



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)

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

Name of Main Contact Person(s): Ms. Melek Kırmacı Arık

E-mail(s): melek.kirmaci@abtff.org; info@abtff.org

PC.SHDM.NGO/37/15

30 October 2015

Language(s): ENGLISH ONLY

ENGLISH only

OSCE

Supplementary Human Dimension Meeting

OSCE Contribution to the Protection of National Minorities

Hofburg, Vienna

29-30 October 2015

SESSION 2: Integration of diverse societies and the Ljubljana Guidelines

Mr. Moderator,

Distinguished representatives of delegates,

And esteemed NGO representatives,

The Ljubljana Guidelines on Integration of Diverse Societies refers key policy areas in order to combat discrimination in all relevant spheres of life for an effective equality with no barriers to the enjoyment of equal opportunities regardless of any backgrounds.

Self-identification

It is noted in the guidelines that minority rights include the right of individual members of minority communities to choose to be treated or not to be treated as such. Greece only recognizes a “Muslim minority in Thrace” and denies the existence of an ethnic Turkish minority in 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 former independent expert urged Greece to protect the right to self-identification and the freedoms of expression and association of minority communities.¹

Citizenship

The Guidelines state that an inclusive and non-discriminatory citizenship policy is an important aspect of integration policy. The right of everyone to a citizenship from the moment of birth is part of international human rights. However, approximately 60.000 members of the Turkish minority were deprived of their citizenship under former Article 19 of the Greek Nationality Code between 1955 and 1998. Those who remain stateless within Greece (about 200 today), and those who adopted the nationality of another country after losing their Greek citizenship and having left Greece (in this

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

case mostly the Turkish nationality) have no right under Greek law to recover their Greek citizenship. The stateless individuals have difficulty receiving social services like health care and education, and although they worked many years in Greece and paid to the social system till deprivation of their citizenship, they have no right receiving pension.

Greece has not taken measures that would lead to the reparation of the serious consequences that arose from the deprivation of citizenship on the basis of Article 19. Persons who were deprived of their citizenship and have remained in Greece and wish to recover their Greek nationality have had to go through the normal naturalization process applicable to aliens, which is 'long, expensive and uncertain as regards the outcome, and humiliating for persons who have wrongly lost their citizenship', as former Council of Europe Commissioner for Human Rights, Mr. Thomas Hammarberg described. We note with very concern that there is very slow progress on the above mentioned problem and recall ECRI's recommendation in its fourth report that the Greek authorities should take steps to ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Citizenship Code for all persons concerned, whether resident in Greece or abroad, whether stateless or holding another nationality.

Freedom of religion

The Guidelines note that States should also ensure minorities' religious rights, notably their freedom of religion. It is noted that integration of society requires that persons belonging to minorities are effectively granted the right to preserve and develop their own cultural heritage and identity, as well as the right to take part and interact in the cultural life of the wider society. It is essential that the fundamental right of persons belonging to minorities to decide their own cultural issues does not result in their isolation.

Greece doesn't 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. After problems in 1985, the minority elected its own muftis in 1990. However, public authorities did not recognise the muftis who were elected by members of the Muslim community, the muftis (elected) were prosecuted and sentenced to prison for the illegal use of religious symbols. There is a duality today, the Muftis appointed by the State and the Muftis elected by the Turkish minority in the region. The Greek Governments notes although the elected Muftis are not officially recognized, the state does not obstruct their religious or other activities.

The Greek Government insists that there is no a unique method internationally for the selection of the Muftis and claims that the religious leaders of the Minority are being selected, through fully transparent and inclusive procedures, by a pool of esteemed teachers of Islam that are members of the minority with the full involvement of the minority as a whole is the procedure. A parallel is often underlined between the Greek Orthodox Patriarchate in Turkey, and the muftis in Western Thrace. The Patriarch is elected by the Holy Synod after the submission of the list of would-be candidates to the public authorities, the muftis are rather appointed by the State on the ground that the muftis do have legal authority on civic issues.

Law on Muslim Preachers (4115/2013), which replaced the Articles 36 to 39 of Law 3536/2007, envisages appointment of 240 "Quran teachers" who offer their services in the public schools of primary and secondary education and mosques in Western Thrace under the auspices of the official muftis who are appointed by the State itself. It should be reminded there that the mother tongue of the minority children is Turkish, and the minority children in the public schools will learn their own religion Islam in Greek under Law 4115/2013. European Muslim Initiative for Social Cohesion (EMISCO) expressed its deep concern about the situation in Western Thrace and noted that the leg-

isolation violated the religious autonomy of the Minority by abrogating the right to choose their own clergymen to teach Quran.²

Greece 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. 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. Therefore we request from the Greek authorities to recognize the right of the Turkish Minority to elect its own religious leaders and repeal Law 4115/2013.

Education

The Guidelines underline that States should respect the right of persons belonging to minorities to be taught their language or to receive instruction in this language, as appropriate, especially in areas inhabited by them traditionally or in substantial numbers.

When the former UN Independent Expert on Minority Issues, Gay McDougall, visited Greece on 8-16 September 2008³, she stated that a commonly stated problem is the absence of bilingual kindergartens for the Muslim minority. The compulsory period in education was extended from nine to ten years in accordance with Law 3518/2006 and the pre-school education for all children at the age of 5 was made compulsory. Since relevant law does not bring any regulation concerning minority schools belonging to Turkish Minority, it contradicts with the principle of educational autonomy enshrined in the Lausanne Treaty. The right 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.

The former UN Independent Expert on Minority Issues, Gay McDougall, had recommended in her country visit report on Greece⁴ in 2008 that bilingual kindergartens would allow better knowledge of both Turkish and Greek from an early stage therefore providing benefits in terms of integration, and enabling greater choice of whether to go minority of Greek public primary school.

We urge Government of Greece to establish bilingual minority kindergartens in region in line with the minority schooling system, to give bilingual education in public kindergartens in the region until bilingual minority schools are established, to allow the Turkish Minority of Western Thrace to establish private kindergartens where the language of education will be Turkish and Greek.

Participation in public affairs

The minority must enjoy all other civil, political, economic, social and cultural rights, including the rights to non-discrimination and equality before the law. Therefore, we urge the Government of Greece 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. 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 institutionalized, open, sincere and continuous dialogue with representatives of the Turkish Minority. Therefore, a mechanism for dialogue between governmental authorities and national minorities should be established in the form of advisory or consultative bodies that would be the

² <http://www.emisco.com/2013/01/22/press-release-situation-in-western-thrace/>

³ A/HRC/10/11/Add.3 para. 24, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>

⁴ See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>

channel for national minorities to raise their own voices. Such bodies might also include special purpose committees for addressing such issues as housing, land, education, language, and culture. The composition of such bodies should reflect their purpose and contribute to more effective communication and advancement of minority interests.