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Written statement* submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Turkish Minority of Western Thrace in the 2nd Cycle Review of Greece

ABTTF would like to extend its sincere gratitude to the Working Group of Universal Review Mechanism (UPR) for the second-cycle review of Greece on 3 May 2016. We regret that that most of the recommendations regarding the rights of the Turkish Minority of Western Thrace did not enjoy Greece's support during the review.

Firstly, ABTTF notices regretfully that the competent Greek authorities have in no manner consulted any association or NGO belonging to the Turkish minority in Western Thrace. Neither ABTTF nor any organization belonging to the Turkish Minority of Western Thrace participated in the meetings, if any, with NGOs for the second national report and then after.

ABTTF submitted a written contribution¹ to the UPR's second-cycle review on Greece concerning the implementation of the recommendations related to the Minority since the first review and mentioned recent developments since the first review. On 31 March 2016 ABTTF made a presentation at the Pre-session on Greece reviewed at the UPR Working Group's 25th Session and made recommendations in the fields of women's rights and freedom of religion or belief, self-identification and freedom of expression, peaceful assembly and association, National Action Plan on Human Rights and mentioned its additional concerns on the Turkish minority and its right to education².

Self-identification and the recognition of the Minority

Greece does not confer official status on any indigenous ethnic group nor recognize "ethnic minority" or "linguistic minority" as legal terms, it affirms an individual's right of self-identification, not right of collective self-identification by members of an ethnic or linguistic group. Greece defines Turkish Minority of Western Thrace by its religious identity, as "Muslim Minority in Thrace" and also stressed during the review that one group of persons, "the Muslim minority in Thrace", was considered to be a minority under the terms of the Treaty of Peace, signed at Lausanne, July 24, 1923.

The right to choose its own religious leaders and its religious personnel

With reference to Shari'a law affecting family and inheritance for Muslims residing in Western Thrace and the recommendation from the first UPR, ABTTF noted, as referred in the summary of the stakeholders' information, all decisions of the muftis appointed by the Greek government on marriages, divorces or inheritance issuance are liable to be made null and void by first instance courts and therefore, it is the responsibility of the State under review to prevent any impediments that may occur.

As noted in the summary of the stakeholders' information, we urged Greece to comply with the applicable bilateral treaties and allow the Turkish minority in Thrace to freely elect its own religious leaders. Today, Greece does not recognize the Turkish minority's right to elect its own religious leaders and appoints the Muftis on the grounds that these have judicial power on civic matters. Therefore, there is a duality today in Western Thrace, the Muftis appointed by the State under review and the Muftis elected by the Turkish minority. We stress that the elected Muftis do not necessarily apply the Sharia law on family and inheritance law matters and just perform religious duties. It is those Muftis appointed by the Greek government who use their judicial competences on inheritance and family issues based on Sharia law.

The presentation made by Greece at the first-cycle includes the note that 1991 law sets out a procedure for the selection of the Muftis who are nominated by the State to the three Mufti offices, and the Government noted it is currently

¹ <https://daccess-ods.un.org/TMP/5632681.84661865.html>

² <http://www.upr-info.org/en/upr-process/pre-sessions/pre-session-upr-25>

considering ways to meet the needs of the Muslim minority in this field through an open consultation process. However, there is neither further explanation on this issue in the initial statement by the Secretary General for Human Rights Kostis Papaionnou during the review, nor the recommendation 137.14 by Turkey which calls Greece to take necessary steps for recognizing the Muftis elected by the Turkish Muslim minority did not enjoy the support of Greece.

Although the recommendation by Turkey (85.4) in the first-cycle and the recommendation 137.14 regarding the relevant articles of the Law 3536/2007 regarding the appointment of religious servants of Islamic religion, i.e. Imams did not enjoy support Greece's in both of the cycles, this remains a very important issue for the Minority.

The Law 4115/2013 which amended Law 3536/2007 envisages the appointment of 240 Islamic religious instructors to teach Islam to the children belonging to the Turkish minority in Greek-language public primary and secondary schools and mosques in Western Thrace under the auspices of the government-appointed muftis. The Law 4115/2013 was implemented first in the Greek-language public schools in Western Thrace in 2013, but not in the mosques belonging to the Turkish minority. However, an Islamic religious instructor, i.e. *muezzin* was appointed in March 2014 to the mosque in the Turkish minority village of Mega Derio. This was against the well-established traditions since the Muslims employ the imams and muezzins themselves in all the villages in Western Thrace.

We urge the Government of Greece to allow the Turkish minority in Western Thrace to elect freely its own religious leaders as the Jewish Central Board or the Catholic and Protestant Church and to repeal the Law 4115/2013 which hinders the minority from managing and controlling its own religious institutions and exercising its religion freely therein.

The freedom of association and the (non) implementation of the ECtHR judgments

In his initial statement during the review, the Secretary General for Human Rights Kostis Papaionnou noted in reply to a question raised by Mexico Greece is currently considering appropriate ways and means of executing three judgments of the European Court of Human Rights, finding a violation of freedom of association, including possible legislative adjustments in order to pave the way for the Courts to be able to provide the appropriate redress.

Today, the three cases which have been brought before the European Court of Human Rights concerning the dissolution and refusal to register associations established by the persons belonging to Turkish Minority of Western Thrace still pending implementation. The recommendation 137.16 by Turkey on the implementation of the ECtHR's judgments is not supported by Greece at the second cycle.

We request the Greek government to implement, without any 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.

The right to education and the lack of bilingual minority kindergartens

In the initial presentation by Greece during the second-cycle, Greece did not mention any further steps taken for the improvement of minority education. Greece only noted that it was firmly committed to upholding the right to education of the Muslim minority in Thrace, but there is no general recommendation made by States and accepted by Greece on the education of the Turkish Minority of Western Thrace neither in the first nor in the second cycle. Greece did not support the recommendation 137.19 by Turkey for the opening of Turkish-Greek bilingual kindergartens, as well as new bilingual minority schools in line with the current needs of the minority in the second cycle.

The Turkish Minority of Western Thrace is granted the right to education in its native language and autonomy in the management of its educational institutions. The educational autonomy of the Turkish Minority of Western Thrace has been undermined and diminished by governmental practices over years. The Greek government has wide-ranging control 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.

During fact-finding mission Federation of Western Thrace Turks in Europe (ABTTF) and Friendship Equality Peace Party organized on 16-20 October 2012 with the participation of Hans Heinrich Hansen, President of Federal Union of

European Nationalities (FUEN), MEP François Alfonsi (France) and Willy Fautre, Director of Human Rights Without Frontiers Int'l, the delegation found the problems in the field of education are alarming and the school education of minority children in Turkish and in Greek is an emergency issue. The former UN Independent Expert on Minority Issues Gay McDougall had commented 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.³

We urge the Government of Greece to restore the educational and religious autonomy of the Turkish minority of Western Thrace enshrined in the 1923 Lausanne Treaty. We, once again, ask the Greek authorities to establish bilingual minority kindergartens in the region of Western Thrace in line with the minority schooling system and give bilingual education in public kindergartens in the region until bilingual minority schools are established. We urge the Government of Greece 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.

³ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement>