaty Law prohibits the reciprocity principle in the human rights field, and that the reciprocity clause in the Treaty of Lausanne should be interpreted and applied in a positive manner and spirit. The Working Group is requested to consider all relevant information about education of the Minority and to call the State under review to comply with its obligations and duties which arise from bilateral and international agreements.
9. ABTTF would like to make an additional comment on Greece's statement (para.14) that the Government stands ready to accommodate the preference for the public educational system increasingly shown by the Muslim minority. Because there is a huge disparity in terms of level between the minority schools and majority schools in the region, members of the Turkish minority are somehow forced to send their children to majority schools in order to guarantee a good-quality education for them.
10. In relation to the paragraph 15 of the report, ABTTF affirms that the application of Sharia for the members of the Turkish Minority on certain matters of family and inheritance law to the extent that its rules are not in conflict with fundamental values of the Greek society and the Greek legal and constitutional order. Although there are some concerns raised by other States and international human rights organizations in this issue, ABTTF would like remind that members of the Turkish Minority could address their cases either to the Mufti (appointed) or the civil courts. All decisions of the muftis (appointed) on marriages, divorces or inheritance issuance are liable to be null and void by first instance courts in Thrace, because decisions of appointed muftis are to be ratified by Greek authorities to enter into force. Therefore, Greek courts are equally responsible from any problem and complication that occurred in some instances. It should be noted that it is the Muftis appointed by the Greek State who use their judicial competences on inheritance and family issues based on the Sharia law. The elected muftis of Xanthi and Komotini, whom have been granted by the community itself with the right to represent the Turkish Minority of Western Thrace in its religious affairs, do not already exercise their judicial competences under Sharia law.
11. In paragraph 16 of the report, ABTTF notes with appreciation that Greece is committed to substantive review by domestic courts of the relevant Muftis' (appointed) decisions as to their conformity with the Constitution and international human rights standards. ABTTF would like to remind that any possible readjustments in this issue should not be against its obligations which arise from the relevant bilateral and international treaties that Greece has signed with Turkey.

#### **Interactive dialogue and responses by the State under review**

12. ABTTF notes with appreciation that Slovenia encouraged Greece to implement the judgements of the European Court of Human Rights related to the violations of human

rights of ethnic, religious and linguistic minorities. With regard to the Turkish Minority of Western Thrace, there are three judgments of which domestic proceedings are still pending at the Civil Courts.

13. On March 27, 2008, the ECtHR notified in writing its Chamber judgments in the cases of *Emin and Others v. Greece* (application no. 34144/05) and *Tourkiki Enosis Xanthis and Others v. Greece* (no. 26698/05). The Court held unanimously that there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights in both cases, which concern associations founded by persons belonging to the Muslim minority of Western Thrace (Greece). In the case of *Tourkiki Enosis Xanthis and Others* the ECtHR also held, unanimously, that there had been a violation of Article 6 § 1 (right to a fair hearing within a reasonable time) of the Convention.
14. Failure to execute or enforce judgments – that is, the carrying out of a final judgment in order to ensure that obligations actually are imposed or fulfilled in practice – constitutes a further obstacle to access to justice. Further to the Court’s judgments, the applicants requested a new registration of their associations (cases *Bekir-Ousta and Others* and *Emin and Others*) or revocation of the previous decisions ordering the dissolution (case *Tourkiki Enosi Xanthis and Others*) before the national courts. The domestic proceedings are still pending.
15. In the case of *Bekir-Ousta and others*, on the basis of the ECtHR’s judgment, the applicants applied again for registration of the association in the national courts. On 09/12/2008, the Single Member Court of First Instance of Alexandroupoli (judgment No. 405/2008) rejected the application as inadmissible on the ground of *res judicata*. The decision referred in particular to the fact that under national law, retrial of a case further to a finding of a violation by the European Court is foreseen only for criminal proceedings (Article 525§5 of the Code of Criminal Procedure) but not for civil ones. The applicants appealed to the Court of Appeal of Thrace. The Court of Appeal of Thrace, by a decision made public on 31/07/2009, also rejected the application.
16. In the case of *Tourkiki Enosis Xanthis and others*, on the basis of the European Court’s finding of a violation regarding the dissolution of the applicant association, the applicants introduced two separate claims currently pending: one before the Court of First Instance of Xanthi, seeking annulment of its earlier decision No. 36/1986 ordering the dissolution; and one before the Court of Appeal of Thrace, seeking annulment of its earlier decision No. 31/2002 confirming the decision No. 36/1986. Regarding the first claim, the Court of First Instance of Xanthi (judgment No. 12/2009 published on 30/04/2009) rejected the application on the basis of *res judicata*. Concerning the second claim, the hearing before the Court of Appeal of Thrace was scheduled for 03/04/2009. The application was rejected by a decision published on the 18/08/2009 for reasons similar to those adduced in the decision of the Court of Appeal of Thrace in the case of *Bekir-Ousta and others*. In the present case, the Court of Appeal noted that the possibility, under the Article 758§1 of the Code of Civil Procedure, of an annulment or revision of a final domestic judgment in the framework of a non-contentious procedure, on the basis of new facts or a change in the circumstances in which the judgment had been handed down, does not extend to a judgment of the European Court.



