

The Muslim/Turkish minority of Western
Thrace:

The case of the Turkish Union of Xanthi

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(Batı Trakya'da Müslüman/Türk Azınlık:
İskeçe'deki Türk Birliđi)

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Özet

Türkçe:

Türk İşkeçe Birliği' nin durumunu analiz etmek için seçtiğim bu tezde, belli bir sırayla Yunan Ulusal Devleti' nin , Batı Trakya' daki Müslüman-Türk azınlıklara nasıl davrandığını açığa çıkardım. Lozan Antlaşması' nın öncesinden günümüze kadar olan süreçte Yunan Devleti' nin Batı Trakya Türk-Müslüman azınlıklarına karşı uyguladığı değişik politikaları anlatmaya çalıştım.

Azınlıkların bu değişiklikler karşısında verdikleri tepkileri ve Yunanlıların bu bölgede olan korkularını açıkladım. Avrupa İnsan Hakları Mahkemesi' nin Türk İşkeçe Birliğine ilişkin kararı ve Yunan toplumunun tepkileri yine burada yer almaktadır. Son olarak azınlıklar hakkında bazı güncel uzman raporları da teze eklenmiştir.

İngilizce:

In this thesis I choose to analyze the case of the Turkish Union of Xanthi in order to make clear how through one case of an association the Greek state treats the Muslim/Turkish minority of Western Thrace. I tried to describe the periods before Lausanne Treaty until nowadays and the policy changes that Greek state implemented in the Muslim/Turkish minority of Western Thrace.

I have explained the way that the minority reacted in each change but also the fears that the Greeks have for this region. There is also the decision of the European Court of Human Rights concerning the Turkish Union of Xanthi and reactions from the Greek society. Finally some recent expert reports about the minority are included.

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Introduction

The purpose of this thesis is not to provide another reason of dispute between Greece and Turkey. Through this paper I will try to discover and examine how through one case (Turkish Union of Xanthi), Greek society faces the Turkish/Muslim minority of Western Thrace. Step by step I will try to show why this case was not resolved there. I will try to analyze why Greek state and this association defected from cooperation and the underlying reasons behind this.

The aim of this thesis is to proceed through analyzing the Greek behavior/policy towards this association from the beginning of its existence (1927) until today. Questions like “were there any changes in the Greek policy towards the minority that affected also this Union?” will be also answered. I will explore the actors that played a significant role in policy change of the Greek state towards the Turkish Union of Xanthi. I choose this specific Union because its history and marathon keeps over 25 years and a final solution-recognition from the Greek state still did not come. My purpose is to show through this case the reasons why Greece does not accept the existence of a Turkish minority that lives in Western Thrace and insists on the idea of a “Muslim” minority. Is it a case of a denial of the Greek state and community against the identification of the minority? I will try to analyze the Greek point of view regarding this issue.

In the first part of this thesis I will highlight the background of the Turkish/Muslim minority. I will start with the Lausanne Treaty, under which conditions had been signed and the obligations that the Greek and Turkish

state accepted followed by the residence of the minorities in Istanbul and Western Thrace. At the end of this chapter I will also try to highlight the reasons that were behind this population exchange.

The second chapter narrates in general the story of the Thracian minority after the signing of Lausanne treaty, while I emphasize in some outstanding events. It starts with a definition of the term minority in order to understand this concept and a short background of the Western Thracian minority. I will continue with the first establishment of the Turkish Union of Xanthi. The purpose, the activities and the first members of the Union will be mentioned. Also it will be examined the changes of the Greek minority policy through the Union until today. I will present these changes and make an effort to explain these changes through Greek sources. The minority's protest will be analyzed and the cases of Sadik Ahmet and Ibrahim Serif. The main discrimination policies against the minority will be highlighted and the beneficial effects of the Mitsotakis government.

The third chapter of the paper will focus on the Greek fears concerning the minority. According to Greek authors like Georgiou, there is a Thracian issue and the Greek fear is valid and that is how they explain their behavior towards the minority and specifically towards the Union. I will try to present and analyze these fears and how Greeks try to prove and support their point. In their opinion there are some steps that Turkey took in order to achieve her goals and the minority is used just as an instrument. In this chapter I will try to analyze the steps and the means that according to Greeks are followed and what is the final purpose of Turkey for Thrace. Do these fears make any sense or are just Greek prejudices because of the past of these two

countries? Some of these parts are creations of Turkish consciousness, Turkification of the two other ethnic groups (Pomaks and Gypsies) of the minority, creation of a minority issue, the role of the Turkish consulate and so on.

