



Ethnic Turks in Greece, a Muslim Minority

**Human Rights Without Frontiers
International**

Ethnic Turks in Greece, a Muslim Minority

Edited by Willy Fautré



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Foreword

This report, “Ethnic Turks in Greece, a Muslim Minority” produced by *Human Rights Without Frontiers Int’l* (HRWF Int’l) is the result of a fact-finding mission to Western Thrace on 16-20 October 2012. The mission was organized by the Federation of Western Thrace Turks in Europe (ABTTF) and the Friendship, Equality and Peace Party in Greece, with the participation of MEP François Alfonsi (France), Willy Fautré, Director of HRWF Int’l and Hans Heinrich Hansen, President of Federal Union of European Nationalities (FUEN). The group visited Western Thrace and travelled around different localities and conducted extensive consultations with public minority officials at local level. They also met with non-governmental organizations, religious and community leaders in order to investigate current problems and concerns faced by members of the Turkish Minority of Western Thrace.

This report shows that members belonging to the Turkish Minority of Western Thrace in Greece face severe problems in every field of their daily lives. Greece officially recognizes a single minority, the “Muslim Minority in Thrace”; therefore, the legal status and rights of the Turkish Minority of Western Thrace are determined by the Treaty of Lausanne of 1923. Although there is a specific reference to the Turkish ethnic identity of the Muslim minority in Western Thrace in legal and international documents, Greece does not give official status to any indigenous ethnic group nor does it recognize “ethnic minority” or “linguistic minority” as legal terms. Furthermore, Greece denies the existence of a Turkish Minority in Greece and prevents its members from enjoying the right to express their ethnic identity on a collective basis and their right to freedom of association.

The situation of the Turkish Minority of Western Thrace remains a serious concern and this report addresses in detail the problems faced by the minority. The Turkish Minority of Western Thrace continues to be discriminated on the grounds of its ethnic origin and religion. In the past, some members of the Turkish Minority were deprived of their Greek citizenship and are still denied the right to recover it. The minority is not allowed to elect its own religious leaders i.e. muftis, as the State appoints them with no regard to its opposition. Although the children of the minority are granted the right to school education in their mother tongue and the minority has autonomy in the management of its educational institutions, the children belonging to the minority are obliged to attend state kindergartens where the language of education is only in Greek.

Greece became a member of the Council of Europe in 1949 and of the European Union in 1981. Greece has signed but has not ratified the Council of Europe’s Framework Convention for the Protection of National Minorities. Moreover, Greece has neither signed nor ratified the European Charter for Regional or Minority Languages. In this report, *Human Rights Without Frontiers* urges the Greek authorities to take action in the aforementioned problematic areas. The report underlines that whatever their ethnicity, their mother tongue or their self-identification, the people belonging to the minority have individual and collective rights that must be respected.

The production of this report would not have been possible without the dedicated efforts of *Human Rights Without Frontiers Int’l*. On behalf of ABTTF and the Friendship, Equality, Peace Party, we would also like to express our sincerest appreciation to the members of the fact-finding mission and for the generous assistance provided by minority organizations, religious leaders and members of the Turkish Minority.

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Introduction

For several centuries the Ottoman Empire extended its rule throughout Central and Southeastern Europe.

During the 19th and early 20th centuries, new states emerged in Southeastern Europe, breaking from an Ottoman Empire in decomposition. The new division of territories was based on the creation of “ethnic states” which fitted within an international context of an ideal division of countries and territories into “nation-states.” This policy resulted in a potential for conflicts which has its origin in two main factors: a strong feeling of irredentism in the newly-formed states but also internal tensions between the new Orthodox Christian rulersⁱ (the majority group) and their Muslim population (the minority group) which they perceived as “remnants” of the Ottoman “occupation”.ⁱⁱ

War between Greece and Turkey from 1919 to 1922 ended with negotiation of the 1923 Peace Treaty of Lausanne, a convention which provided for a compulsory exchange of population (except for the Greeks living in Istanbul and the Turks in Western Thrace) between the two countries. Muslims in Greece, apart from those in Western Thrace, were resettled in Turkey: about 400,000 – 500,000 Muslims (mainly Turks). Orthodox Greeks numbering about 1.0 – 1.2 million - with the exception of those in Istanbul (Constantinople), Gökçeada (Imbros) and Bozcaada (Tenedos) - left Turkey (540,000 settled in Greek Macedonia)ⁱⁱⁱ.

The 1923 Treaty of Lausanne guaranteed equal protection of the “non-Muslim minorities of Turkey” (there were not only Greek Orthodox) and the “Muslim minority of Greece” (loosely applied to Turks, Pomaks and Roma). This minority is the only group in Greece that has a minority status officially recognized by the Greek state. Greece has never questioned its existence.

Executive Summary

In this report, *Human Rights Without Frontiers Int'l* (HRWF Int'l), an independent nongovernmental organisation, raises concerns for basic freedoms and human rights for the ethnic Turkish minority in Greece. In order to investigate these charges, HRWF Int'l participated in a fact-finding mission to Thrace from 16th to 20th October 2012. The findings of this mission are included in this report.

Chapter 1 describes the historical background of identity issues for ethnic Turks in Thrace, who have lived in the region for centuries. After the dissolution of the Ottoman Empire, agreements made under the 1923 Treaty of Lausanne sought to protect the cultural integrity of the ethnic Turkish community in terms of language, religion and culture; however, since the 1990s the Greek government has sought to promote a policy of national assimilation, even to the point of denying the existence of any such ethnic minorities within its borders. Turkish identity has been systematically suppressed in favour of a homogenised view of Greek society. The use of the term “Turkish minority” is thus officially banned in Greece.

Chapter 2 examines the official position of the Greek government in response to these allegations. The Republic of Greece was questioned on the occasion of its Universal Periodic Review at the 2011 Session of the UN Human Rights Council. The body called upon Greece to respect the right of self-identification for the ethnic Turkish community and to institute reforms to ensure progress in bilingual education, the freedom of expression and broader powers of self-determination for the Turkish minority.

Chapter 3 presents the findings of the October 2012 fact-finding mission to Thrace. The findings are organised into several headings:

Concerning school education for minority children

Under the Treaty of Lausanne, the right of the ethnic Turkish minority to establish schools was guaranteed, including “the right to use their own language and to exercise their own religion freely therein.” However, several policies of the Greek government have made the realisation of these provisions highly problematic. Limited access to adequate Turkish-language educational resources, including curriculum, textbooks and teachers, are here noted. The report appeals for a revision of policies that affect minority education at all levels.

Concerning the freedom of association

This section examines three rulings of the European Court of Human Rights which determined that the right to the freedom of association had been violated by the Greek government. Certain organisations that identified themselves as “Turkish” had been forced to close, because the authorities do not recognise the legal status of ethnic minorities and considered them to threaten public order. Despite the European Court’s rulings to permit the

reopening of these associations, Greece has yet to restore their legal status.

The failure to execute the judgments of the Court constitutes an obstacle to access to justice. Human Rights Without Frontiers calls upon the Greek government to implement these decisions in a timely manner and to remove all obstacles to the use of the word “Turkish” in future.

Concerning the freedom of religion and the appointment of muftis and imams

While “known religions” are permitted to elect their own religious leaders, the Greek government has discriminated against the Muslim minority in Thrace by denying them the same right. The enactment of a law in 1991 gave the Greek State the power to appoint Muftis in Thrace without consideration of the Muslims who live there, thus compromising the community’s autonomy under the Treaty of Lausanne and creating tensions within the community itself. By the adoption of another law in 2007 and amendments to it in 2013, the state assumed the power to appoint imams for preaching in mosques and for teaching religion classes in public schools without any consultation of the Muslim community or its elected representatives.

Concerning the freedom of expression and of the media

This section examines restrictive policies of the Greek authorities that endanger the freedom of expression for Turkish-language media. Newspapers and radio have been subjected to draconian measures, including the imposition of unreasonable conditions for registration, excessive fines, the misuse of defamation laws and other actions to silence the Turkish-language media.

Concerning Article 19 of the citizenship code and the arbitrary deprivation of citizenship

This section analyses the arbitrary deprivation of citizenship of 60,000 ethnic Turks from 1955 to 1998 in the light of international standards. It denounces the opaque reacquisition of the said nationality and the failure to repair the damages caused to the victims of this legislation.

Concerning racist incidents

This section lists a number of hate-motivated incidents perpetrated by members of the extreme-right wing Golden Dawn party and targeting ethnic Turks in 2012.

Human Rights Without Frontiers urges the Republic of Greece to guarantee equal rights and to respect equal protection under the law for its ethnic Turkish minority. It is only by escaping the sterile debate about how to name groups and by prioritising the safeguarding of individual rights that Greece can fulfil its obligations under international law and strengthen the rule of law within its borders.

Chapter I

The Identity and Identification Issue

The ethnic Turks in Thrace who have been living within the borders of the Ottoman Empire since at least the 14th century reject being defined only as a religious minority but identify themselves as “Turkish” or “Muslim Turkish”.

From the 1920s until the early 1970s, the official Greek discourse used the terms “Muslim minority” or “Turkish minority” in Western Thrace interchangeably. The Greek authorities then changed their policy. They banned the use of “Turkish minority” and made reference to a Muslim minority composed of three different subsets, i.e. those of Turkish origin, Pomaks and Roma^{iv}. This U-turn climaxed in 1991 when the then Greek Prime Minister declared that the minority living in Thrace was not Turkish but Muslim, composed of the three aforementioned constitutive groups. From the mid-1950s onwards, the Greek authorities had tried to promote the construction of a separate Pomak identity for the Pomak-speaking people in Thrace who are mainly living in the highlands bordering Bulgaria. The policy of splitting the Muslim minority into three distinct ethnic groups was obviously instrumentalized to break its cohesion and unity. However, the vast majority of Pomak-speaking people in Thrace make common cause with the Turkish ethnic group.

The Muslim ethnic Turks in Greece preserved their homogeneity around their culture, their religion and their language. The erosion of the unity of their community was further avoided through endogamy. They acquired Greek citizenship, got a Greek ID and a Greek passport and performed military service in the Greek army while still identifying themselves as Turks^v, as confirmed by interviews during the October 2012 *Human Rights Without Frontiers* mission. The peaceful co-existence of these two identities is a fact that cannot be negated or ignored. No evidence has ever been provided by the Greek authorities that this dual identity has endangered the security, the public order or the territorial integrity of the country.

The Greek authorities refuse to qualify them as “Turks” and instead insist on calling them Muslim Greeks. The Government does not recognize them as an ethnic minority but as part of the “Muslim minority;” however, the latter is to be protected “on the territory of Greece,” according to the Treaty of Lausanne.

The demographic composition of Greece has however changed in the last 80 years, and particularly in the last decades, with an increasing number of Muslims immigrating from Africa and Asia^{vi}. This development has in a sense made obsolete the content of the concept “Muslim minority of Greece” as it has been so defined since 1923. Even still, the Treaty of Lausanne remains the oldest and strongest cornerstone of the status of Muslim ethnic Turks in respect to international and domestic law.

