

**STATEMENT BY THE DELEGATION OF GREECE
-RIGHT OF REPLY-**

**Working Session 12: Fundamental freedoms I (continued), including
freedom of thought, conscience, religion or belief (27.9.2016)**

In reply to two NGO statements, I would like to stress that a 1991 Greek law stipulates that the three (3) Muftis are being selected, through an open and all-inclusive process, by a pool of notable and esteemed teachers of Islam, members of the minority and subsequently being nominated to the Mufti Offices by the state.

These religious leaders have also judicial responsibilities as to family and inheritance cases of domestic law, which are brought before them by those members of the Muslim minority, who avail themselves of their optional right to have Islamic law applied to their cases.

The abovementioned law allows the selection of notable, distinguished teachers of Islam who will perform these responsibilities in the best and most responsible way.

It is well known that, internationally, there is not a single method for the selection of the Muftis. Each sovereign country, be it Muslim or non-Muslim, has the right to establish its own process, provided that it is in accordance with the Islamic tradition and religious rights and freedoms.

The so called "elected Muftis" are not officially recognized: despite attitudes of evident disrespect to the existing legislation and an often provocative attitude, the State does not obstruct their activities, showing maximum tolerance and restraint.

Furthermore, it is self-evident that there can be no analogy with the election of the Ecumenical Patriarch.

By virtue of Law 3647/2008 on the administration and the management of the Muslim Foundations in Thrace, the members of the three main Management Committees are to be elected. This was a longstanding request of the Muslim minority, met by the Greek state. The same Law for the election of the administrative Board is applicable also for the rest of the Waqf Committees. Nevertheless, the regulation is not implemented by the minority members. The reason is unclear, but it presumably is the fact that, according to the Law, a simple certification of the election results by the Mufti has to follow. This provision does not at all restrict the minority's right of free and fair elections for their waqf administrative boards. In case that no elections take place, a provisional board is appointed by the state administration. In addition, there are measures of positive differentiation regarding the Waqf properties in Thrace and despite the challenging financial situation of the country. In particular, the Muslim Foundations are exempted from submitting tax declarations on: income, land property and major land property (Art. 7 of Law 3554/2007). As a result, their accumulated registered debts, fines and mortgages have been written off. Moreover, as of 2008, the Muslim Foundations are exempted from paying the Major Land Property tax for property that is being used for the charitable purposes of the Foundations.

Finally, our legislation has substantially enhanced the status of religious preachers, who are free to choose whether or not to join the applicable legislative scheme and to benefit

from it. Likewise, minority pupils can freely decide whether they wish to attend the Koranic classes or not.