17. In the case of Emin and others, on the basis of the European Court's judgment, the applicants again applied for registration of the association before the national courts. A hearing was held at the Court of First Instance of Rodopi on 08/04/2009. The Court of First Instance of Rodopi, rejected the application on the ground that it was introduced by a lawyer who did not belong to the Bar of Rodopi. The Greek authorities confirmed that the application was rejected as inadmissible. Under the terms of the Code of Civil Procedure and Code of Lawyers, claims lodged before civil courts must be signed by a lawyer belonging to the bar of the geographical jurisdiction of the court. If not, the lawyer must jointly sign the claim with a colleague of the Bar from the geographical area of the court. Since in the present case, the claim was only signed by the applicants' lawyer who belongs to the Xanthi Bar, the applicants' request was rejected.
18. On the question of the administration and management of the Muslim Foundation in Thrace (para. 50), Greece noted that a law was passed in 2008 that responds to a long-standing request of the Muslim minority to have the members of its three main management committees elected. First of all, ABTTF would like to note that the relevant law (No. 3647/2008) is prepared without taking the opinion of the Turkish Minority, far from being a good many of the problems that have plagued the legal status of the waqfs for decades. Although the relevant allowed the appointment of members of Administrative Boards of waqfs, it delegates excessive powers to the Secretary General of Eastern Macedonia and Thrace and vests power in the office of appointed Muftis. Therefore, ABTTF considers Law 3647/ 2008 is far from being a solution to the problems of waqfs and requests the Working Group to ask the State under review to provide information about abovementioned issue.
19. Though, ABTTF notes with concern that the Government is engaged to find through amendments or possible adjustments the proper way to deal with the need to renew by election the members of these three Muslim waqf management committees in conjunction with the selection of the muftis in Western Thrace.
20. As for the withdrawal of the Greek citizenship (para. 50), Greece stated that there is a very small number of Muslims who are stateless as a result of the deprivation of their nationality, for whom a special ID has been provided. ABTTF pays special attention to this issue, known as the problem of Article 19 among the members of the Turkish minority, and it would like to give a detailed explanation on this issue.
21. Former Article 19 of the Greek Citizenship Code ((Legislative Decree (Law) 3370/1955) provided for the denationalisation of 'citizens of different [non-Greek] descent' ('alloyenis', as opposed to 'omoyenis', that is, 'of the same [Greek] descent') who left Greece 'with no intent to return'. The process of depriving an individual of his/her citizenship usually began when the police informed the Directorate of Citizenship that an individual and his/her family had left the country for an extended period of time. Although individuals deprived of their Greek citizenship had by law two months from the time of revocation of their citizenship to appeal to the Council of State, only a few managed to meet the deadline as these persons were kept unaware of and were uninformed about their denaturalization by the Greek administration. Since there was no obligation to inform the individual about deprivation of his/her citizenship, the person generally learned of it by coincidence, e.g. at border controls, or when he/she applies for a new identity card/passport. It was not rare that some minority members were deprived of their citizenship when they were in Thrace in

Greece without having gone abroad. There were even minority members, who lost their Greek citizenship while performing their military service.

22. Former Article 19 of the Greek Citizenship Code ((Legislative Decree (Law) 3370/1955) was abolished by a parliamentary voice vote on 11 June 1998. When announcing the government's decision to abolish Article 19, on 23 January 1998, Minister of the Interior Alekos Papadopoulos of the period stated that, since its introduction in 1955, 60 thousand Greek citizens had lost their citizenship in application of that article; the large majority were members of the minority in Thrace.<sup>164</sup> According to the reply by the Greek Ministry of Interior, Public Administration and Order to the notice of question asked by İlhan Ahmet in May 2005, MP for Rodopi in the Greek Parliament, 46,638 Turks (Muslims) in Western Thrace and the Island of Rhodes (Dodecanese Islands) were deprived of citizenship until 1998.
23. Commissioner for Human Rights of the Council of Europe, Mr. Thomas Hammarberg noted in his report following his visit to Greece on 8-10 December 2008 that in the framework of Article 19 a Greek citizen of non-Greek descent ('alloyenis') meant an individual with Greek nationality who did not 'originate from Greeks, had no Greek consciousness and did not behave as a Greek [and consequently] it may be concluded that their bond with the Greek nation is completely loose and fragile'. The Commissioner stated that it has been widely accepted that the former Article 19 of the Greek Citizenship Code was in contravention of, inter alia, Article 12, paragraph 4, of the International Covenant on Civil and Political Rights (ratified by Greece by Law 2462/1997) which provides that 'No one shall be arbitrarily deprived of the right to enter his own country', as well as to Article 3, paragraph 2, of the Fourth Protocol to the European Convention on Human Rights (this Protocol has not as yet been ratified by Greece) which provides that 'No one shall be deprived of the right to enter the territory of the State of which he is a national'.<sup>165</sup>
24. The European Commission against Racism and Intolerance (ECRI), which is the Council of Europe's principle body in combating racism and intolerance, has noted in its third report in Greece(2004)<sup>166</sup> that Greece has not taken measures that would lead to the reparation of 'the serious consequences that arose from the deprivation of citizenship on the basis of Article 19. The stateless persons have difficulty receiving social services like health care and education, and although they worked many years in Greece and paid to the social system till deprivation of their citizenship, they have no right receiving pension.
25. Since the repeal of Article 19 does not have a retroactive effect, persons who were deprived of their citizenship and have remained in Greece (estimated at 200 persons) and wish to recover their Greek nationality have had to go through the normal

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<sup>164</sup> Greek Helsinki Monitor and Minority Rights Group- Greece, "Greece's Stateless Persons", Report on Greece to the 1999 OSCE Implementation Meeting, 21 September 1999, <http://www.greekhelsinki.gr/english/reports/ghm-22-9-1999-stateless.html>

<sup>165</sup> Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Greece on 8-10 December 2008, Issue reviewed: Human rights of minorities, <https://wcd.coe.int/ViewDoc.jsp?id=1409353>

<sup>166</sup> European Commission against Racism and Intolerance, ECRI Report on Greece(Fourth Monitoring Cycle), 15 September 2009, <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/greece/GRC-CbC-IV-2009-031-ENG.pdf>

naturalization process applicable to aliens. Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg described the process as ‘long, expensive and uncertain as regards the outcome, and humiliating for persons who have wrongly lost their citizenship’.

