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CONSEJO DE DERECHOS HUMANOS
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Tema 8 de la agenda

**SEGUIMIENTO Y APLICACIÓN DE LA DECLARACIÓN
Y PROGRAMA DE ACCIÓN DE VIENA**

**Respuesta del Gobierno de Grecia a la declaración formulada por escrito por
la Federación Europea de Turcos de Tracia Occidental***

Ginebra, 17 de marzo de 2009

La Misión Permanente de Grecia ante la Oficina de las Naciones Unidas en Ginebra y otras organizaciones internacionales con sede en Suiza saluda atentamente a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos y tiene el honor de transmitir adjunta la respuesta del Gobierno de Grecia a la declaración formulada por escrito por la Federación Europea de Turcos de Tracia Occidental, organización no gubernamental reconocida como entidad de carácter consultivo especial, distribuida con la signatura A/HRC/10/NGO/24, de fecha 23 de febrero de 2009 y presentada al Consejo de Derechos Humanos en su décimo período de sesiones, en relación con el tema 8 de la agenda: "Seguimiento y aplicación de la Declaración y Programa de Acción de Viena".

La Misión Permanente de Grecia pide a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos que tenga a bien distribuir el texto adjunto como documento oficial del décimo período de sesiones del Consejo de Derechos Humanos, en relación con el tema 8 de la agenda.

La Misión Permanente de Grecia ante la Oficina de las Naciones Unidas en Ginebra y otras organizaciones internacionales con sede en Suiza aprovecha la oportunidad para reiterar a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos las seguridades de su consideración más distinguida.

* Se reproduce en el anexo como se presentó y en el idioma original únicamente.

Annex

MUSLIM MINORITY IN THRACE

A. The status of the Muslim minority in Thrace was established and has, ever since, been governed by the 1923 Lausanne International Treaty.

In general terms, based on the principle of equality before the law and of civil rights, as well as in the framework of the rule of law, guaranteed by the Greek Constitution, the members of the Muslim minority enjoy the same rights and obligations as any other Greek citizen, irrespective of his or her religious beliefs.

Moreover, several specific measures have been taken by Greece in order to enhance the said minority's rights, in accordance with the U.N. human rights Covenants, as well as the European Convention of Human Rights and the very values of the European Union.

B. The religious (Muslim) character of the minority unambiguously derives from both article 45 of the Peace Treaty of Lausanne of 1923 and Article 2 of the Convention on the Exchange of Greek and Turkish populations of 30 January, 1923.

More specifically, Article 45 of the Lausanne Peace Treaty stipulates that "the rights conferred by the provisions of the present section (II) on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory". Likewise, Article 2 of the Lausanne Convention on the Exchange of Greek and Turkish populations and in respect of the obligations undertaken by Turkey and Greece refers to a "Greek minority" and to a "Moslem minority", respectively.

The Muslim minority in Thrace consists of three distinct groups, whose members are of Turkish, Pomak or Roma origin. Each of these groups has its own distinct spoken language and cultural traditions. The cultural heritage of all segments of the minority is fully respected. However, any attempt to identify the entire Muslim community in Thrace as Turkish is unacceptable not only for political reasons, but also because it does not reflect the actual composition of the Muslim minority, in accordance with objective criteria. Likewise, any effort by members of the Turkish-origin component of the Muslim minority in Thrace to impose their own cultural characteristics and traditions on the other two components of the minority (Pomaks and Roma) is against the contemporary human rights standards in the field of minority protection.

C. The provisions of the Treaty of Athens of 1913, which provided reciprocal and extensive minority rights for over 2 million Ottoman Greek Orthodox and approximately 650,000 Muslims of Greece, which did not embrace at that time the region of Thrace, have been superseded by the subsequent provisions of the Lausanne Peace Treaty of 1923 (Section II). The latter regulates the protection of minorities in Turkey and in Greece, without any reference to the Treaty of Athens, or to the election of Muslim religious leaders by popular vote.

