

OSCE

Supplementary Human Dimension Meeting on Freedom of Religion or Belief ENGLISH only
Vienna, 8-9 July 2009

Session II: Status of Religious or Belief Communities

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

Main contact person(s): Fatma Reşit, Melek Kırmacı and K. Engin Soyyılmaz

E-mail: fatma.resit@abtff.org, melek.kirmaci@abtff.org, info@abtff.org

Dear President,

Distinguished representatives

And esteemed NGO Delegates,

Document of the Copenhagen Meeting of Representatives of the Participating States of the Conference on the Human Dimension of the Conference of Security and Co-operation in Europe states that persons belonging to national minorities have the right to establish and maintain their own educational, cultural and religious institutions, organizations or associations (Principle 32.2). And, 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.

States are obliged to respect and to ensure all individuals the right to freedom of religion or belief without distinction of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national or other origin, property, birth or other status. 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 totally eliminated.

In relation to autonomy of religious organizations, the 2004 *Guidelines for Review of Legislation Pertaining to Religion or Belief* states that States should be very reluctant to involve itself in any matters regarding issues of faith, belief, or the internal organizations of a religious group. Although differential treatment permissible, they should not constitute any kind of justification for discrimination. Therefore, *Concluding Document of the Vienna Meeting of Representatives of the Participating States of the Conference on Security and Co-operation in Europe* states that the participating States will, inter alia, respect the right of religious communities to organise themselves according to their own hierarchical and institutional structure and to select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State (Principle 16.4).

However, the Turkish Minority of Western Thrace* in Greece is not allowed to elect their religious leaders. A further problem is that the Turkish Minority in Rhodes and Kos are also subject to restrictions in practicing their religion. The seat of the Mufti has remained vacant since 1972. The minority rights laid by the Lausanne Treaty do not apply to the persons of Turkish origin on the islands of Rhodes (Rodos) and Kos (İstanköy). However, the fact that Rhodes and Kos were not part of Greece when the Lausanne Peace Treaty was signed should not be a reason to deprive the Turkish Minority on the islands of their minority rights. The Turkish Minority in Rhodes and Kos should be

* The Minority, which is the only officially recognized minority by the Greek State, is the Muslim Minority of Greece. Although the Lausanne Treaty of 1923, which established the status of the Minority, does not specifically mention the ethnic identity of the Minority in Western Thrace, there is a specific reference to the Turkish ethnic identity of the Minority in legal and international documents.

treated in full compliance with the terms of the Lausanne Treaty and other international and European standards on minority rights.

The religious status and the religious rights of the Turkish Minority of Western Thrace are clearly established in the 1913 Athens Treaty. Although there is no specific reference to the seat of mufti in the Lausanne Treaty, it ensured religious freedoms of the Minority members and reaffirmed the 1913 Athens Treaty which laid down that “each Mufti will be elected by the Moslem electors in their respective jurisdiction areas” (Article 11). In accordance with the provisions of the Athens Treaty, Law 2345/1920 which set down that muftis were to be directly elected by Muslims who are entitled to vote was never enacted. Since then muftis in Xanthi, Komotini and Alexandroupolis were appointed by a special decree issued by the King. After the problems with regard to the appointment of mufti with the Greek Government in 1985, Greece repealed the Law 2345/1920.

In violation of the Athens Treaty, the Presidential Decree of 24 December of 1990 adopted a legislative decree which provides that muftis must be appointed by Presidential Decree on nominations from the Ministry of Education and Religious Affairs. In 1990, the Turkish Minority elected its own muftis, although public authorities did not recognize the elected muftis, and they were even prosecuted and sentenced to prison for illegal use of religious symbols.

In 2007, the Government passed the Law 3536/2007 through the Greek Parliament, which envisages the appointment of 240 imams to serve for the appointed muftis of Komotini, Xanthi and Dimetoka. Thence, the imams, who will serve in the mosques in the regions inhabited by the Western Thrace Turkish Minority, will be appointed by the Government. The selection of the imams, who are to be appointed as religious teachers in public service by a committee of five Christians, is against the principle that “Minority administrates its own religious and vakfs institutions” stated in the Lausanne Treaty.

In clear violation of the freedom of religion and belief of the Minority, the Law 3536/2007 has been prepared and put into effect without asking opinion of the Minority itself at any stage. This clearly indicates that the Turkish Minority does have no say on issues which directly affect it. Nevertheless, it is a great disrespect made against the Muslim Turkish Minority that under the regarding law, the selection of the imams, who will serve in the mosques belonging to the Minority, will be carried out by a delegation composed of Orthodox Christians only, but not by the Minority itself.

The 2004 *Guidelines for Review of Legislation Pertaining to Religion or Belief* does describe the right to association as one of the basic values underlying international standards for freedom of religion or belief. It is, thereby, stated that the right to acquire and maintain legal personality is of importance to carry out the full range of activities in a convenient and efficient way. Since the right to association extends to religious associations, undue restrictions on the right to legal personality are inconsistent with both the right to association and freedom of religion or belief. However, in Greece, there is no specific provision in the Constitution guaranteeing and protecting the freedom of religion of the Minority. Although Mufti (appointed) is a public servant in accordance with the Lausanne Treaty and the applicable legislation, it does not have a public law entity, contrary to the Jewish Central Boards and shared Jewish communities. The seat of Muftis, mosques, lodges and other religious institutions of the Turkish Minority should have a public law entity.

But, this does not mean that the State should involve in/intervene to any matters regarding issues of faith, belief, or the organization of a religious group. The State should extricate itself any matter which might be considered “internal” or “doctrinal”. Article 3 of the Constitution of Greece states “The prevailing religion in Greece is that of the Eastern Orthodox Church of Christ”, and, the Orthodox Church of Greece is independent and inseparably united in doctrine with the Great Church in Istanbul

and with every other Church of the same doctrine, observing unwaveringly the holy apostolic and synod canons and sacred traditions. The ecclesiastic of the Orthodox Church 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. 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.

Greece should fully guarantee and realize that the members of the Turkish Minority would enjoy the same treatment and security in law as other Greek nationals in the management and the control of their religious institutions, and, that they should be allowed to exercise their religion freely therein.