26. On 19 January 2011, Mr. Çetin Mandacı, Xanthi PASOK Deputy put a motion for question on the subject of undue delay in the inspection of applications for citizenship and asked to the Minister of Internal Affairs that when the Minister will establish the Citizenship Committee to inspect pending applications of Western Thracians who lost their Greek citizenship under Article 19 of Decree 3370/1955. ABTTF requests the Greek Government to establish without any delay the Citizenship Committee to inspect the pending applications of the persons belonging to the Turkish Minority of Western Thrace who lost their Greek citizenship under former Article 19 of the Greek Citizenship Code.
27. According to the Greek government, ‘[t]he vast majority of persons deprived of their citizenship by virtue of Article 19 are already foreign citizens and reside outside the Greek territory. There is a need for a satisfaction in accordance with the general principles of international human rights standards and mechanisms for the denationalised persons who have remained abroad and are not willing to return Greece, that is an immediate restoration of the nationality of those minority members and their descendants who were denationalised under the former Article 19 of the Greek Citizenship Code. Recalling the Greek Constitution that 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 procedures more specifically provided by law, ABTTF urges the Greek authorities to take steps to ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Citizenship Code for all persons concerned, although they no longer live in Greece even they have acquired citizenship of another country. In particular, Greece should genuinely facilitate these persons’ recovery of their citizenship by removing any obstacle, including the need for them to go through the naturalisation procedure’.
28. Regarding freedom of association and three judgments of the European Court of Human Rights about three associations in Western Thrace (para. 51), please see paras. 13-17.
29. As for the situation of “Greek Muslims” (the Turks) in Rhodes (Rodos) and Kos (İstanköy), Greece, in para. 52, states that these individuals are fully integrated in the local societies. ABTTF would like, hereby, to make some additional comments on the situation of the Turkish people living in these islands. First, The Turkish people living in the islands of Rhodes (Rodos) and Kos (İstanköy) are not granted the official minority status on the ground that these islands were not part of Greece when the Lausanne Treaty of 1923 was signed. The minority rights enshrined in the Lausanne Peace Treaty of 1923 and European standards on minority rights should be applied to persons of Turkish ethnic origin of those islands. The fact that these 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.

30. It is stated in the report (para. 52) that the religious freedom of the “Greek Muslims” in two islands is fully respected and they choose, without any intervention, their Islamic preachers. In regard to the religious freedom of the Turkish people living in Rhodes and Kos, they, however, encounter restrictions in practicing their religion. The recognition of the mufti of Rhodes by the central government, to which the Muslim community attached immense importance, is another problem for the Turkish minority living in Rhodes, Kos and the Dodecanese Islands. The seat of Mufti has remained vacant since 1974, following the death of the Mufti, Süleyman Kaşlıoğlu. Since then İhsan Kayserili has been the regent of the Mufti, Süleyman Kaşlıoğlu, till 1990. After the death of Kayserili, no one has been officially appointed to the seat of mufti.
31. The Turkish people living in Rhodes and Kos face difficulties in practising their religion. Most of the mosques in Rhodes were closed on the ground that they would have been repaired. In 1978, the minaret of Süleymaniye Mosque was destroyed on the ground that the minaret had been inclined, and, although the mosque, minaret and imam house were restored in 2006, this historical mosque has not still been opened to religious services. The application for the re-opening of Süleymaniye Mosque for religious services was rejected on the ground that the mosque had been classified as historic building by UNESCO. Today, only one mosque, İbrahim Pasha Mosque, is open for religious services in Rhodes. In religious holidays, the Turkish minority in the island face difficulties in fulfilling their religious duties due to the overcrowded community in the mosque. However, South Aegean Region General Secretary has rejected the opening of Süleymaniye Mosque for religious service on the religious holiday on the ground that there is deficiency in the number of people belonging to the Muslim community in the island. On the other hand in Kos, there is only Defterdar Hacı İbrahim Pasha Mosque in Kos that has survived till today and still open to religious services.
32. ABTTF notes with appreciation that the Greek delegation, in paragraph 53 of the report, stated that the Government is clearly committed to the building of a mosque in Athens. Since Athens is the only European capital which does not have a proper mosque or cemetery to serve its more than 300,000 Muslim residents, mainly from various parts of northern Africa and Pakistan, there is an urgent need to build a mosque in Votanikos, Athens without any further delay. On the opening of a mosque in Thessaloniki(para. 53), ABTTF welcomes the statement that the question is under consideration by the Greek authorities, and ABTTF urges the relevant authorities to respond this need in a proper way as soon as possible.
33. ABTTF notes with appreciation that Austria (para. 61) asked Greece to outline the follow-up to the recommendations made by the Independent Expert on Minority Issues after her visit in 2008. The Working Group is requested to ask the State under review to submit a detailed report on the follow-up recommendations made by the Independent Expert on Minority Issues.
34. ABTTF welcomes that Senegal (para. 77) asked for information about the size of the Muslim community, which, as reported by CERD, was a victim of intolerance and racial discrimination, notably perpetrated by the media. ABTTF would like to make some explanatory comment on this issue. The Turkish Muslim minority in Western Thrace has an estimated membership of 150,000 in Greece, mainly concentrated in Xanthi (İskeçe), Komotini (Gümülcine), and Alexandroupolis (Dedeağaç). The

Turkish Minority in Western Thrace may have different linguistic groups within it, while they are all members of the Muslim Minority, of which ethnicity is defined as Turkish in the Etabli Documents granted in accordance with the provisions of the Agreement on the Exchange of Turkish and Greek Populations on 30 January 1923. However, there is no data with regard to the ethnic division of the population in Greece; therefore there could be no certain information about ethno-linguistic division of the Minority. The Working Group is requested to ask the State under review to provide information and data about the size and ethnic composition of the Country, while census does not collect data on ethnic composition of the country.

