

report

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The Turkish Minority in Western Thrace: The Long Struggle for Rights and Recognition

Evelin Verhás





A woman holds a child at a “*Khatim*” ceremony, during which a complete reading of the Quran is held for pupils who successfully complete the Quran courses in Western Thrace. During Khatim ceremonies, villagers wear traditional clothes, and pilaf rice is served to the guests mostly from neighboring villages and the cities of Komotini (Gümülcine) and Xanthi (İskeçe).

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Contents

Key findings	2
Introduction	3
Non-Recognition of Turkish Ethnic Identity	6
Interference with Religious Autonomy	11
Minority Education	17
Conclusions	25
Recommendations	27
Notes	29

Key findings

Key findings	
<ul style="list-style-type: none">Western Thrace's Turkish minority has inhabited the region for centuries. However, despite a raft of protections in domestic and international law, they remain unrecognized by the Greek government. The only minority in the country afforded an official status is the 'Muslim minority in Thrace' – a designation that includes the Turkish, Roma and Pomak communities.	<ul style="list-style-type: none">Furthermore, the Turkish minority still faces a number of obstructions to their religious freedoms. This includes interference in the appointment of Muftis, resulting in the creation of a state-appointed leadership structure in parallel to the representatives elected by the community themselves, and excessive financial and legal regulations on Muslim charitable foundations.
<ul style="list-style-type: none">The barriers confronting the Turkish minority have increased further in recent decades. This has resulted in a wide range of restrictions on their ability to establish associations, practice their culture and provide education in the Turkish language, representing a serious threat to their identity, participation and self-expression.	<ul style="list-style-type: none">Minority rights continue to be determined by a framework established almost a century ago, despite Greece's accession to a host of international human rights treaties and its obligations as a member of the European Union. In this context, Greek authorities must take immediate steps to recognize the Turkish minority in Western Thrace and remove all barriers to the full enjoyment of their rights.

Introduction

Western Thrace (or Thrace as simply referred to in Greek) is a historical and geographic region in Greece,¹ bordering Turkey and Bulgaria, where the continents of Europe and Asia meet. Part of the administrative region of East Macedonia and Thrace, it consists of three prefectures, Xanthi (İskeçe), Rodopi (Rodop), and Evros (Meriç), with three main cities: Xanthi (İskeçe), Komotini (Gümülcine), and Alexandroupoli (Dedeağaç) respectively.

Western Thrace has long been home to a small but politically significant minority community of about 140,000-145,000 Muslims, who are predominantly of Turkish origin.² The majority of the Muslim Turkish (hereinafter Turkish) community lives in Rodopi and Xanthi prefectures, either in Turkish villages or mixed localities. It is estimated that they constitute approximately 55 per cent of the total population in Rodopi, 45 per cent in Xanthi and 10 per cent in Evros.³

Western Thrace Turks have inhabited the region for centuries. Following successive periods under Greek, Roman and Byzantine rule, it was conquered by the Ottomans in the 14th century and remained under their control until the First Balkan War of 1912-13, when four Balkan states - Montenegro, Greece, Serbia, and Bulgaria - defeated the Ottoman Empire, resulting in the loss of almost all its European possessions. The entire region of Western Thrace was subsequently occupied by Bulgaria. However, disagreements between the victors on how to divide the newly conquered lands soon led to the Second Balkan War. In August 1913 Bulgaria was defeated but gained Western Thrace under the terms of the peace treaty ending the conflict, and the Greek army withdrew from the region. Bulgaria governed the region until the end of World War I. From 1919-20, Allied powers administered the territory and in 1920, Western Thrace was granted to Greece by the Treaty of Sèvres. It has been part of Greece ever since.⁴

To this day, however, Greece does not acknowledge the existence of the Turkish minority in Western Thrace or any other ethnic minority on its territory. It officially recognizes only 'the Muslim minority in Thrace',⁵ whose rights are protected by the terms of 1923 Treaty of Lausanne⁶ ending the 1919-1922 Greco-Turkish war. A convention annexed to the Treaty provided for a compulsory population exchange between the two countries: 'Turkish nationals of the Greek Orthodox

religion' had to move to Greece and the 'Greek nationals of the Moslem religion' had to move to Turkey.⁷ Only 'Greek inhabitants of Constantinople' (Istanbul) and 'Moslem inhabitants of Western Thrace' were exempted.⁸

Through identical provisions, the Treaty guarantees a wide range of rights for minorities in Greece and Turkey. Such rights include equality before the law, freedom of religion, linguistic freedom, equal civil and political rights, and the right to settle questions concerning family law or personal status in accordance with their customs. The Treaty also grants minorities autonomy in their religious affairs and education.⁹ In particular, it stipulates that minorities 'shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.' Indeed, Greece and Turkey were also obliged to provide for adequate facilities to ensure primary education for minority children through the medium of their own language.¹⁰

This specific minority protection regime was further strengthened by additional treaties concluded between Greece and Turkey, including the 1951 Cultural Agreement and the 1968 Cultural Protocol, as well as the ratification of international human rights instruments. Greece is a state party to the major international human rights conventions of particular relevance to the rights of minorities, including: the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Moreover, Greece became a member of the European Union (EU) in 1981, so it is subject to its equality directives prohibiting discrimination on protected grounds, including religion and ethnicity, and it must respect rights enshrined in the EU Charter of Fundamental Rights. Greece is also member of the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe (CoE). While Greece has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

and the (Revised) European Social Charter, it has not signed or ratified any minority-specific instruments of the CoE. It has signed but not ratified the Framework Convention for the Protection of National Minorities (FCNM), and has not signed or ratified the European Charter for Regional or Minority Languages (ECRM).

The Greek government continues to rely on the Treaty of Lausanne as the primary basis for its minority policy and asserts that the provisions of the Treaty are implemented in accordance with modern human rights standards. Moreover, Greek authorities claim that only the 'Muslim minority in Thrace' is considered a minority under the terms of the Treaty and this particular group consists of three distinct constituent communities: Turkish, Pomak and Roma. They also assert that while they fully respect the principle of individual self-identification, it is a decision of a state to recognize a group as a minority and provide its members with specific minority rights. At the same time, the Greek government maintains that members of groups not officially recognized as minorities can still fully enjoy their rights guaranteed by general human rights treaties. The aim of this report is to examine these claims more closely and assess the human rights situation of the Turkish minority living in Western Thrace.

Methodology

This report is based on first-hand field research carried out in Komotini and Xanthi in June 2019. Field consultations and interviews were conducted with members of the Turkish minority, religious leaders, representatives of minority schools, teachers' associations

and other civil society organizations as well as local experts and the Mayor of Komotini. Information from state officials was requested and received in writing. In addition, the report draws on a desk review of primary and secondary sources, including international treaties and declarations, national legislation, case law, reports of human rights monitoring bodies, state reports and NGOs' documentation work, as well as academic articles, accessed in English.

While the Turkish minority in Western Thrace faces a wide array of human rights issues ranging from inadequate identity protection to unequal participation in socio-economic life, the main topics covered in the report reflect the core issues highlighted by the Turkish community during the field research. Since minority rights protection in Greece is often interpreted - both by state officials and the vast majority of the Turkish minority - through the framework provided by the Treaty of Lausanne, the issues raised in this report focus on three main concerns linked to the Treaty: recognition issues, religious autonomy and education.

Comprehending the problems the Turkish minority in Western Thrace faces today requires some understanding of the history of the minority in the region and its relationship with Greek authorities. Therefore, each section also describes the historical and socio-political background of the given issue in order to shed light on certain factors that have shaped minority policy and practices in specific areas. This is followed by a discussion of the current problems, assessed in light of the evolving international human and minority rights standards. The report concludes with recommendations addressed to the Greek authorities for improvement.

International Minority Rights Standards

Article 27 of ICCPR is the most widely accepted legally binding minority-specific human rights provision. It stipulates:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Article 30 of CRC includes a similar provision for minority children:

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 27 rights are elaborated further by the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM). It is the only UN human rights instrument specifically pertaining to minority rights. Its purpose is to promote more effective implementation of the human rights of persons belonging to minorities and to contribute to the realization of the principles of the UN Charter, including ensuring international peace and security, promoting social and economic development, and encouraging respect for human rights.¹¹

Minority rights protection rests on four key pillars:

- 1) **The right to exist:** protecting the physical existence of minorities, including from practices such as genocide, ethnic cleansing and coercive assimilation (UNDM Article 1).
- 2) **The right to protection and promotion of identity:** protecting the freedom of minorities to enjoy their culture, religion and language in public and private, and requiring measures to enable minorities to express and develop their culture, religion or language (UNDM Articles 1, 2.1 and 4.2-4.4).
- 3) **The right to non-discrimination and equal treatment:** protecting minorities from discrimination on the basis of ethnic, religious, linguistic or cultural identity and ensuring their full equality (UNDM Article 4.1).
- 4) **The right to participation:** ensuring effective participation of minorities in cultural, religious, social, economic and public life (UNDM Article 2.2); in decision-making that concerns them (UNDM Article 2.3); guaranteeing their right to participate in and to form their own associations freely, including across borders (UNDM Articles 2.4 and 2.5); and taking appropriate measures so they can 'participate fully in the economic progress and development in their country' (UNDM Article 4.5).

Moreover, since rights guaranteed by general human rights instruments apply equally to members of minorities, these treaties also include important standards for the protection of the human rights of persons belonging to minority groups.

Non-Recognition of Turkish Ethnic Identity

A central challenge for members of the Turkish minority in Western Thrace is that they are still not recognized as an ethnic minority by the Greek government. This issue has become especially pertinent from the 1970s, as authorities have increasingly prevented community members from even using ‘Turkish’ in the names of schools, societies and communal organizations – a situation that has undermined their freedom of association. Despite the European Court of Human Rights (ECtHR) ruling against Greece in a number of legal appeals by Turkish applicants, holding the government in violation of EU human rights law, these issues have yet to be resolved.

Denial of collective Turkish ethnic identity

All community members interviewed during the field visit to Komotini and Xanthi said that they self-identify as ethnic Turkish and expressed their desire to be collectively recognized as the Turkish ethnic minority in Western Thrace.¹² However, the Greek government maintains its policy of non-recognition of ethnic minorities despite recommendations from international human rights monitoring bodies to respect the self-identification of these minority groups by officially recognizing them as such. Moreover, the Greek government asserts that such recommendations related to ‘the protection of rights of persons claiming to belong to a minority cannot determine the existence of a minority group or impose on States an obligation to officially recognize a group as a minority’.¹³

Greek authorities further argue that all Greek citizens, including the members of the minority, are free to exercise their constitutional right of self-identification. Indeed, the Greek government maintains that individuals belonging to groups not officially recognized as minorities fully enjoy the rights afforded in international human rights treaties.¹⁴

However, members of the minority claim that the non-recognition of their ethnic Turkish identity has profound ramifications for their ability to exercise their rights. For instance, Greek courts persistently refuse to register minority associations bearing the name ‘Turkish,’ despite the fact that such a limitation constitutes a violation of

their human rights.¹⁵ Indeed, the regional human rights body, the ECtHR, has found Greece in violation of freedom of association guaranteed under Article 11 of the ECHR in three separate instances involving the dissolution of Turkish minority associations or denial of their registration requests. Furthermore, respondents also noted that official policy towards recognition of the ethnic composition of the community has not been consistent and shifted significantly over the years.¹⁶

As a report by the Culture and Education Foundation of Western Thrace Minority (PEKEM) explains, until the early 1970s the Greek authorities used the terms ‘Muslim minority’ or ‘Turkish minority’ in Western Thrace almost interchangeably. However, this policy gradually shifted as Turkish-Greek relations started to deteriorate in the mid-1950s. Indeed, with the arrival in 1967 of the Greek military junta, the policy drastically changed, and the 1974 Cyprus crisis aggravated the situation further. As a first indication of the shift in policy, in 1972 the official names of the minority primary and secondary schools were changed, with the term ‘Turkish’ replaced with ‘Muslim’ or ‘minority’ in their signboards.¹⁷

Since then, Greek authorities have insisted on officially recognizing the minority as ‘Muslim’. In 1988 the Greek Court of Cassation ordered the closure of several minority associations whose names contained the word ‘Turkish’. As a result, long-established associations of the Turkish minority, including Xanthi Turkish Union (established in 1927), Komotini Turkish Youth Union (1928) and the Western Thrace Turkish Teachers Union (1936) were dissolved.¹⁸ About 10,000 minority members took to the streets in Komotini and other cities to protest the denial of their Turkish ethnic identity, and the police intervened with force. In 1990, at the anniversary of the protests, the disputes over the recognition issue even resulted in violence between the local Turkish and Greek communities in Komotini. Furthermore, from the early 1990s onwards, the Greek government also began to emphasize that the Muslim minority in Western Thrace was composed of three constitutive groups - those of Turkish origin, Pomaks and Roma - as part of its strategy to undermine recognition of the Turkish ethnic minority in the region.¹⁹

Challenging state policy over recognition

Bekir-Ousta and others group of cases v. Greece

This section details the legal battle of three Turkish associations in Western Thrace that were dissolved or not allowed to register because their names included the term 'Turkish' or 'Minority'. In all three cases, the ECtHR found Greece in violation of Article 11 of the ECHR pertaining to freedom of association. Despite the fact that the rulings were issued more than 10 years ago, their implementation is still pending. Their implementation is monitored by the Committee of Ministers - the political body of the CoE responsible also for supervising the execution of the ECtHR judgments - under the name of *Bekir-Ousta and others group of cases v. Greece*.

Bekir Ousta and Others v. Greece

Bekir Ousta and the other applicants together with 19 other members of the Turkish minority decided to establish a non-profit organization called the 'Evros Minority Youth Association'. The association aimed to promote and protect democratic and human rights, preserve the Turkish minority's traditions, strengthen community cohesion and promote friendly relations with other communities, in particular with the Greek majority. On 15 March 1995, they submitted a request to register their association. On 21 March 1996, the Court of First Instance of Alexandroupoli rejected their application, arguing that the name of the association was misleading about the origin of its members. The Court claimed that it was unclear whether it referred to a religious minority or an ethnic minority - the latter not being recognized in Greece. It pointed out that the Treaty of Lausanne recognized only a Muslim, not Turkish, minority in Western Thrace. The Court further argued that the name 'gave the impression that citizens of Turkey were creating an association to defend the rights of an ethnic minority, which is contrary to public order' (Court decision No. 58/1996). The applicants appealed the decision. Following a long legal battle, involving proceedings lasting more than 10 years at three levels of jurisdiction, on 10 January 2006 the Court of Cassation upheld the decision rejecting the registration request. It claimed that the name of the association, particularly the phrase 'Minority Youth', was not sufficiently clear and so was misleading, hence the organization's request to register should be denied. It added that 'its members could create an association named in a way that was not misleading about their identity' (Court decision No. 58/2006).

An application was sent to the ECtHR on 23 September 2005 (Application No. 35151/05). The ECtHR issued its judgment in the case of *Bekir Ousta and Others v. Greece* on 11 October 2007. The ECtHR held that the

refusal to register the applicants' association amounted to violation of their right to freedom of association under Article 11 of the ECHR. The ECtHR observed that the national courts refused to register the association in order to halt the applicants' alleged intention to spread the idea that there was an ethnic minority living in Greece whose rights were not sufficiently protected. In ECtHR's view, this concern was based on a mere suspicion as to the true intentions of the association's founders rather than its actual activities, as the association had not yet started to function. Moreover, the ECtHR asserted that such a concern - even if it proved to be valid - alone did not amount to a threat to democratic society, especially taking into account that nothing in the statute of association indicated that its members advocated 'the use of violence or anti-democratic or anti-constitutional methods'. Thus, the ECtHR was not convinced that there had been any pressing social need to refuse to register the association and concluded that the rejection of the request had been disproportionate to the aims pursued, thus amounting to a violation of Article 11 of the ECHR with respect to freedom of association.

Tourkiki Enosi Xanthis (Xanthi Turkish Union) and Others v. Greece

The applicants were two associations, Xanthi Turkish Union and 'Academic Graduates' Circle of the minority in Western Thrace', and eight Greek citizens. According to its statute, the cultural and sports association 'House of Turkish Youth in Xanthi' was set up in 1927 to 'preserve and promote the culture of the Turks of Western Thrace and to create bonds of friendship and solidarity among them'. In 1936, it was successfully renamed 'Xanthi Turkish Union' and registered accordingly. However, in November 1983, a decision was issued barring it from using the term 'Turkish' on any organizational document, stamp or sign. In January 1984 the prefect of Xanthi requested the dissolution of the organization on the grounds that it threatened public order. The association was then dissolved on 11 March 1986 by the Court of First Instance of Xanthi on the basis that its statute ran counter to public policy. The Xanthi Turkish Union appealed the decision. The Thrace Court of Appeal upheld the judgment of the lower court on 25 January 2002 on the grounds that the association was not in conformity with the Treaty of Lausanne and that some of the members presented the Muslim minority of Thrace as a community whose human rights were denied. In April 2002 the Xanthi Turkish Union appealed to the Court of Cassation and the nine other applicants intervened in the proceedings in their support. The final decision was

issued on 7 February 2005, which confirmed the dissolution of the association on the grounds that its objectives and its activities threatened public order. A complaint was lodged with the ECtHR on 15 July 2005 (Application No. 26698/05).

On March 27, 2008, the ECtHR notified in writing its Chamber judgments in the case *Turkish Association of Xanthi and Others v. Greece*. The Court held unanimously that there had been a violation of Article 11 and Article 6.1 (guaranteeing the right to a fair hearing within a reasonable time) of the ECHR. The ECtHR noted the extremity of the measure dissolving the association, which had carried out its activities unhindered for nearly 50 years. It also pointed out that the Greek government failed to provide evidence that the association had ever called for the 'use of violence, an uprising or any other form of rejection of democratic principles'. The ECtHR also reiterated its argument already expressed in the case of *Bekir Ousta and Others v. Greece* that even assuming that 'the real aim of the association had been to promote the idea that there was an ethnic minority in Greece, this could not be said to constitute a threat to democratic society'. Moreover, the ECtHR asserted that 'the existence of minorities and different cultures in a country was a historical fact that a democratic society had to tolerate and even protect and support according to the principles of international law.' It also noted that freedom of association involved the right of everyone to express their beliefs about their ethnic identity. The Court asserted that 'however shocking and unacceptable certain views or words used might appear to the authorities, their dissemination should not automatically be regarded as a threat to public policy or to the territorial integrity of a country.' Accordingly, the ECtHR unanimously held that there had been a violation of the applicants' right to freedom of association. In addition, the ECtHR observed that domestic proceedings had lasted more than 21 years, which was considered excessive, and thus it ruled that there had also been a violation of the right to a fair hearing within a reasonable time.

Ermin and Others v. Greece

The seven applicants were Greek nationals living in Rodopi. In March 2001, they and other women belonging to the Turkish minority in Western Thrace founded the 'Cultural Association of Turkish Women of the Region of Rodopi'. According to its statute, the aim of the association was to create a 'meeting place for women of the county of Rodopi' and to work for 'social, moral and spiritual exaltation and establish bonds of sisterhood between its members'. On 6 June 2001 the first instance court dismissed the association's request for registration on the ground that it was threatening public order. The court's arguments were very similar to those used earlier in similar cases: its name was misleading about the origin of its members, and it was suggesting an intention to spread the idea that there was a Turkish minority on Greek territory. In January 2003 the Court of Appeal upheld that decision, reiterating that 'only a Muslim minority – and not a Turkish minority – had been recognized' in Western Thrace and that 'the title of the association, combined with the terms of its statute, was contrary to public policy'. After a prolonged legal process, the final decision of the Court of Cassation was issued on 1 April 2005, which confirmed the rejection of registration. An application was subsequently submitted to the ECtHR on 19 September 2005 (Application No. 34144/05).

On 27 March 2008, the ECtHR announced a judgment in the case of *Emin and Others v. Greece* that there had been a violation of Article 11 of ECHR with regards to freedom of association. The ECtHR, similarly to the case *Bekir Ousta and Others v. Greece*, noted that 'it had not been possible to verify the intentions of the applicants in practice as the association had never been registered.' It also reiterated that 'even supposing that the real aim of the association had been to promote the idea that there was a Turkish ethnic minority in Greece', this alone could not be said to constitute a threat to democratic order. Moreover, it added that 'there was nothing in the statute of the association to indicate that its members advocated the use of violence or of undemocratic and unconstitutional means'. Accordingly, the ECtHR held, unanimously, that there had been a violation of Article 11 of the ECHR with regard to the right to freedom of association.

Non-implementation of judgments and lack of access to justice

The failure of Greek authorities to effectively execute the ECtHR rulings constitutes a further obstacle to access to justice. Following the issuance of the ECtHR judgments, the respective organizations turned to domestic courts to implement these decisions. They requested that the courts revoke the previous decisions ordering their dissolution or asked for their associations to be registered. However, so far, their requests have been denied due to the lack of a procedural avenue for the reopening of these civil law cases.

At the same time, the Greek government maintains that it is taking steps to execute the relevant judgments and asserts that the ‘full implementation of the said judgments is pending, due to procedural reasons... identified by the competent courts ... [and it] is not related to the statute or the activities of any particular association.’²⁰ However, the obligation to fully comply with the ECtHR judgments extends to the interpretation by domestic courts of domestic legislation, when requests to reopen proceedings are made.²¹ In other words, Greece must have a reopening procedure in place that provides Greek authorities the opportunity to abide by the conclusions and the spirit of the ECtHR judgments.

To that effect, Law No. 4491/2017 was adopted on 10 October 2017, modifying paragraph 1 of Article 758 of the Code of Civil Procedure to allow for the reopening of proceedings in cases where the ECtHR has found a violation of a substantive right. Greek authorities claim that the new law was intended to allow the respective associations to have their applications for registration, or the reversal of the judgments ordering their dissolution, re-examined in the light of the ECtHR judgments. Since the new law did not have retroactive effect, a transitional provision was also adopted which aimed at allowing the reopening of proceedings in cases even where the ECtHR had already found violations before Law No. 4491/2017 came to force.

On 4 December 2017 the Xanthi Turkish Union submitted a request to the Thrace Court of Appeal under the amended Article 758 of the Code of Civil Procedure to revoke the judgment validating their dissolution. However, on 22 June 2018 their application was rejected on the grounds that the Xanthi Turkish Union had already requested in 2008, under the same - albeit un-amended - civil law provision, the revocation of the judgment validating the dissolution of their association. The Court argued that the transitional provision of the law amending Article 758 of Civil Procedure did not

apply to the case given that it did not expressly refer to cases in which the applicants had already requested reopening on the basis of the previous version of Article 758 (Judgment No. 96/2018). The Xanthi Turkish Union lodged an appeal against the judgment on 30 October 2018 to the Court of Cassation.

However, as their legal representative explains, the association faced a series of difficulties when they tried to request a hearing date. First, the Court’s Secretariat asked for the copies of all documents submitted by the parties since the commencement of the case in 1984. The appellate court, on the other hand, delayed the delivery of the files, first arguing that the Court of Cassation does not need to receive the copy of the entire case file in order to schedule a hearing date and then by claiming that the judge was on leave. As a result, the full case file was sent only on 19 February 2019. Hence, the application was finally submitted on 25 February 2019 with a request for an urgent hearing. The hearing was eventually scheduled for 20 March 2020, causing further delays.²²

As detailed above, the adoption of Law No. 4491/2017 in Greece - which should have enabled the applicants to re-open the proceeding in light of the ECtHR findings in cases concerning the registration of Turkish minority organizations in Western Thrace - has not yielded the desired results, with requests to overturn court decisions dissolving Turkish associations or refusing to register associations denied by domestic courts. In the meantime, throughout their time-consuming search for justice - in certain cases drawn out for over 35 years - these associations have been forced to operate informally. This not only significantly limits their activities but can also make them more vulnerable to targeting by far-right radical groups. For instance, the Xanthi Turkish Union was recently depicted by hate groups on a website as a criminal gang engaging in illegal activities threatening public order and Greek national security.²³

The transitional provision of Law No. 4491/2017 also raises a more general concern with regards to execution of the ECtHR judgments. The transitional provision stipulates that the admissibility of a request for reopening of proceedings in cases involving ECtHR decisions issued before the law came into effect shall be assessed on the basis of 1) the restrictions set out in paragraph 2 of Article 11 of the ECHR and restrictions permitted in the exercise of other substantive rights enshrined in the ECHR, i.e. the protection of national security, public order, the prevention of crime, the protection of health or morals and the protection of rights and freedoms of others, and 2) obligations under international treaties to which Greece is a party, including the Treaty of Lausanne. However, the restrictions introduced in the legislation have already been examined in these cases and rejected by the ECtHR.

While it still remains to be seen how domestic courts interpret these restrictions, their introduction could provide domestic courts with a legal proviso to dismiss

requests for reopening proceedings as inadmissible. This would seriously hinder the full and effective implementation of the ECtHR judgments.²⁴

Interference with Religious Autonomy

The Turkish minority in Western Thrace have also been subjected to repeated government interference in their religious affairs, including the appointment of senior Muslim clerics by the state without consultation with community members. This has led to the development of two parallel religious hierarchies – one selected by members of the Turkish minority, the other chosen by the government – creating division within the community. Other difficulties include excessive regulation and taxation of religious charitable foundations and other assets, undermining their ability to maintain their identity.

