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Minority Rights and Freedoms in Western Thrace Through the Lenses of the 1990 Copenhagen Document

Western Thrace, located at the northeastern part of Greece, is a region where approximately 150.000¹ Muslim Turkish² people live. The legal status of minorityhood was established by the 1923 Peace Treaty of Lausanne. Since then, rights and freedoms of the Minority have been safeguarded not only by bilateral agreements signed between Greece and Turkey, but also those international instruments concerning human and minority rights to which Greece is a party. Being a member from the very beginning of the OSCE, Greece admitted a variety of texts and instruments introduced by the Organization. In this respect, the 1990 Copenhagen Document stands as one of the most robust international texts that is supposed to have a great impact on Greece's policies towards the Turkish minority in Western Thrace.

In the beginning of the 1990s, Greece urged several measures that enabled the disappearance of problems in the realm of fundamental individual rights, e.g. right to free movement, right to buy immovable property. Nevertheless, the vast majority of those problems that has to do with group-based collective rights still continue as of 2015. In other words, those rights that are vital for the survival of the Turkish minority, e.g. right to pre-school education in mother tongue, right to elect religious leaders (muftis), collective self-identification with ethnic Turkish identity, are still infringed by Greek authorities. This actually contradicts the concepts of pluralistic democracy and the rule of law that are counted among the core principles constituting basic premises of the 1990 Copenhagen Document.

Education

Article 32.2 states that:

Persons belonging to national minorities have the right to establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation;

This article of the Copenhagen Document provides persons belonging to national minorities the right to have instruction in their mother tongue. Similarly, many other human and minority rights instruments as well as the 1923 Peace Treaty of Lausanne enable members of the minority freedom to establish, manage and control their own schools and use their own language freely. But,

¹ According to the latest estimates of the highest regional state authority, Region of Eastern Macedonia and Thrace, the Turkish minority population varies between 140.000 and 145.000.

² Recognized as Muslim minority by the Greek authorities.



as a result of the Greek governments' continuous interference in educational matters of the Turkish Minority since 1923, the type of education provided at Minority primary and secondary schools has gradually changed. That is to say, minority education that was supposed to be both private and autonomous has now a *sui generis* character; it is neither fully private nor autonomous. It is a combination of private and public in which the impact of the Minority over issues of education remains highly restricted while that of the Greek state has been increasing over the decades since 1923.

From time to time, the Greek state has put in force a number of laws, decrees and governmental decisions regarding the minority education from nursery to secondary level. These regulations not only contributed more to the improvement of the state language instruction (Greek) at minority schools but also undermined the educational autonomy and resulted in lessening of courses taught in Turkish within the Turkish curriculum.

Regarding bilingual primary education, the number of minority schools keeps closing. After 2000, around 100 minority primary schools across Western Thrace were stopped functioning. As of late 2015, this number decreased to 140. In recent years, combination of minority schools happened across the country. Such combinations in Western Thrace have been done without taking into account the distance between villages with Minority population and infrastructural deficiency of school buildings. The closing of minority schools infringes the autonomous character of minority education.

The compulsory education in Greece (including the pre-school education) is 10 years which was not fully applied for the minority schooling system. This has slightly changed in recent years in a way that Greek authorities do not allow Minority pupils to register primary education unless they have finished nursery schools. Yet, there still lacks a number of nursery schools at localities with Minority concentration. It is useful to underline that nursery education became compulsory with infrastructural deficiencies at the pre-school level.

As for the secondary education, the number of minority secondary and high schools where education is held in both Turkish and Greek still remains inadequate. There are only two bilingual minority secondary and high schools in the region, one in Komotini and the other one in Xanthi. Also, there are two Quranic-religious schools/*madrasah*. Although almost half of the population in Western Thrace is Turkish, there are only four bilingual secondary and high schools (two of them are *madrasah*) while the number of monolingual Greek public schools counts more than 100 in all three prefectures of Western Thrace. As a result, bilingual secondary and high schools cannot satisfy demands of the Minority parents choosing bilingual secondary education for their children. Even though numerous demands from the Turkish minority have been raised for the construction of new bilingual secondary and high schools in recent decades, none of them have been satisfied by the Greek state. As a result, many minority students do not have any other alternatives for secondary except monolingual public education.

