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NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Member of the Fundamental Rights Platform (FRP) of the European Union Agency for Fundamental Rights
Member of the Federal Union of European Nationalities (FUEN)

Call for input: Report on Anti-Muslim Hatred and Discrimination

Deadline

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Special Rapporteur on freedom of religion or belief

Purpose

Preparation for the report to the 46th Session of Human Rights Council

Submitted by:

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1. Please provide information on what you understand by the terms Islamophobia and anti-Muslim hatred; on the intersection between anti-Muslim hatred, racism and xenophobia and on the historical and modern contexts, including geopolitical, socio-and religious factors, of anti-Muslim hatred.

There are numerous definitions of Islamophobia which are influenced by different theoretical approaches. The Foundation for Political, Economic and Social Research, which annually publish European Islamophobia Report, uses the working definition of Islamophobia that theorizes Islamophobia as anti-Muslim racism. The Foundation notes that Islamophobia is about a dominant group of people aiming at seizing, stabilizing and widening their power by means of defining a scapegoat – real or invented – and excluding this scapegoat from the resources/rights/definition of a constructed ‘we’.

OSCE Guidelines for Educators on Countering Intolerance and Discrimination against Muslims use the general term “intolerance and discrimination against Muslims”, as this is the most widely used by intergovernmental organizations, including the OSCE, UNESCO and the Council of Europe. “Islamophobia”, a term which is widely used by NGOs and frequently appears in the media, tends to denote fear, hatred or prejudice against Islam and Muslims.

We understand intolerance and discrimination against Muslims with attributions in negative terms and generalized for all Muslims.

2. Discrimination in law and practice

Please provide details of specific legal provisions, policies and practices on the following:

a) Restrictions on the exercise and manifestation of the right to freedom of religion of belief in private or in community with others.

The Greek constitution recognizes Greek Orthodoxy as the “prevailing religion” and the Greek Orthodox Church, Jewish community, and Muslim minority of Thrace have long-held status as official religious public law legal entities. According to the Constitution, states ministers of all known religions are subject to the same state supervision and the same obligations to the state as clergy of the Greek Orthodox Church.

Although Article 3(1) of the Greek Constitution notes that the prevailing religion in Greece is that of the Eastern Orthodox Church of Christ, the ecclesiastic of the Eastern Orthodox Church of Christ is selected by the Church itself. “Known religions”, the term used for religious legal entities recognized and sponsored by the State enjoy a number of privileges under domestic law and they are permitted to elect their own religious leaders like Christians and Jews. However, the Ministry of Education and Religious Affairs directly intervenes in selection/election of the religious leaders of Islam in the region of Western Thrace.

Under the 1923 Lausanne Peace Treaty, the Turkish community in Western Thrace has an equal right with the non-Muslim minority in Turkey to establish, manage and control at their own expense, any charitable, religious and social institution, any school and other establishment for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

- The construction and use of mosques;

The Turkish community the right to maintain mosques, social and charitable organizations (auqafs)(vakfs). Although Article 40 of the Lausanne Peace Treaty grants this right, the Turkish community does not enjoy it since 1967. The military junta which took power in 1967 abolished this right and appointed member of the board in charitable foundations, vakfs, belonging to the Turkish community in Rhodope and Xanthi. A new law on foundations was adopted in 2007 and it did not solve the long-standing problems in the administration and management of the foundations belonging to the Turkish community and the government continued to appoint boards members of these foundations.

In the villages, since every mosque, masjid and school belonging to the Turkish community are their own vakf, the mosques in the region belong to the mosque vakfs, not to the state. Special provisions have been introduced for the reparation and construction of mosques in Western Thrace, which are vakf property, as mosques are not state property.

- The training and appointment of clergy and the conduct of prayers or religious ceremonies in public;

There is no any other religious group other than Muslim Turkish community in Greece and in any county in Europe where the Ministry of Education and Religious Affairs directly or indirectly intervenes in selection/election of the leaders. The Turkish community cannot enjoy its right to elect its own religious leaders and elected religious leaders are not recognized by the Greek state in violation of international treaties which Greece signed.