In the last chapter of this thesis I will try to present an alternative view of this issue which is not widely shared in Greece. In contrast to the previous chapters, I will explore and provide another point of the view that is supported by some Greek associations. According to them the policy of the Greek state towards the minority causes all these problems and this is what should be changed. These people insist that the only way that the future of this region will be changed is the policy change of the Greek state. Criticisms to Greek court decisions are also included to clarify this position. Moreover I will highlight the decision of the European Court of Human Rights and the justification of the Union after all these years.

Finally, there will also be a part in the same chapter where I will try to show the international point of view. What has been written and supported by whom concerning this issue except Turks or Greeks. Moreover there will be a small part that will focus on the position of the Greek press, government and political parties regarding this issue. Do they share all the same beliefs?

In the conclusions chapter I will try to compare the results that I have gathered through this paper. I will make an effort to compare the case of the Greek fears in the region and the case of a denial of the Turkish identity. Can these two elements be compared? What are the marks that the Greek side has a point and what are the Turkish ones? And finally in this case a golden mean can be reached?

The sources I used are primarily Greek books, articles and newspapers that focus on this issue. The reason why I used mainly Greek bibliography is that I tried to focus and present the Greek point of view regarding this issue. Secondly, I used international and Turkish books and articles as well. Documentaries and magazines from the library of the union also had their part in the sources. Field work and personal interviews with the members of the union and members from the Thracian minority are also included.

Chapter 1

Historical Background of the Minority

1.1 Greek Asia Minor Campaign-“Megali Idea” (Great Idea)

Venizelos the Cretan politician had this plan or vision called the Great Idea in his mind for many years. In 1919 with the support of the Western powers and specially the British (was Venizelos’ “favorite country”) it was about time to put it into practice. Thus, with the help of the British who had promised Greece territorial and financial gains from the Ottoman Empire, he started this campaign, which would lead to a bitter end for the Greeks. The British offered Greece the whole of European Turkey including Istanbul¹. Hence, Venizelos vision of a Greece extending over two continents and five seas seemed easier now. “Megali idea” or “Great idea”, which in his mind meant the restoration of the Byzantine Empire, would be applicable now. His ultimate vision for the unification of Hellenism could now start.

Venizelos’ popularity being at its zenith following the Greek army’s big successes (he had lead Greece to victory in the Balkan wars), for many people was the most talented and able leader who could lead Greece to a victory at this time². He was the man who with the help of the Western powers would restore to Greece the glory and the power that had been hers in

¹ H.Nicolson, Peacemaking, 1919, London 1964, p. 322. On Curzons determination to eject the Turks from Europe,

² Bruce Clark, Twice a stranger, the mass expulsions that forged modern Greece and Turkey, chapter 2, p. 43.

Byzantium. That is how the Greeks were thinking when they started the Asia Minor campaign...

1.2 1919-1922

After the end of World War I, the Western Powers and specially the British supported the Greek ambitions about Asia Minor. With the treaty of Sevres in August 1920 the Greeks gained administrative power of lots of Anatolian regions like Izmir and Eastern Thrace³. Hence, the dream of “Megali Idea” was about to be fulfilled. Unfortunately Greece at that time could not imagine that she was a puppet in a larger game and the support of these ambitions had something to do with the other Allies’ behind the scenes ambitions. These “agreements“, although signed by the Sultan’s representatives, were not recognized by the new political forces of Turkey that were about to come into power.

Thus, the Greek army had to proceed with its campaign. In the spring of 1919, and specifically in May, the Greek army landed in Smyrna and occupied the surrounding region. Greek nationalists celebrated their “victory”, but prematurely. The political scene rapidly changed. Venizelos, who had made these “agreements”, lost the elections⁴ and his downfall provided the opportunity for the withdrawal of Allied support and help which in any case was diplomatic and depending on the temporary conditions⁵. However,

³ Erik J. Zürcher , Turkey . A. Modern History, Greek edition , p.207

⁴ Erik J. Zürcher , Turkey . A. Modern History, Greek edition , p.215

despite these facts the Greek army continued its military campaign in Anatolia. The Greek army during this military campaign burned several medium sized towns and committed atrocities which left the survivors homeless and hungry⁶.

