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WORKING SESSION 6: Tolerance and non-discrimination I

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Dear Moderator,
Distinguished representatives,
And esteemed NGO Delegates,

Freedom of religion or belief is one of the core fundamental rights enshrined in international mechanisms and OSCE commitments. Non-implementation of the OSCE commitments by the participating states including freedom of thought, conscience, religion, or belief endangers democratic values and can trigger nationalism and populism. Vulnerable groups such as ethnic and religious minorities are often affected first by such trends. Therefore, discrimination and intolerance against religious and ethnic minorities remain important obstacles to pluralist and democratic societies in the OSCE region, especially given the rise of populism and xenophobia in European countries. When authorities ignore the existence of these communities, it makes it challenging for minorities to combat the intolerance and discrimination they face, such as in Greece.

The Turkish community in Western Thrace in Greece, whose members are Muslim, is officially recognized by their religious identity by Greece, as “Muslim minority in Thrace”. Greece does not confer official status on any indigenous ethnic group nor does it recognize “ethnic minority” or “linguistic minority” as legal terms. It affirms an individual’s right of self-identification, but not the right of collective self-identification by members of an ethnic or linguistic group. This policy contradicts the Etabli Documents which were the documents recognized by Greece and given to the people of Greek and Turkish origin, in Turkey and Greece respectively, who were left out of the exchange procedure following the Agreement on the Exchange of Turkish and Greek Populations on 30 January 1923. These documents affirm the ethnic origin of the Muslim minority in Western Thrace as Turkish.

The rights of the Turkish community in Western Thrace regarding freedom of religion guaranteed by international treaties are not respected by Greece. The 1913 Treaty of Athens granted the Turkish community in Western Thrace to elect their religious leaders (Muftis) and subsequently their rights were guaranteed by the 1923 Lausanne Treaty which defined the legal status of the Turkish community in Greece as well as that of the Greek community in Turkey. Following the death in 1985 of the Mufti of Rodopi who was indeed elected by the community in line with the Athens

Treaty, the Turkish community's right to elect its religious leaders was taken away and transferred to the state with the appointment of muftis by the Ministry of Education and Religious Affairs after the implementation of Presidential Decree of December 24, 1990 and Law no. 1920/1991 on Muslim religious instructors.

Today, the Mufti question causes duality between the Muftis appointed by the State contrary to the Athens Treaty who are not recognized by the members of Turkish community and the Muftis elected by the Turkish community. Hence, the Turkish community in Western Thrace cannot enjoy their rights to choose their religious leaders while other religious groups living in Greece such as the Jewish Central Board or the Catholic and Protestant Church are enjoying this right. Today, religious leaders elected by the community have been facing criminal charges on the grounds of usurpation of the Mufti office and illegal use of religious symbols. In the cases lodged by elected muftis against Greece, the European Court of Human Rights (ECtHR) ruled that Greece breached Article 9 of the Convention.¹

As it is underlined in the para.15 of 2015 OSCE Guidelines on the Legal Personality of Religious or Belief Communities that, “the freedom to practice and teach religion or belief includes, but is not limited to, acts integral to the conduct by religious groups of their basic affairs, such as the right to organize themselves according to their own hierarchical and institutional structures and the right to select, appoint and replace their personnel in accordance with their respective requirements and standards, as well as with any freely accepted arrangement between them and their state”.²

As noted in the para. 16(6) and 16 (8) of the Concluding Document of the Vienna Meeting, the participating States, including Greece, agreed that they would respect the right of citizens to give and receive religious education in the language of their choice, whether individually or in association with others and allow the training of religious personnel in appropriate institutions.³

Moreover, the right to conduct religious educational activities in the mother tongue of the persons belonging to national minorities was affirmed as one of the commitments by participating States of the 1990 Copenhagen Document of the Conference on the Human Dimension which established a framework for national minorities ⁴. However, Greece failed to undertake its commitments stated above by implementing the Law on Muslim Preachers (4115/2013) so-called 240 Imams Law, without the approval of members of the Turkish community in Western Thrace, which led to Turkish children receiving religious lesson by religious instructors, among whom only 3 are university graduated, in Greek in public schools of secondary education in Western Thrace.

