

**OSCE
HUMAN DIMENTION
IMPLEMENTATION MEETING
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Continuing Violations against the Turkish Minority of Western Thrace in Greece

An estimate number of 150.000 ethnic Turks live in the North East part of Greece. Members of the Muslim Turkish Minority who have been living in this region for centuries identify themselves as ethnic Turks. The legal statue of this minority was established with the Peace Treaty of Lausanne which was signed in 1923, the bilateral agreements signed between Greece and Turkey and the international instruments concerning human and minority rights which Greece has signed and ratified.

My remarks will be brief and to the point. Our organization in its 28 years life has many times in many international meetings stated the need to promote dialogue instead of confrontation in order to find solution to the outstanding problems. We also understand that dialogue is not possible without confidence and respect.

In recent years the situation has relatively improved in Turkish Minority's living conditions and constitutional rights under government's policy of "Equality before law and equal citizenship" Yet there has not been progress in the field of established minority rights. Greece alleges that "equality among citizens" policy provides sufficient reforms and continues to ignore its obligations regarding the rights of the Turkish Muslim Minority by violating the bilateral and international treaty obligations to which is a party. Denial of the Turkish Identity, Occupation of our Charitable Foundations and practice of the state appointed muftis instead of our elected muftis continue unabated. More than 60.000 people still suffer from the deprivation of the article 19 of the citizenship law and the situation of minority education continues to be as miserable as ever.

Denial of ethnic identity

One of the major issues is the violation of the minority to identify itself as Turkish. In the 1950's, Greek authorities made it obligatory for the minority to be named as Turkish and its members as Turks. This policy later changed. On the other hand the Greek authorities continue to use the term "Greek Minority" for the minority in İstanbul. The designation of the minority associations as Turkish is still forbidden. Xanthi Turkish Union's 25 years struggle with the law, has been finalized with the European Court of Human Rights notification on 27 March 2008 in writing. (*Tourkiki Enosi Xanthis v*

Greece (no.26698/05) The Court held unanimously that there has been a violation of Article 11 and 6.1 of the European Convention on Human Rights. Now the Turks of Western Thrace are expecting Greece to respect The European Court of Human Rights' decision and act accordingly.

Freedom of religion

There has not been any progress towards the settlement of the outstanding institutional problem of Muslim religious leaders, the Muftis. The European Court of Human Rights concluded on two instances, i.a. *Serif versus Greece (14 December 1999-Case No: 38178/97)* & *Aga versus Greece (17 October 2003-Case No: 50776/99 & 52912/99)*, that Greece has violated Article 9 of the ECHR. Given the finding that there has been a violation of Article 9, State continues to disregard minority's elected Muftis and works through a number of appointed officers who lack credibility and respect even among their own people. The authority of the individuals appointed by the State to the Offices of Mufti in Komotini, Xanthi and Didimotiho is disputable since they are not recognized by the minority population. The minority, on its part, expects the government to cease interfering in the field of divine conscience and finally recognize minority's right to elect its own religious leaders.

Muslim Charitable Foundations

Muslim Charitable Foundations (Waqfs) constitute an essential part of Minority's cultural, historic and religious heritage. The government has appointed the people who currently hold positions in the governing councils of the Muslim Foundations. Disregarding their financial immunity, the State continued to impose excessive taxes and legal sanctions on the properties owned by the Muslim Charitable Foundations for ages. Minority's inability to govern and have access to the accounts of these Waqfs also prevents them from dispensing the revenues obtained thereof towards society's vital needs, such as the maintenance and improvement of schools and repairs or build mosques.

Although Minister of Foreign Affairs Dora Bakoyanni announced the removal of taxes from the Waqfs on 9th February 2007 in her visit to Thrace, no action yet has been taken. The new law (Law no:3647/2008) passed on 7th February 2008 was prepared without taking in consideration Minority's opinions and proposals. The Greek State should recognise that the new law cannot be accepted or applied in its current form.

Expelled Citizens and Stateless Persons

Article 19 of the Greek Citizenship Law (No: 3370 of 1955) was an obvious case of racial discrimination and a flagrant violation of the fundamental right to citizenship. It was in breach of the Greek constitution and international law. It provided that: "A citizen of non-Greek origin leaving Greece without the intention of returning may be declared having lost Greek citizenship." On 23 January 1998, Article 19 of the Greek Citizenship was repealed by the Greek Parliament. This act was welcomed both by the international community, as well as within the ranks of the Turkish minority. However abolishment did not include a retroactive effect. The Minister of Interior on April 2005 announced the number of Muslim Turks deprived from the Greek citizenship until 1998 was 46.638.

So far, no steps have been taken in order to reinstate thousands of unlawfully expelled citizens and their children who continue living abroad.

Education

According to articles 40 and 41 of the Treaty Peace of Lausanne of 1923, Turkish Minority's education has an autonomous statue. These articles provide equal rights for the minority to establish, manage and control at their own expenses any school. However local authorities systematically undermine the autonomy of the minority education system trough different ways such as selection, training and appointing teachers to these schools.

Minority students are subject to a 6 year compulsory education, thus unable to benefit from the 9-years compulsory education applied to the Greek majority. There are no longer well-trained teachers for the instruction in Turkish. By establishing nurseries teaching only the Greek language in almost every village inhabited by Turks, Greece violates the right of the minority to learn the mother tongue, which is protected by national, international and bilateral instruments.

In its current form, the Minority Education System does not reinforce and promote relations between the State and the Minority. On the contrary, it creates tension and crisis of trust. This state of affairs not only undermines the obligations that Greece has undertaken by treaties and agreements, but it also contradicts with the EU legislation. The current distorted structure of the Minority Education drives the minority children who enjoy both Greek and E.U. citizenship, into becoming inadequate, second-class citizens.

Tzemil Kapza (Mr.)