



# Avrupa Batı Trakya Türk Federasyonu

## Föderation der West-Thrakien Türken in Europa

### Federation of Western Thrace Turks in Europe

#### Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης

#### Fédération des Turcs de Thrace Occidentale en Europe

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

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Name of the Organization: Federation of Western Thrace Turks in Europe (ABTTF)

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Distinguished representatives,  
And esteemed NGO Delegates,

The status and the rights of the Turkish Minority of Western Thrace are established by the Treaty of Lausanne in 1923. The obligations assumed by Greece under “Section III” of this Treaty which deal with the protection of minorities, including “an equal right to establish manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein”.

Although the Lausanne Treaty does not specifically mention that the minority shall elect its own religious leaders, this Treaty brings up the treaties which had been taken into effect before itself, and reaffirms and acknowledges 1830 Protocol and 1881 Treaties and 1913 Athens Treaty and Its Third Protocol. The Athens Treaty stated that “the life and properties, and the honour, religion, sect and customs of the folks from the places left to Greece, and who will remain under the administration of Greece, will be fully cared and respected, and these folks will possess all kind of civil and political rights like the Greek citizens of Greek origin do”, and the treaty noted “Each Mufti will be elected by those Muslim voters who find themselves under the authority realm of the related Mufti”.

After problems with regard to the appointment of mufti with the Greek Government in 1985, Greece repealed the Law 2345/1920, and re-regulated the law with regard to the post of mufti without consulting with minority members or even asking for their opinion on the issue. In violation of the Athens Treaty, the Presidential Decree of 24 December 1990 adopted a legislative decree which states that muftis must be appointed by Presidential Decree on nominations from the Ministry of Education and Religious Affairs.

In 1990, the Turkish Muslim minority of Western Thrace has elected its own muftis, though public authorities did not recognise the elected muftis. Greece doesn't still recognize the right of the Turkish minority of Western Thrace to elect its own religious leaders and rather it appoints muftis on the ground that the muftis have legal authority on civic issues.

While the mufti issue remains still to be solved, the Government in 2007 adopted a law (3536/2007) which envisaged the appointment of 240 “religious officers” i.e. imams to serve at the mosques in Western Thrace under the auspices of the muftis (appointed) in Komotini, Xanthi and Didymoticho.

Law 3536/2007 was prepared and put into effect without asking opinion of the Minority itself at any stage. Due to the reactions from members of the Turkish Minority of Western Thrace, Law 3536/2007 has, thus far, not been implemented. On 16 January 2013, the Parliament - adopted Law 4115/2013, which replaced the Articles 36 to 39 of Law 3536/2007 about the appointment of Muslim religious officers, with the proposal of the governing parties New Democracy and PASOK. The adjustment was voted “yes” by the governing parties of PASOK and New Democracy with the support of Golden Dawn Party and Independent Greece. Without prior consultation or opinion sharing with the representatives of the Turkish Minority, the adjustment has been approved by the Hellenic Parliament. The three deputies who are members of the Turkish Minority of Western Thrace, Mr. Ahmet Haciosman(PASOK), Mr. Ayhan Karayusuf (SYRIZA) and Mr. Hüseyin Zeybek (SYRIZA) voted “no” to this legislation.

The new legislation would allow the Greek government to exercise state control over religion through the appointment of Muslim preachers i.e. Imams to mosques under the realm authority of the official Muftis in Xanthi, Komotini and Didymoticho in Greece. With the new legislation, the choice of religious officers (Quran teachers) will be made by a five-member-Committee consisted of the local Mufti(appointed), a civil servant of the Ministry of Education, Religious Affairs, Culture and Sports with his substitute, a member of Teaching Training Stuff specialised in Islamic studies with his substitute, a reputable Muslim theologian with his substitute, appointed by the Minister of Education, Religious Affairs, Culture and Sports and a reputable Muslim theologian with his substitute, suggested by the local Mufti(appointed). The religious officers will be recruited with a fixed term contract, lasting up to nine (9) months, after a public announcement. The contract is signed by the Minister of Education, Religious Affairs, Culture and Sports and it also determines the area of performance of duties of each Koran teacher, depending on the local needs, an area which can include more Mosques.

The new legislation started being implemented; Hellenic Ministry of Education, Life-long Learning and Religious Affairs decided the religious officers will serve only in the public schools in the first phase. The pre-selected Muslim clerics who successfully completed the first phase of the qualification exam have taken the oral exam organised by the East Macedonia and Thrace Regional Education Directorate. 63 Muslim clergymen with highest ranking at the final exam will start duty in public schools as contractual staff and religious officers will teach Quran at the public schools of secondary level.

This legislation would further allow the government to expand its control over religion in public schools in the region through the new provision which is made for the teaching of the Quran by appointed Muslim preachers in public schools in Western Thrace in which minority students are enrolled. The Turkish Minority of Western Thrace has expressed its disapproval with the legislation which is prepared and adopted without any notice to or consultation with the members of the minority. It is regretful that the Turkish Minority of Western Thrace has no right to take a part in decision-making processes in issues which directly affect its daily life. European Muslim Initiative for Social Cohesion (EMISCO) expressed its deep concern about the situation in Western Thrace and noted that the legislative regulation violates the religious autonomy of the Minority by abrogating the right to choose their own clergymen to teach Quran.<sup>1</sup> Federal Union of European Nationalities (FUEN) also expressed its regret and stated that the strong opposition expressed by the Turkish deputies in the Greek parliament has been disregarded and thus Turkish minority has been prevented to have a say in decisions which would directly affect its daily life.<sup>2</sup>

In March 2013, ABTTF sent a letter and asked for the OSCE/ODIHR to submit its opinion on Law 4115/2013 which replaced Law 3536/2007 and by the Greek Parliament in January 2013 for a

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<sup>1</sup> <http://www.emisco.com/2013/01/22/press-release-situation-in-western-thrace/>

<sup>2</sup> <https://www.abttf.org/html/index.php?link=dctay&id=4708&grup=4&l=en&arsiv=0>

legal assessment of its conformity with relevant international standards. In April 2013, ODIHR sent a reply and stated it contacted to express concern about the recent legislation and offered review the law's compliance with OSCE standards and other international standards, it the government requests.

ABTTF would like to stress that the State should not involve in /intervene to any matters regarding issues of faith, belief, or the organization of a religious group, and it should extricate itself any matter which might be considered internal. It is unacceptable that Greece, which does not even interfere with the Orthodox Church, shall prospectively be able to select/appoint servants of the religious organizations of the Minority. The ecclesiastic of the Eastern Orthodox Church of Christ, which is the prevailing religion in Greece, are public servants, but they are appointed/elected/selected by the Church itself, and the State is not allowed to involve in/intervene to any matter internal or doctrinal to the Church.

Greece should fully guarantee and realize that the members of the Turkish Minority would enjoy the same treatment and security in law and in fact as other Greek nationals in the management and control of their religious institutions and that they could exercise their religion freely therein. Therefore, ABTTF request Greece to repeal Law 4115/2013 and allow the Turkish Minority of Western Thrace to choose its own religious teacher and/or imams just like the Jewish Central Board and the Catholic and Protestant Church did.

Reminding the 1989 Vienna Ministerial Council Decision which clearly stipulates that freedom of religion or belief includes respect by participating States the right of religious communities, among other things, to select, appoint and replace their personnel in accordance with their respected requirements and standards as well as with any freely accepted arrangements between them and their State, we call for the Government of Greece to fully guarantee and realize that the members of the Turkish Minority would enjoy the same treatment and security in law and in fact as other Greek nationals in the management and control of their religious institutions and that they could exercise their religion freely therein.