The right of the Turkish community in Western Thrace in Greece to elect its own religious leaders is granted by the 1913 Athens Treaty and guaranteed by the 1923 Lausanne Treaty which determines its legal status. The election of religious leaders was incorporated into Greek domestic legislation in 1920 with a procedure which enabled the Turkish community to select its own religious leaders i.e. muftis in Rodopi, Xanthi and Didymoteicho. However, in violation of the 1913 Athens and the 1924 Lausanne Treaties guaranteeing the religious autonomy of the Turkish community, Greece appointed muftis under Presidential decree of 24 December 1990 and Law no. 1920/1991 which retroactively validated the Presidential decree. Since the Turkish community viewed this as interference in its religious autonomy, it elected its own muftis in Rodopi and Xanthi.

Greece does not recognise today the Muftis elected by the Turkish community. In the past, the elected muftis of Rodopi and Xanthi were prosecuted and sentenced to prison for the illegal use of religious symbols. In the cases lodged by them against Greece, the European Court of Human Rights (ECtHR) ordered there has been a violation of Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights.

There is a duality today in Western Thrace; the government-appointed muftis and the ones elected by the Turkish community. The Turkish community is highly concerned about attempts of intimidation and deterrence by the governmental authorities through juridical investigations and lawsuits against elected religious leaders. Elected Muftis in Rhodope and Xanthi were lodged many files with the charge of the “usurpation of Mufti offices” for religious services they conducted in the region and were fined with prison sentence.

The Presidential Decree 52/2019 published by the Ministry of Education and Religious established the procedural rules for cases under the jurisdiction of the government-appointed Mufti and the adoption of his decisions, and the regulation of issues of organization, establishment and filling of staff positions and the operation of the Mufti Jurisdiction Affairs Directorate in the Mufti Offices. The religious autonomy of the Turkish community has been further undermined by this Presidential decree since the mufti offices are completely affiliated to the Greek Ministry of Education and Religious Affairs and transformed into an ordinary government office. A former MP belonging to the Turkish community appealed the decree to the Council of State on grounds that the decree was contrary to international agreements and procedural law. The Council rejected the appeal and ruled that there was nothing in the Presidential Decree contrary to the Constitution, international law and the procedural law.

- the provision of religious education or the exercise of parental liberties on education of children

As per the Lausanne Treaty, the government operates two Islamic religious schools in Western Thrace. Religious schools in Western Thrace are historical educational institutions which have been providing religious trainings and training clergymen like imams, muezzins, preachers and muftis. Students of the religious school in Komotini, Hayriye Madrasah, boycotted the reduction in Turkish course in protest against the ministerial decision which reduces the hours in courses taught in Turkish in the curriculum in 2018. Furthermore, in July 2020 the government adopted a new law which envisages the introduction of government-appointed acting muftis who are not recognised by the Turkish community in Western Thrace to the presidency of the school boards of two madrasahs in Komotini and Xanthi. Despite the autonomy granted in education, the government-appointed acting mufti of Rhodope and the government-appointed acting mufti of Xanthi will be heading the school boards of the religious schools in Komotini and Xanthi. The law also provided that the employment contracts of the teachers currently working in the religious schools to be terminated in August.

On the other hand, the Greek Ministry of Education and Religious Affairs and the Ministry of Interior announced in a joint decision that 120 religious’ instructors, who will serve under the authority of the government-appointed acting muftis in Western Thrace, will be hired under Law 4115/2013, known as 240 Imams Law, which provided optional Islamic religious instruction in public schools and mosques in Western Thrace under the auspices of the government-appointed muftis. The Ministry announced that if there is a need for, some of the religious instructors who will be assigned within the framework of the “240 Imams Law”, that the Turkish community in Western Thrace has been fiercely opposing against from the very beginning, could serve also in religious schools in Komotini and Xanthi.

b) Discriminatory laws and practices, both in public and private services, against Muslims

Freedom of religion also entails the right of individuals and groups to create religious institutions that operate in accordance with their religious status, self-understanding and organization. Religious

institutional arrangement is crucial for minorities in order to maintain their existence and survival, and freedom of religion thus entails respect for the autonomy of religious institutions. Internal questions such as the appointment of religious leaders and management of its religious institutions like religious schools and charitable foundations derive from tenets of the faith and the religious autonomy granted to the Turkish community.