1.3 Turkish War of Independence

As mentioned above, the political situation in Turkey was about to change. There was a dispute between civil and military power. Mustafa Kemal, organized a revolution against the Sultan and became the leader of the new national movement in Turkey. He decided to handle it personally and took full control of the situation. Firstly they moved the Parliament from Istanbul to Ankara (because of the allied occupation in March 1920), where he could manage things in a better and familiar way. From Ankara, where the Allied army did not occupy, he could play one's card well. So, he started to reorganize his forces in Anatolia and the retaliation of the Turkish army was about to start. Putting his plans into practice he defeated the Greek army and forced it to retreat in total disorder in the summer of 1922⁷.

The Allies changed their policies and Greece was in the middle of the battle with no essential help or support from her 'allies'. The Greek army started to lose the battles one after the other. This exposed the Christian

⁵ Erik J. Zürcher , Turkey . A. Modern History, Greek edition, p.216-7, Renee Hirschon , "Unmixing Peoples" in the Aegean Region , the background to Lausanne, p.5

⁶ Renee Hirschon , ' Unmixing Peoples' in the Aegean Region , the background to Lausanne, p.4-5

⁷ Renee Hirschon , ' Unmixing Peoples' in the Aegean Region , the background to Lausanne, p.5

population of Anatolia to the victorious Turkish army which followed the atrocities committed earlier by the advancing Greek army. The situation got worse with the destruction by fire of the important port of Smyrna/Izmir, in September 1922.

1.4 Before Lausanne Treaty

In the autumn of 1922, after Turkey's victory over Greece the concept of a compulsory, massive population exchange between Greece and Turkey had become really popular among politicians⁸.

This was not the first time that this concept had been introduced. Both on the Greek and Turkish sides this idea was already mature. The first movements of Turkey towards this plan began in March 1922. Yusuf Kemal bey arranged some meetings with French and British representatives in order to talk about Turkey's future and also to introduce them this plan, the compulsory exchange of populations. By doing this they would be protected from each other and the peace in the two regions would be ensured. Moreover to be persuasive he gave as an example the treaty between the Entente, Greece and Bulgaria, which also was about a population exchange, though not compulsory⁹. In addition to this he talked about a treaty which was about to be signed between Galip Kemali and Venizelos after the Balkan wars

⁸ Bruce Clark , *Twice a stranger* , the mass expulsions that forged modern Greece and Turkey, chapter 2, p. 42

⁹ Aktar, *Greek-Turkish population exchange* , the first year of population exchange, Greek edition , p.112-116

and also concerned a population exchange between the Rums of Izmir and Muslims of Thessaloniki. That plan failed because of WW1¹⁰.

Thus, it is obvious that some discussions about a population exchange had taken place and both sides were aware of it. After the destruction of the Greek army the Mudros¹¹ armistice was signed on 11 October 1922. That time during some discussions between Fethi Bey and French and American representatives, the former highlighted that after this war it would be implausible for the Rums and Armenians of Istanbul to live peacefully with the Turks. The Turkish national assembly and government agreed and found the population exchange to be the only solution to the minorities' problem. The Greek side was also familiar with this concept as mentioned (Galip – Venizelos oral agreement), even before the Turkish one¹².

1.5 The Contribution of Fridtjof Nansen

According to Turkish claims the first who introduced this concept, the compulsory population exchange, were the Greek diplomats¹³. More particularly Venizelos was the one who was accused for promoting this

¹⁰ Aktar , 2000: 26-32

¹¹ see Mudros armistice

¹² Aktar, Greek-Turkish population exchange , the first year of population exchange, Greek edition, p.116-120

¹³ Bruce Clark , Twice a stranger , the mass expulsions that forged modern Greece and Turkey, chapter 2, p. 43

concept since 1914¹⁴. The truth is that the first person who thought and supported this plan was Fridtjof Nansen. He answered that he was also following orders from the high commissioners of the four powers Britain, France, Italy and Japan. Let us look at who Nansen was and how the population exchange arose.

