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SESSION I: Freedom of religion or belief, non-discrimination and other human rights and fundamental freedoms as the essential normative basis for peaceful coexistence and security in the OSCE region

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The right to choose its own religious leaders and the Mufti Issue in Greece

Dear Moderator,
Distinguished representatives,
And esteemed NGO Delegates,

It is important to recall the commitments undertaken by all OSCE participating States, in particular those of the 1990 Copenhagen Document of the Conference on the Human Dimension which, in Part IV, articulates detailed standards relating to national minorities. The OSCE commitments which are not legally binding did not succeed to close the gap between the rhetoric and the implementation regarding human rights commitments. Therefore, implementation of OSCE commitments by participating States and the results achieved in further standard-setting and interpretation of minority standards is still challenging.

In the Guidelines for Review of Legislation Pertaining to Religion or Belief, it is noted that States are obliged to respect and to ensure to all individuals subject to their jurisdiction the right to freedom of religion or belief without distinction of any kind. And legislation should be reviewed to assure that any differentiations among religions are justified by genuinely objective factors and that the risk of prejudicial treatment is minimized or totally eliminated. As regards to autonomy/self-determination of religious/belief organizations, the Guidelines underlined that States should be very reluctant to involve itself in any matters regarding issues of faith, belief, or the internal organization of a religious group.

The right of the Muslim Turkish community in Western Thrace¹ in Greece to elect its own religious leaders is granted by the 1913 Athens Treaty and guaranteed by the 1923 Lausanne Treaty which de-

¹ The Turkish Minority of Western Thrace is recognized by the Greek State as “Muslim minority in Thrace” on the ground that there is no single ethnic identity for the entire minority and rejects definition of the „Turkish Minority of Western Thrace“, although the ethnic identity of members belonging to the Minority is defined as „Turkish“ in legal documents.

terminated the legal status of the Turkish and Greek minorities in İstanbul. The obligations assumed by Greece and Turkey under Section III of this Treaty include the right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

Following the death of the Mufti of Rodopi in 1985, Greece abolished the right to freedom to choose its own religious leaders and transferred it to the state by the appointment of muftis by the Ministry of Education and Religious Affairs by Presidential Decree of December 24, 1990 and Law no. 1920/1991 on Muslim religious instructors². The Muslim Turkish community members declared it contrary to the religious autonomy and elected their own Muftis as their own religious leaders in Komotini and Xanthi.

The appointment of Muftis by the state is a clear intervention into religious autonomy of the Muslim Turkish community. The Greek state did not recognise the Muftis who were elected by the community and elected muftis were prosecuted and sentenced to prison for the illegal use of religious symbols. In the cases lodged by elected muftis against Greece, the European Court of Human Rights (ECtHR) ordered that there has been a violation of Article 9 of the Convention³.

There is a duality today, the Muftis appointed by the State and the Muftis elected by the Turkish community in the region. There are new policies and practices of the Greek government in order to control the religious leadership and the religious instructors in order to increase its control over the Muslim Turkish community. We have received information from the ground that the Greek government plans to make Mufti elections by religious instructors hired in the public schools in the region of Western Thrace under Law 4115/2013⁴ (known as 240 Imam Law), which regulated how religious instructors to teach Islam to the children belonging to the Muslim Turkish community would be appointed to Greek-language public primary and secondary schools and mosques in Western Thrace under the auspices of the government-appointed muftis.

This development in the religious field raise concerns of the Muslim Turkish community on grounds that the Greek government is planning to take a step on the election of Muftis with no prior consultations or dialogue with the community representatives in a way which would further destroy the autonomy in the religious field. Unfortunately, there is no channel or mechanism of dialogue and/or consultation with community members on issues which would directly affect their daily lives.

The Government of Greece insists that there is no a unique method internationally for the selection of the Muftis and claims that the religious leaders of the Minority are being selected, through fully transparent and inclusive procedures, by a pool of esteemed teachers of Islam that are members of the minority with the full involvement of the minority as a whole is the procedure. A parallel is often underlined between the Greek Orthodox Patriarchate in Turkey, and the muftis in Western Thrace. The Patriarch is elected by the Holy Synod after the submission of the list of would-be candidates to the public authorities, the muftis are rather appointed by the State on the ground that the muftis do have legal authority on civic issues.

Greek authorities previously stated that they are examining possible ways of introducing new elements that would allow an even more representative and transparent process for the selection of the Muftis. Any efforts to improve this framework by Greek authorities should be in accordance with the rights and freedoms granted to the minority by international treaties. A dialogue mechanism

² Law no. 1920/1991 on Muslim religious instructors, Official Gazette, vol. A., no.11 of February 4, 1991

³ Case of Serif v. Greece (Application no. 38178/97) and Case of AGGA v. Greece (Application no. 32186/02)

on equal footings should be established by Greek authorities and the best interest of the minority should be the priority in solution of the Mufti issue.

Greece should not involve in /intervene to any matters regarding issues of faith, belief, or the organization of a religious group, and it should extricate itself any matter which might be considered internal. We would like to highlight that the ecclesiastic of the Eastern Orthodox Church of Christ, which is the prevailing religion in Greece, are public servants, but they are selected by the Church itself. And, the Jewish Central Board or the Catholic and Protestant Church are free to elect its own religious leaders in Greece. Therefore, Greece should respect the right of the Turkish community to select, appoint and replace its personnel in accordance with its respective requirements and standards in accordance with international human rights documents and norms.

It is very important that governments should pay a particular attention to the implementation of OSCE commitments and other relevant international commitments in the field of human rights. Recalling that persons belonging to national minorities should have the right freely to profess and practice their religion, including acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue, we demand from Greek authorities to ensure that Muslim Turkish community enjoys its right to elect its own religious leaders as other known religions in Greece and recognize the Muftis elected by the community as official religious leaders of the Muslim Turkish community in the region.