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

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Mr. Moderator,

Distinguished representatives of delegates,

And esteemed NGO representatives,

Having emphasized the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for and observance of human rights and fundamental freedoms, the development of appropriate and effective national instruments at the national level to ensure the effective implementation of international human rights standards. The national instruments have significant role in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms.

There is a major gap between international human rights instruments and the level of protection and promotion of human rights at the national level. The implementation of international human rights standards at the national level rather depends on the willingness of governments at a large level and the ability of individuals and groups to promote and protect human rights in order to live their governments up their commitments and obligations.

International monitoring mechanisms such as the Office of the High Commissioner for Human Rights and of the UN Treaty Bodies as well as other intergovernmental organizations have acknowledged the gap between international instruments and the actual human rights situation at the national level. Recognizing that the OSCE can play a significant role in assisting the development of national instruments by setting common standards for all participating States in the protection and promotion of human rights.

The Copenhagen Document introduced a set of far-reaching and politically binding commitments which are not to be ratified by national parliaments to take effect. While this allows the OSCE to play an important role in setting standards, 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.

The Copenhagen Document which includes specific rights of national minorities is a landmark and states that belonging to a national minority is a “matter of a person’s individual choice”. Though the Copenhagen Document established an entire catalogue of minority rights and commitments for participating States to protect the rights of ethnic, cultural, linguistic and religious minorities living on their territory, after more than 20 years the results achieved in further standard-setting and interpretation of minority standards is still challenging. All the areas where national minority commitments have been developed require a detailed analysis.

Right to self-identification

The OSCE participating States in 1990, in Copenhagen reaffirmed that (...) Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. Although the legal status and rights of the Turkish Minority of Western Thrace is determined by the Treaty of Lausanne of 1923, Greece does not subscribe to the right of any group to self-identification on a collective basis and the right of assembly or association of the Turkish Minority of Western Thrace.

On 18 February 2009, the report of the Independent Expert on Minority Issues, Gay McDougall, following her mission to Greece on 8-16 September 2008, stated that “The absence of formal recognition by the state of a particular societal group as constituting “a minority” is not conclusive”, and continued that “Rather, the existence of a group to which a state owes minority protections is a matter of objective facts and exercise of the right of self-identification by persons belonging to the group”. The independent expert urged Greece to protect the right to self-identification and the freedoms of expression and association of minority communities.¹ Committee on the Elimination of Racial Discrimination (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.

Right to association

The restrictions and limitations on the right to freedom of association are still persistent in Greece. There are currently no associations in Greece operating legally with their names including the words “Macedonian” or “Turkish”, which reflect the ethnic or national identity of their members. The Greek government declared in 1983 that there were no Turks in Greece and claimed that the members of Muslim minority are Greek Muslims. Xanthi Turkish Union, Komotini Turkish Youth Union and Western Thrace Turkish Teachers’ Union were dissolved in 1986 by local courts and the Supreme Court decided the dissolution of the associations on the ground that the word “Turkish” referred to citizens of Turkey and could not be used to describe citizens of Greece.

Following the dissolution of the Turkish associations in the late 1980’s, the three associations (Xanthi Turkish Union, Cultural Association of Turkish Women of the Region of Rodopi and Evros Prefecture Minority Youth Association) lodged a complaint with the European Court of Human Rights in 2005; the ECtHR held unanimously there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights.

¹ A/HRC/10/11/Add.3, p. 2, and paras. 83, 88 and 90.

We regret that the Greek authorities has failed to implement fully and completely the judgments under consideration, although five years have elapsed since the Court's judgments became final in 2008.

Right to choose its own religious leaders

Article 13(2) of the Greek Constitution of 1975 states “all known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law”. There is, however, no direct provision in the Greek Constitution which prohibits discrimination on the grounds of ethnicity, nationality, religion or language.