Religious Representation: State-Appointed vs. Community-Elected Muftis

Minority-specific rights, including the religious rights of the minority in Western Thrace, have been specifically guaranteed for more than 100 years by several international peace treaties concluded between Greece (and others) on the one hand and the Ottoman Empire/Turkey on the other.²⁵

In line with Greece's international obligations stemming from the Treaty of Athens, Law No. 2345/1920 provided that in addition to their religious duties, Muftis (Muslim clerics) had a competence to exercise judicial functions relating to family and inheritance disputes between Muslims, to the extent that these disputes were governed by Islamic (Sharia) law. These in particular included spheres of marriage, divorce, maintenance payments, guardianship, trusteeship, capacity of minors, Islamic wills and intestate succession. In addition, the legislation also specified a legal procedure for the election of Muftis: they were to be directly elected by the Muslims who had the right to vote in the national elections and who resided in the prefectures in which Muftis would serve. The elections were to be organized by the state, and *madrassa* (Islamic religious educational institution) graduates could run as candidates. Article 6.6 provided for the declaration of a royal decree on detailed arrangements for the Mufti elections. However, such a decree was never promulgated.²⁸

Until 1985, the selection procedure of the Muftis was not a contentious issue. Based on common practice, leaders of the Muslim community proposed a list of

candidates, from which the Greek state selected one to serve as a Mufti in Rodopi and one in Xanthi - the two prefectures where the vast majority of the Muslim minority live in Western Thrace.²⁹ In 1985 one of the two Muslim religious leaders, Hafız Mustafa Hüseyin, the Mufti of Rodopi died. The Greek state appointed an interim Mufti. When he resigned, the Greek authorities replaced him by another Mufti, Metzo Tzemali (Meço Cemali). On 6 April 1990, the President confirmed the state-appointed Mufti in his function.³⁰

In the meanwhile, the Mufti of Xanthi also died. On 15 February 1990 the local prefect appointed Mehmet Agga (Aga) to act as deputy. Two Turkish minority members of Parliament (MPs) for Xanthi and Rodopi requested the state to organize elections for the post of Mufti of Xanthi, in line with Law No. 2345/1920. Having received no response, the MPs decided to organize elections themselves at the mosques on 17 August 1990 after the prayers. On that date, Mehmet Agga was chosen to be the Mufti of Xanthi by those attending Friday prayers.³¹

Similarly, in December 1990 the two Turkish minority MPs for Xanthi and Rodopi called on the state to organize elections for the post of Mufti in Rodopi. However, instead of acting on the requests, the President adopted a legislative decree on 24 December 1990 to change the manner of selection of the Muftis. It abolished the legal procedure for their election, in favour of a nomination procedure – namely, the appointment of Muftis by Presidential decree following a proposal by the Minister of Education. This entails the Minister choosing the Mufti from a list prepared by a committee chaired by the local prefect and composed of a number of state-appointed Muslim notables. The selection is based on the personal qualifications of the candidate, who must be a holder of a university degree from a school of advanced Islamic studies or have performed functions as an imam - worship leader of a mosque - for at least 10 years.³²

Since the Turkish minority viewed this as meddling with their choice to elect their own religious representatives, in defiance, the two Muslim Turkish minority MPs organized the election in Rodopi as well.³³ İbrahim Şerif was elected as the Mufti of Rodopi at the mosques on Friday 28 December 1990, after prayers. A few days later, Greek authorities also appointed a Mufti in line with the Presidential decree.

On 4 February 1991 Parliament enacted Law No. 1920/1991, which retroactively validated the Presidential decree. On 20 August 1991, in accordance with the new law, the Greek state appointed Mehmet Şinikoğlu to the Office of Mufti in Xanthi. However, Mehmet Agga refused to step down, and continued to serve as the community-elected Mufti until he passed away.³⁴ In 2006, the community elected Ahmet Mete as Mufti of Xanthi to replace him.

The elected Mufti of Rodopi notes that most members of the Turkish community never accepted the annulment of Law No. 2345/1920. They considered that the new law gave the state too much power to interfere with the internal life of the community and compromised the religious autonomy guaranteed by international treaties. The community does not accept the state-appointed Mufti. Indeed, as the elected Mufti of Xanthi adds, the issue of Mufti selection is causing tensions within the Turkish community:

Basically, the appointed Muftis are unable to go to and lead prayers at our mosques. Similarly, we decided not to go to his mosque. But the situation can get even worse when it comes to the relationship between appointed Muftis and the community. For example, when the appointed Mufti attends funerals or other events, he is often not allowed to speak or driven away by the community, so he just stays in a nearby car.³⁵

At the same time, the elected Muftis of Xanthi and Rodopi are not recognized by the Greek state. They cannot exercise their judicial and administrative powers as those are reserved for the state-appointed Muftis. Furthermore, they often face criminal charges for usurping the functions of a religious minister if they take part in religious ceremonies or issue messages of religious content. However, according to the ECtHR such prosecutions violate Article 9 of the ECHR with regards to the right to freedom of religion.³⁶

Despite the ECtHR decisions concerning the prosecutions of İbrahim Şerif and Mehmet Agga - the elected Mufti of Rodopi and the former elected Mufti of Xanthi - Ahmet Mete, who replaced Mehmet Agga after his death as elected Mufti of Xanthi, has also been prosecuted on numerous occasions. For instance, he was sentenced to seven months in prison in November 2017.³⁷ The case involved the funeral of a soldier from the Turkish minority who lost his life in the line of duty. The appointed Mufti showed up for the funeral but was prevented by the community from leading the prayer or speaking at the funeral. The elected Mufti of Xanthi took over the prayer service from the official Mufti, after which

he was prosecuted for disturbing a religious ceremony and usurping the authority of a religious leader.³⁸

Greek authorities assert that since Muftis have a competence to adjudicate on family and inheritance disputes between Muslims, they must be appointed by the state. They argue that all judges are appointed by the state in Greece, so if Muftis are given some judicial powers in civil and administrative matters, they must be similarly appointed. If they would select them through an election, it 'would jeopardize fulfilment of the provision in the Constitution stating that judges shall be appointed in accordance with the law; it would also compromise the principle of the independence of judges, both individually and in the exercise of their office, since it would create a situation of political patronage'.³⁹ Moreover, they assert that in a democratic society, political, judicial and religious power cannot be concentrated in the hands of a single individual, whose office is seen by some as life tenure.⁴⁰ Indeed, Greek authorities also maintain that they cannot recognize the elected-Muftis because the process for the community elections of Muftis is unclear in terms of electorate, procedures and duration of terms, and there is no guarantee that Muftis are not in fact appointed by outside powers.⁴¹ They also maintain that the nomination of the highest religious authorities by the state is in fact a common practice in countries where Islam is the dominant religion, including Egypt, Saudi Arabia and Turkey.⁴²

In response, community representatives point out that Law No. 1920/1991 basically gives a state, where national identity is tightly intertwined with the Greek Orthodox religion, the power to appoint Muftis without consulting the Muslim minority. This compromises the minority's autonomy guaranteed under the Treaty of Lausanne.⁴³ Moreover, Catholics and Jews and other 'known' religions have the right to elect their religious leaders, so the Greek government has been applying a discriminatory policy towards them for almost 30 years by denying them the same right.⁴⁴ They also highlight that, while Muftis have the power to adjudicate in relation to some Muslim family and inheritance matters, according to Law No. 4511/2018 the religious jurisdiction is optional: consequently, all legal affairs of minority members are now considered to be regulated by civil law, and Mufti jurisdiction can be established only when both parties agree to resort to the Mufti.⁴⁵ Moreover, any decision by Muftis is only legally binding once approved by the Greek courts. Article 5 (3) of Law No. 1920/1991 provides that the courts shall not enforce decisions of the Muftis which are contrary to the Greek Constitution, including its gender equality provisions. Moreover, the comparison of the Mufti selection process in Greece with countries appointing Muftis where Islam is the dominant religion ignores the

fact that the Mufti selection in Greece should be governed by the minority protection regime set up by Treaty of Lausanne. If any comparison is to be made, based on the principle of reciprocity underlying the Treaty, the Mufti selection in Western Thrace should be compared to the election of the Greek Patriarch in Istanbul by the Standing Synod of Metropolitan Bishops.⁴⁶

Administration and Management of Islamic Charitable Foundations

Despite the Treaty of Lausanne providing a degree of autonomy for the Turkish minority of Western Thrace, particularly regarding religious leadership and endowments, matters relating to the administration of religious charitable foundations (*waqfs*) is another highly contentious issue. *Waqfs* form an essential part of the minority cultural, historical and religious heritage.⁴⁷ For decades, they have been serving the religious, cultural and social needs of the Muslim Turkish minority in Western Thrace. As Ali Hüseyinoğlu explains:

*Over the years, many local Muslims donated money or property to these foundations for charitable purposes such as providing food or shelter for those in need and for activities aiming to serve the religious and education needs of the community, such as covering the operating expenses of the mosques and schools. Depending on its location, a waqf has several properties, primarily immovable, that provide a significant amount of income.*⁴⁸

The Law No. 2345/1920 provided that the members of the committee managing these *waqfs* were to be chosen through elections held within the Muslim community. However, this was abolished with the advent of the military junta and replaced by a procedure enabling the government to appoint members of the administrative boards of Muslim foundations.⁴⁹

On 7 February 2008, a new law was adopted regarding the administration and management of the *waqfs*. It aimed at ensuring that board members are elected rather than appointed. However, minority organizations maintain that the law still does not guarantee the necessary autonomy of the minority in the management and administration of the Muslim endowments. They point out that the law grants the highest regional state authority and state-appointed Muftis with significant power in the election process while giving only a very limited role to the community.⁵⁰ Moreover, the law was adopted without the effective participation of the minority. Despite the fact that Turkish minority MPs as well as minority associations

commented on the draft law, none of these suggestions was taken into account.⁵¹ Moreover, in spite of the fact that more than 10 years has passed since its adoption, Law No. 3647/2008 has not yet been implemented, leaving the state-appointed administrative boards in place.⁵²

Moreover, Greek authorities have continued to impose excessive taxes and legal sanctions on properties owned by the Muslim charitable foundations for decades. Despite the fact that religious communities are not levied on donations as they are considered charities, certain income taxes are still imposed on *waqfs*. Moreover, in 1997 a law was introduced which imposed taxes on the religious communities' properties. Although pursuant to Law No. 3554/2007, most income and properties of *waqfs* are no longer subject to taxation and the provisions of the law technically erased the existing debts and fines of the *waqfs*, due to implementation issues, Muslim charitable organizations continue to suffer from accumulated debts. As a result, religious charitable foundations are often forced to mortgage or sell their properties in order to pay their existing debts to the Greek state. For example, the *wqaf* in Komotini reportedly had to mortgage 25 properties and a plot of land in 2010 to pay more than 1.2 million euros.⁵³ Indeed, according to the calculations of İlhan Ahmet, Turkish minority MP, as of 1 March 2019 the administrative board of the *waqf* of Komitini still owed almost 3.5 million euros to the Greek state.⁵⁴

Religious Rights of the Turkish Minority in Western Thrace

The religious autonomy of the Turkish minority in Western Thrace is guaranteed by not only the aforementioned international peace treaties, but also various international human and minority rights standards Greece is bound by. For instance, Article 18 of the ICCPR to which Greece is a party provides:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

In its General Comment 22, the Human Rights Committee - the UN human rights treaty body responsible for monitoring the implementation of the ICCPR - further elaborates on the scope of the right enshrined in Article 18:

...the practice and teaching of religion or belief includes acts integral to the conduct by religious

groups of their basic affairs, such as, inter alia, the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.

Moreover, with regards to religious minorities, reading Articles 18 and 27 of the ICCPR together implies that states are also required to take positive measures to promote the identity of a specific religious minority. In other words, states need to create favourable conditions for persons belonging to religious minorities to 'ensure that they can take their faith-related affairs in their own hands in order to preserve and further develop their religious community life and identity'.⁵⁵ Therefore, the fact that the Turkish community is still unable to govern its *waqfs* and access their funds is a cause for great concern. It limits the ability of the minority community to support its vital needs, such as the maintenance and improvement of schools and repairs or building of mosques as well as providing social assistance for those in need.⁵⁶ It endangers the minority community's long-term development, prevents them from properly protecting and practicing their culture, religion and language, and thus contradicts important international standards pertaining to the human rights of the Turkish minority.

Furthermore, the promotion of the identity of a specific religious minority presupposes the respect for right to freedom of religion of their members. Freedom of religion also entails the right of individuals and groups to create religious institutions that operate in accordance with their religious self-understanding.⁵⁷ Having an appropriate institutional arrangement is crucial for religious minorities, as otherwise their long-term survival as a community might be threatened, a situation which would amount to a violation of freedom of religion of individual members.⁵⁸ Moreover, 'institutional questions, such as the appointment of religious leaders, directly or indirectly derive from the tenets of their faith'.⁵⁹ Freedom of religion thus entails respect for the autonomy of religious institutions.