The identity issue of the “Muslim minority” has been addressed in various ways by diverse actors:

Greek State: On 14th February 2011, Greece submitted its report to the UN Universal Periodic

Review and said on this issue^{vii}:

Greece firmly believes that the protection afforded to persons belonging to minorities should be based on full respect for human rights and freedoms and the implementation of relevant international treaties. Greece officially recognizes as a minority the Muslim minority in Thrace, which consists of three distinct groups, whose members are of Turkish, Pomak or Roma origin, Muslim faith being the common denominator of the aforementioned components. Each of these groups has its own distinct spoken language and cultural traditions and heritage, which are fully respected by the State. The status of the above minority is regulated by the 1923 Treaty of Lausanne. Further to fully complying with the relevant provisions of the Lausanne Treaty, Greek policy and legislation reflect and implement contemporary human rights norms and standards, as well as the European Union *acquis*, aimed at improving the living conditions of the members of this minority and their smooth integration into all aspects of both local and national society.

European Union: No position has been taken by the European Union on the issue but on 12th April 2012, MEP François Alfonsi raised the issue by addressing a written question to the European Commission about the rights of the “Turkish minority in Western Thrace.”

Council of Europe: On 21st April 2009 and on 27th January 2010, the PACE (Parliamentary Assembly of the Council of Europe) adopted Resolutions 11860 and 1704 on “Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (Eastern Greece)”, avoiding the use of the ethnic qualification “Turkish”.

The Report of the European Commission against Racism and Intolerance (ECRI) on Greece adopted on 2nd April 2009 uses the terms “Muslim Minority in Western Thrace” and “Turkish communities”.

United Nations: From 8th to 16th September 2008, Gay McDougall, the then UN independent expert on minority issues, visited Greece, inter alia, to promote implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. She urged the Government of Greece to withdraw from the debate over whether there is a Turkish minority in Greece and focus on protecting the right to self-identification.

U.S. Department of State: In its annual report on freedom of religion around the world, it uses the term “the Muslim minority in Thrace.”

Human Rights NGOs: Human Rights Watch uses the term “Turkish Minority” or “Ethnic Turks”. Amnesty uses the expression “Turkish Minority.”

Recommendation: Human Rights Without Frontiers urges the Greek authorities

- **To respect the right to self-identification of the persons belonging to the minority protected under the Treaty of Lausanne;**
- **To discontinue the sterile debate about how to name the group but to prioritize the safeguarding of the individual and collective human rights of its members.**

Chapter II

Official Position of Greece at the United Nations UPR on Issues Related to Ethnic Turks

The Universal Periodic Review (UPR) of Greece at the United Nations on 9th May 2011 was the most recent occasion on which Greece officially expressed its position on a number of issues concerning the ethnic Turks in Thrace, who are part of the Muslim minority protected under the 1923 Treaty of Lausanne. The Federation of Western Thrace Turks in Europe contributed to the UPR a written statement when the Report was adopted in the Plenary Session on 22nd September 2011^{viii}.

In the National Report^{ix} submitted by Greece to the Human Rights Council in 2011 in the framework of Greece's Universal Periodic Review, it was stated that:

67. Greece firmly believes that the protection afforded to persons belonging to minorities should be based on full respect for human rights and freedoms and the implementation of relevant international treaties. **Greece officially recognizes as a minority the Muslim minority in Thrace^x**, which consists of three distinct groups, whose members are of Turkish, Pomak or Roma origin, Muslim faith being the common denominator of the aforementioned components. Each of these groups has its own distinct spoken language and cultural traditions and heritage, which are fully respected by the State. The status of the above minority is regulated by the 1923 Treaty of Lausanne. Further to fully complying with the relevant provisions of the Lausanne Treaty, Greek policy and legislation reflect and implement contemporary human rights norms and standards, as well as the European Union *acquis*, aimed at improving the living conditions of the members of this minority and their smooth integration into all aspects of both local and national society.

68. Important measures in favor of the members of the Muslim minority in Thrace have been adopted by the Greek Governments in recent years, covering a wide variety of sectors. Particular attention is paid to the field of **education**. Other measures which have been adopted aim at promoting and safeguarding the **cultural identity** of the persons belonging to the Muslim minority and facilitating their access to employment in the public sector through special measures. Additional steps have also been initiated in order to enable members of the Muslim minority, especially women and young persons, to be beneficiaries of nationwide programs and projects, co-financed, in some cases, by the European Union, focusing on horizontal issues, being treated in the present report, particularly **combating discrimination, fighting against intolerance and promoting gender equality / access to employment / inter – cultural dialogue / human rights education**.

69. In the field of education, Greece has ensured the proper running of the **minority schools** in Thrace. An increasing number of students belonging to the Muslim minority in Thrace are showing **preference for the public education system**. The Greek state has successfully accommodated this preference with measures aimed at preserving their cultural and linguistic characteristics such as piloting **optional Turkish language courses in schools** in Thrace and offering language and culture

courses for Muslim parents. Moreover, relevant programs, initiated by the Ministry of National Education and co-funded by the E.U, have been implemented since 1997. The implementation of the latest “**Program for the education of the children of the Muslim minority in Thrace**”, to be completed in 2013, aims at further combating the phenomenon of drop-outs and fostering the integration of Muslim students in Greek schools.

70. Some additional measures that have been taken in favor of Muslim students include a) a special **quota of 0.5 percent for the admission of Muslim students in higher education** while Law 3404/2005 introduced a designated number of places in Higher Technological Institutions for Muslim graduates of vocational schools, b) grants of 500 Euros per month to Muslim students in higher education every academic year, and c) a special scholarship for students from schools of the Muslim minority.

In its Compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents, the Office of the High Commissioner for Human Rights addresses a number of issues concerning the ethnic Turks in Thrace:

Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

45. CERD^{xi} was concerned about obstacles encountered by some ethnic groups in exercising their freedom of association and took note of information on **the forced dissolution and refusal to register some associations, including those whose name included words such as “minority”, “Turkish” or “Macedonian”**. CERD recommended that Greece adopt measures to ensure the effective enjoyment by all persons of their right to freedom of association and their cultural rights, including the use of mother languages. HR Committee expressed similar concerns. The independent expert on minority issues urged Greece to comply fully with judgments of the European Court of Human Rights that associations should be allowed to use the words “Macedonian” and “Turkish” in their names.

Right to education and to participate in the cultural life of the community

54. CERD was concerned about the alleged limited access to quality education for the Turkish speaking minority in Western Thrace. **CERD recommended that Greece improve the quality of education for vulnerable ethnic groups and the Muslim minority**, including through training teachers belonging to these groups, ensuring a sufficient number of secondary schools and creating preschools that teach in the mother tongues of their students.

55. CEDAW expressed concern about the low representation of women, including women from minority groups, in tertiary education. CEDAW urged measures to raise awareness of the importance of education as a human right. It recommended adoption of temporary special measures in order to increase the representation of women in tertiary education.

Minorities and indigenous peoples

56. The independent expert on minority issues, following a visit to Greece in

September 2008, noted that Greece recognized only one minority, the Muslim religious community in Western Thrace, which was protected by the Treaty of Lausanne of 1923. In this regard, **the independent expert observed that whether a State officially recognized a minority was not conclusive with regard to its obligations towards minority populations.** The independent expert urged Greece to protect the right to self-identification and the freedoms of expression and association of minority communities. 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.

57. Greece, in its response to the observations of the independent expert, affirmed its commitment to respecting the rights of minorities. Greece strongly disagreed with remarks suggesting that Greece promoted a singular national identity and that citizens wishing to freely express their ethnic identity were faced with obstacles. Although Greece did not recognize a distinct ethnic or linguistic minority by the name “Macedonian”, it assured that those claiming to belong to such minority enjoyed full respect for their individual rights. Greece also replied to remarks on the situation of the Muslim minority in Thrace, the situation of the Roma and freedom of religion.

In the written questions addressed to Greece before the UPR, Turkey was the only country to raise a number of issues concerning the situation of the ethnic Turks in Thrace:

- Religious rights of the Turkish Minority in Western Thrace have been safeguarded by international agreements. **The freely elected Muftis of Komotini and Xanthi** are not recognized. In addition, **the Law No.3536/2007 (“appointed imams law”)**, to which Minority has severely opposed, is another source of concern.
- Revision of the relevant **legislation concerning the Waqfs** in consultation with the Minority. This would enable the Minority to directly control and to use its own Waqf properties as well as put an end to misuse and expropriation of the Waqf properties.
- It is stated in article 73 of the Report that the Government examines ways and means **to execute the judgements of the European Court of Human Rights regarding the applications of the Turkish Union of Xanthi, The Cultural Association of Turkish Women of Rhodope and the Evros Minority Youth Association.** However, the Greek courts keep on rejecting relevant applications by the above-mentioned **associations** - for the implementation of the ECHR Rulings, on the ground that the rulings of the ECHR do not revoke the national courts’ decisions and thus have no direct effect on domestic law. On the other hand, Greek courts also reject similar applications by other Minority NGO’s. The relevant rulings of the ECHR are yet to be implemented by Greece.
- The Greek Government is urged to start the procedures for the opening of Turkish-language **kindergartens** for Minority children in Komotini and Xanthi.
- Speeding up the process of reinstating the citizenships of approximately 60.000 Greek citizens who were dismissed from Greek citizenship, because of the later repelled **article 19 of the Greek Citizenship Law** as well as of their descendants is necessary. A mechanism to compensate their losses in terms of ownership rights

that occurred as a result of the process should be put in place.

- The recent heavy fines incurred on the Minority **press** are perceived by the Minority as a means of intimidation. Most recently, *Gündem* and *Millet* newspapers have been penalized to pay heavy compensation for their articles about a Greek teacher in the Turkish Minority School in Megalo Derio village. The court ordered them to pay €150,000 and €120,000 respectively, which could lead to bankruptcy of the said newspapers.
- The members of the Minority are also facing **heavy fines due to the construction of mosque minarets**. These heavy fines are not proportional with their incomes and drag them into a financial bottleneck. Most recently, 3 members of the Minority who had worked at the construction of the minaret of the Avra mosque were sentenced to 3 months in prison and were fined for 122 Euro per person.

1. Is the government envisaging the possibility of allowing the election of the Muftis by the Turkish Minority as safeguarded by international agreements as well as by the Greek legislation i.e. the Law No: 2345 dated 1920?
2. What kind of steps the Greek Government will take to revise the relevant legislation on the Waqfs in consultation with the minority?
3. How does the Greek government envisage to implement the relevant rulings of the ECHR regarding the applications of the Turkish Union of Xanthi, The Cultural Association of Turkish Women of Rhodope and the Evros Minority Youth Association? What steps will it take to solve the problem of denial of ethnic identity?
4. When does the Greek Government plan to start the procedures for the opening of Turkish-language kindergartens in Komotini and Xanthi?
5. Have there been any developments about the process of reinstating the citizenships of approximately 60.000 Greek citizens who were dismissed from Greek citizenship, by the later repelled article 19 of the Greek Citizenship Law? How does the Greek Government plan to compensate their losses in terms of ownership rights that occurred as a result of the process?
6. The recent heavy fines incurred on the Minority press seem as a clear breach of freedom of expression and the press in EU legal area. Does the Greek National Council for Radio and Television consider working on a more liberal Media Law?
7. Does the Greek Government have plans to be more flexible for the preconditions set for minaret construction?"

During the interactive debate, Greece took the floor to say

50. On the question regarding the general '**minority protection**' of persons who belong to groups that have not been recognized as minorities, Greece emphasizes that it fully respects the human rights of individuals who declare that they belong to a certain group regardless of the fact that this group has not been officially recognised or officially granted a status of 'minority' in Greece.