Due to the lack of implementation of commitments related to freedom of religion or belief undertaken by Greek authorities, the right of the Turkish Minority of Western Thrace to elect its own religious leaders is not recognized. After problems in 1985, the minority elected its own muftis in 1990. 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 judicial powers on civic issues.

Law 3536/2007 adopted by the Greek Parliament in 2007 envisaged the appointment of 240 religious preachers i.e. Imams to serve at the mosques in Western Thrace under the auspices of the official muftis in Komotini, Xanthi and Didymoticho. Due to the strong reactions from the Turkish minority, Law 3536/2007 has, thus, been not implemented in Greece. In January 2013, the Greek Government adopted a new law (4115/2013) which replaced the law in 2007 and further allowed Greek 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.

We 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.

Right to education

Education is one of the most challenging problems of the Turkish Minority of Western Thrace. Under the 1923 Lausanne Peace Treaty, which determined the status and the right of the Turkish Minority of Western Thrace, the Minority has an equal right with the non-Muslim minority in Turkey to establish, manage and control at their own expense, any charitable, religious and social institution, any school and other establishment for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

Since every person has a right to education and to any other fundamental right dependent upon the realization of the right to education, the principle of equality and non-discrimination in the enjoyment of the right to education is a key to securing equal access to quality education for persons belonging to minority groups. Act 3518/2006 envisages the extension of the compulsory period in education from nine to ten years starting from the school year 2007-2008. The pre-school education for all children at the age of 5 has been made compulsory. The Act does not bring any regulation about ethnic and cultural difference of the children in Greece, all children who complete the 5th year of their age are obliged to attend state kindergartens where the language of education is only in Greek.

The right of the children belonging to the Turkish Minority of Western Thrace not to be discriminated is violated because Greece without an objective and reasonable justification fails to treat differently minority children who speak a different language other than Greek in Greece, where mi-

nority children are obliged to attend to the public kindergartens of which the language of education is only Greek.

In the beginning of 2012-2013 school year, 20 children belonging to the Turkish Minority of Western Thrace in Echinós(Şahin) village of Xanthi were not enrolled to the first grade of the minority primary school on the ground that those children did not attend public kindergarten. During our fact-finding mission, we visited Echinós village in Xanthi and met parents of the 20 minority children and the parents stated that they did not want to send their children to public kindergartens where the language of education is only Greek. The problem has been solved in November and the children were finally registered to the school. This, however, is a partial and temporary solution. Since minority children are obliged to attend public kindergartens where the education is only Greek, a similar problem may break out in other villages in the next school year.

To conclude,

The EU has now entered a new stage in its political history with a new legal framework and new instruments, the EU should offer a much broader perspective beyond the borders of the national state. For the first time in EU history the term “the rights of persons belonging to minorities” is used in legally binding text which constitutes a part of the primary law of the Union. And, The Charter of Fundamental Rights of the European Union has become legally binding and having an equal status to that of the treaties. Minorities in Europe lack the opportunity to renounce their concerns directly to the European Union, and there is still a gap in the communication between the minorities in Europe and the decision makers in Brussels. A European minority protection should be established for traditional minorities, national communities and languages in Europe, and, the EU should take the responsibility for supporting traditional minorities and national communities and languages.

Regarding Greece, we urge, first and foremost, the Government of Greece should be urged to respect its obligations under the Treaty of Lausanne and take measures in order to restore the autonomous structure in the field of religion and education.

The Minority must enjoy all other civil, political, economic, social and cultural rights, including the rights to non-discrimination and equality before the law. But full protection of those rights is not a substitute for protection of their minority rights. This is why the Minority demands the restitution of their minority rights, not the establishment of new rights.

Greece should create a consultative mechanism, at national, regional and local levels which would ensure an institutionalised, open, sincere and continuous dialogue with representatives of the Turkish Minority.

Greece should act in full compliance with the core international human rights treaties of which Greece is a party. In particular, Greece should ratify the Council of Europe’s Framework Convention for the Protection of National Minorities.