The critical role of education to promote tolerance in the context of the principles of non-discrimination and equality were affirmed by the OSCE participating states in the 1990 Copenhagen Document. However, education is one of the areas where the members of the Turkish community are subjected to discrimination. The Turkish community in Western Thrace, Greece was granted the right to open its own minority schools by the 1923 Treaty of Lausanne. However, the autonomy of the Turkish community at all levels in education has been undercut throughout years by wide-ranging control of the Ministry of Education and Religious Affairs over the minority schools at all levels whether it concerns the composition and the functioning of the school boards, the hiring and firing of teachers, the distribution of textbooks or the building and repair of school buildings. This certainly leads to a low-quality education in minority schools with structural problems. The absence of bilingual minority kindergartens for the Turkish Minority of Western Thrace remains a crucial obstacle for the minority children's development. The importance of receiving education in mother

¹ Case of Serif v. Greece (Application no. 38178/97) and Case of AGGA v. Greece (Application no. 32186/02)

² OSCE/ODIHR and Venice Commission, *Guidelines on the Legal Personality of Religious or Belief Communities*, 2015, para. 15.

³ Vienna 1989, para. 16. 6, 16.8.

⁴ Copenhagen 1990, para. 32.

tongue is highlighted by the UNESCO since it has an important impact on the future of the child.⁵ The right not to be discriminated is violated given that Greece without an objective and reasonable justification fails to treat differently minority children who speak a different language other than Greek. At the pre-school level, minority children are obliged to attend public kindergartens where the instruction is only in Greek under Law 3518/2006 which extends the compulsory period in education in Greece from nine to ten years, but not includes minority schooling system. The former UN Independent Expert on Minority Issues Gay McDougall commented that bilingual education would allow better knowledge of both Turkish and Greek from an early age and enable greater choice of whether to go to minority or Greek public primary school. Due to the persistent lack of bilingual kindergartens, a number of families have reluctantly decided to send their children to Greek-language state kindergartens despite the risk of losing their linguistic and cultural identity. Greece disregarded proposals by the community organizations for establishment of bilingual kindergartens within the special education system that the Turkish community has been granted and establishment of other private bilingual kindergartens in the region. Yet, the Greek government adopted a legal framework in August 2017 which was implemented as pilot project. As part of the pilot project, minority children have no option than to go the public kindergartens since there is no permit for minority kindergartens in the country although a bilingual minority member, graduated from one of the higher education institutions in Greece, works with a teacher in a kindergarten class in public schools in six provinces in Western Thrace region.

Moreover, the number of the minority bilingual schools are decreasing every year after the Ministry of Education, Research and Religion decided in 2010 that schools which do not have sufficient number of students will be closed down for economic reasons. Since then, the number minority primary schools decreased from 194 to 188 in 2011, 170 in 2014, and 164 in 2015 and 133 in 2016 and 130 in 2017.

We emphasize that respecting fundamental rights and democratic values are the corner stone for stability and sustainable security. As noted by the OSCE Guidelines on the Legal Personality of Religious or Belief Communities “Under international human rights law, a refusal by the state to accord legal personality status to an association of individuals based on a religion or belief amounts to an interference with the exercise of the right to freedom of religion or belief, read in the light of the freedom of association”

We call on the OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief to remind the participating States of their responsibility to act on its commitments in accordance with Vienna 1989. We urge Greece to respect the freedom of religion and act on its commitments derived from international treaties such as the 1913 Treaty of Athens, Treaty of Lausanne and its OSCE commitments.

We urge Greek authorities to establish bilingual minority kindergartens in region in line with the minority schooling system and allow the Turkish community in Western Thrace to establish private kindergartens where the language of education will be Turkish and Greek.

We call upon Greece to restore the educational and religious autonomy of the Turkish community of Western Thrace enshrined in the 1923 Lausanne Treaty and implement policies in line with the OSCE Hague Recommendations regarding the Education Rights of National Minorities. We urge the Government of Greece to revise its policies concerning the minority primary and secondary schools, including their number and their location, the training and hiring of teachers, curriculum and textbooks to be used.

⁵ UNESCO, Multilingual education Why is it important? How to implement it?, Available at: <http://unesdoc.unesco.org/images/0022/002265/226554e.pdf>, September 2018