As regards the question on the situation of the Muslim minority in Thrace and particularly on the administration and management of the **Muslim Foundations** in Thrace, a law was passed in 2008 that responds to a long standing request of the Muslim minority to have the members of their three main management committees elected and the need to renew by means of election the members of these three Muslim Waqf management committees remain pertinent. In conjunction with the selection of the muftis in Thrace, the government is engaged to find through amendments or possible adjustments the proper way to deal with this issue. As for **the withdrawal of**

the Greek citizenship from some members of the Muslim minority in Thrace, in 1998, the Government repealed Article 19 of the citizenship code which allowed for the withdrawal of Greek nationality from persons who abandoned Greece with no intention to return back. Among these people who left the country on their own will, many of them renounced the Greek nationality and acquired a foreign nationality. There is a very small number of Muslims who are stateless as a result of the deprivation of their nationality. For these individuals who reside in Thrace, a special ID card has been provided. Concrete steps have been undertaken to restore the Greek nationality of these few stateless people.

51. On **freedom of association** and the three judgments of the European Court of Human Rights regarding an equal number of associations in Thrace that were not registered with the competent courts, these cases are pending before the competent civil courts in Greece. There is a very constructive dialogue with the department for the execution of the European Court judgments of the Council of Europe. However, there is a very big number of Muslim minority associations and NGOs that have been registered with the competent courts and they operate unimpeded in the area of Thrace.

The report of the UPR Working Group reflected Greece's position as follows:

12. On the rights of persons belonging to minorities, **the Muslim minority in Thrace** consists of three distinct groups whose members are of Turkish, Pomak and Roma origin. Each of these groups has its own spoken language, cultural traditions and heritage, which are fully respected by the Greek state. 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. There is no denial of the ethnic identity of these groups.

14. On the right to **education** for persons belonging to the Muslim minority, the Government 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.

During the interactive dialogue, 48 delegations delivered oral statements. In total, 124 recommendations were formulated and Greece immediately accepted 97 of them; 9 were rejected while 18 were left for further consideration by the competent authorities.

While Greece commented on a number of recommendations it accepted and refused, it failed to explain its position on the ones made by Turkey. Indeed, **none of the recommendations made by Turkey enjoyed the support of Greece, i.e.**

85.4. Take necessary steps to ensure the election of the Muftis by the Turkish Muslim Minority and repeal the relevant articles of the Law n° 3536 regarding the appointment of imams, to which the Minority has severely opposed (Turkey);

85.5. Revise the relevant legislation concerning the Waqfs in consultation with the Minority with a view to enabling the Minority to directly control and to use its own Waqf properties, and to put an end to misuse and expropriation of Waqf properties (Turkey);

85.6. Initiate procedures for the opening of Turkish-language kindergartens for Minority children in Komotini and Xanthi (Turkey);

85.7. Speed up the process of reinstating the citizenships of approximately

60,000 Greek citizens who were dismissed from Greek citizenship, because of the later repelled Article 19 of the Greek Citizenship Law. Create a mechanism to compensate their losses in terms of ownership rights that occurred as a result of the process (Turkey);

85.8. Start a dialogue with the NGOs of the Turkish communities in Rhodes and Kos for the solution of their problems in the field of religious freedom and resume Turkish-language education, which has been denied since 1972 (Turkey).

Chapter III

Mission of *Human Rights Without Frontiers Int'l* Report & State of Play

From 16th to 20th October 2012, *Human Rights Without Frontiers* took part in a fact-finding mission in Thrace the objective of which was to assess the situation of the persons belonging to the local community of ethnic Turks, a Muslim minority protected by the 1923 Treaty of Lausanne^{xii}, other bilateral agreements between Greece and Turkey as well as other international instruments signed and ratified by Greece^{xiii}.

School Education of Minority Children in Turkish and in Greek

An Emergency Issue

Under the 1923 Treaty of Lausanne, the non-Muslim minorities in Turkey and the Muslim minority in Greece can “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.”^{xiv}

The reality is however far from the provisions of this treaty and from the official position of the Greek Government.

‘Autonomy’ of the minority schools: Under the Treaty of Lausanne, the minority has the right to run its own schools and these should have the status of private schools but with the passing of time a mixed status has been imposed for both private and public schools. Since the Treaty’s coming into force, around 70 laws, decrees and circular letters by the Ministry of Education have irremediably eroded the autonomy of the minority schools. This has permitted 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.

The appointment of Greek-speaking and Turkish-speaking teachers has gradually been entirely taken over by the Greek government. While there were several categories of Turkish-speaking teachers in the past^{xv}, the recruitment of teaching staff is now limited to the state-sponsored Special Pedagogical Academy of Thessaloniki (EPATH)^{xvi} although the quality of

their training is inadequate and their knowledge of the Turkish language insufficient.

Kindergartens: Since the Greek Parliament passed Law 3518/2006, introducing compulsory school education from the age of five, the Government has consistently rejected all proposals to open Turkish-Greek kindergartens in the 174 existing bilingual primary schools operating on premises which belong to the ethnic Turks' community^{xvii}.

Cemil Kabza, chairman of the Culture and Education Foundation of the Western Thrace minority (CEFOM), created and legally registered in 2007, told *Human Rights Without Frontiers* that in 2011 he had sent a first application to the Ministry of Education to request the authorization to open a private bilingual kindergarten in Xanthi and a private bilingual secondary school in Rhodope^{xviii}. The Ministry of Education should have given an answer by March 2012 but failed to do it. Cemil Kabza stated that they learned their application had been sent to the State Legal Council (Nomiko Simvulio tu Kratos) which will be convened and discuss their application. The Minister noted that it will give a final decision after the legal council notifies him its decision. "Let's wait and see", Cemil Kabza said to *Human Rights Without Frontiers*.

Due to the persistent lack of bilingual kindergartens, a number of families have reluctantly decided to send their children to Greek-language state kindergartens despite the risk of losing their linguistic and cultural identity. Others are resisting and refuse to send their children to a Greek-language kindergarten. Those parents do not reject the Greek culture but consider that if their kids start in such a kindergarten, they will want to stay with their classmates in a Greek state primary school and will lose their language and their culture.

In Echinós (Xanthi Prefecture), a conflict recently broke out when in September 2012, the vice-president of the Echinós school council, a Greek Orthodox nationalist, alerted the inspection authorities that 20 children had not attended a kindergarten before going to primary school and that one of the access conditions was therefore not fulfilled, placing the parents at risk of a 60 EUR fine for non-compliance.

The 20 mothers of the concerned 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."

In a surprising move, the regional school inspectors suddenly refused to enrol them and dismissed the principal, Hasan Kurak, from his position because he had registered them and taught them.

Hasan Kurak, who has been teaching for 33 years, including 15 years in Echinós, told *Human Rights Without Frontiers*, "My priority was to guarantee the future of the children. I decided to register them, to give them access to the school and to teach them. I was fired from my position of principal of the school for that and was threatened to lose my retirement pension if

I persisted." He was replaced by a Turkish-speaking colleague.

Kurak distributed the school material in Turkish to the pupils but the vice-president of the school council forbade him to give them the books in Greek. According to the 1968 Cultural Agreement between Greece and Turkey, Athens provides the books in Greek and Ankara the books in Turkish.

Mothers and teachers remain concerned about the future of the 20 children. They fear they might not be allowed to take exams or to receive a state-certified diploma.

Primary schools: In September 2012, there were 174 bilingual primary schools in Thrace (100 in Rhodope Prefecture, 58 in Xanthi Prefecture and 16 in Evros Prefecture)^{xix} the buildings of which belong to the minority community. "The Greek-speaking teachers are paid by the Greek State while the Turkish-speaking teachers are paid by the school board of the Turkish ethnic community", Mustafa Ali Cavus, President of the Political Party of Friendship, Equality and Peace told *Human Rights Without Frontiers*.

When the UN Independent Expert on Minority Issues, Gay McDougall, carried out a fact-finding mission from 8th to 16th September 2008, there were 194 minority primary schools in Thrace^{xx} with courses taught in both Turkish and Greek^{xxi}. According to the Law 695/1977, minority teachers who are graduates of the Special Pedagogical Academy of Thessaloniki (EPATH) are prioritized for appointment to teach the curriculum in the Turkish language. Therefore, graduates of Turkish universities are never appointed^{xxii}.

Based on the 1951 Cultural Agreement between Greece and Turkey^{xxiii}, it was agreed that both countries would send teachers reciprocally. According to the demands of the Greek side, this number was raised to 35 in 1955. However, in the course of time, Greece stated that their minority schools in Turkey only needed 16 teachers and therefore unilaterally decided it would accept only 16 exchange teachers from Turkey on the basis of the reciprocity principle.

The decline in the enrolment of Turkish-speaking pupils and consequently in the number of minority bilingual schools^{xxiv} is due to several factors which were already brought to the attention to Gay McDougall in 2008 and confirmed by teachers and parents to *Human Rights Without Frontiers* in 2012. The quality of education in minority primary schools falls far below that of Greek public schools. These schools fail to serve the fundamental needs of the community, complicated by a double system of administration, poor teaching standards, an ill-prepared teaching staff, inadequate and outdated textbooks, the disruption of their supply and the absence of a clear curriculum to teach Greek as a second language. Consequently, minority children are not proficient in either Greek or Turkish upon leaving primary school. The level of illiteracy and dropout rates from the 10-year compulsory education system remain very high.^{xxv}

Due to the huge disparity between the bilingual minority schools and Greek-language majority schools in Thrace, parents belonging to the community of the ethnic Turks have no other choice than to send their children to majority schools to guarantee a quality education. Another major incentive for majority school enrolment is the 0.5% minority quota application for entering

Greek universities, thus encouraging parents to send their children to Greek schools from the beginning.

Secondary schools^{xxvi}: Two private minority secondary schools operate in Xanthi and Komotini^{xxvii} while two Koranic schools operate in Komotini and Echinós. All the teachers are paid by the school board. The Greek Government argues that under the 1923 Treaty of Lausanne it must only provide a bilingual school education through the primary level, as at that time compulsory school education was limited to 6 years.

The school in Xanthi is privately owned, although it is regulated by the Greek state. The school in Komotini, named in honour of the then president of Turkey, Celal Bayar, was founded in 1952. Legal Edict 2203 of August 1952 regulates the functioning of the school. Despite the fact that Article 2 of the law regulating *Celal Bayar High School* states that “entering, promotional and graduating examinations of the secondary school... will be conducted in the same manner and date as those of other private secondary schools”, the State determines how many students can attend that school as well as the one in Xanthi. The State *numerus clausus* officially justified by an alleged shortage of classrooms in the two minority secondary schools^{xxviii} have resulted in many children stopping their education at the end of primary school, enrolling in Greek-language state schools, despite their linguistic handicap or to go and study in Turkey^{xxix}. “In most cases, they chose to drop out and this disproportionately affected girls because families rarely allowed the female child to attend a Christian school,” said Sami Toraman, the head of the Western Thrace Turkish Teachers’ Union.

The number of minority secondary schools is obviously not sufficient. While 52% of the population of the Rhodope Prefecture and 45% of the Xanthi Prefecture are Turkish-speaking, there is only 1 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.