## **II. Conclusions and/or recommendations**

35. ABTTF welcomes the recommendations formulated during the interactive dialogue which enjoyed Greece's support.
36. In relation to Netherland's recommendation (para.83.22) which requests Greece to take action with regard to the impediments that Muslim minority women in Thrace may face when Shari' a law is applied on family and inheritance law matters, ABTTF would like to give responses about concerns raised by some members of international society due to the application of Sharia in Western Thrace.
37. There are some NGOs and media reports that characterized Sharia as discriminatory against women, especially in child custody, divorce, or inheritance cases. ABTTF would like to remind that the Government recognizes Sharia on family and inheritance law matters for Muslims who reside in Western Thrace., who have judicial powers in civil and domestic matters. However, ABTTF would like to remind once again that all decisions of the muftis (appointed) on marriages, divorces or inheritance issuance are liable to be null and void by first instance courts in Thrace. Therefore, it is the responsibility of the State under review to prevent any impediments that may occur.
38. There are some other concerns that Muslim women have inferior rights to men under family law, property law, and in the judicial system. ABTTF would like to mention that marriage under Islam in Western Thrace is only realized with marriage licence document which is given by Mufti (appointed) offices in provinces. In Western Thrace, marriage is realized in before Imam or Mufti, which in any case needs to be declared to the civil registry. And, there is no discussion about the competence of the Mufti (appointed) 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 (appointed) gives marriages based on his religious personality, not the judicial rights and obligations which is stemmed from being a "kadi".
39. There is no such order in the Qur'an that a man can get married with more than one woman. Polygamy is restricted to the strict conditions which are almost impossible to be met. Besides, the Civil Code of Greece (Article 1354) prohibits polygamy on the ground that it is against to the public order. Therefore, Penal Code of Greece describes polygamy as a criminal offense and sanctions are anticipated on the related issue. In fact, polygamy is very rare in Western Thrace, where monogamy is a deep established tradition among members of the Turkish Minority. Furthermore, Thrace Court of Appeal ordered in 1996 and 1998 that exemption of a particular religious group from the provision stated in the Civil Code of Greece (Article 1354) is against the public

order. Besides, appointed Mufti of Komotini decided in 1991 to cancel the second marriage of a member of the Turkish Minority of Western Thrace, because he was married with two women.

40. 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.
41. Turkey's recommendation (para. 83.39) to Greece to take steps to prevent attacks against immigrants and hate speech is welcomed by ABTTF. The National Commission for Human Rights in Greece also noted that there is a trend in news bulletins to reproduce stereotypes and prejudice concerning different ethnic or social groups. There were very few prosecutions and convictions under the criminal law provisions addressing racist offences, although a few exemplary penalties were imposed. Racist incidents occurred in Greece - including racist statements made in public or reported in the press, and acts of racist violence - and that such incidents were not prosecuted or indeed given all due attention by the Greek authorities. The problem is that the interpretation of the notion of racism by certain judicial authorities, leading to either no charges are being brought, or charges are dropped in the cases.
42. Some media express certain prejudices and negative stereotypes towards members of minority groups, including the Turkish Minority in Western Thrace. The statements in question are sometimes tolerated by the judicial authorities on the name of freedom of expression. However, ABTTF would like to stress that Greek Criminal Code (Law 927/1979) the principle of freedom of expression does not extend so far as to authorise the publication of racist statements. Therefore, the Working Group is requested to ask the State under review to take concrete steps to prevent hate speech at all levels of social and political life.
43. In addition to hate speech, ABTTF requests the Working Group to pay a greater attention to hate-motivated incidents and attacks against persons and properties belonging to the Turkish Minority of Western Thrace. There had been six incidents of hate-motivated attacks in 2010 and three attacks in the first months of 2011 against persons, properties and places of worship belonging to the Turkish Minority of Western Thrace. Our report which we submitted to the OSCE Office for Democratic Institutions and Human Rights on 2010 Annual Report on Hate Crimes – “Hate Crimes in the OSCE Region: Incidents and Responses” in March 2011 outlined different manifestations of hate-motivated incidents and attacks against the Turkish Minority of Western Thrace. Six involved damaging, vandalising and spraying graffiti on the wall of a graveyard, and one incident was religious humiliation and threat with

a pig head nailed at the door of an historical mosque. Two were direct physical attacks against the animals which belong to the Turkish people that a group of unknown person/s attacked a sheepfold and a cattle shelter and killed thirty of sheep in the fold.