Therefore, states should not unduly interfere in the internal affairs of religious minorities. The way Muftis are currently appointed by the state contradicts the traditions and self-understanding of the Turkish minority: it had been a long established practice of the community to propose a list of candidates from which its own highest religious leaders were selected until the disputed 1990 Presidential decree and Law No. 1920/1991. Moreover, the fact that the vast majority of the community do not recognize the state-appointed Muftis, and organize elections themselves to elect their leaders, are strong indications that the current selection process of Muftis is

done without their approval and implemented in spite of their opposition. Thus, it clearly violates the community's autonomy to manage their internal religious affairs and disrespects their right to freedom of religion.

While Greek authorities should respect the traditions and the autonomy of the Turkish minority to conduct its religious affairs, they must do so within the framework of international human rights. Thus, the adjudication of family and inheritance disputes by Muftis in Western Thrace is an issue warranting special attention. Several international human rights bodies have expressed their concern about the application of Islamic law to Muslims in Western Thrace, and in particular the resulting unequal treatment of women, both within the community and also compared with non-Muslims.⁶⁰

These concerns have also been highlighted by research analysing approximately 60 decisions in Western Thrace on Islamic divorce and maintenance issues from the 1980s to 2013.⁶¹ It is important to note, however, that while the study sheds light on the different factors behind the failure of Islamic courts to safeguard the rights of women, it also underlines that it is not necessarily Islamic law in itself but the practice of the Islamic courts that has resulted in the unequal treatment of women.⁶² Such an opinion is also prevalent among women in Western Thrace. As İlker Tsavousoglou explains:

*Particularly Muslim women tend to believe that the law applied in religious courts is not genuinely Islamic, because divine Islamic law does not discriminate against women. Quite the contrary, they note that it can be empowering and protective in its own merits. Yet, they report that they experience major issues of unjust treatment. Many participants, lawyers included, believe that the problem is the way Islamic justice is dispensed. That the problem stems from the function of these tribunals - its procedural flaws - and the way religious law is interpreted - substantive flaws. Nonetheless, the majority of scholars as well as politicians and other laymen, make the controversial generalization that Islam and Sharia are the source of all problems.*⁶³

The elected Mufti of Rodopi also emphasizes that part of the problem lies with how Islamic law is being interpreted. Different schools of Islamic law interpret religious texts differently. Contrary to popular belief, if Islamic law is interpreted progressively, there are many benefits it reserves to women.⁶⁴

Issues related to the interpretation of the Islamic law are further aggravated by the fact that neither legal scholars nor the judiciary in Greece have reached a conclusion with regards to the scope of Islamic law and

the legitimate limitations of the Mufti jurisdiction.⁶⁵ In principle, in accordance with Law No 1920/1991, a Mufti's decision must be declared enforceable by the competent court before it can be implemented. Such a review must ensure that the issue at stake falls under the Mufti jurisdiction and is in compliance with the Greek Constitution, including its gender equality provisions.

However, a close look at the relevant case-law reveals that in most cases the courts do not carry out a proper review of constitutionality and only rubber stamp the (appointed) Mufti's decisions. For instance, between 2007 and 2014 'the Xanthi and Rodopi courts declared enforceable 390 decisions by the Mufti of Xanthi and 476 decisions by the Mufti of Rodopi respectively, and refused to do so in 34 and 17 cases respectively.'⁶⁶ This means that a religious legal framework where gender equality is not

necessarily a requirement is allowed to function, even approved, by civil courts in the name of protecting the identity of the minority group. This becomes a particular problem when it leads to a situation where the Greek state ends up directly enforcing religious norms concerning issues of marriage, family life, child custody, divorce and inheritance. This can pose serious concerns from the perspective of freedom of religion.

Recently, the ECtHR had to examine this particular problem in the case of *Molla Sali v. Greece* (Application no. 20452/14). It needed to decide on the compatibility of the 1923 Treaty of Lausanne and its acknowledgment of a minority status for the Muslims of Western Thrace, on the one hand, and the rights enshrined in the ECHR. More specifically, the ECtHR had to scrutinize the relationship between the implementation of Islamic law in

Right to self-identification and the application of Islamic succession law

Molla Sali v. Greece, Application no. 20452/14

When her husband died, Chatitze Molla Sali inherited his entire estate under the terms of a will he had drawn up before a notary in accordance with Greek civil law. However, her late-husband's two sisters challenged the will on the grounds that they were all members of the Muslim community, thus the issue should fall under the jurisdiction of the Mufti. They argued that based on the terms of 1920 Treaty of Sèvres⁶⁹ and the 1923 Treaty of Lausanne, Islamic law is applicable in cases of family and inheritance disputes between Greek nationals who were Muslims.

The Rodopi Court of First Instance (Judgment no. 50/2010) dismissed the challenge brought by the applicant's sisters-in-law. It ruled that, while the use of Sharia law was based in the provisions of the Treaty of Lausanne, this should not result in a situation where the application of Islamic inheritance law led to the curtailment of the civil rights of Greek Muslims.⁷⁰ The sisters challenged the decision, but the Thrace Court of Appeal (Judgment no. 392/2011) also decided against them by arguing that their brother had a right to decide what type of will he wanted to draw up and decided in favour of a public will in accordance with the Greek Civil Code. Thus, he was not required to follow Islamic law as it does not cover matters relating to such wills.⁷¹

Overtaking the decision of the Court of Appeal, the Court of Cassation (Judgment no. 1862/2013) held that in fact law applicable to the deceased's estate was Islamic law and that the public will in question was devoid of legal effect. The Court concluded that the ruling by the lower courts had violated the Islamic law of succession

applicable by law to Greek Muslims.⁷² Following remittal of the case the Court of Appeal (Judgment no. 183/2015) overturned the judgment of the lower court and held that the Islamic law of succession formed a special body of law and did not violate either the constitutionally enshrined principle of equality or the right of access to a court.⁷³ As a result, Chatitze Molla Sali was deprived of three-quarters of the property bequeathed.

The ECtHR disagreed, and ruled instead:

Freedom of religion did not require the Contracting States to create a particular legal framework in order to grant religious communities a special status entailing specific privileges. Nevertheless, a State which had created such a status had to ensure that the criteria established for a group's entitlement to it were applied in a non-discriminatory manner. Refusing members of a religious minority the right to voluntarily opt for and benefit from ordinary law amounted not only to discriminatory treatment but also to a breach of a right of cardinal importance in the field of protection of minorities that was to say the right to free self-identification. The negative aspect of that right, namely the right to choose not to be treated as a member of a minority, was not limited in the same way as the positive aspect of that right. The choice in question was completely free, provided it was informed. It had to be respected both by the other members of the minority and by the State itself. No bilateral or multilateral treaty or other instrument required anyone to submit against his or her wishes to a special regime in terms of protection of minorities.⁷⁴

family and personal relations of the Muslims of Western Thrace and the ECHR. It is important to highlight that in this specific case the ECtHR did not condemn Islamic law itself⁶⁷ but its compulsory application.

The ECtHR examined whether individuals could be forcibly confined to a minority identity recognized by an international treaty, which might deny them certain rights, in the name of protecting that identity.⁶⁸ To provide an answer to this question, the ECtHR invoked the principle of self-identification. It ruled that the right to protection of collective religious identity could not justify forcing members of a minority to remain within the community as it would violate the basic principle of minority protection, the right to free self-identification itself.

The wider reading of the judgment, at the same time, suggests that the right to free self-identification - at least when it comes to family and inheritance issues - 'may justify the waiving of certain rights for religious reasons, if such waiving is based on the free consent of the individuals'.⁷⁵ In other words, to protect the collective rights of minorities to regulate their family-related legal affairs in conformity with their own religious traditions (i.e. recourse to a Mufti) - with the agreement of all those concerned - could be compatible with human rights law, at least in some instances.⁷⁶ Thus the ruling opened the door for accommodating a certain degree of religious pluralism in Europe in general, and in Greece in particular. However, by approaching the issue only from the viewpoint of obligatory *versus* optional enforcement of the Islamic law, the ECtHR failed to provide directions as to what extent the enforcement of Islamic law might be compatible with human rights standards.⁷⁷

A 2013 thematic report of the UN Special Rapporteur on freedom of religion and belief offers some guidance regarding this issue. Since freedom of religion and belief is a human right, it means that rights holders are individual human beings rather than states. States cannot take on the role of forming and influencing religious traditions, nor do they have any 'binding authority in the interpretation

of religious sources or in the definition of the tenets of faith'. Therefore, states are generally required to respect the autonomy of religious institutions. At the same time, freedom of religion also entails the right of internal critics, including women, to provide alternative interpretations of religious sources and to shape the self-understanding of the religious community over time. Thus, states must protect the rights of these internal critics by preventing or prosecuting acts of coercion against them. However, any restrictions on freedom of religion deemed necessary for protecting the rights of these internal critics and promoting equal treatment of women must be proportional to the aims pursued.⁷⁸

Therefore, Greek authorities need to exercise an 'appropriate degree of empirical and normative diligence' when addressing this issue and 'pay careful attention to the self-understandings, interests and assessments' voiced by the concerned persons themselves, minority women in Western Thrace.⁷⁹ Law No. 4511/2018, rendering religious jurisdiction entirely optional, is a positive step in this regard as it seeks to ensure that individual members of the minority, including women, cannot be subject to Islamic law against their wishes. On the other hand, the fact that the state appoints Muftis without effective involvement of the community in the decision-making process, in particular without meaningful consultation with minority women, becomes even more problematic. Even if there is a need for gender-sensitive development within the religious tradition of the Western Thrace Turkish minority, such a process cannot be initiated by the Greek government. Such a change 'must be left to the respective believers themselves who are the rights holders in the context of freedom of religion or belief'.⁸⁰ By infringing on the religious autonomy of the Turkish minority, Greek authorities limit the space where existing and emerging (intra)religious pluralism can unfold, potentially undermining opportunities for the development of progressive interpretations of religious texts that would benefit minority women.

Minority Education

Despite being guaranteed the right to considerable autonomy in education, in practice the Turkish minority in Western Thrace face increasing barriers to providing adequate instruction in Turkish language, religious education and other areas. Despite some steps by the Greek government to improve conditions, the community still struggles with limited resources, a lack of capacity and an insufficient commitment from authorities to ensure their rights to education are respected, reflected in the continued closure of numerous minority schools. This has profound implications for the educational outcomes of Turkish students in the region.

Question of Educational Autonomy

The Treaty of Lausanne stipulates that the minority community in Western Thrace can establish, manage and control their schools, at their own expense, providing significant autonomy in minority education. The relevant provisions of the Treaty are reinforced by the 1951 Cultural Agreement and 1968 Cultural Protocol between Greece and Turkey. However, the autonomous status of schools has been significantly weakened by numerous legislative acts and ministerial decisions.⁸¹

As the Chairman of the Western Thrace Turkish Teachers' Union (BTTÖB) explains, minority schools have obtained a hybrid semi-private and semi-public legal character over the years. While they are considered as schools for the minority, the Greek state has gradually taken over their management from the community. They are essentially state-funded, with central and local authorities covering their infrastructure and operating expenses, including staff salaries with the exception of a very few Turkish-curriculum teachers - those sent by Turkey. While the state claims that these schools are administered by parent-elected school boards, the role and responsibilities of these boards have been significantly reduced over the years. The state makes a decision on almost all educational matters ranging from the distribution of textbooks to the repair of school buildings. The school boards have even lost their right to choose teachers; now the state appoints all teaching staff.

Minority schools have a bilingual curriculum but the balance of hours per language per subject significantly

shifted over the years in favour of the majority language. Turkish language, mathematics, science, religion, music and art (painting) are taught in Turkish, while Greek language, history, geography, civic education, and English are taught in Greek. Physical education is taught in either Turkish or Greek, depending on the size of the school. The Turkish curriculum is designed without approval or input from minority teachers. Moreover, Greek is the only language used by the authorities for school administration as counsellors supervising minority education are not expected to understand Turkish. While principals are from the minority, vice-principals, always coming from the majority, have more powers than them. Moreover, the overall quality of education in minority primary schools falls far below Greek public schools. This often means that children have poor command of both Greek and Turkish on leaving primary school.⁸²

Minority curriculum teachers: the EPATH graduates

The low quality education provided by minority schools is partly linked to the role of the Special Pedagogical Academy of Thessaloniki (EPATH). This was established by Greek authorities in 1968 to provide pedagogical training for teachers of the minority curriculum in Greece, with the aim of reducing the number of minority curriculum teachers trained in Turkey.⁸⁴ To create incentives to enrol, the Greek state also offered to cover tuition fees and accommodation costs.⁸⁵ However, the training provided at the academy was inadequate. Most courses were taught in Greek rather than Turkish and by Greek professors.⁸⁶ The training lasted only two years instead of four, so the status of the EPATH graduates was never equal to those graduating from a university education department. Thus, graduates can only teach in minority schools.⁸⁷ Moreover, since most of those trained at EPATH were graduates of religious schools, where the teaching was also provided mainly in Greek, their Turkish language skills were not adequate enough upon graduating the academy.⁸⁸

Despite this, Law No. 695/1977 was passed, prioritizing their appointment over those trained in Turkey. For that reason, EPATH teachers were often blamed for low quality education in minority schools and

Regulating Minority Education in Greece⁸³

1920s-early 1930s: Bilingual minority primary schools are established. They receive state financial support without altering their private status and are administered by parent-elected school or *waqf* committees, who select minority teachers and determine the minority curriculum, including sensitive subjects such as history and geography. Greek teachers are responsible for teaching the Greek language classes and minority teachers for the minority curriculum, which is taught using either Ottoman or Turkish script. Due to an insufficient number of Greek teachers, even basic Greek language lessons are often missing from the curriculum of the vast majority of schools. All textbooks, including those for Greek courses, are imported from Turkey once approved by the Greek Ministry of Education. Minority students can continue their education in historic religious schools/*madrasas* - where instruction is provided in Arabic and Ottoman scripts.

