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***Ethnic Turks in Greece, a Muslim Minority***

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# Ethnic Turks in Greece, a Muslim Minority

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In October 2012, *Human Rights Without Frontiers* (HRWF), a Brussels-based independent non-governmental organisation carried out a fact-finding mission in Thrace, in the north-eastern part of Greece, to investigate a number of violations of human rights concerning Muslim ethnic Turks protected by the 1923 Treaty of Lausanne.

**Chapter 1 describes the historical background of identity issues for ethnic Turks in Thrace**, who have been living within the borders of the Ottoman Empire since at least the 14<sup>th</sup> century. After the dissolution of the Ottoman Empire, agreements made under the Treaty of Lausanne sought to protect the cultural integrity of the ethnic Turkish community in terms of language, religion and culture; however, since the 1990s the Greek government has sought to promote a policy of national assimilation, even to the point of denying the existence of any such ethnic minorities within its borders. Turkish identity has been systematically suppressed in favour of a homogenised view of Greek society.

The positions on both sides are entrenched. On the one hand, the ethnic Turks in Thrace reject being defined only as a religious minority but identify themselves as “Turkish” or “Muslim Turkish”. On the other hand, the Greek authorities refuse to qualify them as “Turks” and instead insist on calling them “Muslim Greeks.” The Government does not recognize them as an ethnic minority but only as part of the “Muslim minority” of Greece. Such a minority is however to be protected “on the territory of Greece” according to the Treaty of Lausanne.

In this regard, *Human Rights Without Frontiers* urges the Greek authorities

- to respect the right to self-identification of the persons belonging to the minority protected by the Treaty of Lausanne and recognized ;
- to discontinue the sterile debate about how to name the group but instead to prioritize the safeguarding of the individual and collective human rights of its members.

**Chapter 2 examines the official position of the Greek government in response to allegations of human rights violations concerning the ethnic Turks.** On the occasion of its Universal Periodic Review at the 2011 Session of the UN Human Rights Council, the Republic of Greece was publicly and officially questioned on this issue. The UN body called upon Greece to respect the right of self-identification for the ethnic Turkish community and to institute reforms to ensure progress in bilingual education, freedom of expression and broader powers of self-determination for the ethnic Turkish minority.

**Chapter 3 presents the findings of the fact-finding mission to Thrace.** The findings are organised into four major headings: school education for minority children, freedom of association, freedom of expression and the media, freedom of religion.

*Concerning school education for minority children*

Under the Treaty of Lausanne, the right of the ethnic Turkish minority to establish schools was guaranteed, including “the right to use their own language and to exercise their own religion freely therein.” However, several policies of the Greek government have made the realisation of these provisions highly problematic. Limited access to adequate Turkish-language educational resources, including curriculum, textbooks and teachers, are here noted. The report appeals for a revision of policies that affect minority education at all levels.

In this regard, *Human Rights Without Frontiers* urges the Greek authorities

- to include kindergartens in the minority bilingual primary schools;
- to revise policies concerning the minority primary and secondary schools: their number and location, the training and hiring of teachers, the curriculum and textbooks to be used.

*Concerning the freedom of association*

This section examines three rulings of the European Court of Human Rights which determined that the right to the freedom of association had been violated by the Greek government. Certain organisations that identified themselves as “Turkish” had been forced to close, because the authorities do not recognise the legal status of ethnic minorities and considered them to threaten public order. Despite the European Court’s rulings to permit the reopening of these associations, Greece has yet to restore their legal status.

In this regard, *Human Rights Without Frontiers* urges the Greek authorities

- to implement, without further delay, the decisions of the European Court in the cases *Turkish Association of Xanthi and Others v. Greece*, *Bekir Ousta and Others v. Greece* & *Emin and Others v. Greece*;
- to allow the registration of associations under the names of the choice of their founding members, including whether they contain the name of an ethnic group or the word “minority”;
- to amend the Code of Civil Procedures in such a way that it allows the implementation of the European Court decisions in matters related to freedom of association.