44. There occurred attacks against the places of worship and Muslim cemeteries in Western Thrace in the year 2010 and the first months of 2011. Of the five incidents we documented, three were carried out on mosques and included throwing Molotov cocktail and pieces of asphalt and stones, the smashing of windows and damaging the interior part of the mosques and nailing an object (a severed pigs head on the entrance door). Two incidents took place against the Muslim cemeteries in Komotini and involved a far-right organization which sprayed the name of the organization, *Chrysi Avyi* (Golden Dawn), and the other attack took place in Komotini, and it included breaking of gravestones in the cemetery. On none of incidents the assailants were caught and arrested.
45. The anti-Muslim hate crimes took place within a mixed-motivated context of ethnic discrimination and violence. The Turkish Minority of Western Thrace does face with an increasing trend in hate-motivated incidents and attacks due to stereotypes and hate-motivated speech in printed and audio-visual media. This makes the Turkish Minority of Western Thrace a vulnerable target, and activities of far-right and/or extremist groups and their widely use of Internet does create a fragile situation in the region. Therefore, the Working Group is requested to ask the State under review to give a detailed explanation on this issue and take concrete step to prevent hate-motivated attacks against persons belonging to the Turkish Minority.
46. ABTTF notes with appreciation the recommendations made by Mexico(para.83.55) and Slovenia(para. 83.61) on the effective enjoyment of the right to freedom expression and freedom of associations, particularly in the case of ethnic, religious and linguistic groups that are not officially recognized as minorities. ABTTF pays special attention on the right to self-identification on a collective basis and the freedom of association of the Turkish Minority in Western Thrace and welcomes any kind of international effort and support on this issue (See paras. 5 and 12).
47. With regard to the recommendations which will be examined by Greece, ABTTF requests the State under review to give a detailed and self-critical response on these recommendations as soon as possible.
48. In relation to the recommendation made by Turkey(para. 84.16) which requests Greece to be more flexible on the preconditions set for minaret construction, ABTTF would like to give further information on the issue and asks the State under review a concrete and comprehensive response to this recommendation in due time.
49. Law 1577/1985 conducted the procedure of getting permission to build any kind of house of prayer as well as mosques and minarets. Article 21(2) of the Law 1577/1985 reduced the height of the minarets from 16 meters to 7.5 meters. Since a discretionary power was granted to the Ministry of Religious Affairs and Education for reasonable and special cases, permissions for mosques, minarets and any other kind of house prayer needed authorization of the Bishop of the region. In 1997, the discretionary power was transferred to the Ministry of Religious Affairs and Education. Till 2004, the Ministry of Religious Affairs and Education did grant permission for building of minarets up to and over 16 meters. Since 2004, applications have either been refused

or ignored. 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. On May 2008, MP of Rodopi Region, Ahmet Hacıosman, raised a Parliamentary question to the Ministry of Religious Affairs on permissions for building of minarets in the Venna (Demirbeyli), Kallindirio (Kalenderköy) and Filira (Sirkeli) villages of the region of Rodopi. Evripidis Stilianidis, Minister of Education and Religious Affairs of the period, stated that the Law 1577/1985, which stated that the height of the minarets should be 7.5 meters, is to be implemented.<sup>167</sup> ABTTF requests the Working Group to ask the State under review to consider to amend the relevant law and/or to recommend being more flexible on the preconditions set for the minarets.

50. ABTTF requests the State under review to execute the judgments of the ECtHR regarding the applications of the Xanthi Turkish Union, the Cultural Association of Turkish Women of Rodopi and the Evros Minority Youth Association without any further delay, and ask the State under review to give a detailed explanation about the execution of ECtHR judgments at the national level.
51. In regard to the recommendations which did not enjoy the support of Greece, ABTTF would like to give some further details about some of the recommendations concerning with the Turkish Minority.
52. On the question of the election of the muftis by the Turkish Minority of Western Thrace (para. 85.4), the religious freedom of the Turkish Muslim minority of Western Thrace, is protected by the Treaty of Lausanne signed in 1923. Although the Lausanne Treaty, which anticipates that “minorities administrate their own religion and institutions”, does not specifically mention that the minority shall elect its own religious leaders. The Treaty brings up the treaties which had been taken into effect before itself, thus it reaffirms and acknowledges 1830 Protocol and 1881 Treaties and 1913 Athens Treaty and Its Third Protocol.
53. The Athens Treaty states that, “the life and properties, and the honour, religion, sect and customs of the folks from the places left to Greece, and who will remain under the administration of Greece, will be fully cared and respected, and these folks will possess all kind of civil and political rights like the Greek citizens of Greek origin do”, and adds that, “each Mufti will be elected by those Muslim voters who find themselves under the authority realm of the related Mufti”. It further notes that, “the Chief Mufti will be elected by an election council composed of all Muftis in Greece and will be appointed among three candidates determined by the King of Greece.”
54. The Law 2345/1920 adopted in accordance with provisions of the Athens Treaty envisaged that muftis were to be elected by Muslims who were entitled to vote, but

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<sup>167</sup> Western Thrace Minority University Graduates Association, “Mosques In Western Thrace”, Written Statement submitted to OSCE Supplementary Human Dimension Meeting on Freedom of religion or belief, Hofburg, Vienna, 9-10 July 2009, [http://www.osce.org/documents/odihr/2009/07/38803\\_en.pdf](http://www.osce.org/documents/odihr/2009/07/38803_en.pdf)



this provision along with the provision for the establishment of the position of Chief Mufti has never been implemented. Rather, the post of Chief Mufti, which is the counterpart of the Greek Orthodox Patriarch and the electoral assembly in question, is similar to the Orthodox Holy Synod. Even though there is no Chief Mufti, Greece adopted the election of the Patriarch as a model, and appointed muftis by a special decree issued by the King. Two of three muftis, one in Komotini (Gümülcine), and one in Xanthi (İskeçe) have been appointed by a special decree issued by the King, while mufti in Alexandroupolis(Dedeğaç) has never been appointed.