Nansen was the person entrusted by the world community to deal with the refugees problems that occurred after the WW1. After a successful career in diplomacy and lots of experience in humanitarian affairs he was well qualified to be a middle man between the two sides of the Aegean¹⁵. As I mentioned in the previous part, the same concept of population exchange was familiar to both sides (Venizelos-Galip in 1914) but it did not take place because of WW1. After the Turkish victory in September 1922 the flow of refugees to Greece had caused a political chaos and a humanitarian nightmare.

Nansen with the agreement of the Great powers set himself in charge in order to help these people and find a solution. According to him the only solution that would ensure peace in the region was the population exchange. So immediately he put his plan in practice and started negotiations with both countries in order to assure them that this was the only solution that could be achieved. He arranged many meetings with both sides and after persuading them he was ready to create an agreement. Protests and complaints by the

¹⁴ Aktar, Greek-Turkish population exchange , the first year of population exchange, Greek edition, p.116-127

¹⁵ Bruce Clark , Twice a stranger , the mass expulsions that forged modern Greece and Turkey, chapter 2, p. 43-45

people who were about to be affected by this agreement were not enough to stop him or to hinder his plans.

This solution according to Nansen and the Greek government was the only way in which the homogenization of the countries could be applied and peace would be ensured. Thus, after the unanimous agreement from both sides concerning the idea of the population exchange, the next step that they would take was the preparation of the agreement. One month before the opening procedures of the conference, whereas Nansen was claiming that the 'obligatory or-not' character of the convention would be decided during the conference, he was already preparing the treaty¹⁶. So, who was the real actor of the population exchange? According to American diplomat Raymond Hare "Venizelos can be considered "the father" of the exchange, while Drr Nansen was the one who managed to carry it out.

1.6 Lausanne Treaty/Negotiations

a) Rums of Istanbul/Muslims of Western Thrace

The peace conference at Lausanne opened on 20 November 1922¹⁷. Venizelos was the main negotiator for Greece and Ismet İnönü for

¹⁶ Aktar, Greek-Turkish population exchange , the first year of population exchange, Greek edition, p.132-137

¹⁷ for more details about Lausanne treaty, R.H.Davison << the Turkish diplomacy from Mudros to Lausanne>> , in the diplomats, G.A.graig and F.Gilbert (eds), Princeton 1953, pp.277-292 soyel, op. cit. 190-226

Turkey¹⁸. One of the main concerns of the Greek side was the future of the Constantinopolitan Greeks. Venizelos was opposed to the departure of Rums from Istanbul because this would have terrible consequences for Greece, where the massive influx of refugees had already caused an uncontrolled situation. İnönü supported the necessity not only of the expulsion of Greek Rums, but also of the exception from the exchange of the Muslims who lived in Greek Thrace. On 13 September İnönü, facing the opposition of almost all participants, had to deal with it and accept the principle to allow Rum Greeks and Thracian Turks to remain *in situ*. İnönü did not manage to get rid of Rum Greeks and had now to find at least some ways to limit their number.

In order to achieve this, he put into practice the following exceptions and conditions:

a) The removal from Constantinople of all Greeks who are not Turkish subjects.

b) The removal from Constantinople of all Greeks who are Turkish subjects but not natives of Constantinople.

c) The removal from Constantinople of all societies or associations which had adopted an attitude hostile to Turkey during the last three years.

d) The exemption in favor of the Greeks of Constantinople to apply only to the Greek inhabitants of Pera, Stanbul, Scoutari.

¹⁸ Bruce Clark , Twice a stranger , the mass expulsions that forged modern Greece and Turkey, chapter 2, p. 42-43

e) The removal from Constantinople of the Ecumenical patriarchate with all its organization and constituent bodies.¹⁹

The results of these measures were the decrease of the Rum population from over 300.000 in 1922 to about 100.000 in 1927²⁰.

b) Ecumenical Patriarchate

One other important element that had to be resolved was the removal or not of the Ecumenical Patriarchate from Istanbul. The Turkish government put forward the secular character of the new Turkish state and underlined that its transfer from Istanbul was necessary. The rights that had been recognized during the Ottoman Empire would not have validity anymore. Moreover the political privileges of the Patriarchate and the organizations that depended on it would not be in effect. The Greek state refuted these claims by saying that the recognition and the reason that these rights existed had only arisen from the difference of the two religions. The Greek government was determined to “win this fight” without caring how or with what consequences. They had already lost territorial fights but at least they would do anything to keep their Ecumenical Patriarchate at the place where it had always been. After months of negotiations finally a solution was found. The Patriarchate would not be removed from Istanbul but it was necessary to

