

**Генеральная Ассамблея**

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Совет по правам человека**Пятьдесят первая сессия**

12 сентября — 7 октября 2022 года

Пункт 3 повестки дня

**Поощрение и защита всех прав человека,
гражданских, политических, экономических,
социальных и культурных прав,
включая право на развитие**

**Вербальная нота Постоянного представительства Греции
при Отделении Организации Объединенных Наций
в Женеве от 5 октября 2022 года в адрес Управления
Верховного комиссара Организации Объединенных
Наций по правам человека**

Постоянное представительство Греции при Отделении Организации Объединенных Наций и других международных организациях в Женеве настоящим препровождает замечания правительства Греции в отношении письменного заявления, представленного Федерацией турок Западной Фракии в Европе, неправительственной организацией, имеющей специальный консультативный статус (A/HRC/51/NGO/71) (см. приложение).

Постоянное представительство Греции просит Управление Верховного комиссара Организации Объединенных Наций по правам человека распространить настоящую ноту и приложение к ней* в качестве документа Совета по правам человека по пункту 3 повестки дня.

* Воспроизводится в полученном виде только на том языке, на котором оно было представлено.



Annex to the note verbale dated 5 October 2022 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The 1923 Treaty of Lausanne established the status of the Muslim Minority in Thrace, Greece, identifying it on the basis of religion, without reference to their ethnic origin (Turkish, Pomak and Roma). The provisions of the Treaty of Lausanne are clear and cannot be changed or distorted.

Understandably, Greece attaches great importance to implementing coherent and effective policies that guarantee, *inter alia*, equality before the law, respect for human rights and religious freedoms, and equality of opportunities for all its citizens, including the members of the Muslim Minority in Thrace.

Indicatively, the measures adopted by the State aim at promoting and safeguarding the cultural identity of minority persons, as well as facilitating their access to employment in the public sector through a 5% quota in the relevant State exams. Additionally, a 5% quota in favor of the members of the Muslim Minority in Thrace has long been introduced for their admission to State Universities.

Further to this, additional steps have been initiated to enable minority members, especially women and young persons, to benefit from nationwide projects on issues of gender equality, the combat against racism and xenophobia, access to employment and inter-cultural dialogue. Thus, it is a demonstrable fact that persons belonging to the Muslim Minority actively participate in all aspects of everyday public, civil and political life both at a regional as well as at a national level.

The latest development and most illustrative example of advantageous policies to the benefit of the Muslim Minority is the new law upgrading and modernising the Muftiates in Thrace (Law No. 4964/2022).

This law is the product of a long preparatory work and elaborate consultations with the Muslim Minority. It is a law fully consistent with the national legal framework and case law, as well as Greece's international obligations defined by the applicable Treaty of Lausanne (1923), the ECHR, and the case law of the ECtHR.

Among the many issues it resolved, the law clearly outlines for the first time the Muftis' twofold competence: a religious official charged also with judicial powers. These competences derive from the optional application of the Holy Islamic law on family status or inheritance issues of minority members, with the Muftis' related decisions being subsequently ratified by the competent civil courts.

In these circumstances, and in accordance with the constitutionally prescribed separation of powers, the Mufti cannot and should not be directly elected. Considering the aforesaid cases prescribed in the Greek legal order as per which the Holy Islamic law is applicable, unlike the case in other EU Member-States, it becomes evident that the State's responsibility as to the selection of Muftis carries significant weight. In fact, except for the final administrative act regarding the appointment of the Mufti by Presidential Decree (as is the case with the Greek-Orthodox Metropolitans in Greece), the process has now become an internal matter of the Muslim Minority without any state involvement. Besides, the new law's innovations favour the widest possible acceptance of the Mufti as a prestigious actor allowing him to maintain close ties with the citizens he is assigned to serve.

In this respect, the role of the quantitatively and qualitatively enlarged Advisory Committee envisaged in the law, is of paramount importance. Specifically, as per the new legislation, the Committee members are recruited exclusively from the Muslim Minority, while a special percentage for the participation of imams is also foreseen. More importantly, regarding the composition of the Committee, the principle of the highest possible female participation rate applies; this groundbreaking policy by Greece regarding the promotion of gender equality in the selection process of a Muslim religious leader deserves praise.

The new law secures the Muftiates' economic independence, while simultaneously facilitating the overall work of Muftiates and Muftis, further broadening the impact of their work among the locals and boosting their image and prestige both at the local, as well as regional and nationwide levels.

The abovementioned arguments are corroborated by the long-time elected minority Member of the Parliament, Mr Ilhan Ahmet, whose speech in favour of the draft law delivered at the Greek Parliament is conveniently ignored by ABTTF, while the critical remarks of the minority MP, Mr Huseyin Zeybek, are diligently showcased.

Under these circumstances, it is all the more striking that ABTTF attempts to refute the positive impact of the regulations enacted with the new law for the benefit of the Muslim Minority. This justifiably raises the question whether the said NGO is indeed aware of issues related to the Minority and has the Minority's best interests at heart as they claim to, or it is just a puppet GONGO, whose strings are pulled by its caretakers.

On another note, ABTTF's constant references to the Treaty of Lausanne do not go unnoticed. Speaking of Lausanne, it should be recalled that the same clauses for the protection of the rights the Muslim Minority in Thrace apply to the Greek Minority in Turkey as well.

However, while the Muslim Minority in Thrace still numbers about 120.000 members, the Greek Minority in Turkey, numbering at the time of the signing of Lausanne more than 120.000 members, comprises of less than 3.000 members. And we never heard the ABTTF complaining about the shrinking of the Greek minority. No wonder why.

And a final remark; the recent EU Statement at the High-level meeting of the 77th session of the UN General Assembly to mark the commemoration of the thirtieth anniversary of the adoption of the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (21.9.2022) eloquently puts it: "*the EU deeply regrets past discriminatory policies implemented by Turkey, which resulted in the Greek Minority currently being on the verge of extinction*"; the Statement speaks for itself.

Likewise, numbers speak their own relentless and unforgiving truth and constitute the best evidence that Greece, by implementing the letter and the spirit of the Treaty of Lausanne, as well as the legal framework regarding human rights protection that has been instituted so far, follows a policy which promotes the prosperity of the Minority and the peaceful co-existence in Thrace between the Minority and the majority.

Geneva, 6 October 2022