Religion

In addition to the abovementioned Article 32.2, Article 32.3 states that:

Persons belonging to national minorities have the right to profess and practise their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue;

Religious liberties are fully protected under the Article 32 of the 1990 Copenhagen Document for those members belonging to national minorities. However, Muslim Turks of Western Thrace keep facing major problems in the realm of religious freedoms.



First of all, they do not have the right to elect their own religious leaders/muftis. This was one of the most historical freedoms that members of the Minority enjoyed until the early 1990s. Along with this article, the right to define their muftis was guaranteed with the 1881 Istanbul Treaty, 1913 Athens Treaty, the Treaty of Sevres (Greek Sevres) and 1923 Peace Treaty of Lausanne. However, Greece has been rejecting the right of the Minority members to elect their muftis for more than two decades. She rather insists on appointing them in spite of five decisions of the European Court of Human Rights, i.e. *Serif vs. Greece* (14 December 1999-Case No: 38178/97), *Agga vs. Greece* (No.1-2) (17 October 2002-Case No: 50776/99 & 52912/99), *Agga vs. Greece* (No.3) (13 July 2006 – Case No: 32186/02) and *Agga v. Greece* (No.4) (13 July 2006 – Case No: 33331/02), all of which concluded that Greece had actually violated the Article 9 of the European Convention of Human Rights.

Similar to that of muftis, problems regarding the right to define members of administrative boards of Muslim charitable foundations/Awqaf continue as of 2015. Awqaf constitute an essential part of Minority's cultural, historical and religious heritage. Until the advent of the 1967 Junta regime, the Minority had defined members of Administrative Boards of these foundations. Since then, the Greek governments have been appointing Minority members to these boards as a result of which members of the Muslim Turkish minority lost its control over administrations of these foundations.

Unlike the lack of functioning mosques in other parts of Greece, each locality with Muslim Turkish population has a place of worship in which Minority members are free to practice their religion. Yet, mosques located across Western Thrace have frequently been targeted by xenophobic, Islamophobic and racist person or groups who feel uncomfortable with the Muslim Turkish presence in the region. Thus, mosques and cemeteries that belong to the Turkish minority keep suffering from being victims of violent hate-motivated attacks.

The most recent example happened in April 2015. Fire caused significant damage to the Mahmut Agha Mosque, located in Komotini on April 17, 2015. Furthermore, in the same hours, the trees in the compound of the Alankuyu Masjid (Prayer Room) located a few meters away from the Mahmut Agha Mosque were cut down by unidentified persons. It is noteworthy that these events took place on a symbolically very important day for the Muslim world, "the celebrations of the birth of Prophet Mohammad".

Almost for all similar instances of violence and hatred against the Muslim and Turkish identities of those people belonging to the national minority of Western Thrace, it is common that the perpetrators remained unidentified and not brought before the Greek courts. This actually contradicts with the Article 40 of the 1990 Copenhagen Document that safeguards the condemnation of racial and ethnic hatred, xenophobia and persecution on religious grounds by participating states.

Similar to the dispute over the double-headed structure of religious representation at the highest level (issue of elected and appointed muftis), the Turkish Minority is facing a significant problem regarding the implementation of the Law No 4115/2013 that foresees the appointment of "imams/religious instructors" to state schools and mosques.

The Minority has already expressed its strong reaction to this Law that actually aims at undermining the Qur'an courses given by imams in the holy and sacred mosques. So far, more than a hundred so-called "religious instructors" have been hired. Unfortunately, the members of the Turkish Minority have seen that, as expected, these instructors do not have the necessary educational background and qualifications to provide religious education in state language.



On the implementation of this Law No 4115/2013, the Greek authorities even resorted to outdated intimidation tactics. To give a concrete example, one of those "instructors" has been appointed as "muezzin" to the mosque in the village of Mega Derio. Actually this is against the well-established traditions since in all the villages in Western Thrace the Muslims employ the imams and muezzins themselves. However, on March 14, 2014, in that village, many uniformed police officers deployed themselves in the coffee house of the village just half an hour before the Friday Adhan. Under their "protecting eyes", that "instructor" walked into the mosque with apparent intention to lead the service. The community in the mosque of course did not allow him. But those police officers asked the people coming out of the mosque if he could lead the prayer or not. This police escort continued several weeks. This was a junta-like application and imposing the appointed officers with police force.