¹⁹ Alexis Alexandris, the Greek minority of Istanbul and the Greek-Turkish relations 1918-1974, the Lausanne negotiations and the future of the Greeks in Istanbul, p83-87

²⁰ Alexis Alexandris, the Greek minority of Istanbul and the Greek-Turkish relations 1918-1974, the Lausanne negotiations and the future of the Greeks in Istanbul, p83-87.

accept some restrictions on its non ecclesiastical privileges. Moreover it would be also shorn of all political rights that the Patriarchate used to have.²¹

c) Protection of the two minorities

The Next important subject that had to be addressed was the protection of the two minorities. Venizelos and İnönü signed a population exchange convention which concerned the following persons according to article 2:

The following persons shall not be included in the exchange provided for in article 1:

The Greek inhabitants of Constantinople.

The Moslem inhabitants of Western Thrace.

All Greeks who were already established before October 1918, within the areas under the prefecture of the city of Constantinople, as defined by the law of 1912, shall be considered as Greek inhabitants of Constantinople. All Moslems established in the region to the east of the frontier line laid down in 1913 by the treaty of Bucharest shall be considered as Moslem inhabitants of Western Thrace”²²

Moreover according to article 16

²¹ Alexis Alexandris, the Greek minority of Istanbul and the Greek-Turkish relations 1918-1974, the question of the Patriarchate at Lausanne, p. 87-95

²² Alexis Alexandris, the Greek minority of Istanbul and the Greek-Turkish relations 1918-1974, the question of the Patriarchate at Lausanne, p. 87-95

“... No obstacle shall be placed in the way of the inhabitants of the districts exempted from the exchange under article 2 exercising freely the right to remain or return to those districts and to enjoy to the full their liberties and rights properly in Turkey and in Greece”²³

Both the Greek and Turkish states also decided to agree on the following rights concerning the two minorities:

Equality without any discrimination (art. 38 par.1)

Freedom of worship (38 par. 2)

Freedom to exercise civil and political rights (art. 39 par. 3)

Right to enjoy matters of personal and family character according to the traditions of the minority (art. 42 par. 1)

The state shall not impose restrictions to the religion, the media, private use or public meetings (39 par. 4)

The Greek language could be taught as a language subject in public minority schools (art. 41 par. 1)

Right to use their own language in the courts oral proceedings
(art. 39 par.5)

Right to found private educational, pious and religious institutions with free use of their language (art. 40)

State's obligation to grant public minority schools, pious or religious institutions (art. 41)

State's obligation to non- perform of acts contrary to Muslims' religious beliefs or customs (art. 43 par 1)

²³ LCTS, pp.175-85

Government's obligation to provide support to any religious foundation (art.42 par.3).

d) Military Service

The first proposal concerning this subject came from Curzon when he proposed to both the Turkish and Greek governments that the Christians of Turkey and Muslims of Thrace should have the right to be exempted from military service on the condition that they pay a reasonable tax- which was what was happening until then. The Turkish side vetoed this. According to them all Turkish citizens were equal against the law, regardless of religion, and such an exemption would create a special class, which would be unfair to the rest of the population. But in contrast to these claims, Ankara had already passed a law in February 1922 exempting non-Muslims from military service upon payment of a tax.

After negotiations a compromise was reached a few days later in favor of Turkey. The omission of the article about military service would be exchanged with the amnesty clauses. A diplomatic victory for the Turkish side was achieved. In that way it would be easy now for Turkey to get rid of way many Rum Greeks that had been exempted from the exchange of populations²⁴.

