

OSCE HUMAN DIMENSION IMPLEMENTATION MEETING

WORKING SESSION 2: FUNDAMENTAL FREEDOMS I (29.9.2009)
WORKING SESSION 3: FUNDAMENTAL FREEDOMS II (29.9.2009)
WORKING SESSION 5: TOLERANCE AND NON-DISCRIMINATION I
(30.09.2009)

STATEMENT BY THE GREEK DELEGATION
in exercise of its Right of Reply

A. Greece's policy towards the Muslim minority in Thrace is being pursued on the basis of the following paramount principles and goals:

1. Full respect for Greece's obligations under both the 1923 Treaty of Lausanne, which established the status of the Muslim minority in Thrace, and the contemporary universal and regional human rights treaties.

In conformity with the principles of equality before the law and equal enjoyment of civil rights, the members of the Muslim minority in Thrace enjoy the same rights and are subject to the same obligations as their fellow Christian citizens.

In almost all successive parliamentary elections held since 1927, Muslims have been elected to Parliament either with the governing party or the opposition or, in most cases, on both sides of the chamber, while Muslims participate in all the levels of the Local Administration in Thrace;

2. Furthermore, positive measures, such as the two quotas (0,5%) for admission of minority students to Universities and for employment in the public sector, in accordance with modern standards in the field of minority protection, have been enacted;

3. In a broader framework, additional steps have been taken in order to enable members of the Muslim minority, especially women and young persons, to be beneficiaries of nation – wide programmes and projects, co – financed by the European Union, designed for vulnerable social groups, in particular on gender equality, combating racism and xenophobia, equal opportunities, access to employment and inter – cultural dialogue. In the same vein, when it comes to Muslim Roma – one of the three components of the Muslim minority – it's worth mentioning the wider Integrated Action

Plan for the social integration of Greek Gypsies, which was launched in 2002. This Plan is being structured upon two priority axes aimed at housing rehabilitation and at providing services in the fields of education, health, employment, culture and sports.

In general, over the last fifteen years, the Muslim minority has reaped all the benefits of Greece's long membership in the European Union, as have all other Greek citizens. This has been, and continues to be, tangible evidence of our political culture and of our commitment to ensure the smooth integration of the minority in the social, economic and educational fabric of the country.

B.1. Any person who claims to belong to a distinct ethnic or cultural group is free to do so, with no negative consequences deriving from such a choice. However, such subjective claims or perceptions, which are not based on objective facts and criteria, are not sufficient by themselves to impose a State an obligation to officially recognize a group as a minority and to provide to its members specific minority rights, additional to those guaranteed by human rights treaties. This view is fully in line with the approach adopted in the context of modern human rights treaties in the field of minority protection, according to which the individual's subjective choice is inseparably linked to objective criteria relevant to that person's identity.

2. The Muslim minority in Thrace consists of three distinct groups, whose members are of Turkish, Pomak and Roma origin. Each of these groups has its own distinct spoken language, cultural traditions and heritage, which are fully respected by the Greek state. The Muslim minority in Thrace cannot be identified in its entirety as "Turkish", despite the continuous attempts of hardliners of the Turkish – origin component to impose its cultural characteristics and traditions on the other two components (Pomaks and Roma). Such an attempt is not in conformity with the Lausanne Treaty which regulates the status of the Muslim minority in Thrace; it is also contrary to contemporary human rights standards in the field of minority protection, which require respect for the identity of a smaller group within a larger minority group, which otherwise would be at risk of being subsumed under the identity of the latter.

C. During the last years, a series of measures has been adopted in favor of persons belonging to the Muslim minority in Thrace:

- **Turkish language courses** have been introduced (*since 2006*) in public schools curricula in Thrace, as an optional foreign language.
- A programme of **Greek language & civilization courses** has been successfully initiated for Muslim parents.
- As far as tertiary education is concerned, the introduction of a **0,5 % quota** for the admission of Muslim students to Universities and Higher Technical Schools, has long borne its fruits.
- Mindful of the need to enhance the participation of the minority in the public sector in Thrace, we have introduced another **quota of 0,5 % to the State exams**, as provided for in a newly enacted law.