Pervin Hayrullah, director general of the Culture and Education Foundation of Western Thrace Minority, told *Human Rights Without Frontiers* that her organization had 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 vetoed three times by the highest regional authority, the Region Office of Eastern Macedonia and Thrace. On 20 December 2011, an application was also sent to the Ministry of Education and Religious Affairs for opening a minority secondary school in Rhodope Prefecture. No reply has yet been received.

Until 1984, the exams of all final year students were carried out in Turkish. Afterwards, they were organized by a mixed exam board whose members are minority teachers and Greek teachers from public schools. Although the minority school classes are in Turkish, exams are

in Greek^{xxx}, creating a major obstacle for Turkish students to graduate.

Other problems include the shortage of adequate textbooks and the lack of dormitory space in both Xanthi and Komotini.

Madrasas: The Koranic schools of Komotini (established in 1949) and Echinós, which train imams and religious preachers, were upgraded to the status of Greek secondary schools by Decision 2621/23.6.1998 of the Ministry of Education (Greek Official Gazette 136/1998/A)^{xxxii}. Students are taught in Greek, Arabic, English and lastly in Turkish. The number of classes in Turkish remains quite low, said Sami Toraman, the head of the Western Thrace Turkish Teachers' Union. Two out of eight teachers graduated from Turkish universities.

University and higher education

Special Thessaloniki Pedagogical Academy (EPATH)

All the persons interviewed by *Human Rights Without Frontiers* complained about the substandard curriculum and the low quality of most teachers who graduated from the EPATH. This institution was founded in 1968 by the Junta. Officially, the objective was to train members of the minority as teachers in minority schools. However, the main and long-term political aim was to stop the flow of minority students attending the Teacher Training Schools in Turkey, to reduce their influence on the ethnic Turks of Thrace, to distance the minority from its Turkish roots and to assimilate it into general society.

The teaching language at the EPATH was Greek, while the teachers were expected to provide instruction in Turkish; also, the EPATH was said to recruit many Pomak teachers whose mother tongue was often not Turkish. Last but not least, many people in the minority do not accept the EPATH-trained teachers, because it views them as agents of the Hellenization policy who have an insufficient knowledge of the Turkish language to teach.

The minority would prefer to hire teachers trained in Turkey, as was the case in the 1950s and 1960s.^{xxxiii}

The EPATH was abolished in 2010 and then integrated to the Department of Education of the University of Thessaloniki.

University education

Since the mid-1990s, Greece has introduced new regulations which were intended to improve minority education in Western Thrace.

The 0.5% quota for minority students' access to higher education in Greece is regulated by Law No. 2341/1995 (Greek Official Gazette, 208/1995/A) and Ministerial Decision F.152.11/B3/790/28.2.1996 (Greek Official Gazette, 129/1996/B). At first sight, this looks like a positive discrimination tool, but it does not solve the fundamental problem of minority education. This was confirmed by Erkan Rusen, chairman of the Western Thrace

Minority University Graduates Association, who said to *Human Rights Without Frontiers*: “Indeed, as the various challenges posed by primary and secondary education result in fewer graduates and an unsatisfactory level of education, the success rate of minority students at the Greek higher education remains quite low.”

Minority students who finish their higher education in Turkey also face difficulties when they apply to get equivalence to their degrees in Greece. “The National Academic Recognition Information Center (DOATAP in Greek) rejected some applications from students who graduated from Faculties of Engineering while some others had to wait for 2-3 years to get a final decision,” said Ayfer Mustafaoglu, secretary general of the Western Thrace Minority University Graduates Association. However, both Turkey and Greece are part of the ‘Bologna Process’, which means that they could cooperate in providing equivalence to degrees of minority students.

***Recommendations: Human Rights Without Frontiers* recommends to the Greek authorities**

- to integrate kindergartens into minority bilingual primary schools;**
- to revise their policies concerning the minority primary and secondary schools: their number and their location, the training and hiring of teachers, curriculum and textbooks to be used.**

Freedom of Association

Non-implementation of 3 Decisions of the European Court

The right to freedom of association is a basic fundamental human right which is guaranteed by Article 12 of the Constitution of Greece.

However, three rulings of the European Court of Human Rights indicate that this right has been violated in cases concerning associations created by ethnic Turks in the 1920s and 1930s and then banned in the 1980s. Greece has yet to restore the legal status of these organizations four years after the ECtHR decision.

Cases Turkish Association of Xanthi and Others v. Greece, Bekir Ousta and Others v. Greece & Emin and Others v. Greece ^{xxxiii}

In 1927, a cultural and sports association was founded in Xanthi under the name “*House of Turkish Youth in Xanthi*”. In 1936, it was renamed “*Turkish Association of Xanthi*” and registered by the Court of First Instance of Xanthi (Decision No 122/1936). On 30th January 1984, the prefect of Xanthi directed the Court of First Instance of Xanthi to request the dissolution of the association on the ground that its bylaws threatened public order. The association was then dissolved on 11th March 1986.

After a long legal battle, the final decision taken by the Court of Cassation on 7th February 2005 confirmed the dissolution of the association on the grounds that its objectives and its activities did indeed threaten public order. A complaint was lodged with the European Court on 15th July 2005 under the name and reference “*Turkish Association of Xanthi and Others v. Greece* (Application No. 26698/05)

On 15th March 1995, members of the Turkish ethnic minority in Thrace introduced a request to register their association under the name “*Evros Minority Youth Association*”. On 21st March 1996, the Court of First Instance of Alexandroupoli ruled that the name of the association was misleading about the origin of its members and was unclear on whether it was a religious minority (recognized in Greek law) or an ethnic minority (not recognized in Greek law). It further argued that this gave the impression that citizens of Turkey were creating an association to defend the rights and freedoms of an ethnic minority, which is contrary to public order (Court decision No 58/1996). After a long legal battle, the Court of Cassation confirmed on 10th January 2006 the negative decision of the court of appeal and ruled that “its members could create an association named in a way that was not misleading about their identity” (Court decision No 58/2006). A complaint was lodged with the European Court on 23rd September 2005 under the name and reference “*Bekir Ousta and Others v. Greece*” (Application No 35151/05).

On 21st March 2001, women belonging to the Turkish ethnic minority in Thrace founded the “*Cultural Association of the Turkish Women of the Rhodope Prefecture*.” The Greek courts refused to register it on the ground that it was endangering public order. The arguments were

that its name was misleading about the origin of its members, suggesting an intention to spread Turkish ideals in Greece and leaving the impression there was a Turkish minority on Greek territory. After a prolonged legal process, the final negative decision was released by the Court of Cassation on 1st April 2005. A complaint was subsequently lodged with the European Court on 19th September 2005 under the name and reference “*Emin and Others v. Greece*” (Application no. 34144/05).

On 11th January 2008, the European Court ruled that there had been a violation of Article 11 of the European Convention (freedom of assembly and association).

On 27th March 2008, the ECtHR notified in writing its Chamber judgments in the cases of *Emin and Others v. Greece* and *Turkish Association of Xanthi and Others v. Greece* (no. 26698/05). The Court held unanimously that there had been a violation of Article 11 of the European Convention (freedom of assembly and association) in both cases. In the case of *Turkish Association of Xanthi and Others v. Greece*, 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.

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 European Court’s judgments, the applicants requested a new registration of their associations (Cases *Bekir-Ousta and Others & Emin and Others*) or revocation of the previous decisions ordering the dissolution (Case *Turkish Association of Xanthi and Others*) before the national courts but their demands were again dismissed.

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 9th December 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 31st July 2009, also rejected the application.

In the case of *Turkish Association of Xanthi 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 the other 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 30th April 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 3rd April 2009. The application was rejected by

a decision published on the 18th August 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. On 7th October 2011, the Greek Court of Cassation rejected the petition of the *Turkish Association of Xanthi and Others* against the decision of the Thrace Appeals Court, as did the Supreme Court on 24th February 2012.

The petition for re-registration of the “Cultural Association of the Turkish Women of the Rhodope Prefecture” has also been rejected by the Greek courts.

In the meantime, the request for registration of the “South Evros Cultural Association of the Western Thrace Minority” has also been rejected by the Greek courts.

Appeal to the CoE Committee of Ministers

In a letter dated 14th May 2012 and addressed to the Council of Europe Head of Department for the Execution of Judgments of the ECtHR, Directorate General of Human Rights and Legal Affairs, Ahmet Kara, the attorney at law of the *Turkish Association of Xanthi*, stated:

“Despite the ECtHR judgments, the Greek authorities are quite decided not to allow the operation or re-registration of the associations which bear the word “Turkish” in their titles. Nor the Greek Government seems to have any intention to make legal arrangements for the implementation of the ECtHR judgments. (...) Thus, the national courts imply a lack of legislation in respect of the implementation of ECtHR judgments. However, there is no initiation by the Greek Government in order to adopt any legislation to this effect, given that the issue was not included in the recently adopted Law No. 4055/2012 which made a vast amendment in the Code on Civil Procedures. Nor the re-opening of civil proceedings upon ECtHR judgments was even on the agenda during the preparatory work of Law No. 4055/2012. Moreover, the Greek authorities, not recognizing the legal personality of the *Turkish Union of Xanthi*, have not yet proceeded to the payment of 8,000 Euros allowed by the ECtHR in respect of non-pecuniary damages to a bank account named by the applicant.”

Ahmet Kara concluded by saying “I hereby refer to the obligation of every State Party under Article 46 of the Convention, to abide by the judgments of the Court, and call on the Committee of Ministers to ensure effective supervision of the execution of the judgments under consideration and to take comprehensive measures in respect of Greece that fails to comply with its obligation, until full compliance is secured.”

Greece’s non-compliance with the European Court’s decisions

In its 2011 Annual Report, the Greek National Commission on Human Rights said concerning

the implementation of European Court decisions:

Today the execution of 383 judgments versus Greece is pending. 7 cases have already been placed under the enhanced procedure, 5 under the standard procedure, whereas for the rest their categorization is pending. It needs to be noted that the non-execution does not concern individual measures (e.g. payment of compensation), but general measures which are required.

The main issues the judgments, whose execution is pending, raise are the following: unreasonable duration of trials and/or lack of effective remedy (272 judgments), no access to court (19), non-execution of domestic judgments (16), violation of property rights (14), police brutality (10), detention conditions (10), problems in expropriation procedures (10).

It needs to be noted that Greece ranks 7th (out of 47 Council of Europe member States) concerning the non-execution of ECtHR judgments. The significant number of judgments which have not been executed yet and the structural problems that raise many of them, mostly the unreasonable time of trials, which must be top priority for the Administration, demonstrates the need for general measures in order to prevent future violations and new 'convictions'.

Recommendations: Human Rights Without Frontiers recommends to the Greek authorities

- 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*;

- to 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";

- to 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.

Freedom of Religion: The Case of the Muftis

Greek law uses the term “known religion” for religions recognized and sponsored by the State. Ministers of the Greek Orthodox Church and other “known religions” enjoy a number of privileges under domestic law. *Inter alia*, they are exempt from military service and the religious weddings they celebrate produce the same legal effects as civil weddings.

Christians and Jews have the right to elect their religious leaders. By depriving the Muslims of Thrace of this possibility through Law no. 1920/1991, Greece has been applying a discriminatory policy towards them for more than 20 years. This 1991 law gives the Greek State power to appoint the Muftis, even without the support of the Muslim minority of Thrace. This law dramatically amputates its autonomy, guaranteed by the Treaty of Lausanne, and created divisions and tensions in the community.

