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Contact Person: Pervin Chairoula

chairoulap@yahoo.com

The Religious Rights of the Turkish Minority in Greece

Thank you very much Ms/Mr. Moderator,

My name is Pervin Chairoula, I am representing the Turkish Minority in Greece.

The Turkish Minority in Western Thrace-Greece whose number is around 150000 cannot enjoy fully its religious rights.

The election of Muftis constitutes the main problem regarding the religious liberties of the Turkish minority of Western Thrace. The right to elect their own religious leaders is granted to the Turkish minority in accordance with international and national legal arrangements. In line with Greece's international obligations stemming from the Treaty of Athens, a law adopted in 1920 (no:2345) stipulated that in addition to their religious duties, Muftis had a competence to exercise judicial functions regarding the family and inheritance disputes among Muslims. Furthermore, the legislation also specified a legal procedure for the election of muftis. Muftis were directly elected by the Muslims who had the right to vote in the national elections and who resided in the prefectures in which the muftis would serve.

However, in 1985 -upon demise of Mufti Hüseyin Mustafa Efendi- by appointing the mufti of Komotini without any consultation whatsoever with the Turkish Minority, the Greek authorities ignored the long established and practiced right of Minority to elect its own religious leaders. Greece officially stripped the minority of its right to elect its own religious leaders in 1990, by adopting the Law 1920/1991. The Turkish Minority declared its objection to this law and in response elected their Muftis. Hence, there is a duality today, the Muftis appointed by the State and the Muftis elected by the Turkish Minority in the region. The ones that the minority embraces and accepts as religious leaders are -without a shadow of doubt- the elected ones.

The Law 1920/1991 basically gives the Greek state the power to appoint Muftis without consulting the Muslim minority. This constitutes a violation of the minority's autonomy as guaranteed under the Treaty of Lausanne. Moreover, with the Law 4511/2018 the religious jurisdiction has been rendered exceptional. So all legal affairs of minority members are now considered to be regulated by civil law. Mufti jurisdiction can be established only when all parties agree to resort to the Mufti. The recent Presidential Decree 52/2019 aims to establish the procedural rules for cases involving the Mufti jurisdiction. The decree foresees the establishment of the Mufti Jurisdiction Affairs Directorate in the Mufti offices, which would in turn become public service offices overseen by the Ministry of Education, Research and Religion. This is a step to downgrade the office of Mufti into



an ordinary public office which runs contrary to its autonomous status that is guaranteed by international and bilateral agreements.

The law regarding the use of Islamic law was adopted on 9 January 2018 after the European Court of Human Rights' decision regarding the Molla Sali v. Greece. (Application no. 20452/14) case. This law has been prepared and adopted without any consultations with representatives of the Turkish Minority and acts as a further step to destroy the religious autonomy of the Minority.

The arbitrary investigations against representatives of the Turkish Minority have revealed that there is political intimidation and pressure against the Turkish Minority. The Religious leaders and NGO Representatives of the Turkish Minority are summoned to the police station to testify with many charges and they are not being informed thoroughly of all charges. The elected Muftis of the Minority have been called to bear testimony on numerous different occasions.

In recent years there is a noticeable increase on the hate-motivated attacks, crimes and hate speech towards the representatives of the Turkish Minority. These attacks can be considered as a systematic tool of discrimination against persons belonging to the Turkish Minority. An arson attack on a minority journalist's car is one of the recent examples of such hate incidents in Western Thrace.

Another issue in the frame of religious liberties is the administration of pious foundations. According to the international and bilateral treaties the Turkish Minority has the right to control and manage its own charitable foundations. However, the Greek authorities prevent Turkish minority from electing the administrative boards of its foundations. Therefore, the Turkish Minority cannot administer its Muslim Charitable Endowments (Waqfs) freely; they are run by State appointed Administrative Boards. In a non-transparent fashion, since the military junta took over in 1967. The inability to elect, govern and access fully to the accounts of these waqfs prevent the Minority from dispensing the revenues obtained thereof towards their vital needs.

The Turkish Minority of Western Thrace calls upon the Greek State

- To protect and promote the Turkish Minority's religious liberties and rights enshrined by the international and bilateral treaties,
- To respect and recognize the Turkish Minority's elected Muftis,
- To take urgent measures and make legal arrangements regarding the administration of pious foundations in line with the bilateral treaties,

Thank you for your attention.