At the same time, the overall situation on the ground, concerning certain professions, is more than satisfactory. For instance, there is **a large number of teachers from the minority**, not to mention those working in banks and state hospitals in Thrace.

- In the framework of a law, adopted early in 2007, the Ministry of Education and Religion has provided for **the appointment of 240 religious faith teachers**, and their remuneration, to the three Mufti Offices.
- By virtue of the new law on the administration and the management of Muslim Wakifs in Thrace, **the members of the three main Management Committees are to be elected**. Thus, a longstanding request by the Muslim minority is being met by the Greek state.

Previously, in 2007, the Muslim **Wakifs had been exempted from submitting the Tax Declarations** on Income, Land Property and Major Land Property of previous years, and consequently their accumulated registered debts, fines and existing mortgages have been written off. Furthermore, as of 2008, the Muslim Wakifs are now exempted from paying the Major Land Property tax.

- Aiming at promoting inter – cultural dialogue, Greece took the initiative, in the context of an E.U. project, to establish **Youth Councils**, involving young Christians & Muslims alike, as part of the Local Administration network in Thrace.

D. Muftis / Religious Freedom / Application of the Sharia Law in Thrace

1. The Muftis in Thrace have never been elected and Law 2345 / 1920 – enacted provisionally on the expectation of the entry into force of the Treaty of Sevres – has never been applied and long fallen in disuse. This law was formally repealed in 1991, when Law 1920 / 1991, regulating the status of Muftis, was enacted.

Thus, the Muftis in Thrace are appointed through transparent procedures similar to those applied all over the Muslim world – and in Turkey – since the Holy Islamic Law does not foresee popular elections for Muslim religious leaders. The appointment of the Muftis takes place with the active participation of prominent Muslim personalities. This procedure was deemed necessary given the judicial authority bestowed on the Muftis on matters of family and inheritance law. It should be stressed that, while the Muftis in Thrace were always appointed in accordance with the above – mentioned procedure, in the past few years certain individuals within the minority have staged “elections” for Muftis, contravening both the relevant Greek Law and the procedures leading to the election of high ranking religious officials. Not to mention the fact, that even these so – called “elections” took place with the participation of only a part of the minority and with the exclusion of women in defiance of modern human rights standards.

The decision of the European Court of Human Rights does not impose on Greek authorities the obligation to recognize the so – called “elected” Muftis. The Court did not either examine the issue of the appointment of the Muftis. It has only found that the conviction of the applicants by the Greek courts for having usurped the office of the Minister of a known religion was not in conformity with the E.C.H.R.

In the spirit of equal rights and equal opportunities (isopoliteia) pursued by the Greek state, Muslim spiritual elders, as their Christian religious counterparts, have now access, if they choose so, to a state salary, as well as health and retirement benefits. The provisions of Law 3536 / 2007 extend these benefits to the preachers and teachers of the Holy Koran (ierodidaskaloi) and not necessarily to the Imams (Muslim clerics) who in any case are chosen and employed by their parishioners. It goes without saying that Imams too can opt to benefit from the provisions of Law 3536 / 2007, since they are preachers and teachers of the Holy Koran. Therefore, the term of “appointed” Imams is a shrewd distortion of the letter and the spirit of the above law, which has been enacted in

the framework of offering equal access to state benefits to both Christian and Muslim taxpayers. It is strongly believed that because of the benefits of Law 3536 / 2007, the preachers and teachers of the Holy Koran will be in a better position to contribute more efficiently to the spiritual needs of their communities.

The selection process, meant for the preachers and teachers of the Holy Koran, is deliberately presented in a distorted way, since the Muftis and Muslim boards of examiners select the competent candidates. The candidates submit their applications to the official Muftis of their regions and Muslim theologians process the applications and judge on the competence of the candidate preachers and teachers of the Holy Koran. The state committee has simply the sole responsibility to see whether the chosen candidates fulfill certain formal requirements (absence of criminal record, military service, certificate of primary school etc.) a standard procedure for all state hiring. The contracts of employment are signed by the official Muftis and the preachers themselves individually and their salaries are paid through the office of the Muftis.