²⁴ Alexis Alexandris, the Greek minority of Istanbul and the Greek-Turkish relations 1918-1974, the question of the military service and Amnesty, p.98-101

e) Amnesty

Article 1 of the Amnesty declaration underlines the following:

“no person who inhabits or who had inhabited Turkey, and reciprocally no person who inhabits or had inhabited Greece, shall be disturbed or molested in Turkey and reciprocally in Greece, under any pretext whatsoever, on account of any military or political action taken by him, or of any assistance of any kind given by him to a foreign power signatory of the treaty of peace signed this day, or to the nationals of such power, between 1st August 1914 and 20th November 1922”²⁵

During the critical period of 1922 a lot of Greeks and Armenians left Turkey. In their effort to leave as soon as possible from the country because of the dire situation, they used traveling documents of Allied countries. Turkish authorities made things more difficult for them. After the end of the hostilities they wanted to get back to their homes. Authorities denied these people entry to the country. According to a recent decree passed by Ankara the people who had left Turkey without a Turkish passport could not return. Venizelos and Montagna underlined articles 2 and 16 of the exchange convention. The Allies pressed Turkey to address this issue. After another long debate the Turkish side declared that peaceful citizens without a political record would be allowed to return to the country. Another issue that arose and ended in a Turkish victory was the expulsion of Turkish citizens who had served in the

²⁵ LCTS., p. 111-114

British occupation army. As a result of this 1500 Greeks and 500 Armenians with their dependants were expelled²⁶ .

1.7 The Signing of the Lausanne Treaty

After almost one year of negotiations between the states involved, the Lausanne Treaty was finally signed. Thus, on July 24, 1923 the parties had reached an understanding and the only thing that was left was to sign the documents. The British Empire, France, Italy, Japan, Greece, Romania, and the Serb-Croat-Slovene state on one side and Turkey on the other. At a glance, the Lausanne treaty contained the following:

141 articles.

The peace convention

The convention stipulating the exchange of the entire (Greek) Orthodox population of Turkey with the (Turkish) Muslim population of Greece, with the exemption of the Orthodox who had been living in Istanbul for more than 3 years, and those living in Imbros and Tenedos on one hand and the Muslims who had been living in Western Thrace since 1913 on the other hand.

The Convention of the Straits.

As we can see the main criterion for this exchange was religion²⁷ .

²⁶ Alexandris, p. 101-2

Alexis Alexandris, the Greek minority of Istanbul and the Greek-Turkish relations 1918-1974, the question of the military service and Amnesty, p.101-102

²⁷ See Lausanne treaty

1.8 Reasons behind the Population Exchange

According to the negotiators of the Lausanne Treaty this population exchange was a necessity and the only action that could ensure peace in the Aegean and the end of the conflict between the two countries²⁸. This was the apparent reason for the exchange, and from that point of view this treaty was successful. But there are also some other, less obvious goals that would be fulfilled through this convention. One should not forget that at that time the creation and formation of modern nation states was taking place.

Concerning Turkey, minorities had always been a problem and a reason for the Great Powers to intervene in her domestic affairs. The protection of the minorities was used as an excuse, but in essence they were promoting their own interests. Hence, it was a great opportunity for Turkey to stop the intervention by getting rid of the minorities. Moreover, as mentioned before, this was the time when nation states were formed. Both Greece and Turkey followed this route. By signing this treaty they would be able to finally get rid of their minorities and have an ethnically homogenous population. As A.A. Pallis, a Greek member of the refugee settlement committee said:

“Greece has been rendered racially more homogenous by the exchange. Its minority population now amounts to only six percent of the total population as opposed to 20 percent in 1920”²⁹.

Similarly, Keinder states that whereas before the First World War one out of every five persons (20 %) living in present day Turkey was non Muslim,

²⁸ Renee Hirschon , ‘ Unmixing Peoples’ in the Aegean Region ,assessments of Lausanne, p.9

²⁹ Hare 1930:94

after the war only one out of forty persons (2, 5 %) was non Muslim. Thus, from this point of view the population exchange was successful for both countries³⁰.

³⁰ Ayhan Aktar , homogenizing the nation , Turkifying the economy, introduction p. 80-82

Chapter 2

After Lausanne Treaty

2.1 Definition of 'Minority'

In this point I think it will be useful to define what a minority is in order to understand the case of the Thracian minority better. Thus, according to Capotorti a minority is:

“A group numerically inferior to the rest of population of the state , in a non dominant position, whose members – being national of the state – possess ethnic, religious or linguistic characteristics differing from those of the rest of population and show , if only implicitly , a sense of solidarity , directed towards preserving their culture , traditions , religion or language.”³¹

The elements that this definition contains are both objective (ethnic, religious, linguistic characteristics) and subjective (sense of solidarity towards preserving these characteristics). Thus a minority can be a religious minority, an ethnic minority, a linguistic or sometimes a combination of these elements (linguistic, religious and ethnic minority), such as Muslims/Turks of Western Thrace.