Greece condemned by the European Court for sentencing elected muftis^{xxxiv}

The case of Mufti Ibrahim Serif

In 1985, the mufti of Rhodope died. The State appointed an interim mufti. When he resigned, the State replaced him by another mufti (M.T.). On 6th April 1990, the President of the Republic confirmed M.T. in his function.

On 24th December 1990 the President, on the proposal of the Council of Ministers and under Article 44 § 1 of the Constitution^{xxxv}, adopted a Legislative Act by which the appointment of Muftis was to be made by presidential decree following a proposal by the Minister of Education who, in his turn, must consult a committee composed of the local Prefect and a number of State-appointed Muslim dignitaries. The Act expressly abrogated Law 2345/1920 providing that the Muftis, in addition to their religious functions, would have competence to adjudicate on family and inheritance disputes between Muslims in so far as these disputes are governed by Islamic law. It also provided that the Muftis were directly elected by the Muslims who had the right to vote in the national elections and who resided in the Prefectures in which the Muftis would serve. The elections were to be organised by the State and theological school graduates had the right to be candidates. Article 6 § 8 of the law provided for the promulgation of a royal decree to make detailed arrangements for the elections of the Muftis. Such a decree was never promulgated. The 1990 Legislative Act left largely unchanged the functions and qualifications of the Muftis to be appointed by the State according to the new procedure. Though, the local Muslim community never accepted the abrogation of Law 2345/1920 because the new law was giving the State power to interfere in its internal life and compromised its autonomy guaranteed by the Treaty of Lausanne.

On 28th December 1990, Ibrahim Serif was elected by the Muslims attending Friday’s prayers in mosques of Rhodope. With other Muslims, he then initiated an action at the Council of State to contest the legality of the appointment of M.T. Law no. 1920/1991 retroactively validated the Legislative Act of 24th December 1990. A criminal proceeding was instituted

against Ibrahim Serif.

On 21st October 1996, Ibrahim Serif was sentenced to a 6-month prison term which was later converted into a fine for usurping the functions of a minister of a "known religion."^{xxxvi} On 2 April 1997, the Court of Cassation rejected his appeal.

On 29th September 1997, Ibrahim Serif lodged a complaint with the European Court.

On 14th December 1999, the European Court declared that Ibrahim Serif's conviction amounted to an interference with his right under Article 9 § 1 and the said article had been violated. Greece was sentenced to pay 2.7 million drachmas as financial compensation.

In December 2010, the term of the state-appointed Mufti in Rhodope was extended for the third time indefinitely. However, Ibrahim Serif, the Mufti elected by the Muslim community, goes on exercising his activities, up to now unhindered, but his judicial competences have no civil effect. Concretely, a religious marriage must be confirmed by a civil marriage.

The case of Mufti Mehmet Agga

In 1990, the Mufti of Xanthi, died. On 15th February 1990 the local Prefect appointed Mehmet Agga to act as deputy.

In August 1990, the two independent Muslim Members of Parliament for Xanthi and Rhodope requested the State to organise elections for the post of Mufti of Xanthi. Receiving no reply, the two independent MPs decided to organise themselves elections at the mosques on 17th August 1990 after the prayers. On that date, Mehmet Agga was chosen to be the Mufti of Xanthi by those attending Friday prayers at the mosques.

On 24th December 1990 the President of the Republic, on the proposal of the Council of Ministers and under Article 44 § 1 of the Constitution, adopted a Legislative Act by which the selection and appointment of the Muftis was changed (See above).

On 20th August 1991, in accordance with the new regulations, the Greek State appointed another mufti. Mufti Mehmet Agga refused to step down. Eight sets of criminal proceedings were instituted against the applicant under Articles 175 and 176 of the Criminal Code for having usurped the functions of a minister of a "known religion".

Mehmet Agga was repeatedly sentenced to prisons terms ranging between 8 and 12 months which were every time converted into a fine for allegedly usurping the functions of a minister of a "known religion".

In 1999, Mehmet Agga lodged two applications with the European Court.

On 28th March 2001, the First Instance Criminal Court acquitted Mehmet Agga in the light of the Court's judgment in the Serif v. Greece case.

In 2006, Mehmet Agga passed away.

In August 2011, the term of the state-appointed Mufti of Xanthi was extended for another ten years.

***Recommendations: Human Rights Without Frontiers* recommends to the Greek authorities**

to grant the Muslim minority of Thrace the same rights as the other “known religions” in matters concerning the choice of their muftis.

Freedom of Religion

The 240 Imams Law Violates UN and OSCE Standards

In 2007, Greece adopted the legislative framework under the Law 3536/2007 providing, *inter alia*, for the creation of 240 posts of “religious leaders” (imams) in the mosques of Western Thrace. According to the law, the imams had to be selected by a commission composed of five Christian officials and to serve under the authority of state-appointed muftis in Komotini, Xanthi and Didymoticho.

This legislative act grossly violated international standards on freedom of religion or belief.

Firstly, the imams were to be appointed as Muslim religion teachers by a committee of five Greek Orthodox officials without any consultation of the Muslim community or their elected representatives for such a dialogue. This was against the principle of the 1923 Lausanne Treaty that guarantees the autonomy of the Muslim minority in the management of its own religious and waqfs institutions. This procedure also violated UN and OSCE standards in this area, two international organizations to which Greece is a party.

Due to the strong negative reactions from the Muslim community, the law was never implemented.

On 16th January 2013, the Greek Parliament voted additional adjustments to Law 3536/2007, suggesting that from now on the state-appointed imams would be engaged not only in mosques but also in optional religion classes at public schools. The Muslim religious officers will work under a nine-month contract and salaries will be paid by the Ministry of Education. According to the new regulation, the composition of the selection committee was also changed in a way that three out of five members would be Muslim. However, the fundamental principle of autonomy of the Muslim community in the management of its religious life was still violated.

The amendments were adopted by an overwhelming majority, despite the objections of the three MPs belonging to the ethnic Turkish minority and strong opposition from members of the Muslim minority in Thrace on the ground that the current legislative regulation aims at increasing state control over the religious structures of the Muslim minority in Thrace.

Ahmet Haciosman, an MP from Rhodope Prefecture of PASOK, Ayhan Karayusuf, an MP from Rhodope Prefecture of SYRIZA, and Hüseyin Zeybek, an MP from Xanthi Prefecture of SYRIZA voted ‘No’ for the bill in Plenary session. During the discussions held on the nature of the additional adjustments, Panayotis Iliopoulos, MP of the extreme-right Golden Dawn party, verbally insulted the PASOK MP Ahmet Haciosman and accused him of being a ‘Turkish spy’. Golden Dawn political group spokesman Christos Pappas stated that they would pay special attention to curtailing Turkish minority MPs’ entry into the Greek parliament in the next elections.

UN standards

The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief guarantees in Art. 6 the freedom “to train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief; (...) to establish and maintain communications with individuals and communities in matters of religion or belief at the national and international levels.”

The UN General Assembly Declaration 36/55 1981 Art. 6 (g) states: “The right to freedom of thought, conscience, religion or belief includes the freedom to train, appoint, elect or designate by succession appropriate leaders [...]”.

The UN Human Rights Committee General Comment 22, para. 4, Article 18 (Forty-eighth session, 1993) comments on the same issue: "In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers [...]."

Last but not least, the report of the then UN Special Rapporteur on Freedom of Religion or Belief after his country to Greece stipulates in Document A/51/542/Add.1, paras. 138-139:

138. As for the special provisions concerning Muslims and, more particularly, muftis and waqfs, the Special Rapporteur recalls article 6, paragraph (g), of the 1981 Declaration, which guarantees freedom to "train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief".

139. The Special Rapporteur believes it necessary for the Greek authorities to comply fully and in good faith with the Treaty of Lausanne and with the country's international undertakings. He also recalls the need to refrain from interfering in the affairs of a religion, apart from the restrictions provided for in international law, and calls for respect for the traditions of each religious group within the framework of internationally recognized norms.

OSCE standards

The Concluding Document of the Vienna Meeting of Representatives of the Participating States of the Conference on Security and Co-operation in Europe (1989) stipulates in Principle 16:

“In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, *inter alia*,

(16.4) (...) respect the right of religious communities (...)

- to organize themselves according to their own hierarchical and institutional structure,
- to select, appoint and replace their personnel in accordance with their respective

requirements and standards as well as with any freely accepted arrangement between them and their State; (...)

(16.5) engage in consultations with religious faiths, institutions and organisations in order to achieve a better understanding of the requirements of religious freedom; (...)

(16.8) allow the training of religious personnel in appropriate institutions.

By appointing the muftis and the imams of the Muslim minority in Thrace, despite the opposition of the Muslim community and their elected muftis, Greece grossly violates UN and OSCE fundamental rights standards.

***Recommendations: Human Rights Without Frontiers* recommends to the Greek authorities**

to grant the Muslim minority of Thrace the same rights as the other “known religions” in matters concerning the choice of their imams for preaching in mosques and teaching religion classes in public schools.

Freedom of the Turkish-Language Community Media

Three minority newspapers are currently published every week, one every fifteen days and three magazines every month. Four private radio stations are broadcasting in Turkish in the region.

The weekly newspapers *Gündem* in Komotini and *Millet* in Xanthi have been functioning for 15 and 5 years respectively. Each newspaper only has three journalists, who also care of the distribution themselves. The circulation is not more than 1500 copies and only 800 are sold. The income of the advertisements is low and limited. *Gündem* is the only Turkish-language paper which fulfilled all the requirements for having the right to publish advertisements in 2012.

The case of Harikleia Nikolopoulou against Gündem and Millet

In 2010, Ms Harikleia Nikolopoulou^{xxxvii}, then deputy headmaster of the Turkish-speaking minority school in Megalo Dereio (Evros), lodged a complaint on the ground of “defamation” against Hülya Emin, as the owner and editor-in-chief of the newspaper *Gündem*, and against Cemil Kabza, because of his reporting about an incident opposing the plaintiff and some parents of her school. On 1st December 2010, the Court of First Instance of Rhodope ruled that the publication was partly libellous but that the relations between the Turkish-speaking parents of the pupils and her were far from harmonious. A disproportionate fine^{xxxviii} of 150,000 EUR was imposed on the newspaper: 25 times the minimum compensation envisaged in such a case by Act 22243/1994, already considered to be a draconian legislation. The amount of 20,000 EUR was to be paid immediately. Furthermore, *Gündem* was also to pay 5,400 EUR as court fees.

The rationale of the court for such a high fine is that “the crucial articles of the newspaper were read not only by the Turkish-speaking reading public residing in Thrace but also by the whole of Greece to which the news was re-broadcasted via other publications and electronic news media.” This increase of the audience was necessary as Act 22243/1994 stipulates for the publications of national range a minimum fine of 29,325 EUR while it is only 5,865 EUR for local publications. In fact, the news was not reproduced by other papers but it was inflated by nationalist media, which presented Hara Nikolopoulou as “a heroic school teacher who had been facing dubious sycophants, organs of the Turkish consulate and Ankara’s secret services”!^{xxxix}

For a similar article, Hara Nikolopoulou also lodged a complaint against the other Turkish-language weekly newspaper *Millet* and the sentence was a fine of 120,000 EUR. The amount of 30,000 EUR was to be paid immediately as well as the 4,000 EUR for the court fees.