In fact, the Treaty of Lausanne, following the exchange of Greek and Turkish populations, establishes a comprehensive legal framework for the protection of minorities in Turkey and in Greece, based on the principle of equal treatment of the minority and the majority population.

Article 40 of the Treaty of Lausanne is misquoted and misrepresented in the text of the NGO "Federation of Western Thrace Turks in Europe", since this article addresses the Turkish undertaking to safeguard non-Muslim minority religious and communal rights in Turkey, an undertaking infringed repeatedly, and culminating in the closure of the sole Greek Orthodox seminary in Turkey, the Theological School of Chalki (Heybeliada) in 1971.

The Muftis in Thrace have never been elected and Law 2345/1920 (enacted provisionally on the expectation of the entry into force of the Treaty of Sevres), to which misleadingly refers the above written statement, was never applied and long fallen in disuse. This law was formally repealed in 1991 when Law 1920/1991 was enacted, regulating the status of Muftis.

Thus, the Muftis of Thrace are appointed on the basis of transparent procedures similar to those applied all over the world, including Turkey, since Holy Islamic Law does not foresee popular elections for Muslim religious leaders. The appointment of Muftis takes place with the participation of prominent Muslim personalities. This procedure is necessary, since the Muftis enjoy judicial authority in matters of family and inheritance law. It should be stressed that while Muftis in Greece were always appointed according to the above procedure, in the past few years certain individuals within the minority have organized "elections" for Muftis, in violation of the relevant Greek law, with the participation of only a part of the minority and with the exclusion of women, in defiance of modern human rights standards.

The decision of the European Court of Human Rights does not impose on Greek authorities the obligation to recognize the so-called "elected" Muftis. The Court did not examine the issue of the appointment of Muftis; it has only found that the conviction of the applicants by the Greek courts for having usurped the office of the Minister of a known religion were not in conformity with the ECHR.

D. In the spirit of equal rights and equal opportunities (isopoliteia) pursued by the Greek state, Muslim spiritual elders, like their Christian religious counterparts, have now access, if they choose so, to a state salary, as well as health and retirement benefits. The provisions of Law 3536/2007 extend this benefit to the preachers and teachers of the Holy Koran (ierodidaskaloi) and not necessarily to the imams (Muslim clerics) who in any case are chosen and employed by their parishioners. It goes without saying that imams too can opt to benefit from the provisions Law 3536/2007 since they are preachers and teachers of the Holy Koran. Therefore, the term of "appointed" imams, used in the text, is a shrewd distortion of the letter and the spirit of the above law which has been enacted in the framework of offering equal access to state benefits to both Christian and Muslim taxpayers. It is strongly believed that because of the benefits of the Law 3536/2007, the preachers and teachers of the Holy Koran will be in a better position to contribute more efficiently to the spiritual needs of their communities.

The selection process of the preachers and teachers of the Holy Koran is deliberately presented in a distorted way since the Muftis and Muslim boards of examiners select the competent candidates. The candidates submit their applications to the official Muftis of their

regions and Muslim theologians process the applications and judge on the competence of the candidate preachers and teachers of the Holy Koran. The Christian committee mentioned has the sole responsibility of seeing whether the chosen candidates fulfil certain formal requirements (absence of a criminal record, military service, certificate of primary school), a standard procedure for all state hiring. The contracts of employment are signed by the Muftis and the preachers themselves, individually, and the salaries are paid through the office of the Muftis.

It is clearly untenable and self-contradictory to argue that the state's concern for the welfare of Muslim spiritual elders constitutes "a clear violation of the freedom of religion and conscience of the Western Thrace Turkish Minority". The extension of some financial and social benefit opportunities to a certain group of Greek citizens, who choose to opt for them, is in keeping with the spirit and practice of a modern state and only offend those circles that encourage introversion and isolation of the Muslim minority of Thrace.

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