But the most important thing in defining a minority is the sense of solidarity that they have and share. Depending on some characteristics such as these that were mentioned before, they define themselves different from

³¹ Capotorti, F., 1991, *Study of the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*, New York, United Nations, p. 92

the rest of population of the place that they live and this feeling strengthen their sense that they belong in a “special” group that differs from the others.

2.2 The Turkish/Muslim Minority of Western Thrace

The Western Thracian Minority did not have the power to assert itself so it was dependent on the development of the Greek-Turkish relations. After the Lausanne Treaty and the settlement policies that Greece implemented the number of Greeks in Western Thrace increased to 189.000 which constituted 62.1% of the total population in the area. Those settlement policies changed the balance between the two populations in favor of Greeks.³² (These days Muslim/Turk population of Western Thrace is close to 112.000 people. The demographic composition of the minority population is as follow:

Muslim Roma	18.000
Pomaks	38.000
Turks	56.000 ³³)

³² Baskin Oran, op.cit., 1991,p.81

³³ Antoniou, Dimitriou A.(2003) , Muslim immigrants in Greece: Religious organization and local responses, immigrants and minorities, vol. 22,no2 & 3, pp.155-174

2.3 The dispute between the Muslim/conservatives and the Turks

In the next years a problem arose between the two countries, but it was mainly inside of the borders of the minority. This was the dispute between the traditional Muslims/Conservative leaders of the Thracian minority on one side and the modernist Turks on the other. Conservative Muslims based their strength on the conservative/Muslim character of the minority. After the collapse of the Ottoman Empire and the establishment of the new Turkish Republic, these people left Turkey as political refugees and moved to other countries like Greece, Britain, and Bulgaria etc. They are also known as “Yüz Ellilikler” (the hundred and fifty).³⁴

According to M. Panagiotidis 11 of them settled in Western Thrace.³⁵ Osman Nuri, a Kemalist politician states about these people that they were afraid to return to Turkey because during the liberation war they had committed crimes in their country. Moreover he accused them as “traitors” claiming that between 1923 and 1933 they deliberately broke the morale of the minority.³⁶

The leader of the Conservative/ Muslims was Mustafa Sabri, who was the last Şeyhülislam of Istanbul. That group promoted the application of the Islamic Law (Şeriat) and refused the adoption and use of the Latin

³⁴ İlhami Soysal, 150'likler, kimdiler, ne yaptılar, ne oldular? (Istanbul 1988), p.54 quoted in Simeon Soltaridis, Η ιστορία των Μουφτείων της Δυτικής Θράκης (the history of the Muftis of Western Thrace) (Athens: Nea Synora, 1997), p. 197

³⁵ M.Panagiotidis, Μουσουλμανική Μειονότητα και εθνική συνείδηση (The Muslim minority and the ethnic consciousness),(Alexandroupoli, Ekdosi : Topiki Enosi Dimon ke kinotiton N. Evrou,1995),p. 150

³⁶ Trakya,771/13.07.1959

alphabet. Moreover, Friday was their holiday instead of Sunday and they were against the rejection of the traditional way of dressing.³⁷

The first Kemalist members were originally concentrated in Xanthi and had their education from Edirne. Their target was to implement the Kemalist reforms in Western Thrace, and to spread the Kemalist ideas among the minority. The Turkish consulate in Komotini was providing them with support and all sorts of help. Their movement was also supported by the consulate. That means that Turkey was behind them and organized all their steps. In contrast to their active support of this group, the Turkish state was against the conservative/Muslim group and wanted them out of Greece where they would not have any influence on their plans for the minority.³⁸

According to Georgiou that was the first step that Turkey took in order to achieve their more clandestine goals. The conservative party should be removed in order that the minority would build up with a Turkish consciousness. Then the Turkification of the Pomaks would take place. After these targets had been achieved, the minority as one group would complain to international associations for their bad treatment from the Greek state. The final step according to the same author would be similar to the Cyprus case.³⁹