Hülya Emin and Cemil Kabza of *Gündem* as well as Cengiz Ömer of *Millet* are personally liable and may be sentenced to 10-month imprisonment if they do not pay but their case is currently pending on appeal. The two newspapers received warrants of arrest on 4th April

2011. The bank accounts of the newspapers and the journalists have been blocked.

The solicitors of both newspapers have lodged an appeal. The hearing of the case of *Gündem* was held on 6th May 2011 in the Court of Appeal in Komotini. The attorney of *Gündem* requested the postponement of the case and the Court postponed it to 24th February 2012. On 24th February 2012, the case could not be held because of a general strike of the solicitors and it postponed again to 22nd March 2013.

The case of the state-appointed mufti of Xanthi against Gündem, Millet and Kral FM radio^{x1}

Müfit Ramadanoğlu, the former secretary and media adviser to the appointed mufti of Xanthi, Mehmet Emin Şinikoğlu, has sued minority newspapers *Gündem*, *Millet* and *Kral FM radio* (Broadcasting from Xanthi).

On 11th April 2012 Ramadanoğlu, applied to the First Instance Court of Xanthi claiming that the news article published and broadcast 5 years ago (published on 6th April 2007 in *Gündem* and 12th April 2007 in *Millet*) with the headlines “14 months of imprisonment to Şinikoğlu” was false and constituted a violation of his private life. He asked for 200,000 EUR compensation from *Gündem*, *Millet* and *Kral FM*, respectively.

News articles about the court case were published not only in the mentioned newspapers and radio but also in many other local newspapers.

Ramadanoğlu claims 200,000 EUR for compensation from Hülya Emin, Cemil Kabza and Ozan Ahmetoğlu (*Gündem* newspaper), Bilal Bodur and Cengiz Ömer (*Millet* newspaper) and from Hüseyin Karadayı, the owner of *Kral FM*.

In addition to his demand for the publication of a letter of apology in all local newspapers, three local radios and two local channels, he also asked for a one-year prison term for each journalist if the compensation is not paid.

He applied to the First Instance Court of Xanthi on 11th April 2012 and all journalists subjected to the court case were informed on the same day.

The date of the trial was indicated as 2nd May 2012; however, due to the general elections on 6 May, as all cases in Greece, this case was also postponed.

Four months later on 19th September 2012, the new trial date of 7th November 2012 was announced but was postponed to 18th September 2013 because of the strike of the solicitors. The trial of both newspapers, the journalist and the owner of the Radio Station *Kral FM* will take part in The First Instance Court of Xanthi.

Background of the article

Mr. Huseyin Karadayi, the owner of the minority radio station Kral FM which broadcasts from Xanthi, lodged a complaint to the prosecutor's office that the former secretary and media adviser to the appointed Mufti of Xanthi, Müfit Ramadanoğlu, was appointed as imam by mufti Şinikoğlu in order to disqualify him from compulsory military service, although he never practiced his duties. Following Huseyin Karadayı's complaint, the prosecutor officer of Xanthi, brought a lawsuit against Mehmet Emin Şinikoğlu and Müfit Ramadanoğlu on the grounds of issuing false papers.

The trial was held in the Criminal Court of Xanthi on 27th March 2007.

Both Şinikoğlu and Ramadanoğlu were punished by the criminal court of Xanthi to 14 months of imprisonment. Both Ramadanoğlu and Şinikoğlu applied to the Court of Appeal.

The Greek media law (3592/2007) was enacted by the Greek government on 19th July 2007. This new "Law on the Concentration and Licensing of Media Enterprises" brought upon several restrictive provisions that endanger freedom of press, expression and dissemination of information^{xli}.

According to the provisions of the new law, media entrepreneurs are required to deposit a minimum of 30,000-100,000 EUR, recruit at least 5-20 staff depending on their specialization, broadcast for 24 hours and use Greek as the main broadcasting language. Small minority radio stations (and other radio stations across the country) broadcasting in the prefectures of Rhodope and Xanthi have serious difficulties in meeting those restrictive provisions. By limiting the usage of the Turkish language, the new law also endangers pluralism and minority rights.

Based on this law, the National Board of Radio and Television (ESR) on 3rd November 2009 sent an official warning to the oldest minority radio station in Xanthi (called "Tele Radio" 104.2 FM) that has been broadcasting in Turkish without interruption since 1994. In the abovementioned decision of the ESR (473/2009), it was argued that according to Article 8 of the new media law, the main broadcasting language should be Greek.

In the official warning, it was also announced that the ESR would take further and harsher measures if the minority radio station does not broadcast in the Greek language. However, other Greek radio stations which broadcast in foreign languages like English or Russian were not subjected to a similar administrative measure. This policy illustrates the discriminative nature of the decision adopted by the ESR in clear contravention to the freedom of press enshrined in the Article 14 of the Greek Constitution.

Furthermore, the National Broadcasting Council (ESR) with its decision No 416/14.9.2010 imposed an administrative sanction of 3,000 EUR on the radio station – KING FM – based in the prefecture of Xanthi on the grounds that its emission included a "foreign" language (Turkish).

The situation of minority media and newspapers in Greece is indicated in the Regular report to the Permanent Council prepared by the OSCE Representative on Freedom of Media

Dunja Mijatovic on 17th March 2011 and 23rd June 2011.

Conclusion: The problems faced by the Turkish-language media clearly indicate that a number of state and non-state actors motivated by anti-Turkish ideology seek to silence them.

***Recommendations: Human Rights Without Frontiers* recommends to the Greek authorities**

- to respect the freedom of the media of the Turkish-speaking minority and to protect the diversity of opinions;**
- to only prosecute serious cases of alleged defamation;**
- to uphold the principle of fair and proportionate punishment in judicial process;**
- to respect the letter and the spirit of the Treaty of Lisbon along with all other European covenants and declarations while implementing Article 14 of the Constitution of the Hellenic Republic on freedom of expression and the press.**

Article 19

Arbitrary and Unconstitutional Deprivation of Citizenship

A number of ethnic Turks have had their nationality withdrawn under Article 19 of the Citizenship Law which from 1955 until 1998 has permitted the withdrawal of Greek nationality from persons of an ethnic origin other than Greek having left the country without the intention of coming back.

Former Article 19 of the Greek Citizenship Law declared that:

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.

According to a reply by the Greek Ministry of the Interior to a parliamentary question asked by Ilhan 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 (Dodecanes Islands) were deprived of citizenship until 1998. Turkey contends that this figure may be as high as 60,000. The provision was repealed in 1998, although failing to nullify previous decisions of withdrawal of citizenship. The only process made available for regaining Greek citizenship was to apply for naturalization as any foreign citizen.

The former Article 19 GNC 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,’ and Article 3, paragraph 2, of the Fourth Protocol to the European Convention on Human Rights, which states that ‘no one shall be deprived of the right to enter the territory of the State of which he is a national.’ This Fourth Protocol has yet to be ratified by Greece.

National and international organizations continue to urge Greece to resolve the negative consequences of Article 19.

The Greek National Commission on Human Rights and the citizenship law

In its 2006 Report, the Greek National Commission on Human Rights (GNCHR) included a section on this issue in which it confirmed the number of 60,000 cases and the unconstitutionality of Article 19:

The loss of Greek nationality by virtue of ex article 19 of the Greek Nationality Code (GNC) and the procedure for its reacquisition (30th October 2003): The above provision, in force until 1998, led to the denationalisation of approximately 60,000 Greek citizens, mainly of Muslim/Turkish origin in Thrace, who had left Greece “with no intention of return”. GNCHR

expressed its concern at the fact that the Greek State did not provide through statutory legislation for the reacquisition of Greek nationality in the above cases, given the fact that ex article 19 GNC was considered as contrary to the Greek Constitution and to contemporary human rights protection standards. GNCHR also pointed out that it would be necessary the promulgation of specific statutory legislation providing for the possibility of reacquisition of Greek nationality in these cases. GNCHR also proposed that Greece accede to the 1961 Convention on the Reduction of Statelessness.

Since 2006, the Greek National Commission on Human Rights has not raised the issue of Article 19 nor monitored the implementation of the reacquisition of Greek nationality.

At the 2011 UN Universal Periodic Review of Greece, the issue was raised by Turkey's representative. The Greek delegation responded that:

As for the withdrawal of Greek citizenship from some members of the Muslim minority in Thrace, in 1998 the Government repealed article 19 of the citizenship code which allowed for the withdrawal of Greek nationality from persons who abandoned Greece with no intention to return back. Among these people who left the country on their own will, many of them renounced the Greek nationality and acquired a foreign nationality. There is a very small number of Muslims who are stateless as a result of the deprivation of their nationality. For these individuals who reside in Thrace, a special ID card has been provided. Concrete steps have been undertaken to restore the Greek nationality of these few stateless people.

Thomas Hammarberg, Commissioner for Human Rights for the Council of Europe and the citizenship law

On 19th February 2009, Thomas Hammarberg, Commissioner for Human Rights for the Council of Europe, released a report following his visit to Greece on 8-10th December 2008. The report stated among other issues that:

Denationalised persons who have remained in Greece (estimated at 200 persons)^{xlii} 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'.^{xliii} During the discussions that the Commissioner had during his visit to Greece with the aforementioned minority members in Thrace, the lack of any 'moral compensation' (satisfaction) so far to the forced denationalization victims was particularly brought to his attention.

26. The Commissioner has been especially concerned for 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.^{xliv}

The Parliamentary Assembly of the Council of Europe and the citizenship law

On 21st April 2009, the Parliamentary Assembly of the Council of Europe adopted the report of Michel Hunault (France, European Democrat Group) on “Freedom of Religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Greece (Eastern Greece)”. Section VI of the report, entitled “*Granting/withdrawing nationality*,” said concerning Article 19:

149. A number of members of the Muslim minority in Thrace have had their nationality withdrawn under a provision of the Nationality Code (Article 19, which permitted the withdrawal of Greek nationality from persons of an ethnic origin other than Greek having left the country without the intention of coming back)^{xlv}. That provision was repealed in 1998 but the repeal had no retrospective effect. As a result, some people are still classified as non-citizens, which hampers enjoyment of their rights in a number of spheres (social protection, health, pensions, identity papers, etc.)^{xlvi}.

150. The Ministry of the Interior stated that 41 people had had their situation regularised in 2006 (granted Greek nationality) and 18 other cases were being dealt with^{xlvii}. On the other hand, the statelessness of members of the minority living abroad is a situation which remains unresolved.

151. This issue was not raised by the members of the minority whom the rapporteur met in Thrace (for obvious reasons, since the stateless persons are obliged to live outside Greece), but he feels that it is important enough to call on the Greek authorities to settle the pending cases as quickly as possible. This regularisation should entail neither substantial costs nor unwieldy administrative processes for those having had their nationality withdrawn in this context. The Council of Europe Commissioner for Human Rights has also just recommended that the Greek authorities immediately restore Greek nationality to the persons (living in Greece) who lost it in pursuance of former Article 19 of the Nationality Code, and to consider the possibility of giving satisfaction to the persons (or to their descendants) who lost Greek nationality in pursuance of this article and remained abroad^{xlviii}. The rapporteur can but support this recommendation.