55. 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 without consulting with minority members or even asking for their opinion on the issue. In violation of the Athens Treaty, the Presidential Decree of 24 December 1990 adopted a legislative decree which states that muftis must be appointed by Presidential Decree on nominations from the Ministry of Education and Religious Affairs. In response to the Government's decision, the Turkish Minority of Western Thrace elected, in 1990, its own muftis, whom were not officially recognized by the Government. Since then, there is a duality in regard to the representation of the religious leaders of the Turkish Minority. Although the Government seems to put up this duality in the region, the appointment of muftis by the Government infringes on the right of persons belonging to the Muslim minority to effectively participate in the decision-making processes that affect their daily lives.
56. Regarding the appointment of imams (para.85.4), the Law No. 3536/2007 envisaged the appointment of 240 imams to serve at the mosques in Western Thrace under the auspices of the muftis (appointed). In clear violation of the freedom of religion and conscience of the Minority, the Law 3536/2007 was prepared and put into effect without asking opinion of the Minority itself at any stage. This clearly indicates that the Turkish Minority does have no say on issues which directly affect them. Nevertheless, it is a great disrespect against the Muslim Turkish Minority that the imams will be selected by a delegation composed of Orthodox Christians.
57. ABTTF would like to stress that the State should not involve in /intervene to any matters regarding issues of faith, belief, or the organization of a religious group, and it should extricate itself any matter which might be considered internal. The ecclesiastic of the Eastern Orthodox Church of Christ, which is the prevailing religion in Greece, are public servants, but they are appointed/elected/selected by the Church itself, and the State is not allowed to involve in/intervene to any matter internal or doctrinal to the Church. It is unacceptable that Greece, which does not even interfere with the Orthodox Church, shall prospectively be able to select/appoint servants of the religious organizations of the Minority.
58. Greece should 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. Therefore, ABTTF request the State under review to repeal the relevant articles of the Law 3526/2007 and allow the Turkish Minority of Western Thrace to choose its own religious teacher and/or imams just like the Jewish Central Board and the Catholic and Protestant Church did.

59. On the issue of the administration and management of waqfs, ABTTF fully agrees the recommendation made by Turkey (para. 85.5) and requests the Working Group to ask the State under review to give a comprehensive explanation about the application of the relevant legislation and the opinion of the Turkish Minority itself on this issue.
60. In regard to the recommendation made by Turkey on the opening of Turkish-language kindergartens (para. 85.6), ABTTF would like to make a further explanation and comment which reflects the opinion of the Turkish Minority of Western Thrace on the issue. The Law 3518/2006 extended compulsory period in education from nine to ten years starting from the school year 2007-2008 and Article 73 of the relevant law defined a two- year kindergarten attendance in for pupils who have completed their fourth age as obligatory. Since the relevant law did not bring any regulation about ethnic and cultural differences among the children in Greece, the minority children were obliged to attend kindergarten under the Ministry of Education, Lifelong Learning and Religious Affairs.
61. ABTTF appreciates the need for the extension of compulsory education period from nine to ten years and it considers kindergartens vital for the next generations of the minority child. However, in line with the status of the minority and the legal framework in the field of education, ABTTF considers those bilingual minority kindergartens rather than the state kindergartens, in which Greek language is used, should be established in areas densely inhabited by the Turkish minority. Therefore, ABTTF fully shares the recommendation made by Turkey which asks the State under review to initiate procedures for the opening up Turkish-language kindergarten for minority children in Komotini and Xanthi (para. 85.6). As Independent Expert on Minority Issues commented that this would allow better knowledge of both Turkish and Greek from an early age and enable greater choice of whether to go to minority or Greek public primary school.<sup>168</sup>
62. In regard to the recommendation made by Turkey on the process of reinstating the citizenship of approximately 60.000 Greek citizens who were deprived of Greek citizenship (para. 85.7), please see para.27 of our report.
63. On the question of Turkish-language education in Rhodes and Kos (para.85.5), ABTTF would like to make an explanatory comment on this issue. Education in the mother language constitutes one of the main problems the Turkish minority on the islands face. When Rhodes, Kos and the Dodecanese Islands were transferred to Greece in 1947, there were ten schools that give education in Turkish in Rhodes and Kos. At that time the Süleymaniye School in Rhodes, which gives education only in Turkish language, had 550 students. Within time classes were restricted, and, in 1972, education in the mother language was abolished in the Aegean Sea by the Greek government. The name of the last school, Süleymaniye, was changed into Rhodes 13<sup>th</sup> City Elementary School. From this date, education in Turkish was prohibited. This school operated till 1980, and then the school was closed on the ground that it would be repaired. Thus, the last school building belonging to the Turkish minority was divested. The building of *Süleymaniye Medresesi* is still being excavated in order to find the old St. John Church. In case the foundation of the building is harmed, there is danger of demolition.

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<sup>168</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>

64. Since the Turkish Minority in Rhodes, Kos and the Dodecanese Islands are not protected by the Lausanne Treaty, and thus they are deprived of the right to have education in mother language. However, there are 33 schools throughout Greece which implement special curriculums for people from different ethnic and religious backgrounds, none have specifically cultural and language courses. Although Turkish language courses are not allowed in Rhodes and Kos, there are “International Language Schools” in Rhodes and Kos for foreigners who are married Greek citizens. It has been reported that the Turkish minority living in the islands are not even allowed to organize weekend schools or additional classes in Turkish. ABTTF requests the State under review to solve the problem of education in mother language in consultation with the NGOs of the Turkish communities in these islands.



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**Föderation der West-Thrakien Türken in Europa**  
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**Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης**  
**Fédération des Turcs de Thrace Occidentale en Europe**

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)

**Written Contribution by the Federation of Western Thrace Turks in Europe (ABTTF)  
on the Implementation by Greece of the First Cycle UPR Recommendations**

**21 September 2015**

**Human Rights Council**  
**Working Group on the Universal Periodic Review (Second Cycle)**  
**25<sup>th</sup> session**  
Geneva, April/May 2016

**I. Cooperation with NGOs and Civil Society Organizations**

1. As regards to the **recommendations 83.16. (Palestine)** and **83.96. (Austria)**, ABTTF notices regretfully that the competent Greek authorities have in no manner consulted any association or NGO belonging to the Turkish minority in Western Thrace neither during the process when the national report of Greece was being drafted nor during the follow-up to the first-cycle review.