*Concerning the freedom of expression and of the media*

This section examines restrictive policies of the Greek authorities that endanger the freedom of expression for Turkish-language media. Newspapers and radio have been subjected to draconian measures, including the imposition of unreasonable conditions for registration,

excessive fines, the misuse of defamation laws and other actions to silence the Turkish-language media.

In this regard, *Human Rights Without Frontiers* urges the Greek authorities

- to respect the freedom of the media of the Turkish-speaking minority in order to protect the diversity of opinions;
- to only prosecute serious cases of alleged defamation;
- to uphold the principle of fair and proportionate punishment in the judicial process;
- to respect the letter and the spirit of the Treaty of Lisbon along with all other European covenants and declarations while implementing Article 14 of the Constitution of the Hellenic Republic on freedom of expression and the press.

### *Concerning the freedom of religion and the appointment of Muftis*

I will develop this issue more in details.

Greek law uses the term “known religion” for religions recognized and sponsored by the State. Ministers of the Greek Orthodox Church and other “known religions” enjoy a number of privileges under domestic law. *Inter alia*, they are exempt from military service and the religious weddings they celebrate produce the same legal effects as civil weddings.

Christians and Jews have the right to elect their religious leaders. By depriving the Muslims of Thrace of this possibility through Law no. 1920/1991, Greece has been applying a discriminatory policy towards them for more than 20 years. This 1991 law gives the Greek State power to appoint the Muftis, even without the support of the Muslim minority of Thrace. This law dramatically amputates its autonomy, guaranteed by the Treaty of Lausanne, and created divisions and tensions in the community.

Rightly so, Greece was condemned twice by the European Court of Human Rights in cases where two muftis elected by their community were sentenced to prison terms on the alleged ground that they had usurped the title of state-appointed muftis that the Muslim community refused to recognize as their spiritual leaders.

Let us see one of these cases considered by the European Court.

#### *The case of Mufti Ibrahim Serif*

In 1985, the mufti of Rhodope died. The State appointed an interim mufti. When he resigned, the State replaced him by another mufti (M.T.). On 6 April 1990, the President of the Republic confirmed M.T. in his function.

On 24 December 1990 the President, on the proposal of the Council of Ministers and under Article 44 § 1 of the Constitution<sup>i</sup>, adopted a Legislative Act by which the appointment of Muftis was to be made by presidential decree following a proposal by the Minister of

Education who, in his turn, must consult a committee composed of the local Prefect and a number of State-appointed Muslim dignitaries. The Act expressly abrogated Law 2345/1920 providing that the Muftis, in addition to their religious functions, would have competence to adjudicate on family and inheritance disputes between Muslims in so far as these disputes are governed by Islamic law. It also provided that the Muftis were directly elected by the Muslims who had the right to vote in the national elections and who resided in the Prefectures in which the Muftis would serve. The elections were to be organised by the State and theological school graduates had the right to be candidates. Article 6 § 8 of the law provided for the promulgation of a royal decree to make detailed arrangements for the elections of the Muftis. Such a decree was never promulgated. The 1990 Legislative Act left largely unchanged the functions and qualifications of the Muftis to be appointed by the State according to the new procedure. Though, the local Muslim community never accepted the abrogation of Law 2345/1920 because the new law was giving the State power to interfere in its internal life and compromised its autonomy guaranteed by the Treaty of Lausanne.

On 28 December 1990, Ibrahim Serif was elected by the Muslims attending Friday's prayers in mosques of Rhodope. With other Muslims, he then initiated an action at the Council of State to contest the legality of the appointment of M.T. Law no. 1920/1991 retroactively validated the Legislative Act of 24 December 1990. A criminal proceeding was instituted against Ibrahim Serif.

On 21 October 1996, Ibrahim Serif was sentenced to a 6-month prison term which was later converted into a fine for usurping the functions of a minister of a "known religion."<sup>ii</sup> On 2 April 1997, the Court of Cassation rejected his appeal.

On 29 September 1997, Ibrahim Serif lodged a complaint with the European Court.