Law No. 3647 and the 2008 law on the 'Management and Operation of Western Thrace Muslim Minority Foundations and Their Assets' has further complicated the issue of foundations rather than addressing existing problems. The new law also paved the way for the sale of foundation property and transfer to local governments. In addition, while members of the administrative committees of minority foundations continue to be appointed by the state, the foundation's property is mortgaged due to the fact that the tax debts of the foundations are not implemented within the framework of law no. 3554/2007.

Law No. 3554/2007, which exempt vakfs belonging to the Turkish community from submitting tax declarations relating to their previous years' income, property assets and major land properties and cancelled all of their registered debts, fines and existing mortgages, have not been enforced since adoption. In April 2019, in the parliamentary question presented to the Greek Parliament by İlhan Ahmet, former KINAL Rodopi MP, it is indicated that the administrative board in Komotini owes a debt of 3.486.576,84 € to the state as of 1 March 2019 due to non-implementation of the Law No. 3554/2007. With this figure it was revealed that in violation of the relevant the law adopted 2007, tax debts, interests, additional fees and fines were never written off.

3. Social attitude, hate speech, attacks and violence against Muslims

Please see attached report submitted by our NGO to the ODIHR's Annual Hate Crime Report for 2019.

The link for the published report: <https://hatecrime.osce.org/greece>

The eminent incident for 2020:

- In December 2019, a hatred phrase ("Pig meat is delicious") was clearly intended to provoke Turkish community with Islamic faith spray-painted on the outer door of Xanthi Minority School.

<https://gundemgazetesi.com/haber/detay/6354>

- The Mufti of Xanthi Ahmet Mete elected by the Turkish community in Western Thrace, Greece, was sentenced to 4 months of imprisonment in the trial for "the usurpation of Mufti office". The hearing was held on 26 February 2020 at the court of appeal in Thessaloniki which suspended the prison sentence for 3 years.

<https://www.dailysabah.com/politics/eu-affairs/elected-turkish-mufti-sentenced-to-4-months-in-greece>

- On 23 March 2020, the village of Echinós(Şahin) in Xanthi(İskeçe) was quarantined as the first application in the country after a 72-year-old man from the Turkish community in Western Thrace died. After the quarantine of the village of Echinós, Kyriakos Velopoulos, head of the far-right Greek Solution Party, said on Twitter, 'Echinós is in Quarantine!!! Ankara's spies live there, coming in and out of Turkey! Think about what it is in Erdoğan's Turkey!'

<http://www.abttf.org/haberler-detay.php?id=6165&kid=110&lang=en>

- An imam belonging to the Turkish community in Western Thrace in Greece was called to testify on grounds of having led a collective prayer in the mosque where he is preaching

albeit this is banned as a result of the coronavirus outbreak on 25 April 2020. According to the Millet News, in his explanation to the police, Ali Mahmut Paşa who has been working for many years as Imam in Hebilköy (Hloi) village, which is bound to Kozlukebir (Arriana) Municipality, indicated that there was absolutely no collective prayer within the mosque and that the video which had been shared on social media and shown as an alleged proof dates back at least 5 or 6 years

<http://www.milletnews.com/view.php?id=1210>

- In April 2020, the Ramadan drummer announcing the iftar and sahur times was prevented from playing in the Western Thrace, especially in the villages where Turks and Greeks live together. In the villages of Topiros (İnhanlı) and Lefkopetra (Sakarkaya) in Xanthi (İskeçe) province, Ramadan drummers were reportedly warned by the police not to play the drum, otherwise that they would be fined for it.

<http://www.abttf.org/haberler-detay.php?id=6202&kid=110&lang=en>

- On 27 November 2020, a racist threat message was written on the elevator of the apartment of residence of Ahmet Mete, the Elected Mufti of Xanthi in Greece. The message was “A good Turk is a dead Turk”.

<https://gundemgazetesi.com/haber/detay/8859>