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**OSCE
SUPPLEMENTARY HUMAN DIMENSION MEETING
FREEDOM OF RELIGION OR BELIEF
9-10 July 2009
Hofburg, Vienna**

**VIOLATIONS OF FREEDOM OF RELIGION OR BELIEF
THE TURKISH MUSLIM MINORITY OF WESTERN THRACE-GREECE**

THE REGION

Western Thrace is located in the northeast part of Greece between the rivers Evros and Nestos, in the east and in the west, and Rodopi Mountains and the Aegean Sea, in the north and in the south. It is one of the nine regions of Greece. Its area is 8575 square kilometers and it is divided into three provinces. Ksanthi, Rodopi, and Evros. The total population of the Turkish Muslim Minority of Western Thrace is approximately 150.000.

THE TURKISH MUSLIM MINORITY OF WESTERN THRACE

Members of the Muslim Turkish Minority who have been living in this region for centuries identify themselves as ethnic Turks. The legal statute of this minority was established with the Peace Treaty of Lausanne signed in 1923, the bilateral agreements signed between Greece and Turkey and the international instruments concerning human and minority rights which Greece signed and ratified.

In recent years, the situation has relatively improved in Turkish Minority's everyday life, living conditions and constitutional rights owing to the Greek government's policy of "Equality before law and equal citizenship" which was announced in the beginning of 1990s. Yet there has not been a progress in the field of minority rights. Greece alleges that "equality among citizens" policy provides sufficient reforms and continues to ignore its obligations regarding the rights of the Turkish Muslim Minority by violating the bilateral and international treaty obligations to which is a party.

Denial of the Turkish Identity, Occupation of the Charitable Foundations and practice of the state-appointed muftis instead of the elected muftis continue unabated. More than 60.000 people still suffer from the deprivation of the article 19 of the citizenship law that was abolished in 1998 and the situation of minority education continues to be as miserable as ever.

Since the early years of 19th century, the existence of the Turkish minority has been one of the most important issues of the Greek state. The historical relations between Greeks and Turks affected the existence of Turkish Minority within the Greek territory. The perception of minority by the Greek administrators has been changed due to the changing relation of Greece and Turkey. Starting from the Peace Treaty of Lausanne in 1923 till 1950s the Lausanne spirit dominated relations in the two sides of the Aegean. However, the year 1955 was one of the turning points for the minority issues because of some specific reasons (ex: September incidents in Istanbul and Cyprus incidents). The situations started to worsen day by day. Especially during the Military Junta Regime (1967-1974) human and minority rights violations reached the highest level. These unlawful and unacceptable applications continued till mid-1990s. At this point, it is important to stress that Greece has become a full member of the European Union in 1981.

The new minority policy, announced after 10 years of EU membership, made positive contributions to the minority's life in terms of basic citizenship rights. However, as for the application of minority rights, no major positive step has yet been taken by the year 2009.

After the announcement of the policy «equality for all citizens», getting driving licenses, permission to build and repair houses, getting bank credits and buying land started to be permitted for the first time after many years of oppression in public and economic spheres. However, members of the Minority cannot enjoy fully its established minority rights. The issues related with the Islam religion and its practices have been one of the main controversial points regarding the relations of the Turkish minority with the Greek state. Despite the minority members have been practicing their religious duties freely at their mosques, some religious problems like the election of muftis have not been solved yet.

The Election of Muftis

The State authorities without taking into consideration the minorities established rights by the bilateral and international treaties are insistently saying that the muftis are appointed and not elected because of their judicial and administrative functions. But, the establishment of the position of mufti is deeply rooted in the history. When Greece won its independence in 1830 by the London Protocol there had been a number of Muslim-Turkish populations living in Greece. In those years, religious matters were managed by Islamic Law under the supervision of the *Kadi* (Muslim Local Judge). Under the Ottoman Empire, in Greece, *muftis* had the role and authorities of these local judges.