ECRI (Council of Europe) and the citizenship law

In 2009, the European Commission against Racism and Intolerance (ECRI) issued its 4th Report on Greece, referring to among other things the recommendations to be found in its 2004 Report:

10. In its third report, ECRI strongly recommended that the Greek authorities 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, whether resident in Greece or abroad, whether stateless or holding another nationality. In particular, ECRI urged the authorities to genuinely facilitate these persons' recovery of their citizenship by obviating any obstacle, including the need for them to go through the naturalisation procedure.

11. ECRI notes with concern that, to a large extent, the above-mentioned problem persists. On the issue of stateless persons, in his 2005 Annual Report, the Greek Ombudsman indicated that he continued to note excessive and, in most cases, unjustifiable delays in the processing of applications, either for the re-acquisition of citizenship or for the naturalisation of Muslims from Western Thrace who have lost their Greek citizenship. The Greek authorities have indicated that the Ministry of Interior had issued instructions to local authorities to accelerate the procedure for naturalising stateless Muslims in Western Thrace; they have indicated that, today, the number of stateless Muslim minority members is less than 30. Although a number of persons have re-acquired their Greek citizenship, ECRI has no further information on any other measures taken to tackle the situation of all persons who lost their Greek citizenship under former Article 19 of the Citizenship Code, including those who are currently residing abroad and/or have acquired the citizenship of another country. ECRI also notes with concern reports indicating that in the last few years, some non-ethnic Greeks have discovered while, for example, attempting to renew their passport or trying to enter Greece for personal reasons, that they have been deprived of their citizenship.

12. ECRI urges the Greek authorities to strengthen measures taken thus far to rectify the consequences of former Article 19 of the Citizenship Code and to ensure that applications for the reacquisition of citizenship are proceeded with due diligence.

13. ECRI also strongly recommends that the Greek authorities investigate allegations of recent loss of citizenship by non-ethnic Greek citizens and that where they prove grounded, swift measures to reinstate their citizenship be taken.

The UN Universal Periodic Review and the citizenship law

In 2011, Greece failed to address the issue in its National Report to the UN Universal Periodic Review; however, it was raised by Turkey during the interactive debate. The official answer of the Greek delegation was at that time that:

As for the withdrawal of the Greek citizenship from some members of the Muslim minority in Thrace, in 1998, the Government repealed Article 19 of the citizenship code which allowed for the withdrawal of Greek nationality from persons who abandoned Greece with no intention to return back. Among these people who left the country on their own will, many of them renounced the Greek nationality and acquired a foreign nationality. There is a very small number of Muslims who are stateless as a result of the deprivation of their nationality. For these individuals who reside in Thrace, a special ID card has been provided. Concrete steps have been undertaken to restore the Greek nationality of these few stateless people

On this same occasion, the representative of Turkey recommended to Greece to:

85.7. Speed up the process of reinstating the citizenships of approximately 60,000 Greek citizens who were dismissed from Greek citizenship, because of the later repelled Article 19 of the Greek Citizenship Law. Create a mechanism to compensate their losses in terms of ownership rights that occurred as a result of the process (Turkey).

However, the Turkish recommendation did not receive the support of the Greek delegation.

It is obvious that over the last 15 years Greece has ignored the appeals of the National Commission on Human Rights and of international organizations urging the Government of Greece to resolve the problematic situation created by Article 19.

To date, Athens has released no detailed report on the cases that have allegedly been solved through the process of reacquisition of the lost nationality, a humiliating procedure for persons who have wrongly lost their citizenship and have had to go through the “normal” long, expensive and uncertain application for naturalization (!) applicable to aliens.

***Recommendations: Human Rights Without Frontiers* recommends to the Greek authorities**

- to repair without further delay the serious consequences related to the deprivation of citizenship on the basis of Article 19;**
- to report without further delay and in total transparency on the cases of reacquisition of Greek nationality since 1998 and in particular over the last 10 years;**
- to provide detailed information on the number of reacquisition cases and the denial thereof as well as on the justification for negative decisions.**

Some Hate-Motivated Incidents and Attacks against Ethnic Turks in 2011-2012

In a time of deep economic crisis, nationalist and far-right wing parties, such as Golden Dawn, have advanced a strong discourse against migrants, asylum-seekers, Muslims and non-Orthodox ethnic groups in Greece. In the June 2012 election, Golden Dawn won 18 seats and entered the Greek Parliament for the first time in history. In recent years, Golden Dawn xenophobia and intolerance have become xenophobic incidents and hate-motivated attacks against vulnerable groups. The ethnic Turks of Greece are among these vulnerable groups. In 2012-2011, a number of mosques, Muslim cemeteries and community properties were attacked, damaged or desecrated by unknown assailants. Here are a few examples:

18 September 2012

Mülazim Cemali, a teacher, was attacked by members of Golden Dawn in Xanthi city centre as he was hanging a placard to advertise an event. Cemali, a deputy candidate for the Antarsia Party and member of the Movement Against Racism and Fascist Threat, was hit along with three other members of the activist group. After the attack was reported to the police, one of the perpetrators was arrested by the police.

23 August 2012

The headquarters of the Party of Friendship, Equality and Peace in Thrace was attacked in the late hours of the evening. The illuminated sign of the party was broken with rocks.

12 August 2012

A group of members of the Xanthi provincial branch of Golden Dawn demonstrated by motorbike and by car in several villages that are inhabited by ethnic Turks in the Xanthi region, spreading fear among the local community.

6 August 2012

A group of about 150 members of the Golden Dawn party marched towards the Komotini Turkish Youth Union, chanting slogans against Turkey and the ethnic Turks of Thrace. The demonstrators threw bottles into the garden of the association. Afterwards, they marched to the Turkish consulate in Komotini, but the police barred the access to it.

23 March 2012

In Xanthi, an unidentified person or persons sprayed the words “Turks Out” on the door of the Xanthi Turkish Union. On the same day, someone wrote “The only good Turk is a dead Turk” on the wall of the Bektashi lodge in Asagimahalle (Kato Thermes).

16 February 2012

The Muslim cemetery of Pospos in Komotini was desecrated by one or more unidentified vandals. According to the chairman of the Kalkanca Cultural Association Ali Cakir, 10 gravestones were destroyed.

2 March 2011

The mosque of Uysalli village in Komotini was attacked by an unknown person or a group of persons. The two windows of the mosque were broken with pieces of asphalt and stones.

In Komotini, an unknown person or a group of persons invaded a sheepfold belonging to Sali Fikret. Thirty sheep had their throat cut off but none of them was stolen. In the same night, assailants set a cattle shelter on fire which belonged to a member of the Muslim community; they also cut the tyres of three cars and two tractors.

3 February 2011

In Kavala, an unknown person or a group of persons cut off a pig in front of the entrance of Halil Bey Mosque, which is today known as Alaca Mosque and nailed its head to the door.

Recommendations: Human Rights Without Frontiers recommends to the Greek authorities

- to promote a culture of tolerance and anti-racism;**
- to prosecute without delay perpetrators of racist acts.**

Conclusions

A minority in Greece is protected under the 1923 Treaty of Lausanne, and more broadly by other bilateral agreements between Greece and Turkey as well as other international instruments signed and ratified by Athens.

Whatever their ethnicity, their mother tongue or their self-identification, the people belonging to that minority have individual and collective rights that must be respected: equal opportunities of access to the school system of their choice (bilingual minority schools or Greek-language schools), the right to quality education for their children, freedom of association as defined by international instruments and the jurisprudence of the European Court, the autonomy of their religious community and the non-interference of the State in its internal functioning, a friendly environment for the development of their specific media and the preservation of their culture.

A commitment to mutual trust and respect between the Greek State and the minority is a prerequisite to any long-lasting solution. Certainly, implementing without further delay outstanding decisions by the European Court of Human Rights would be a positive first step. This action, which has been awaited for years, would go a long way toward restoring goodwill and constructive dialogue with the minority of Thrace.

Recommendations

Human Rights Without Frontiers urges the Greek authorities

About the identification issue

- to respect the right to self-identification of the persons belonging to the minority protected by the Treaty of Lausanne;
- to discontinue the sterile debate about how to name the group but instead to prioritize the safeguarding of the individual and collective human rights of its members.

About bilingual school education system

- to include kindergartens in the minority bilingual primary schools;
- to revise policies concerning the minority primary and secondary schools: their number and location, the training and hiring of teachers, the curriculum and textbooks to be used.

About freedom of association of the minority

- to implement, without 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*;
- to allow the registration of associations under the names of the choice of their founding members, including whether they contain the name of an ethnic group or the word “minority”;
- to 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.

About freedom of religion of the minority

- To grant the Muslim minority of Thrace the same rights as the other “known religions” in matters concerning the choice of their muftis and imams for preaching in mosques and teaching in religion classes in public schools.

About freedom of the media of the minority

- to respect the freedom of the media of the Turkish-speaking minority in order to protect the diversity of opinions;
- to only prosecute serious cases of alleged defamation;
- to uphold the principle of fair and proportionate punishment in the judicial process;
- to respect the letter and the spirit of the Treaty of Lisbon along with all other European covenants and declarations while implementing Article 14 of the Constitution of the Hellenic Republic on freedom of expression and the press.

About Article 19 on the arbitrary deprivation of citizenship

- to repair without any further delay the serious consequences that arose from the deprivation of citizenship on the basis of Article 19;
- to report, without any further delay and in total transparency, on the cases of reacquisition of the Greek nationality since 1998 and in particular over the last 10 years;
- to provide detailed information about the number of cases of reacquisition and denial thereof as well as about the justification of negative decisions.

About racist incidents

- To promote a culture of tolerance and against racism;
- To prosecute without delay perpetrators of racist acts.

ⁱ The Orthodox Christian states which emerged from the collapse of the Ottoman Empire are Serbia, Montenegro, Greece and later Romania.

ⁱⁱ Amnesty International report (25/01/2000). Greece: Freedom of religion and expression on trial – the case of Mehmet Emin Aga, Mufti of Xanthi.

ⁱⁱⁱ These are approximate statistics as the calculations by the Ottoman Empire in those chaotic times of collapse and by the new Greek State were not necessarily accurate or were covering fluxes of populations that were not covered by the official exchange of populations. For more details, some sources can be consulted such as: Onur Yildirim, 2006, *Diplomacy and Displacement: Reconsidering the Turco-Greek Exchange of Populations, 1922-1934* (Routledge) - Renee Hirschon (ed.), 2003, *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey* (New York; Oxford: Berghahn) - "Minorities in Southeast Europe: inclusion and exclusion", a report by Minority Rights Group, London 1998.

^{iv} UN Human Rights Council. Report of the Independent Expert on Minority Issues, Gay McDougall (Par. 11)/ Mission to Greece (8-16 September 2008). Ref. A/HRC/10/11/Add. (18 February 2009): "According to Greek government sources, some 86,000 Muslims remained in Thrace, 39,000 of Turkish origin, 35,000 Pomaks (Slav-speaking Muslims), and 12,000 Roma."

See <http://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.11.Add.3.pdf>

According to a 2000 report of the Greek Helsinki Monitor, the Muslim minority was then estimated at "98,000 members, of which 50% are Turks, 35% Pomaks and 15% Roma." See "Human Rights in Greece, Annual Report for 1999", Athens 7/1/2000.

^v A number of ethnic Turks lost their lives when fighting against the occupation forces during WW II.