1936-1950: During the Metaxas dictatorship (1936-41) state control over minority schools and Turkish textbooks printed in Turkey is strengthened. An increasing number of textbooks for the Greek curriculum are published in Athens and the number of Greek teachers significantly increases. In the period of Bulgarian occupation (1941-44), however, Greek teachers are replaced by Bulgarian teachers: the teaching of Greek is prohibited and replaced by Bulgarian history, language and culture. The Turkish curriculum is not affected. During the Greek Civil War (1946-49) the Greek state decides to publish its own Turkish-language books without minority teachers being involved in the process. The first steps are taken to transform schools from private to hybrid institutions.

The 1951 Cultural Agreement and its aftermath: Greece and Turkey agree to promote the exchange of academics, grant scholarships and enable free circulation of books. Turkey publishes textbooks specifically for the minority in Western Thrace, agreeing not to use labels, pictures or texts that could offend Greece. In 1952, the first minority secondary school is established in Komotini. The Turkish Ministry of Education provides teachers for the minority curriculum. The first comprehensive minority curriculum is developed, and only Greek language courses are included in the Greek curriculum. The Greek state continues to financially support the schools, but direct financial assistance from Turkey is also permitted. In 1955, a systematic training programme for minority curriculum teachers is agreed, involving Turkey providing scholarships for minority students to study at Turkish teacher academies. At the same time, the appointment of Greek teachers becomes a priority for the state. The teaching of

sensitive subjects, such as history and geography, in Greek begins and the number of Greek-language courses are increased. The state increasingly gets involved in the administration of minority schools. In the meantime, the second minority secondary school opens in Xanthi.

Military junta (1967-1974): In 1968, the Cultural Protocol is signed, focusing on school libraries, language instruction, technical materials, and the exchange of books. In addition to accepting supplementary Turkish textbooks sent from Turkey, the Western Thrace Turkish Teachers Union in Komotini prepares a Life Science textbook in Turkish. In the same year, a special training school for minority curriculum teachers, the Special Pedagogical Academy of Thessaloniki (EPATH) is established. Law No. 1109/1972 is passed, increasing government control over the parent-elected school boards, requiring them to seek consent of the Prefect. The name of minority schools are changed from 'Turkish' to 'Muslim or Minority' schools.

Late 1970s-1980s: Law prioritizing the appointment of EPATH teachers over those graduated in Turkey is passed in 1977. A year later, two ministerial decrees further limit the role and responsibilities of the school boards.

Early and mid-1990s: Import of textbooks from Turkey is prohibited. Turkish textbooks prepared by a Greek author are published in Athens and distributed to minority schools. In 1993, minority parents and teachers stage a boycott of the book. In 1995, a minimum 0.5 per cent quota for minority students is introduced at Greek universities.

Late 1990s-2010: The Program of the Education of Muslim Children' (PEM) is implemented between 1997 and 2004, with the aim of raising the quality of educational outcomes for students attending minority schools by improving their Greek language skills. In 2000, distribution of textbooks specially prepared in Turkey for minority students in Western Thrace is allowed. In 2002, the duration of EPATH training is increased from two to three years. In 2010, the EPATH is closed down.

2010-today: The implementation of a new minority education programme building on the approach of PEM, 'Education of Muslim Minority Children in Thrace' begins in 2010. A specialized programme for minority education is established at the Pedagogical Department in the Faculty of Education of the Aristotle University of Thessaloniki to train minority curriculum teachers. From 2014, Imams can teach Islam in Greek in state school as an elective subject.

viewed by the Turkish minority as a tool of assimilation.⁸⁹ Indeed, the appointment of EPATH teachers over those who were trained in Turkish teacher academies often provoked protests by minority parents.⁹⁰ The Greek government kept promising to improve the quality of teaching at the EPATH, but did very little about it in practice until 2002, when at least it increased the duration of the training to three years. However, since the number of hours of Turkish courses remained low compared to Greek at the academy, EPATH teachers' fluency in Turkish remained limited.⁹¹ Notwithstanding, the Greek government continued to appoint them into minority curriculum teacher positions. Parents reportedly complained on a regular basis about the inability of EPATH teachers to provide proper education to their children because of their poor command of Turkish.⁹² Moreover, being public servants and members of the minority put them in an awkward position, isolating them from both their Greek colleagues and the vast majority of the Turkish community.⁹³ Due to demands from both sides, in 2010 EPATH was closed down completely.

Textbooks for the minority curriculum

In addition to minority curriculum teachers, another contentious issue remained the Turkish textbooks. According to the 1968 Cultural Protocol, textbooks for the Greek curriculum were to be published by the Greek state and textbooks for the minority curriculum were to be imported from Turkey.⁹⁴ However, the Greek government claimed that the textbooks Turkey sent were inappropriate for the Muslim minority in Western Thrace as they contained Turkish national narratives. This led to the prohibition of their circulation, so until 2000 the same Turkish books were used in photocopied form.⁹⁵

There were some failed attempts to address the problem. In the early 1990s, Greek authorities decided to deal with the book shortage by publishing Turkish textbooks in Athens.⁹⁶ Greek academics prepared the Turkish textbooks, which were made compulsory in minority schools. However, members of the minority community considered the books assimilationist and not reflecting their ethnic and religious heritage.⁹⁷ Thus, they deemed them to be incompatible with the Treaty of Lausanne and other international agreements concluded between Greece and Turkey and a breach of the autonomy of Turkish minority of Western Thrace.⁹⁸ In response, the Turkish minority party (Freedom, Equality, and Peace party) and minority NGOs called for a boycott and asked parents to collect their children's books and return them to the Ministry of Education.⁹⁹

In February 1993, minority parents refused to send their children to minority schools for five days in protest. Turkish curriculum teachers, including many EPATH teachers, also refused to teach on those days.¹⁰⁰ Following the boycott, some parents and school board members were put on trial: authorities claimed that the textbooks were state property and removing them caused harm to the Greek state.¹⁰¹ EPATH teachers, being public officials participating in the boycott, were subjected to disciplinary measures: many of them lost their jobs and were banned from teaching in minority schools.¹⁰²

The textbook issue was finally resolved in 2000, when Greece - following their evaluation by the Greek Pedagogical Institute - approved the distribution of new textbooks published in Turkey for Turkish language, religious education, mathematics and physics, all specially developed for the minority in Western Thrace.¹⁰³ These are the same books that are still being used in minority schools currently for the minority curriculum.¹⁰⁴

'Program of the Education of Muslim Children' and its aftermath

In the mid-1990s, two important steps were taken by the Greek government in terms of minority education. In October 1995, Law No. 2341/1995 was introduced to improve the quality of education in minority schools. More precisely, economic and career incentives were offered to Greek teachers employed in minority schools and efforts were made to improve the qualifications of minority curriculum teachers by introducing measures for their acceptance to the EPATH programme and their assessment.¹⁰⁵ Moreover, a 0.5 per cent quota for minority students to enter Greek universities was introduced.¹⁰⁶ Thus, entrance to Greek universities became easier for minority students as they had to compete only with each other for the available places.¹⁰⁷ In addition, with financial support from the EU, a specific educational project, 'Program of the Education of Muslim Children' (PEM), was implemented between 1997 and 2008. The programme aimed to enhance the quality of educational outcomes for students attending minority schools by improving their Greek language skills.

PEM involved teaching Greek as a second language in minority schools and was designed in collaboration with faculty staff of the University of Athens, with the involvement of over 100 educational experts, linguists, sociologists, psychologists, anthropologist, as well as conflict resolution professionals and specialists in natural sciences and arts. As part of the programme, educational materials were developed and teacher trainings were held

using the new pedagogical approach. As major outputs, dozens of textbooks for primary schools were put together for Greek as a second language, history, geography, environment, civic education and other subjects, while extended teaching programmes were introduced in the secondary schools. Furthermore, since the Greek curriculum was taught exclusively by Greek teachers who had no specialist knowledge in matters of minority or bilingual education, the programme involved a series of teacher trainings focusing on didactic and pedagogic skills, including how to use the new materials, as well as classroom dynamics, identity issues and diversity management. As a result of the programme, minority school pupils' Greek language skills improved, minority school drop-out rates decreased, and the rate of secondary school attendance significantly increased, with four times more minority children, including girls, graduating from secondary schools.¹⁰⁸

Nevertheless, weaknesses remained, including the concentration of the programme's financial and human resources into improving the Greek curriculum – a situation interpreted by many members of the minority as aiming at their assimilation. Minority parents strongly asserted that they would not encourage their children to learn Greek if this undermined their Turkish identity and called for professionals from Turkey to train the EPATH teachers. The programme was also not well-received in the local Greek press, with the programme researchers frequently presented as naïve, intrusive or unpatriotic.¹⁰⁹

Building on the new strategy initiated by PEM, in 2010, the Ministry of Education started to implement another programme, the 'Education of Muslim Minority Children in Thrace' under the supervision and advice from the same experts with similar goals and results.¹¹⁰ In addition, a Greek language programme aimed at minority mothers was also introduced in order to facilitate their communication with the Greek-speaking teachers and enable them to supervise their children in their study.¹¹¹

In the meantime, no significant steps were taken to improve the minority curriculum. Thus, fundamental problems, including underdeveloped courses and a lack of qualified teachers, persist.¹¹² EPATH was closed down in 2010, and now those who wish to teach the minority curriculum must enrol at the specialized programme for minority education at the Pedagogical Department in the Faculty of Education of the Aristotle University of Thessaloniki after gaining their undergraduate degree at a Greek pedagogical department.¹¹³ However, respondents note that while graduates of the university department's specialized programme receive a better quality education in general than those of EPATH, the training programme is still not sufficient to produce well-trained and qualified minority curriculum teachers. Furthermore, a significant

part of the programme is delivered in Greek and taught by Greek professors.¹¹⁴ Out of the 11 courses offered, only six relate to minority education, and while Islam and education, Turkish language education, Turkish language I and II, and Turkish literature are taught in Turkish, the rest of the courses are taught in Greek.¹¹⁵ Moreover, entrance to the specialized minority programme is limited to graduates of pedagogy departments at Greek universities: consequently, those who have equal qualification but received their undergraduate degrees in other countries, including Turkey, are excluded.¹¹⁶

Moreover, the vast majority of the Turkish curriculum teachers are still EPATH graduates. Indeed, it is estimated that there are approximately 300 EPATH graduates still waiting for their appointment in minority schools.¹¹⁷ EPATH teachers continue to face various difficulties, in particular with teaching from the new Turkish textbooks introduced in the beginning of the 2000s.¹¹⁸ Despite the fact that the EPATH teachers' unions representing their interests have been requesting seminars and special trainings for their members in order to improve their Turkish language skills, the Ministry of Education has been ignoring their demands for over 50 years.¹¹⁹

Minority education at different levels of instruction

Primary education

Despite recent efforts to develop the Greek curriculum, the Chairman of BTTÖB asserts that the overall quality of education in minority schools still falls far below Greek public schools. Moreover, the vast majority of the schools suffer from infrastructural problems. Reportedly, most minority primary schools have between two and four classrooms, as opposed to Greek primary schools typically with six or more. A large number of schools also lack contemporary education materials, computer laboratories and libraries with both Turkish and Greek books and resources. Some school buildings are in dire need of repair and maintenance. Furthermore, over the years the balance between the taught hours of the Turkish and Greek curriculum has been altered, and the number of subjects taught in Turkish has been reduced. For instance, physical education and English courses are increasingly taught in Greek rather than Turkish. And since minority schools were failing to serve the fundamental needs of the community, some minority families started sending their children to monolingual Greek public schools: this resulted in lower numbers of students attending minority primary schools.¹²⁰

To address some of these issues, Greek authorities assert that extensive maintenance work has been done in

the recent years to bring the condition of minority schools to a satisfactory level, and most of them are now equipped with modern facilities such as computers, video projectors, surveillance equipment and school furniture.¹²¹