The implementation of the Law no 4115/2013 exemplifies also the Greek authority's negative intention towards the Turkish Minority. In Greece, there are approximately 700.000 Muslims living outside Western Thrace. But the implementation started in Western Thrace although the minority has autonomous status and expressed its strong reactions against the implementation of another unilateral decision of the Greek state authorities.

Denial of Ethnic Turkish Identity

Article 33 states that:

The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. They will take the necessary measures to that effect after due consultations, including contacts with organizations or associations of such minorities, in accordance with the decision-making procedures of each State. Any such measures will be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the participating State concerned.

Since the 1967 Junta regime, Greece has been rejecting the existence of a Turkish minority in Western Thrace. For Greece, the minority in Western Thrace is Muslim. It is a religious minority rather than a national or ethnic one. In fact, until the advent of the Colonels in 1967, the minority was free to express the Turkish identity either individually or collectively without facing any restrictions from local Greek authorities. Even the Greek officials referred to a Turkish minority living in Western Thrace. Nevertheless, in addition to its CSCE membership Greece also became an EU member in 1981. The official rejection of the ethnic Turkish identity in Western Thrace turned into a policy of ethnic differentiation and discrimination when some Greek judges decided to ban the historical Turkish associations, Xanthi Turkish Union (est. in 1927), Komotini Turkish Youth Union (est. in 1928) and Western Thrace Turkish Teachers Union (est. in 1936). Komotini Turkish Youth Union and Western Thrace Turkish Teachers Union were closed down permanently in 1987. In the case of *Tourkiki Enosi Xanthis and Others v. Greece – No: 26698/05*, the ECtHR decided that the freedom of association of the Turkish minority has been violated. Still, the Greek Courts reject any application to reregister Xanthi Turkish Union and new applications for establishment of other Turkish and some minority associations whose cases were brought before the ECtHR, such as the Cultural Association of Turkish Women of Rodopi (*Emin and Others v. Greece – No: 34144/05*) and the Evros Minority Youth Association (*Bekir Ousta vs. Greece No: 35151/05, 11 October 2007*).



As of 2015, each member of the Minority has the right to define herself/himself individually. Nevertheless, those minority members who identify themselves with ethnic Turkish identity are prohibited to use this right in collectivity with other minority members and establish an association with ethnic Turkish denomination. This actually is another breach of the 1990 Copenhagen Document that protects the enjoyment of rights not only individually but also in collectivity with other minority members without any disadvantage as stated in the Article 32.6:

Persons belonging to national minorities have the right to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations. Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group. No disadvantage may arise for a person belonging to a national minority on account of the exercise or non-exercise of any such rights.

Future prospects

The fundamental principle of equality for persons belonging to national minorities is protected under the **Article 31**:

Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law. The participating States will adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms.

In spite of the principle of full equality before the law, the abovementioned examples indicate that this principle has not been fully applied across Western Thrace since the 1990 Copenhagen Document. Moreover, one of the most common policies of the Greek decision making bodies about minority-related issues is to act and decide unilaterally. An effective mechanism and dialogue with members of the Muslim Turkish minority has never been set by the Greek state. This attitude actually contradicts with the **Article 36** of the 1990 Copenhagen Document as well:

The participating States recognize the particular importance of increasing constructive co-operation among themselves on questions relating to national minorities. Such co-operation seeks to promote mutual understanding and confidence, friendly and good-neighbourly relations, international peace, security and justice. Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and will encourage the solution of problems through dialogue based on the principles of the rule of law.

It is urgent that Greece should stop acting unilaterally in matters of the Turkish minority and establish an objective and productive mechanism of dialogue and mutual understanding with the minority so as to seek and find satisfactory solutions to the long-lasting fundamental problems of the Turkish Minority of Western Thrace.