^{vi} According to the 2001 official census, 369,430 people were living in Thrace. The highest local Greek administrative authority, the regional office of Eastern Macedonia and Thrace, estimates that the population of the minority is around 140,000 – 145,000 by 2011 (REMTH 2011) while the Greek Ministry of Foreign Affairs officials usually mention figures of around 100,000. The last official census that included criteria such as religion and language dates back to 1950.

According to the 2011 Annual Report of the US Department of State on International Religious Freedom, "The 1923 Treaty of Lausanne created an officially recognized 'Muslim minority,' which consists of an estimated 140,000 to 150,000 individuals (approximately 1.3 percent of the Greek population) residing in Thrace" and "Aside from the indigenous Muslim minority in Thrace, the Muslim immigrant population in the rest of the country was estimated at 200,000 to 300,000."

^{vii} See Greece's National Report (par. 67) at http://www.upr-info.org/IMG/pdf/a_hrc_wg.6_11_grc_1_e.pdf

^{viii} See http://www.upr-info.org/IMG/pdf/abtff_written_greece_2011.pdf

^{ix} See http://www.upr-info.org/IMG/pdf/a_hrc_wg.6_11_grc_1_e.pdf

^x The passages in bold in this chapter have been highlighted by *Human Rights Without Frontiers*.

^{xi} CERD: Committee on the Elimination of All Forms of Racial Discrimination

^{xii} See <http://www.hri.org/docs/lausanne/>

^{xiii} Some international instruments signed and ratified by Greece:

Copenhagen Document of 1993 on minority rights

<http://www.osce.org/odihr/elections/14304>

Treaty of Lisbon 2009

<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML>

Declaration of Rights for People Belonging to National or Ethnic Minorities 1992

<http://www2.ohchr.org/english/law/minorities.htm>

Framework Convention for the Protection of National Minorities (Signed but not ratified) 1995

<http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>

Helsinki Final Act 1975

<http://www.hri.org/docs/Helsinki75.html>

International Covenant on Civil and Political Rights 1966

<http://www2.ohchr.org/english/law/ccpr.htm>

^{xiv} Article 30 of the UN Convention on the Rights of the Child also provides that in the States in which ethnic, religious or linguistic minorities exist, a child belonging to such a minority shall not be denied the right, in community with other members of his or her group, to use his or her own language.

^{xv} Graduates of universities in Turkey or from the Thessaloniki Pedagogical Academy or from Muslim religious schools (medreses) or high school graduates.

^{xvi} The EPATH was created by the Junta in 1968. It was abolished in 2010 and then integrated to the Department of Education of the University of Thessaloniki.

^{xvii} On 17 February 2010, 211 ethnic Turks representing various segments of their civil society sent a petition to the then Minister of Education, Ms Anna Diamantopoulou, and to the then Special Secretary in charge of the minority school education. On 26 June 2011, another petition was sent to the Ministry of Education.

^{xviii} In CEFOM's bylaws, it is stipulated that they can create kindergartens from the age of 3.5 to 6 years, primary and secondary schools. CEFOM has officialy three children clubs, one in Xanthi and two in Rhodope. These children clubs are not recognized as kindergartens but are rather day nurseries for kids between 3.5 and 5 years.

^{xix} According to a letter addressed on 15 October 2012 by the "Western Thrace Minority University Graduates Association" to the Council of Europe Commissioner for Human Rights Nils Muiznieks, approximately 1000 students graduate from minority primary schools every year.

^{xx} Statistics about the number of minority primary schools since the 1923 Treaty of Lausanne can be found in the PhD thesis of Dr Ali Huseyinoglu (Philosophy in International Relations), University of Sussex: "The Development of Minority Education at the South-eastern Corner of the EU: The Case of Muslim Turks in Western Thrace, Greece" (May 2012), available online via Sussex Research Online <http://sro.sussex.ac.uk>

^{xxi} In January 1999, Human Rights Watch published a 38-page report entitled "Greece: The Turks of Western Thrace" in which it is mentioned on page 23: "According to the Greek government, there are officially 230 minority primary schools with 8,500 students" and "the curriculum in the minority primary schools is bilingual. Greek, history, geography, civics and environmental education are taught in Greek. Mathematics, physics, chemistry, religion, Turkish, art and physical education are taught in Turkish. If the school is large enough, English instruction is provided. The overwhelming majority of minority children attend minority primary schools." It must however be noted that the English language, included in the curriculum in 1997, is taught by Greek teachers.

And in footnote nr 89 "According to Mr. Lambakis, coordinator of the minority schools of Thrace, about 98 percent of the minority youth attend minority primary schools. No more than 2 to 3 percent of minority children attended non-minority primary schools."

^{xxii} In a written reply to a candidate for a teaching position it is stated that:

"In accordance with Law 695/1977 graduates of EPATH are preferentially appointed to primary schools. There is now an excess of 203 teachers. Your appointment will be answered after the appointment of these teachers."

^{xxiii} 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 to be assigned to minority schools and the Protocol of the Turkish-Greek Cultural Commission signed in 1968 are the relevant documents regulating the exchange of teachers.

^{xxiv} In rural and mountainous areas, schools were merged. This resulted in transport problems to and from another school, especially in winter, and in additional expenses for families living solely on agriculture and/or hit by the current financial crisis.

^{xxv} Of all other regions of Greece, Thrace has the highest dropout rates from 10 year compulsory education and the biggest rate regarding the illiteracy across the country.

^{xxvi} Under "Secondary schools", the current report understands schools providing education for 12-18 year students (post primary school and pre-university level).

^{xxvii} In the 2008-2009 academic year, about 1,000 students in total were trained in both schools.

^{xxviii} In the past, the same buildings were functioning both in the morning and in the afternoon and thus accommodating a larger number of students than nowadays.

^{xxix} According to the "Western Thrace Minority University Graduates Association", approximately 1000 students graduate from minority primary schools every year. It is therefore blatant that the number of minority high schools is insufficient.

^{xxx} Only tests in Religion and Turkish Language & Literature are in Turkish.

^{xxxi} The duration of the studies was 3 years when they were established but it was increased to 5 years in 1957 and then to 6 years when they were granted the status of Greek secondary school.

^{xxxii} The cultural agreement signed by Turkey and Greece on 21 April 1951 provided for exchanges of teachers and mutual recognition of diplomas received in each other's country. Celal Bayar secondary school is the product of this agreement. Around 500 such teachers studied in Turkey and then returned to teach in the minority schools. Around half of them were immediately hired by the Greek State. Some of those who were not

migrated to Germany and worked as *Gastarbeiters*; some others had no other choice than to become producers of tobacco (the main local production) in Thrace.

^{xxxiii} Source: Parallel Report by the Federation of Western Thrace Turks in Europe (ABTTF) on the Report of the Working Group of the Universal Periodic Review of Greece (11 July 2011).

^{xxxiv} The text of the decisions of the European Court are easily accessible at

<http://www.strasbourgconsortium.org/portal.case.php?pageld=10>

^{xxxv} Article 44 §1 of the Constitution provides as follows: “In exceptional circumstances, when an extremely urgent and unforeseeable need arises, the President of the Republic may, on the proposal of the Council of Ministers, adopt legislative acts. These acts must be submitted to Parliament for approval ... within forty days...”

^{xxxvi} Article 175 of the Criminal Code provides as follows:

“1. A person who intentionally usurps the functions of a State or municipal official is punished with imprisonment up to a year or a fine.

2. This provision also applies when a person usurps the functions of a lawyer or a minister of the Greek Orthodox Church or another known religion.”

^{xxxvii} Hara Nikolopoulou is the daughter of the former president of the Supreme Court. In 2010, the Prefect of Thessaloniki supported her by granting her an award for the defence of Hellenism. He then wrote her bio as follows: “Harikleia Nikolopoulou, was born and raised in Thessaloniki. She studied at the Department of Elementary Education and then onwards after taking qualifying examinations, she studied at the Department of Education of the philosophy Faculty of the Aristotle University of Thessaloniki. Along with her university studies, she excelled in her musical studies in piano and accordion. She worked as a teacher in the private school “Aristotle College” (1999-2001) and in 2001 she was appointed in public schools in Zakynthos, Komotini and Etoloakarnania. Since 2004 she has been working in a minority school of Thrace, in the village of Great Dereios of Evros, where she lives and works up until today. She has received important distinctions from national associations and public bodies for her contribution and teaching in a minority school of Dereios in Evros.”

Most of the parents of Dereios disagree with this laudatory presentation of her work in Evros and have a totally different opinion about her. Soon after she settled in Dereios, she came into conflict with a large part of the residents. Many reasons and pretexts for that friction were reported in the media. In September 2007, she prepared two reports to the Ministry, complaining about the Principal and Director of the School Committee that they were operating ‘in a strictly anti-educational and anti-Greek manner’. In October 2007, 21 of the 38 parents requested in writing that she be removed. In October 2008 the parents once again asked for her to be removed. All pupils, except one, stayed away from school. The Ministry stood behind her, and the absence from school ended after two weeks. In her speeches and interviews, she pleaded for the abolition of education in the minority language and the cultivation of Greek national awareness in the young generation of the minority. Hara Nikolopoulou is known to stand close to the right-wing radical populist LAOS party, and her name appeared as a parliamentary candidate from LAOS in the past.

^{xxxviii} In 2009, Costas Laliotis, the former secretary general of PASOK and former Minister of Public Works, was ‘only’ sentenced to a fine of 100,000 EUR for accusing Constantinos Mitsotakis, former Prime Minister of Greece, of money laundering.

^{xxxix} Quotation of Eleftherotypia Newspaper (27 February 2011, Sunday Issue) which was criticizing the court decision.

^{xl} Source: Statement made at the OSCE/ODIHR on 24 September 2012 by the Western Thrace Minority University Graduates Association under the title “Call for Freedom of Expression and Free Media in Western Thrace – Greece”. See <https://www.osce.org/odihhr/94015>.

^{xli} OSCE Representative on Freedom of the Media, Mr. Miklos Haraszti, expressed his concern about the new media law in the press release of 27 July 2007. In this statement, Mr. Haraszti claimed that the new law sets high and unnecessarily rigid thresholds that might have adverse effects on minority, community or low-cost broadcasters.

^{xlii} In their comments on the draft Report, the Greek government noted that ‘less than 30’ stateless persons of the Muslim minority remain in Greece.

^{xliii} Idem. Most of the persons who remained abroad have reportedly acquired other nationalities.

^{xliv} According to the Greek National Commission for Human Rights, the former Article 19 was also unconstitutional, see Greek National Commission for Human Rights, *Decision on the loss of the Greek nationality by virtue of former Article 19 GNC and the procedure for its recovery*, 30/10/2003, available at: www.nchr.gr (in Greek).

^{xlv} According to the figures supplied by the Greek Ministry of the Interior, almost 46,000 members of the minority have been deprived of their citizenship. According to Turkey, this figure is as high as 60,000.

^{xlvi} Report on the situation of fundamental rights in Greece in 2005, the EU network of independent experts on fundamental rights CFR-CDF/GR/2005, p. 43. and report AI.

^{xlvii} 2006 Report of the National Human Rights Commission, Greece, submitted in March 2007, p. 219 (in Greek). Report of the ministries to the Greek NHRC.

^{xlviii} Report of the Commissioner for Human Rights following his visit to Greece from 8 to 10.12.2008, Human rights of minorities, CommDH(2009)9, 19.02.2009.