



# 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

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

Main contact person(s): Mrs. Melek Kırmacı Arık

E-mail: [info@abtff.org](mailto:info@abtff.org), [melek.kirmaci@abtff.org](mailto:melek.kirmaci@abtff.org)

## The Mufti Issue and “240 Imams Law”

Dear Moderator,

Distinguished representatives, delegates and NGO representatives,

The OSCE participating States in Copenhagen 1990 reaffirmed that persons belonging to national minorities have the right freely to profess and practice their religion, including acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue.

Many individuals, religious or belief communities still face problems in practising their religion or belief throughout the OSCE region due to the lack of implementation of commitments related to freedom of religion or belief undertaken by participating States, in particular by Greece. Although the Greek Constitution ensures the right to freedom of religion or belief, Turkish Minority of Western Thrace- which is recognized by the Greek State as a religious minority, the Muslim minority in Thrace- is challenged by prohibitions to its right to elect its own religious leaders (Muftis) and appoints its religious personnel.

The legal status of the Muslim minority is based on the Treaty of Lausanne of 1923 signed between Turkey and Greece. The obligations assumed by Greece under Section III of this Treaty which deal with the protection of minorities, include the following basic rights and liberties with a right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein. The Lausanne Treaty reaffirms and acknowledges 1830 Protocol and 1881 Treaties and 1913 Athens Treaty and Its Third Protocol. The Athens Treaty notes, “Each Mufti will be elected by those Muslim voters who find themselves under the authority realm of the related Mufti”.

The religious autonomy of the minority has been undermined and diminished through several governmental practices and laws without prior consultation with the minority representatives. In 1991, Greece started to appoint the religious leaders (Muftis) of the Turkish minority. 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. In its right to reply in last year's HDIM meeting, Greece noted that although the elected Muftis are not officially recognized, the state does not obstruct their religious or other activities. Although Greece notes that each country, including Muslim ones, establishes its own process for the selection of Muftis, we would like to remind that 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.

Greece has repeated in many international platforms that it is currently considering ways to meet the needs of the Muslim minority in this field through an open consultation process. Any efforts to improve this framework by Greek authorities should be in accordance with the rights and freedoms granted to the Minority by international treaties. A dialogue mechanism on equal footings should be established by Greek authorities and the best interest of the Minority should be the priority in solution of the Mufti issue.

The other important problem in the religious field in recent years is that under a law adopted in 2013, the government appointed Islamic religious instructors to teach Islam to the children belonging to the Turkish minority in Greek-language public primary and secondary schools and mosques in Western Thrace under the auspices of the government-appointed muftis. This law provides for Islamic religious instructors to teach Islam to the Muslim minority in Greek-language public schools in Thrace in lieu of mandatory Greek Orthodox religious courses offered twice a week for two hours.

The Law 4115/2013 was implemented first in the Greek-language public schools in Western Thrace in 2013. 63 Islamic religious instructors, among whom only 3 were university graduates, started in January 2014, despite the strong opposition by the Turkish minority members. 44 Islamic religious instructors and Quran teachers were appointed in the province of Rhodope in 2014 and 60 in 2015.

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, to which minority deputies of the period expressed their strong opposition during the vote in the Parliament. European Muslim Initiative for Social Cohesion (EMISCO) expressed its deep concern about the situation in Western Thrace and noted that the legislation violated the religious autonomy of the Minority by abrogating the right to choose their own clergymen to teach Quran.

As the second part of the implementation of the law, an Islamic religious instructor, i.e. muezzin was appointed in March 2014 to the mosque in the Turkish minority village of Mega Derio. Many uniformed police officers deployed themselves in the coffee house of the village just half an hour before the Friday Adhan. The instructor walked into the mosque with apparent intention to lead the service. The community in the mosque of course did not allow him. But those police officers asked the people coming out of the mosque if he could lead the prayer or not. This police escort continued several weeks. This is against the well-established traditions since in all the villages in Western Thrace the Muslims employ the imams and the muezzins themselves.

The new legislation would in practice allow the government to exercise state control over religion through the appointment of religious officers i.e. Imams to mosques and public schools under the realm authority of the official Muftis (appointed) in Xanthi, Komotini and in Didymoticho in Greece.

We would like to stress that States 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. We therefore urge Greece to fully comply with the Treaty of Lausanne of 1923 and prior Athens Treaty of 1913 and Its Third Protocol and allow the Turkish minority in Western Thrace to elect freely its own religious leaders as the Jewish Central Board or the Catholic and Protestant Church. We request from the Greek government to repeal the Law 4115/2013 which hinders the minority from managing and controlling its own religious institutions and exercising its religion freely therein.

We would like to the OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief to ensure that the participating States respect the right of the religious minorities and communities to select, appoint and replace their personnel in accordance with their respective requirements and standards in accordance with Vienna 1989, Questions Relating to Security in Europe.