In 2010, a ministerial decision was issued allowing for merging schools with low enrolments across the country. Schools that do not have sufficient number of students can be closed down, helping to ease the state budget. By law, a primary school must have at least nine students in order to continue functioning, and this rule equally applies to both mainstream and minority schools.¹²² The Greek state maintains that it would be economically burdensome to exclude minority schools from this rule, particularly given the fact the operating cost of minority schools is higher than mainstream schools as they are bilingual and so need to employ twice as many teachers.¹²³ Authorities assert that efforts are being made to keep those schools open that have low numbers of students (6 or 4) but can accommodate students from nearby settlements.¹²⁴

As the BTTÖB Chairman notes, in the past 10 years more than 60 minority primary schools in Western Thrace have been closed down, with the number falling from 188 in 2010 to just 128 today, with another five closures confirmed for the 2019/20 school year. The merging of schools has reportedly had a particularly adverse effect because it has been carried out without taking into account the distance between villages with minority populations and the infrastructural deficiency of schools. At the same time, while many minority schools were closed down, no new schools were opened despite the need for more minority primary schools in areas where the number of students has significantly increased.¹²⁵

Secondary and high school education

After finishing primary school, minority students either continue their education at the restricted number of minority secondary schools (including religious schools), attend monolingual Greek public schools, go to Turkey for secondary education, or cease their education altogether.¹²⁶

With regards to minority secondary school education, the vital problem remains the scarcity of educational institutions. As the BTTÖB Chairman explains:

In terms of secondary and high schools, in Rodopi province, where the minority constitutes 55 per cent of the total population, there is only one minority school but there are 23 state schools. The number of students in some classes of minority schools is 40 or over. Similarly, in Xanthi province where the minority constitutes 45 per cent of the total population, there is one minority secondary school as

opposed to 36 state schools. In Evros province, where the minority constitute 10 per cent of the population, there are 50 state schools and there is no minority school.¹²⁷

Despite this shortage, the request of PEKEM to open a private minority secondary school in Rodopi has remained unanswered by the Ministry of Education.¹²⁸

In addition, there are two *madrasas* - Islamic religious schools - in Western Thrace. One operates in Komotini with approximately 200 students and one in Xanthi with only a handful of students. These schools are historically educational institutions of the minority, founded during the Ottoman era, focusing on education of religious studies, and they were supposed to provide training for clergymen (imams). In 1998, by a ministerial decision, these madrasas received secondary school status. Students are taught in Greek, Arabic, English and Turkish, but the number of subjects taught in Turkish has been reduced over time: for that reason, students of the Komotini school staged a two-day boycott in 2018, when a ministerial decree was issued to reduce Turkish language lessons and Islamic teachings at the school. If the decision had been implemented, students would not have had any lesson in Turkish in the final year of their schooling.¹²⁹

Another controversy related to religious education is linked to the so-called '240 Imams Law'. Twelve years ago, Law No. 3536/2007 was adopted which envisioned the creation of 240 posts of imam in the mosques of Western Thrace. The law also stipulated that these imams were to be selected by a commission composed of five Christian officials and serve under the authority of state-appointed Muftis. Following a very strong negative reaction from the community, the law was not implemented.¹³⁰

Five years later, however, the law was revisited and amended. Law No. 4115/2013 changed the composition of the selection committee, so that three out of five members would be Muslim and also extended the role of the imams, allowing them to teach in public schools. The authorities describe the law as providing minority students with the opportunity to take religious classes as elective courses in state schools.¹³¹ On the other hand, representatives of the minority view the legislation, which was introduced without their approval, as enabling the appointment of their religious leaders and religious instructors against their will.¹³² There are also concerns regarding the classes being taught in Greek. Due to the lack of experts and religious clergy who could translate the religious texts from Arabic to Greek, the Greek language is not suitable for proper religious instruction in Western Thrace.¹³³

Despite strong objections from the minority community, the implementation of the law commenced in August 2013. Islamic preachers were trained and

appointed to public schools, and Greek textbooks for teaching Islam in public schools were prepared. In January 2014, 63 religious officers - among whom only three were university graduates - started teaching Islam in Greek in state schools. Recently, in June 2019, a decision was issued by the Ministry of Education and Religious Affairs regarding the appointment of 120 religious teachers to work in state secondary schools in Western Thrace under 9-month employment contracts.¹³⁴

University and special education

According to Law No. 2341/1995, at least 0.5 per cent of the places at Greek universities are reserved for Muslim minority students. This measure aimed at stopping the flow of minority students to universities in Turkey by creating incentives for Turkish minority students, most of whom had continued their education at Turkish universities, to finish their higher education in Greece. As a result, around 500 minority students attend Greek universities each year, while before almost none graduated from Greek universities.¹³⁵

However, some of the minority students, especially in their first academic years, face great challenges as they are placed in environments where they are unable to either learn easily or compete effectively.¹³⁶ Due to the fact that they received lower quality education than their Greek counterparts and their Greek language skills are also much weaker, they receive lower grades and often rank near the bottom of the class.¹³⁷

Moreover, there is no university or vocational school where the language of instruction is Turkish. Nor is there a bilingual school for children with special needs.

Lack of bilingual pre-school education

Similarly, there is no bilingual pre-school (kindergarten) education for minority children despite demand from the community and recommendations from international bodies. This has become a vital concern since Law No. 3518/2006 made pre-school education compulsory for all Greek citizens from the age of 5. Nursery schools (for children between ages 3 and 4) remained optional. There are three children's clubs - i.e. private bilingual nursery schools - operated by PEKEM, but their application to open a private bilingual kindergarten has been pending since 2011.¹³⁸

State authorities argue that opening bilingual pre-schools for the minority would unfairly disadvantage Roma and Pomak children who would thus need to cope with two second languages at such an early age - disregarding the fact that they could choose to attend already existing Greek kindergartens as well as ignoring

the advantages of multilingual teaching at an early age. Thus, instead of establishing bilingual pre-schools, to help minority children adapt to the new language environment a pilot programme was initiated in 2017. It involves having kindergarten classes for minority children with one Greek-speaking pre-school teacher and one assistant teacher who speaks the mother tongue of the majority of minority children (i.e. Turkish or Pomak¹³⁹) in the class and acts as an interpreter. The pilot programme currently runs in 14 public kindergartens in Western Thrace.¹⁴⁰

Human rights of the Turkish minority in Western Thrace pertaining to education

The Treaty of Lausanne stipulates that the Turkish minority in Western Thrace has a right 'to establish, manage and control at their own expense... any schools and other establishments for instruction and education.' Moreover, the Greek government must provide adequate facilities for guaranteeing that minority children receive instruction at primary level through the medium of their own language. The treaty also allows for obligatory Greek language classes in these schools.¹⁴¹

Moreover, the right to education and the rights in education of minorities are an integral part of education rights enshrined in a number of specific provisions in international human rights instruments to which Greece is a party, including the ICCPR, ICERD, CEDAW, CRC as well as the ECHR and the (Revised) European Social Charter. According to international standards, every person is entitled to accessible, free and high-quality primary level education as well as equal access to education and equal opportunities within the educational system. Education must also be available and acceptable. To facilitate the availability of education, states must actively develop a system of schools, including building classrooms, delivering programmes, providing teaching materials and training teachers. Furthermore, to facilitate the acceptability of education, states must take positive measures to ensure that education is 'culturally appropriate for minorities and indigenous peoples.' Moreover, parents have the rights to choose the kind of education that shall be given to their children according to their own religious, moral or philosophical convictions.¹⁴²

In addition, international standards stress the importance and necessity for minorities to participate in the decision-making process, especially when the issues being considered affect them directly. Therefore, the right of effective participation of persons belonging to minorities needs to be kept in mind when designing and implementing educational policies.¹⁴³

In order to comply with international human rights standards pertaining to education of the minority in Western Thrace, Greece needs to address the issue of availability by ensuring that there are enough minority schools at primary and secondary levels within safe physical reach of pupils. In addition, Greek authorities are obligated to ensure that within minority educational institutions there are enough classrooms with proper facilities such as a library (containing both Greek and Turkish language books), computer facilities and information technology. Therefore, a careful assessment should be done with regards to minority schools.

Furthermore, in line with international minority rights standards, states must take appropriate measures to provide opportunities for minorities to transmit knowledge about their own culture, history, tradition and language. Therefore, 'persons belonging to minorities should have adequate opportunities to learn their mother tongue or wherever possible, to have instruction in their mother tongue.'¹⁴⁴ At the same time, all children must have the opportunity to learn the official language of the states.

As the OSCE Hague Recommendations underline, the medium of teaching at pre-school and kindergarten levels should be the child's mother tongue. In primary school, instruction should be provided through the medium of the child's language and the state language should also be taught as a subject. 'In secondary school, a substantial part of the curriculum should be taught through the medium of the minority language, and the number of subjects taught in the state language should gradually be increased. Persons belonging to national minorities should have access to tertiary education in their own language.'¹⁴⁵ Since these recommendations have been prepared with relevant educational research in mind and taking into account the child's best interests, Greece - which is a party to the CRC and a member of the OSCE - should take into account these recommendation when designing educational policies.

It is understandable that educational policies need to be cost effective, particularly given the current economic situation in Greece. However, it should be recognized that empirical studies in fact show that education in the minority language is more cost-effective than official language-only education due to the larger number of secondary school graduates it achieves comparatively: 'the cost of public education per successful secondary school graduate has been shown ... directly to be lower (in minority schools) than in other public schools, because of the higher success rate in minority schools'.¹⁴⁶ In addition, schools which are able to engage the parents of students using minority languages have also been shown to boost their awareness and participation in their children's education.¹⁴⁷

Moreover, the maintenance of the primary and secondary levels of minority language education, as well as

ensuring the overall quality of education, depend significantly on the availability of teachers trained in the minority's mother tongue and on the quality of the curriculum. Low quality education in minority schools contravenes international human and minority rights standards and represents a breach of Greece's obligations under international law. It is therefore imperative to ensure that there is a sufficient number of qualified minority curriculum teachers. Thus, in addition to the training mentioned above, Greece needs to consider permitting teachers trained in Turkey to provide instruction in minority schools and allowing graduates of pedagogical departments outside Greece to enrol into the special minority programme.

At the same time, it should be acknowledged that there has been significant progress in improving the Greek curriculum and textbooks used in minority schools, so teacher trainings applying the approach developed by PEM should continue. Despite the fact that textbooks developed under PEM use an appropriate pedagogical approach for teaching Greek language and teaching other subjects in Greek for non-native speakers, they have been deemed inadequate by some primary school administrators and minority parents. This led to a few smaller-scale local protests requesting the removal of the Frangoudaki books from schools and demanding that they are replaced with the books used in state primary schools.

While those books used in Greek schools would not be appropriate for students whose first language is not Greek, relevant Greek authorities should investigate the concerns raised by the minority community regarding the textbooks and identify the source of tensions. Greek authorities also need to ensure that proper teaching materials for minority schools are available, both for the Greek and the minority curriculum. This would necessitate the update of the Greek books developed under PEM as well as textbooks imported from Turkey in 2000. To address some of these issues, a scientific working group has been set up by the Ministry of Education. It is tasked with evaluating the Greek books and educational materials used in minority schools and submitting proposals for improvement of the Greek curriculum.¹⁴⁸ While setting up the Commission is a positive step, relevant Greek authorities should ensure that the commission includes or consults with members of the minority community, particularly those in the education field. Moreover, the minority curriculum should also be improved in consultation with minority teachers, pupils and parents.

In addition, it has long been recognized in international law that minorities should be entitled to their own schools where they can be taught in their own minority language, regardless of the general educational policies of the state.¹⁴⁹ Thus persons belonging to national

minorities have the right to establish and manage their own private educational institutions. For that reason, in line with international law, the Greek state must allow, recognize and even facilitate the establishment and operation of private schools at all levels of education, including pre-school level. Moreover, Greek authorities cannot interfere with the administration and management of these private schools, unilaterally decrease the number of subjects taught in minority languages there or appoint their teachers.

Moreover, it should be noted that international human and minority rights set minimum standards of

protection which states should not fall below. Human rights are rather a floor, not a ceiling, and it is important to emphasize that once state protection has gone beyond the minimum human rights standards, it is discriminatory to eliminate or roll back any rights that are already in place - unless there are exceptional circumstances. For that reason, in order to comply with international human rights standards, Greece must find an appropriate avenue to restore the autonomy the minority educational institutions once enjoyed in Greece during the early decades following the Treaty of Lausanne.

Conclusions

Despite significant advances in minority protection in the 1990s, including the adoption of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the entry into force of two minority specific regional human rights conventions, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, minority protection in Greece is still predominantly governed by a treaty that was put in place almost a century ago.