**The UPR Working Group is therefore requested to urge Greece to end immediately its policy ignoring the Turkish minority in Western Thrace which is the only officially recognized minority in the country and to set up an official consultation and dialogue mechanism with it.**

**II. Rights of Persons Belonging to Minorities and the Turkish Minority in Western Thrace**

**1. Women's Rights and Freedom of Religion or Belief**

With regard to the **recommendation 83.22. (Netherlands)**, ABTTF would like to remind that Greece recognizes Sharia on family and inheritance law matters for Muslims who reside in Western Thrace. However, as stated also in the voluntary mid-term progress report by Greece, all decisions of the muftis appointed by the Greek government on marriages, divorces or inheritance issuance are liable to be null and

void by first instance courts in Thrace. Therefore, it is the responsibility of the State under review to prevent any impediments that may occur.

There are some other concerns that Muslim women have inferior rights by comparison to men under family law, property law, and in the judicial system. ABTTF would like to mention that marriage under Islam in Western Thrace is only realized with marriage licence document which is given by the offices of Muftis appointed by the State. In Western Thrace, marriage is realized before Imam or Mufti, which in any case needs to be declared to the civil registry. There is no such order in the Qur'an that a man can get married with more than one woman. Polygamy is restricted to the strict conditions which are almost impossible to be met. Besides, the article 1354 of the Greek Civil Code prohibits polygamy on the ground that it is against to the public order. Therefore, the Greek Penal Code describes polygamy as a criminal offence and sanctions are anticipated on the related issue. The Article 1348 of the Greek Civil Code 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 in Western Thrace. Therefore, there is no problem in divorce for members of the minority who have got married under the Greek Civil Code.

Regarding the **recommendation 83.53. (Slovakia)**, ABTTF underlines that the legal status of the Turkish minority in Western Thrace is based on the Treaty of Lausanne of 1923 which has guaranteed its educational and religious autonomy. The Article 40 of the Lausanne Treaty states "they (the Muslim minority) 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". Unfortunately, beginning with 1967 when the military junta came to power in Greece, the religious autonomy of the minority has been undermined and diminished through several governmental practices and laws without prior consultation with the minority representatives. Beginning with 1991, the State under review has started to appoint the religious leaders (Muftis) of the Turkish minority. As a reaction to this implementation of Greece which is a clear infringement of the above mentioned article of the Lausanne Treaty, the minority has also elected its own Muftis. However, the Greek authorities do not recognise these Muftis elected by the minority itself.

Today, Greece does not recognize the right of the Turkish minority to elect its own religious leaders and appoints the Muftis on the grounds that these have judicial power on civic matters. Therefore, there is a duality today in Western Thrace, the Muftis appointed by the State under review and the Muftis elected by the Turkish minority. At this point, ABTTF would like to underline that the elected Muftis do not necessarily apply the sharia law on family and inheritance law matters and just perform religious duties. It is those Muftis appointed by the Greek government who

use their judicial competences on inheritance and family issues based on Sharia law. On the other hand, the Sharia law has been recognized by Greece in accordance with its obligations arising from the Athens Treaty of 1913. Therefore, ABTTF would like to remind that any possible readjustments in this issue should not be against its obligations which arise from the relevant bilateral and international treaties Greece has signed with Turkey. The abolition of Sharia law by a unilateral decision by Greece would be a violation of the Athens Treaty.

Furthermore, concerning the violation of the guaranteed religious autonomy and freedom of religion of the Turkish minority by the State under review, ABTTF would like to mention the Law 3536/2007 envisaging the appointment by the Greek authorities of 240 instructors of Islamic law, some of whom may officiate as Imams. Law on Muslim Preachers (4115/2013), which replaced the Articles 36 to 39 of Law 3536/2007, envisages appointment of 240 “Quran teachers” who will offer their services in the public schools of primary and secondary education and mosques in Western Thrace under the auspices of the official muftis who are appointed by the State itself. The new legislation would allow the Greek government to exercise state control over religion through the appointment of Muslim preachers i.e. Imams to mosques under the realm authority of the official Muftis in Xanthi, Komotini and Didymoteicho in Greece.

This legislation would further allow the government to expand its control over religion in public schools in the region through the new provision which is made for the teaching of the Quran by appointed Muslim preachers in public schools in Western Thrace in which minority students are enrolled. Law 4115/2013 start implemented in August 2013 and 63 religious officers, among whom only 3 are university graduates, started to teach Islam and Quran in Greek in public schools of secondary education in Western Thrace in January 2014 despite strong opposition by members of Turkish minority.

ABTTF would like to underline that the State should not involve/intervene in any matters regarding issues of faith, belief, or the organization of a religious group, and it should extricate itself any matter which might be considered internal. It is unacceptable that Greece, which does not even interfere with the Orthodox Church, shall prospectively be able to select/appoint servants of the religious organizations of the Turkish minority. The ecclesiastic of the Eastern Orthodox Church of Christ, which is the prevailing religion in Greece, are public servants, but they are appointed/elected/selected by the Church itself, and the State is not allowed to involve in/intervene to any matter internal or doctrinal to the Church.

