



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)

OSCE

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WORKING SESSION 7: Fundamental freedoms I, including freedom of thought, conscience, religion or belief

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

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Dear Moderator,

Distinguished representatives,

And esteemed NGO Delegates,

The Ministerial Council of OSCE in its twentieth meeting held in Kyiv in 2013 called on participating states to fully implement OSCE commitments on the freedom of thought, conscience, religion or belief as well as refraining from imposing restrictions inconsistent with OSCE commitments and international obligations on the practice of religion or belief by individuals and religious communities.¹ It does not seem that all participating states such as Greece respond adequately since certain religious communities still face obstacles in practicing their religion or belief throughout the OSCE region.

The right to freedom of religion or belief of the Turkish community in Western Thrace in Greece has been constantly hampered by several governmental practices and laws although their religious autonomy is guaranteed by the international agreements which Greece is part of such as the 1923 Treaty of Lausanne and the 1913 Athens Treaty. The third section of the Treaty of Lausanne regarding the protection of minorities, confers basic rights and liberties on the Muslim minority in Greece including the 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. Moreover, the relevant articles of the 1830 Protocol, the 1881 Treaties and the 1913 Athens Treaty's third protocol are affirmed by the Treaty of Lausanne. The Muslim minority in Western Thrace is granted the right to elect its religious leaders as it is noted in the 1913 Treaty of Athens that "Each Mufti will be elected by those Muslim voters who find themselves under the authority realm of the related Mufti".

This right was abolished by a presidential decree of December 24, 1990 and Law no. 1920/1991 on Muslim religious instructors and since then Muftis have been appointed by the Ministry of

¹ Decision No. 3/13 Freedom of Thought, Conscience, Religion or Belief, Twentieth Meeting of the Ministerial Council 5 and 6 December 2013, p. 16.

Education and Religious Affairs. The appointed Muftis are not recognised by the members of the Turkish community in Western Thrace and consequently the community elects its own religious leaders in line with the 1913 Treaty of Athens. Therefore, the elected Muftis in Komotini and Xanthi have been facing criminal charges and this creates an environment of political intimidation towards the members of the Turkish community in Western Thrace, Greece. For instance, on 13 November 2017, Ahmet Mete, Elected Mufti of Xanthi, was sentenced to a seven-month imprisonment with the allegation that he usurped the Mufti's Office at the funeral of Ahmet Katunlu in village of Gökçeşınar(Glafki) who lost his life while he was in military service last year when the members of the Turkish minority rejected the government-appointed mufti to lead the prayer and requested the elected Mufti to lead the prayer during the funeral.

The religious autonomy of the minority has been undermined, especially with the recent amendments adopted by the Greek Parliament. In recent years, the statements by the Greek authorities to find more representative and transparent process for the selection of muftis raised expectations within the Turkish community for the solution of Mufti question. However, the recent developments indeed disappointed the members of the Turkish community. On 9 January 2018, the Greek Parliament adopted a law which made Islamic law as optional to settle family and inheritance issues of persons belonging to the Turkish community in Western Thrace. The bill was submitted to the Greek Parliament after a legal inheritance case was brought to the European Court of Human Rights by a Muslim Turkish woman from Thrace (Molla Sali v. Greece. (application no. 20452/14). The law rendered the sharia authorities in the field of inheritance, marriage and divorce utilized by muftis preferential and enabled the Greek Civil Law applicable in the case that there is disagreement between the parties. The new legislation was drafted once again without prior consultation with the representatives of the Turkish community, therefore it was opposed by the people belonging to the Turkish community in Western Thrace, Greece. The law is another blow against the religious freedom of the Turkish community in Western Thrace. Furthermore, it is contradictory to the Art. 13(1) of the constitution of Greece which guarantees the freedom of religion by stating that "Freedom of religious conscience is inviolable".² However, it seems that Greece is not even acting in line with the provisions of its constitution since they are interfering in the matters concerning the issues of faith, belief.

More recently, a draft presidential decree regarding the implementation of the above-mentioned law has been issued on 2 September 2018, once again without any consultation with the members of the Turkish community of Western Thrace, Greece. The draft decree envisages restructuring of Mufti offices with autonomous structure in Western Thrace, Greece and bringing in a new working system. In addition to previous legislations, this will further undermine the autonomy of the Turkish community in Western Thrace guaranteed by the international treaties. The decision was condemned by the representatives of the Turkish community representatives and NGOs including the minority's party Friendship, Equality and Peace Party (FEP Party) in the region.³

As it is clearly noted in the para. 31 of OSCE Guidelines that "in the regime which governs access to legal personality for the religious or belief communities, states should observe their obligations by ensuring that national law leaves it to the religious or belief community itself to decide on its leadership, its internal rules, the substantive content of its beliefs, the structure of the community and methods of appointment of the clergy and its name and other symbols".⁴

We would like to highlight that participating states should not interfere in the matters concerning the issues of faith, belief, or the organization of a religious group and act in line with the OSCE

² Art. 13 of the Constitution of Greece, Available at: <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggliko.pdf>, September 2018

³ Statement by FEP Party, Available at: <http://www.debpartis.org/indexENG1.php?s=detailsENG&id=5716>, September 2018.

⁴ OSCE/ODIHR and Venice Commission, Guidelines on the Legal Personality of Religious or Belief Communities, 2015, para. 31.

commitments which are the crucial aspects to ensure the freedom of religion or belief. Hence, we urge that Greece respect its OSCE commitments on the freedom of religion and withdraw the legal amendments jeopardizing the religious autonomy of the Turkish community in Western Thrace which is guaranteed by the international agreements such as the Treaty of Lausanne of 1923 and prior the Athens Treaty of 1913 and Its Third Protocol. We call upon Greece to apply the same standards regarding the election of religious leaders as it applies for other religious groups including the Jewish Central Board or the Catholic and Protestant Church in Greece, therefore to allow the Turkish community in Western Thrace to elect freely its own religious leaders and freely run the Mufti offices.