Treaties related with the authority and role of Mufti are as follows:

a) Istanbul Treaty

It was signed between Greece and Turkey in the 2nd of July 1881 and it protected rights of the Muslim Turks. According to the Article 8 of this treaty protects the right to freedom of religion is granted to Muslims living on territories given to Greece. Also, the freedom of association and the protection of immovable properties will be guaranteed. No hindrance will be put in relations between the religious leaders and members of these Muslim communities.

b) Treaty of Athens

According to the Article 11 of this treaty, signed in 1913, regulations for the election of muftis were defined; properties, lives, religions, sects and traditions of those under the Greek rule will be respected... Each of Muftis will be elected by Muslims of their regions. The Head Mufti will be elected by a committee composed of all muftis in Greece and the King of Greece will appoint one of the three candidate muftis.

c) Treaty of Sevres (Greek Sevres)

It is also known as the 'Treaty Concerning the Protection of Minorities in Greece'. It was signed by Greece on the one hand, and England, France, Italy, Japan on the other. Turkey was not a part to this treaty. It was signed and ratified by the Greek Parliament on 29 September 1920. According to the Article 1 and 2, Greece accepts the protection of its citizens regardless of their ethnic, religious, linguistic differences. Also, the religious freedom of Muslims living in Greece is guaranteed by the Article 14. With this treaty, Greece also accepts to protect mosques, cemeteries, religious charitable organizations (*wakfs*) and other properties belonging to Muslims in Greece.

c) Treaty of Lausanne

According to the articles 37-45 of the Lausanne Peace Treaty, the religious autonomy and freedom of the Muslim Turkish Minority of Western Thrace is protected and guaranteed.

By signing and ratifying bilateral and international treaties, Greece accepts the responsibility to obey to the articles of those treaties. For this sake, she made a number of changes and amendments in the Greek national law. However, it is unfortunate that the necessary amendments have usually been not in the same line with those stipulated in treaties and some laws, regulations and official actions of the Greek state, even, continue to be in conflict with these stipulations.

Members of the Muslim Turkish minority of Western Thrace have the right to decide whether to choose the Sharia Law or Greek Civil Law regarding the family and inheritance issues. Mufti's judicial decisions do not take into effect unless approved by competent Greek Courts. What is admired by the Minority is firstly to elect the Mufti (religious leader) of their region according to the provisions of relevant international treaties and then to discuss the judicial competences of the Muftis. The elected Muftis of Xanthi and Komotini who are not recognized by the government have been prosecuted for several times under the penal code for usurping of a religious authority of Mufti. The ECHR held that those prosecutions violated Article 9 of the Convention which enshrines the rights of freedom of thought, conscience and religion (please see Agga vs. Greece No: 1,2,3,4 and Sheriff vs. Greece Case No: 38178/97)

The bill 3536/2007 – the appointment of 240 imams

In addition to the application of appointed Muftis, a new bill regarding the appointment of imams/seminary teachers passed in the Greek Parliament. This new bill 3536/2007 regarding the appointment of 240 imams/Islamic (seminary) teachers is contrary to the article 43 of the Peace Treaty of Lausanne that protects the religious freedom of the Muslim Turkish Minority. According to the provisions of this law, these 240 imams or seminary teachers would be appointed by a committee where most of members are Christians. Like that of 1992 UN Declaration on Minorities, other provisions of international treaties and documents that Greece signed and ratified promoted Minority's religious autonomy. This new application which is totally refused by the minority threatens the freedom of faith of the Minority.

MUSLIM CHARITABLE FOUNDATIONS:

Muslim Charitable Foundations (Waqfs) constitute an essential part of Minority's cultural, historic and religious heritage. The government continues to appoint the people who currently hold positions in the Administrative Boards of the Muslim Foundations.

Disregarding their financial immunity, the State continued to impose excessive taxes and legal sanctions on the properties owned by the Muslim Charitable Foundations for four decades. Minority's inability to govern and have access to the accounts of these Waqfs also prevents them from dispensing the revenues obtained thereof towards society's vital needs, such as the maintenance and improvement of schools and repairs or build mosques.

Although the provisions of the law passed in 2007 (No: 3554) erased the existing debts of waqfs, the fines and income taxes imposed on them remained intact. As of December 2008, the total debt of Administrative Board of Komotini Waqfs accumulated to 775.463 Euro, which resulted in the imposition of mortgages on 23 shops and one farm owned by the waqf administration. New law (Law no: 3647/2008) passed on 7th February 2008 was prepared without taking into consideration Minority's opinions and proposals. Although the new law foresees the appointment of board members with elections, the minority does not endorse the provisions of the law that give excessive jurisdictions to the Secretary General of Eastern Macedonia and Thrace region as well as the tutelage powers vested in the office of the "appointed" Muftis. It should also be noted that, before the passing of the said law, the Minority had communicated its opinion and remarks regarding the draft bill to the Government, which proved a futile effort since the Administration once again disregarded the Minority's will.

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