**The UPR Working Group is thus requested to urge Greece to fully comply with the Treaty of Lausanne of 1923 and prior Athens Treaty of 1913 and Its Third Protocol and to allow the Turkish minority in Western Thrace to elect freely its own religious leaders as the Jewish Central Board or the Catholic and Protestant Church in the country do and to repeal at once the Law 4115/2013 which hinders the minority from managing and controlling its own religious institutions and exercising its religion freely therein.**

## **2. Self-Identification and Freedom of Expression, Peaceful Assembly and Association**

Referring to the **recommendations 83.55. (Mexico), 83.61. (Slovenia) and 84.17. (Turkey)**, ABTTF would like to remind that Greece does only recognize a “Muslim minority in Thrace” and denies the existence of an ethnic Turkish minority in the country. Although the 1923 Treaty of Lausanne, which has established the official status of the Turkish minority in Western Thrace which has an estimated population of 150,000 today, does not specifically mention its ethnic identity, there is a specific reference to the Turkish ethnic identity of the minority in Western Thrace in legal and international documents. “Etabli Documents“, which were the documents having been 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, mention the ethnic origin of the 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.

Greece does not subscribe to the right of any group to self-identification on a collective basis and the right of assembly or association of the group which seeks to determine their identity. Although so-called other segments within the minority are recognized and even welcomed and supported by Greek authorities, the Turks are not allowed to use their right of self-identification while the existence in a country of ethnic minorities is defined on the basis of collective rights.

Greece continues to place legal restrictions on the names of associations of persons belonging to the Turkish minority in Western Thrace which include the term “Turkish”. Following the dissolution of the associations belonging to the Turkish minority in Western Thrace in the late 1980’s, the three associations, the Turkish Union of Xanthi, the Cultural Association of Turkish Women of Rodopi and the Evros Minority Youth Association lodged a complaint with the European Court of Human Rights (ECtHR) in 2005. The ECtHR held unanimously there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights in October 2007 and March 2008.

Further to the concerning judgments of the ECtHR, the applicants requested the cancellation of the decision dissolving them (the case of the Turkish Union of Xanthi) or submitted a new registration of their associations before the national courts. The applications were declared inadmissible on the grounds it is not possible to cancel a domestic decision which has become final in the context of non-contentious procedure following a judgment of the ECtHR, and that domestic law does not provide, in civil matters, for the reopening of proceedings following a finding of violation by the ECtHR. The Court of Cassation also dismissed on procedural grounds the applicants’ appeals in cassation in the cases of the Cultural Association of Turkish Women of Rodopi and the Evros Minority Youth Association.

The Council of Europe’s Committee of Ministers closely follows the developments on the implementation of the ECtHR’s judgments under the name of Bekir-Ousta group of cases against Greece since 2008. According to the statement issued on 5 January 2015, the ECtHR will rehear the cases of the Turkish Union of Xanthi, the Cultural Association of Turkish Women of Rodopi and the Evros Minority Youth Association. This means Greece will be re-judged by the ECtHR on the basis of its non-compliance with the three court rulings in 2007 and 2008.

As regards to the freedom of expression of the Turkish minority in Western Thrace, ABTTF would like mention that the Greek media law 3592/2007 on the “Concentration and Licensing of Media Enterprises” contains a number of provisions regarding language, employment and finances that hinder potential local and regional media from obtaining licenses for news and music radio stations. The law requires the radio and television stations to broadcast primarily in Greek. Accordingly, the Greek National Radio and Television Council issued in March 2014 recommendation decisions of warning against the radio stations Radio City FM, Çınar FM and Joy FM belonging to the Turkish minority in Western Thrace on the grounds their programming in Greek was less than 25 percent. This provision of the law hinders the freedom of expression of the persons belonging to the Turkish minority and their access to information.

**The UPR Working Group is therefore requested to urge Greece to recognize the ethnic Turkish identity of the minority in Western Thrace, to implement, without any further delay, the ECtHR’s judgments in the cases of the Turkish Union of Xanthi, the Cultural Association of Turkish Women of Rodopi and the Evros Minority Youth Association and to amend at once the Code of Civil Procedures in such a way that it allows the implementation of the ECtHR’s judgments in matters related to freedom of association.**

### **III. Additional Concerns on the Turkish Minority and Its Right to Education**

The educational autonomy of the Turkish Minority in Western Thrace has been undermined and diminished by governmental practices over years. The Greek government has wide-ranging control over the minority schools at all levels, whether it concerns the composition and the functioning of the school boards, the hiring and firing of teachers, the distribution of textbooks or the building and repair of school buildings

On 27 November 2014, the new Law for “Research, Technological Development and Innovation and other Provisions” was approved by the Greek Parliament. Law 4310/2014 introduces reforms and changes in administrative organizations, in issues related to teaching staff at minority schools, issues related to the functioning and scientific-pedagogical support of the minority schools, establishment of a teachers school under Democritus University of Thrace and appointment and hiring of educators to primary minority schools. Law 4310/2014 was prepared with no prior consultation and/or dialogue with the Turkish minority.

Members of the Turkish minority who are graduated from other universities in Europe and other countries and received diploma equivalence in Greece should have the right to enter that department. Furthermore, one-year education after graduation of four-year undergraduate education will not be enough for a high quality education in Turkish curriculum at minority schools. Members of the Turkish minority are not allowed to teach in Greek curriculum at minority schools. Members of the Turkish minority who are graduated from Greek faculties of education and teach in the Greek curriculum at minority schools reacted against that on the ground that this is a violation of the principle of equality enshrined in the Greek constitution.

### **Recommendations for Action by the State under Review**

Federation of Western Thrace Turks in Europe (ABTTF) calls on Greece:



- To respect its obligations under the Treaty of Lausanne and take measures in order to restore the autonomous structure of the Turkish minority in Western Thrace in the fields of education and religion. Greece should respect, protect and promote the rights enshrined in the Lausanne Treaty and act in full compliance with the provisions of the Treaty and the core international human rights instruments to which Greece is a party.
  
- To establish a mechanism for dialogue between the governmental authorities and the Turkish minority in the form of advisory or consultative bodies to be the channel for the minority to raise its own voice.





**ABTTF**



**Federation of Western Thrace Turks in Europe**