It is clearly untenable and self – contradictory to argue that the state’s concern for the welfare of Muslim spiritual elders constitutes “a clear violation of the freedom of religion and conscience of the Western Thrace Turkish Minority”. The extension of some financial and social benefit opportunities to a certain group of Greek citizens, who choose to opt for them, is in keeping with the spirit and practice in a modern state and only offend those circles that encourage introversion and isolation of the Muslim minority in Thrace.

2. It is worth mentioning that members of the minority do have the option to take their legal cases to the Civil Courts, whereas these Courts do also review the decisions taken by the Muftis within their jurisdiction. Greece takes seriously into account the need to strengthen the substantive review and control by domestic Courts.

Bearing in mind the expressed preferences and visible tendencies within the majority of the Muslim minority on religious, social and legal matters, Greece will study possible readjustments, such as the abolition of the application of the Sharia Law in Thrace, taking hereby into account its legal obligations and the potential changes of the wishes of the Muslim minority itself.

3. In general, the members of the Muslim minority in Thrace perform their religious duties and follow their traditions without any restriction, retaining in full the right to worship in every day life.

E. The right to education

(a) In implementing the letter and the spirit of the Lausanne Treaty, Greece fosters the proper functioning of the existing minority schools in Thrace.

(b) In parallel, the minority is, more than ever before, determined to bring their children to the public educational system, so the Greek state needs to respond to this request. The common feature of all democracies is the policy towards integration of their minorities, while promoting their cultural and linguistic characteristics.

(c) The Greek Government has indeed extended the period of compulsory education from nine to ten years. This tenth year applies to children between five and six years old, who attend kindergartens. Children at kindergartens do not have Greek textbooks – actually they do not have any textbook – and do not follow any curriculum. In keeping with international and E.U. educational standards, the various activities and games at Greek kindergartens serve as a smooth introduction to primary education. We encourage kindergarten teachers, members of the Muslim minority in Thrace, to work at kindergartens in areas where there are many Muslims. Nevertheless, for the time being, the number of university – educated kindergarten teachers from the Muslim minority is still low, not exceeding 10 members. The situation is going to improve in the following years.

(d) By virtue of a draft law, the Special Pedagogic Academy of Thessaloniki is to be converted into a postgraduate Higher Education Training Centre for Intercultural Education.

In parallel, the degrees of the remaining graduates of the Special Pedagogic Academy of Thessaloniki are to be equated to those granted by the Pedagogic Departments of Universities.

F. The right to freedom of association

From the outset and with a view to dismissing any misunderstanding about compliance by Greece with the right of freedom of association, it should be stressed that in Thrace a large number of Muslim minority associations and N.G.Os. have already been registered by the competent courts and operate unimpeded, thus preserving, highlighting and promoting all aspects of the cultural, educational and economic life of the minority.

Only three judgments of the ECtHR on an equal number of associations have been rendered. At present, the three cases are pending before the competent Greek Courts. The government is considering ways and means to implement the judgments of the ECtHR.

G. Respect for the cultural diversity and heritage in Thrace

In Thrace, one may easily witness the forced “enculturation” tactics by segments of the dominant in numbers, Turkish origin, minority population, who discriminate against the Pomaks and Roma of the Muslim minority.

Within the rural social environment of Muslim villages, psychological pressure ends up in massive attendance of extra – systemic “Quranic schools”, which fundamentally disrupt the educational process provided for by minority schools. This not only contributes to the structural inefficiency of minority schools but also promotes an ethno – religious pattern alien to both the communities and the society in Thrace as a whole. Islamic values are invested with ethnic concepts affiliated with the socio – economic processes in Turkey. It is reprehensible and alarming for the cohesion of the open society in Thrace that “Quranic schools” alienate the young generation of the minority, at their first steps in life, from the social mainstream of their country, thus turning them against the values of the rest of the society.

Furthermore and in a broader context, the cultural heritage of all segments of the minority is fully respected. As for the Turkish origin one, during the last years, an increasing number of cultural / artistic events and festivities in Thrace have been staged by municipal authorities and artists from Turkey. Cultural co – operation between local authorities from both sides of the border is being constantly strengthened, with no impediments.