Indeed, the way the Greek government currently interprets minority protection primarily through the framework of Treaty of Lausanne contravenes international human rights law and contemporary minority rights standards. This has also been evidenced by the fact that the ECtHR has on a number of occasions found Greece in violation of the rights to freedom of association and freedom of religion in cases involving members of Turkish minority in Western Thrace. Furthermore, the interpretation by Greek authorities of the term minority and their obligations to protect minority rights reflect an outdated understanding that is too narrow to meet current international human rights standards. Limiting the recognition of a minority to a community identified in a specific peace treaty and linking specific minority rights to reciprocal arrangements for kinship communities entirely overlooks the progressive development of human and minority rights since the inter-war period, and falls far below current standards.

The Treaty of Lausanne obligates Greece to grant and respect a wide array of rights for the minority community in Western Thrace, including equal civil and political rights, freedom to conduct family and private affairs in accordance with the customs of the minority and providing autonomy in religious affairs and minority education. However, due to the restrictive interpretation of the terms of the Treaty and a series of unilateral acts by Greek authorities, the rights contained therein have been gradually narrowed or eliminated over the years. The abolition or dilution of already acquired rights of minorities - without exceptional circumstances - is considered a disproportionate response from the state, and thus constitutes a violation of one of the most fundamental principles of human rights protection, the

prohibition of discrimination on the basis of religion, ethnicity and/or language.

Unilateral acts by states pertaining to issues directly affecting minorities living in their territory also ignore the fundamental rights of those communities to effective participation in the decision-making process. When considering whether participation of minorities is effective, it is not sufficient for states to informally or formally provide for the participation of persons belonging to national minorities. They must also ensure that their participation has a meaningful impact on actions taken and, to the greatest possible extent, reflects a broad consensus from across the community.¹⁵⁰

This is of particular importance in the case of Greece as the 1990 electoral law introduced a 3 per cent threshold. This makes it nearly impossible for the Turkish community to be represented in the Parliament through independent candidates or their own party, given that the population of Greece exceeds 11 million while the Turkish minority is estimated to be around 145,000 at most. For that reason, minority MPs could be elected only through mainstream parties, which does not provide an effective avenue for representing minority voices. Indeed, in certain cases, it can hinder them from expressing views supporting minority interests.¹⁵¹

Meaningful consultation with minorities would also help to rebuild the trust between the Greek government and the Turkish minority in Western Thrace. Turbulent inter-state relations and tensions between Greece and Turkey led to the securitization of many minority issues - a situation where the Turkish minority in Western Thrace is seen by Greek officials as a potential source of danger or threat to stability and national identity. For this reason, as Greek-Turkish relations deteriorated in the 1950s, Greek authorities started to tighten their control over the religious life and educational affairs of the minority, in an attempt to minimize the involvement of the Turkish state.

Such an interference by the Greek state with the cultural autonomy of the minority in turn resulted in deep mistrust toward Greek authorities within the minority community. This is demonstrated by the fact that even policies aiming to improve the situation of minorities, such as PEM, are often seen as attempts at assimilation and have met with resistance from the minority community, further placing the minority community in

opposition to the Greek state. This may further contribute to a vicious cycle of mistrust between the state and the minority community.

Since breaking this cycle seems a necessary precondition for improving the situation of the Turkish minority, Greek authorities should take steps to normalise the relationship between the state and the minority in Western Thrace. As it is the responsibility of the state to repair the broken relationship with minority communities

living on its territory, thus Greek authorities should ensure that trust is established and restored between them and the Turkish minority in Western Thrace.¹⁵² The first steps in the right direction by the Greek authorities would involve recognizing the existence of the Turkish minority in Western Thrace and taking appropriate measures to solve long lasting problems and promote the community's minority-specific rights, in line with current international human rights standards.

Recommendations

To the Government of Greece:

Recognition Issues and Minority Protection in General

- Respect the right of the persons belonging to the minority to both individual and collective self-identification and recognize the existence of Turkish and other ethnic minorities.
- Respect their further rights to minority protections as elaborated in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and international and regional human rights treaties ratified by Greece, including their minority-specific provisions and jurisprudence of human rights monitoring bodies.
- Guarantee the right of the members of the Turkish minority to effectively participate in decision-making processes that affect their daily lives by ensuring that opportunities exist for the community to have an effective voice at the level of the central government as well as at the regional and local levels, including through special arrangements as necessary.
- Ratify the Framework Convention for the Protection of National Minorities as well as sign and ratify the European Charter for Regional or Minority Languages.
- Adopt, without delay, the measures necessary to execute the judgments of the European Court of Human Rights in the cases *Turkish Association of Xanthi and Others v. Greece*, *Bekir Ousta and Others v. Greece* and *Emin and Others v. Greece*.
- Allow minority associations to use words in their names that express the ethnic identity of their members and register accordingly.
- Respect the right of the Turkish minority to train, appoint, elect or designate appropriate religious leaders and religious instructors, and amend laws regulating the selection of Muftis accordingly.
- Respect the right of the Turkish minority to manage and control its religious foundations by ensuring that the managing boards of *waqfs* are elected through a process that guarantees the full and effective participation of the community in the decision-making process.
- Effectively eliminate fines, excessive income taxes and debts accumulated by the *waqfs* and take steps to halt the loss of *waqf* property, enabling the community to fully access the funds of these charitable foundations.
- Ensure that the application or non-application of Islamic law does not violate the rights of members of the minority community guaranteed under international law by carefully and diligently balancing the right to freedom of religion and women's right to equality with special attention paid to the self-understandings, interests and assessments voiced by minority women.

Minority Education

- Guarantee proper access to minority schools by ensuring that any necessary closure is implemented only in consultation with the community, and that minority schools are available where there is a sufficient number of students.
- Ensure necessary structural upgrades of minority schools and the availability of proper teaching materials for minority schools, including proper textbooks for both the minority and the Greek curriculum.

Freedom of Religion of the Minority

- Refrain from interfering in the religious affairs of the Turkish minority, apart from the restrictions provided for in international human rights law.

- Guarantee the quality of educational outcomes for students attending minority schools by ensuring that the teaching staff have proper training: minority curriculum teachers should have adequate minority language skills, while Greek curriculum teachers should have the competence to teach Greek as a secondary language and familiarity with the principles of intercultural education.
- Ensure that there is an adequate number of qualified minority curriculum teachers.
- Guarantee, in line with international guidelines, pre-school education in the mother tongue of the minority and ensure that most of the subjects in primary and secondary schools are taught in minority language alongside the Greek language.
- Ensure that educational programmes aiming to improve the Greek language skills of minority students continue, but not at the expense of improving minority language education.
- Design and implement, in consultation with the minority community, educational programmes aiming at improving the quality of education in minority language.
- Restore the full autonomy of the parent-elected school boards in the administration and management of minority schools.
- Ensure that no measures affecting minority education (including those involving teaching of minority religion in state schools) is taken without effective consultation with the minority community.
- With the involvement of the Turkish minority, take steps to make minority schools attractive again for minority parents and pupils.

Notes

- 1 Thrace as a geographical region is bordered by the Balkan Mountains on the north, the Aegean Sea on the south, and the Black Sea and the Sea of Marmara on the east.
- 2 According to some Greek government sources, this number is around 86,000: 39,000 of Turkish origin, 35,000 Pomaks, and 12,000 Roma. Other government estimates suggest that they number around 150,000. Many members of the Turkish minority interviewed during the field trip rejected the government position of identifying three separate groups among the Muslim population, claiming it was part of a deliberate policy to deny the existence of a Turkish minority in Western Thrace. Other interviewees stated that there was indeed a small number of people among the Muslim minority who self-identify as Pomak and Roma, although some of them are Turkish speaking. Nevertheless, they also felt that the government was actively promoting Roma and Pomak identity to undermine recognition of the Turkish community in the region. The number cited refers to the data uploaded on the website of the highest state regional authority at www.remth.gr in 2011. The website has since then moved to pamth.gov.gr and the information is no longer accessible, but a copy of the data accessed on 21 July, 2011 is on file with the author.
- 3 Interview with the Chairman of the Western Thrace Turkish Teachers' Union (BTTÖB), 25 June 2019.
- 4 The treaty was never ratified by the Greeks or the Ottomans, and the Greco-Turkish war fought between the Greece and the Turkish National Movement continued. Turkish revolutionaries rebelled against this partitioning of the Ottoman Empire and against the Treaty of Sèvres, while the Greek campaign was launched in hope of territorial gains at the expense of the Ottoman Empire.
- 5 Greece: National Report, Universal Periodic Review, 2nd cycle: 2016, /HRC/WG.6/25/GRC/1 para. 82.
- 6 It should be noted that the population exchange and the rights of remaining minorities are governed by two legal instruments related to the Treaty of Lausanne. The Convention Concerning the Exchange of Greek and Turkish Populations of the Lausanne Peace Treaty (hereinafter Lausanne Convention) was signed on 31 January 1923. The chapter on minority protection of the Treaty of Lausanne (hereinafter Treaty of Lausanne's Minority Chapter) was concluded six months later, on 24 July 1923.
- 7 Lausanne Convention, Article 1.
- 8 In addition, the inhabitants of the islands of Imbros and Tenedos were also allowed to remain in Turkey but were placed under special administration in accordance with Article 14 of the Treaty of Lausanne's Minority Chapter.
- 9 Treaty of Lausanne's Minority Chapter, Articles 37-45.
- 10 Ibid., Articles 40-41 read in conjunction with Article 45.
- 11 Preamble, UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, A/RES/47/135.
- 12 This is not to promote the view that the Muslim minority in Western Thrace is completely homogenous. Some members of the Muslim community do indeed self-identify as Pomak and Roma. However, the aim of the research was to assess the situation of the Turkish minority. Hence, meetings were organized with those members of the Muslim community who self-identify as Turkish.
- 13 Comments of the Greek Authorities, in Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Greece on 8-10 December 2008, CommDH(2009)9.
- 14 UNGA, 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Greece', A/HRC/WG.6/25/GRC/1, 22 February 2016, para 83.
- 15 Consultation with the representatives of the Western Thrace Minority University Graduates Association (WTMUGA) and Culture and Education Foundation of Western Thrace Minority (PEKEM), Komotini, 25 June 2019.
- 16 Ibid.
- 17 Hayrullah, P., Hüseyinoğlu, A. and Kabza, C., A Report on Western Thrace Turkish Minority, PEKEM Publications, Xanthi/Komotini, 2014.
- 18 Ibid.
- 19 Ibid.
- 20 UNGA, 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Greece', A/HRC/WG.6/25/GRC/1, 22 February 2016, para 87.
- 21 See *Verein Gegen Tierfabriken Schweiz (VgT) v. Switzerland No. 2*, (Application no. 32772/02), 30 June 2009, para 90.
- 22 Communication from the applicant in the *Bekir Ousta and others group of cases v. Greece* under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, 30 April 2019 (30/04/2019) DH-DD(2019)492.
- 23 Interview with the President and Board members of the Xanthi Turkish Union, 26 June 2019.
- 24 The same concern was raised by the Greek Helsinki Monitor in its communication to the CoE Committee of Ministers. See Communication from a NGO (Greek Helsinki Monitor) (06/11/2017) and reply from the authorities (17/11/2017) in the cases of *Bekir-Ousta and others and House of Macedonian Culture and others v. Greece* under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, December 2017, (DH) DH-DD(2017)1289.
- 25 "In its decision No. 1723/80 the Court of Cassation considered that it was obliged to apply Islamic law in certain disputes between Muslims by virtue of the Treaty of Peace of Athens of 1913, the Treaty for the Protection of Minorities of Sèvres of 1920 and the Treaty of Peace of Lausanne of 1923." See *Serif v Greece*, Application no. 38178/97, 14 December 1999, para. 23. It should be noted, as the ECtHR pointed out, that 'the highest Greek courts disagree as to whether the Treaty of Athens is still in force and as to its scope. The Supreme Administrative Court has ruled that the provisions of the Treaty of Lausanne on protecting minorities are based on the principle of equal treatment of members of minorities and other citizens in the exercise of their civil and political rights. Consequently, in its view, Article 11 of the Treaty of Athens is not compatible with the aforementioned principle and is therefore no longer applicable (judgments nos. 1333/2001 and 466/2003). On the other hand, according to the settled case-law of the civil bench of the Court of Cassation, the Treaty of Athens is the legal basis for the protection of minorities in Greece, and the international