On 14 December 1999, the European Court declared that Ibrahim Serif's conviction amounted to an interference with his right under Article 9 § 1 and the said article had been violated. Greece was sentenced to pay 2.7 million drachmas as financial compensation.

In December 2010, the term of the state-appointed Mufti in Rhodope was extended for the third time indefinitely. However, Ibrahim Serif, the Mufti elected by the Muslim community, goes on exercising his activities, up to now unhindered, but his judicial competences have no civil effect. Concretely, a religious marriage must be confirmed by a civil marriage.

***Recommendations: Human Rights Without Frontiers recommends to the Greek authorities***

**to grant the Muslim minority of Thrace the same rights as the other "known religions" in matters concerning the choice of their religious leaders.**

## Greece in the dock at the UN Universal Periodic Review in Geneva

The Universal Periodic Review (UPR) of Greece at the United Nations on 9 May 2011 was the most recent occasion on which Greece officially expressed its position on a number of issues concerning the ethnic Turks in Thrace, who are part of the Muslim minority protected under the 1923 Treaty of Lausanne.

In the written questions addressed to Greece before the UPR, Turkey was the only country to raise a number of issues concerning the situation of the ethnic Turks in Thrace, and in particular about Greece's religious policy. Three quotations from Turkey's statement:

- Religious rights of the Turkish Minority in Western Thrace have been safeguarded by international agreements. **The freely elected Muftis of Komotini and Xanthi** are not recognized. In addition, **the Law No.3536/2007 ("appointed imams law")**, to which Minority has severely opposed, is another source of concern.
- Revision of the relevant **legislation concerning the Waqfs** in consultation with the Minority. This would enable the Minority to directly control and to use its own Waqf properties as well as put an end to misuse and expropriation of the Waqf properties.
- The members of the Minority are also facing **heavy fines due to the construction of mosque minarets**. These heavy fines are not proportional with their incomes and drag them into a financial bottleneck. Most recently, 3 members of the Minority who had worked at the construction of the minaret of the Avra mosque were sentenced to 3 months in prison and were fined for 122 Euro per person.

During the interactive dialogue, 48 delegations delivered oral statements. In total, 124 recommendations were formulated and Greece immediately accepted 97 of them; 9 were rejected while 18 were left for further consideration by the competent authorities.

While Greece commented on a number of recommendations it accepted and refused, it failed to explain its position on the ones made by Turkey. Indeed, **none of the recommendations made by Turkey enjoyed the support of Greece.**

## Conclusions

The Muslim ethnic Turks in Greece are protected under the 1923 Treaty of Lausanne, and more broadly by other bilateral agreements between Greece and Turkey as well as other international instruments signed and ratified by Athens.

Whatever their ethnicity, their mother tongue or their self-identification, the people belonging to that minority have individual and collective rights that must be respected: equal opportunities of access to the school system of their choice (bilingual minority schools or Greek-language schools), the right to quality education for their children, freedom of association as defined by international instruments and the jurisprudence of the European Court, the autonomy of their religious community and the non-interference of the State in its internal functioning, a friendly environment for the development of their specific media and the preservation of their culture.

A commitment to mutual trust and respect between the Greek State and the minority is a prerequisite to any long-lasting solution. Certainly, implementing without further delay outstanding decisions by the European Court of Human Rights would be a positive first step. This action, which has been awaited for years, would go a long way toward restoring goodwill and constructive dialogue with the minority of Thrace.

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<sup>i</sup> Article 44 §1 of the Constitution provides as follows: “In exceptional circumstances, when an extremely urgent and unforeseeable need arises, the President of the Republic may, on the proposal of the Council of Ministers, adopt legislative acts. These acts must be submitted to Parliament for approval ... within forty days...”

<sup>ii</sup> Article 175 of the Criminal Code provides as follows:

“1. A person who intentionally usurps the functions of a State or municipal official is punished with imprisonment up to a year or a fine.

2. This provision also applies when a person usurps the functions of a lawyer or a minister of the Greek Orthodox Church or another known religion.”