- obligation to apply Sharia law flows from that treaty (judgments nos. 231/1932, 105/1937, 14/1938, 322/1960, 738/1967, 1723/1980, 1041/2000, 1097/2007 and 2113/2009).’ See *Molla Sali v. Greece*, Application No. 20452/14, 19 December 2018, para. 44.
- 26 *Molla Sali v. Greece*, para 42.
- 27 *Serif v Greece*, para. 24.
- 28 *Ibid.*, para. 25.
- 29 Hüseyinoğlu, A., ‘Islam and religious liberties in Western Thrace, Greece’, in Muhammet Savaş Kafkasyal (ed.), *Islam in The Balkans: Unexpired Hope, Vol.4: From Times of Glory to Times of Humility*, 2016, p.1685.
- 30 *Ibid.*, para. 8.
- 31 *Agga v Greece No. 2*, Applications nos. 50776/99 and 52912/99, 17 October 2002, paras 10-11.
- 32 UN General Assembly, Report of the Special Rapporteur on freedom of religion or belief on his visit to Greece, A/51/542/Add.1, 7 November 1996, para. 43.
- 33 *Serif v Greece*, para. 11.. See also Hayrullah *et al.*, *op. cit.*, p.30.
- 34 *Agga v Greece No. 2*, para. 13.
- 35 Interview with the elected Mufti of Rodopi, Komotini, 25 June 2019.
- 36 *Serif v Greece* and *Agga v Greece No. 2*. But also Case of *Agga v Greece No. 3*, Application no. 32186/02, 13 July 2006, and Case of *Agga v Greece No. 4*, Application no. 33331/02, 13 July 2006.
- 37 The sentence was suspended on condition that he would not commit a similar offense within three years.
- 38 Interview with the elected Mufti of Rodopi, 25 June 2019; interview with elected Mufti of Xanthi, 26 June 2019; consultation with representatives of WTMUGA and PEKEM.
- 39 UN General Assembly, 7 November 1996, *op. cit.*, para. 46.
- 40 Written response from George Kalantzis, Secretary General for Religious Affairs, Ministry of Education and Religious Affairs, email dated on 6 August, 2019.
- 41 *Ibid.*
- 42 *Ibid.*
- 43 Interview with elected Mufti of Xanthi.
- 44 *Ibid.*
- 45 *Ibid.*
- 46 Hayrullah *et al.*, *op. cit.*, p. 30.
- 47 Hayrullah *et al.*, *op. cit.*, p.32.
- 48 Interview with Ali Hüseyinoğlu, Assistant Professor, Balkan Research Institute, Trakya University, Skype, 5 July 2019.
- 49 Interview with elected Mufti of Rodopi; interview with elected Mufti of Xanthi.
- 50 Hayrullah *et al.*, *op. cit.*, p.33.
- 51 *Ibid.*
- 52 Consultation with representatives of WTMUGA and PEKEM.
- 53 Hüseyinoğlu, A., ‘Islam and religious liberties in Western Thrace, Greece’, p.168.
- 54 İlham Ahmet, [Elections for the management and administration of foundations, the elimination of mortgages on foundation properties and the elimination of debts], 2 May 2019.
- 55 UN General Assembly, ‘Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, on the need to respect and protect freedom of religion or belief of persons belonging to religious minorities’, A/HRC/22/51, 24 December 2012, para. 24.
- 56 *Ibid.* Also interview with elected Mufti of Rodopi. Interview with elected Mufti of Xanthi.
- 57 UN Special Rapporteur on Freedom of Religion and Belief, Report on Freedom of religion or belief and equality between men and women, 7 August 2013, A/68/290, para 57.
- 58 *Ibid.*
- 59 *Ibid.*
- 60 *Molla Sali v. Greece*, para. 154.
- 61 Tsavousoglou, I. ‘The legal treatment of Muslim minority women under the rule of Islamic law in Greek Thrace’, *Oslo Law Review*, 3, 2015, pp.241-262.
- 62 *Ibid.*, p.259.
- 63 Interview with Ilker Tsavousoglou during the consultation with representatives of WTMUGA and PEKEM.
- 64 Interview with elected Mufti of Rodopi.
- 65 Tsavousoglou, *op. cit.*, p.258.
- 66 *Molla Sali v. Greece*, para. 48.
- 67 It should be noted though that the ECtHR still implied that the application of Islamic law could have detrimental effects for individuals (see paras 157-159 of the judgment).
- 68 Koumoutzis, N. and Papastylanos, C., ‘Human rights issues arising from the implementation of Sharia law on the minority of Western Thrace - ECtHR *Molla Sali v. Greece*, Application No. 20452/14, 19 December 2018’, *Religions* 10(5), 2019, p.300.
- 69 On 10 August 1920 Greece concluded two treaties with the Allied Powers at Sèvres. The first treaty transferred to Greece all the rights and titles Allied Powers had acquired over Thrace by the peace treaty they had signed with Bulgaria. The second treaty specifically concerned the protection of minorities in Greece. Article 14 of the treaty provides as follows: ‘Greece agrees to take all necessary measures in relation to the Muslims to enable questions of family law and personal status to be regulated in accordance with Muslim usage’.
- 70 *Molla Sali v. Greece*, para. 12.
- 71 *Ibid.*, para.15.
- 72 *Ibid.*, para.18.
- 73 *Ibid.*, para.20.
- 74 ECtHR, ‘Information Note on the Court’s case-law 224, *Molla Sali v Greece*’, 19 December 2018.
- 75 Koumoutzis and Papastylanos, *op. cit.*
- 76 It should be emphasized that ECtHR does not clarify to what extent the enforcement of Sharia might be compatible with the ECHR, including whether Islamic law can be extended to any aspect of life.
- 77 Koumoutzis and Papastylanos, *op. cit.*
- 78 UN General Assembly, ‘Interim report of the Special Rapporteur on Freedom of religion or belief’, 7 August 2013, A/68/290, paras. 59-60 and 74.
- 79 *Ibid.*, para 74.
- 80 *Ibid.*
- 81 Interview with the Chairman of the BTTÖB, 25 June 2019.
- 82 *Ibid.*
- 83 Information in the table is based on Ali Hüseyinoğlu, ‘The Development of Minority Education at the Southeasternmost Corner of the EU: The Case of Muslim Turks in Western Thrace, Greece’, Unpublished PhD Dissertation, University of Sussex, Brighton-United Kingdom, 2012, pp.158-219.
- 84 Dragonas, T. and Frangoudaki, A. ‘Educating the Muslim Minority in Western Thrace’, *Islam and Christian-Muslim Relations* 17(1), January 2006, p. 29.
- 85 Hüseyinoğlu, 2012, *op. cit.*, p.192
- 86 Interview with anonymous source, 25 June 2019.
- 87 Interview with anonymous source, 26 June 2019.
- 88 Interview with the Chairman of the BTTÖB, 25 June 2019. Also as Dragonas and Frangoudaki explained, ‘EPATH students were mainly graduates of madrasas, recruited from poor Pomak villages. They aspire to social mobility and to a guaranteed Greek public-servant status. A number of them have insufficient knowledge of Turkish.’ Dragonas and Frangoudaki, *op. cit.*, p.29.
- 89 Interview with anonymous source, 25 June 2019.
- 90 Hüseyinoğlu, 2012, *op. cit.*, p.192.
- 91 *Ibid.*
- 92 Interview with anonymous source, 25 June 2019.
- 93 Dragonas and Frangoudaki, *op. cit.*, p.29.
- 94 Interview with the Chairman of the BTTÖB, 25 June 2019.

- 95 Consultation with representatives of WTMUGA.
- 96 Hüseyinoğlu, 2012, *op. cit.*, p.227.
- 97 *Ibid.*
- 98 ECtHR decision on admissibility, *Imam v Greece*, Application no. 63719/00, 6 February 2003.
- 99 *Ibid.*
- 100 *Ibid.*
- 101 Hüseyinoğlu, 2012, *op. cit.*, pp.225-226.
- 102 *Ibid.*
- 103 Dragonas and Frangoudaki, *op. cit.*, p.35.
- 104 Interview with the Chairman of the BTTÖB, 25 June 2019.
- 105 UN General Assembly, 7 November 1996, *op. cit.*, para 50.
- 106 The quota was extended to Greek technological institutes by Law No 3404/2005.
- 107 Hüseyinoğlu, 2012, *op. cit.*, pp.236-239.
- 108 Dragonas and Frangoudaki, *op. cit.*
- 109 *Ibid.*
- 110 Detailed description of the Programme is available at <https://museduc.gr/el>.
- 111 Intervention by Greece, European Forum on Minority Issues (EFMI), 5 May 2019, available at <https://www.minorityforum.info/en/page/regional-forums>.
- 112 Interview with the Chairman of the BTTÖB, 25 June 2019.
- 113 Respondents also note that when EPATH was closed down, a Minority Education Programme under Aristotle University of Thessaloniki was established under Law No. 3396/2011. Starting from the educational year of 2011-2012 students enrolled in the department, but the necessary regulations were not completed to legally establish the department. With Law No 4310/2014, a specialized programme for training of Minority Curriculum Teachers was established, though it did not begin to operate. With Law 4452/2017, the Minority Education Department under the Pedagogical Faculty of Aristotle University has been formally established in Thessaloniki.
- 114 Interview with anonymous sources, 25-26 June 2019.
- 115 *Ibid.*
- 116 *Ibid.*
- 117 Interview with Ali Hüseyinoğlu.
- 118 Interview with the Chairman of the BTTÖB, 25 June 2019.
- 119 Interview with anonymous sources, 25-26 June 2019.
- 120 *Ibid.*
- 121 Written response from the Regional Directorate in Eastern Macedonia-Thrace, email dated on 1 August.
- 122 Intervention by Greece, EFMI, *op. cit.*
- 123 *Ibid.*
- 124 Written response from the Regional Directorate in Eastern Macedonia-Thrace.
- 125 Interview with the Chairman of the BTTÖB, 25 August 2019.
- 126 Despite that fact that in 2006 the mandatory minimum timeframe for education was increased to 10 years, minority representatives claim that state officials almost never enforce this regulation when it comes to minority students.
- 127 Interview with the Chairman of the BTTÖB, 25 June 2019.
- 128 Consultation with representatives of WTMUGA and PEKEM.
- 129 Interview with anonymous source, 25 June 2019.
- 130 UN General Assembly, 'Report of the independent expert on minority issues, Gay McDougal on her mission to Greece', 18 February 2009, HRC/10/11/Add.3, para. 27.
- 131 Intervention by Greece, EFMI, *op. cit.*
- 132 Interview with elected Mufti of Rodopi, 25 June 2019.
- 133 Interview with the elected Mufti of Xanthi.
- 134 Interview with the Federation of Western Thrace Turks in Europe (ABBTF), Skype, 19 July 2019.
- 135 Interview with the Chairman of the BTTÖB, 25 June 2019. Also see Hayrullah *et al.*, *op. cit.*, p.29.
- 136 Hüseyinoğlu, 2012, *op. cit.*, pp.239-243.
- 137 *Ibid.*
- 138 Consultation with representatives of WTMUGA and PEKEM.
- 139 They have no Roma assistant teachers in these pilot kindergarten classes as there is no qualified teacher who speaks Romani.
- 140 Intervention by Greece, EFMI, *op. cit.*
- 141 Treaty of Lausanne, Articles 40-41, read in conjunction with Article 45.
- 142 See Committee on Economic, Social and Cultural Rights, General Comment No. 13 on the right to education (article 13 of the Covenant), E/C.12/1999/10, 8 December 1999, paras. 6, 28 and 50.
- 143 This similarly applies to other issues affecting the life of the Turkish minority, including those discussed in the report, such as recognition issues and religious autonomy.
- 144 UNDM, Article 4.3.
- 145 OSCE, Hague Recommendations Regarding the Education Rights of National Minorities, October 1996, para. 17.
- 146 Handbook by the United Nations Special Rapporteur on minority issues, *Language Rights of Linguistic Minorities: A Practical Guide for Implementation*, 2017, p.17.
- 147 *Ibid.*
- 148 Written response from the Regional Directorate in Eastern Macedonia-Thrace.
- 149 Permanent Court of International Justice, *Minority Schools in Albania*, a/B64, Advisory Opinion of 6 April 1935.
- 150 Forum on Minority Issues, Second Session, Geneva 12-13 November 2009, Background document by the independent expert on minority issues ("IEMI"), Gay McDougall, on minorities and effective political participation, 9 October 2009 (A/HRC/FMI/2009/3), para. 26; Report of independent expert on minority issues, Gay McDougall, on Minorities and effective political participation: a survey of law and national practices, 10 January 2010 (A/HRC/13/23), paras 52-55.
- 151 Consultation with the president and members of the Friendship, Equality, Peace party, Komotini, 26 June 2019.
- 152 Interview with Hülya Emin, Komotini, 26 June 2019.

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The Turkish Minority in Western Thrace: The Long Struggle for Rights and Recognition

The Turkish minority in Western Thrace has inhabited the region for centuries. However, despite a raft of protections in domestic and international law, they remain unrecognized by the Greek government. *The Turkish Minority in Western Thrace: The Long Struggle for Rights and Recognition* highlights the barriers still confronting the community today.

This situation has resulted in a wide range of restrictions on their ability to establish associations, practice their culture and provide education in the Turkish language, representing a serious threat to their identity, participation and self-expression. The Turkish minority also faces a

number of obstructions of their religious freedoms, including state interference in the appointment of their spiritual leaders.

The rights of the Turkish minority continue to be determined by a framework established almost a century ago, despite Greece's accession to a host of international human rights treaties and its obligations as a member of the European Union. In this context, Greek authorities must take immediate steps to recognize the Turkish minority in Western Thrace and remove all barriers to the full enjoyment of their rights.

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