³⁷ Fotini Asimakopoulou, “ Η Μουσουλμανική Μειονότητα της Θράκης “ in F. Asimakopoulou and Sevasti Christidou-Lionaraki, eds. “ Η Μουσουλμανική Μειονότητα της Θράκης και οι Ελληνοτουρκικές σχέσεις” (The Muslim Minority of Thrace and the Greek-Turkish Relations) (Athens, Livani, 2002) p. 245

³⁸ K.A. Tsioumis, Η Μουσουλμανική μειονότητα της Δυτικής Θράκης και οι Ελληνοτουρκικές σχέσεις (1923-1940), Thessaloniki: Aristotelio Panepistimio , pedagogiki sholi tmima nipiagogon 1994), also quoted in V. Aarbakke 2000,p.64

³⁹ Β. Γεωργίου “ Η σκιά της Άγκυρας πάνω στην Ελληνική Θράκη”, η ιστορική και πολιτική πραγματικότητα, εκδόσεις Ρήγα, σελ. 168-170.(Ankara’s shadow over the Greek Thrace, historical and political reality, p. 168-170)

But we will come back to these Greek fears in the next chapters where we will analyze them extensively.

The most important figures among the Kemalists were Mehmet Hilmi and Osman Nuri. Mehmet Hilmi was very active in pursuit of his targets. He published his first newspaper “Yeni Ziya” (which was also the minoritys’ first newspaper) while in 1927 he founded the first Turkish association of Western Thrace under the title “İşkeçe Türk Gençler Yurdu” (Xanthi’s Turkish Youth Association), which was later to be known as the Turkish Union of Xanthi, and he organized the recruitment of members for another association in Komotini called “Turkish Youth Union”. These first associations were based on the organization of the “Turkish Hearths” (Türk Ocakları) and they were the main actors in the spread of Turkish nationalism in Western Thrace.⁴⁰

Both Nuri and Hilmi were part of the founding group of the Turkish Union of Xanthi. Nuri was also one of the first chairmen of the association.⁴¹ According to Tsioumis the goal of the Turkish Youth Union of Xanthi was to spread Kemalism in Western Thrace and to undermine the power of the state with the support of the Turkish consulate in Komotini.⁴²

In 1931 Venizelos met İnönü in Athens. At that time the Greek state had problems with the appearance of Papaefthim (who claimed to be the leader of the Turkish Orthodox Patriarchate of Istanbul), while Turkey desired the removal of the conservative /Muslims of Western Thrace out of Greece. After some negotiations the deal was arranged. Greece would remove the

⁴⁰ Tsioumis 1994, p. 185

⁴¹ İşkeçe Türk Birliği, Τουρκική Ένωση Ξάνθης 1927-2007, 80. Yıl etkinlikleri

⁴² Tsioumis 1994, p.251-252

conservative Muslims from Thrace whereas Turkey would stop the action of Papaefthim.⁴³ Thus, the transformation from a Muslim minority to a Turkish one had just begun.⁴⁴

2.4 Turkish Union of Xanthi 1927-1983

As mentioned in the previous chapter, the Turkish Youth Union was first established in 1927 by Osman Nuri and Mehmet Hilmi. According to the members' accounts and official documents of the association, the Union was established in order to preserve and promote Turkish culture in Western Thrace. The creation of friendship and solidarity between the members was also one of the main targets. In 1936 the association had changed its name to "Turkish Union of Xanthi".

Until 1970 the association was functioning without causing any troubles or facing any accusations from the Greek part. All this changed in the 1970's, during the military Junta which started in 1967. The Greek state adopted a more nationalist policy and their attitude towards Turkish associations changed. They decided that the signs of institutions that used the Turkish language should be removed and replaced by Greek. At this point I think it is worth mentioning that during those years non-minority Greeks were also members

⁴³ Divani, L. Ελλάδα και Μειονότητες. Το σύστημα Διεθνής προστασίας της κοινότητας των Εθνών (Greece and Minorities: the system of International protection of the League of Nations), Athens: Nefeli, 1995 p. 189

⁴⁴ Tsioumis 1994, p.69

of the Union.⁴⁵ In spite of the collapse of the dictatorship in 1974, the Turkish signs were not returned even after the acceptance of Greece in the European Union in 1981.

In the end of 1983 a request was made by the prefectures of Rhodopi and Xanthi for the dissolution of the Union. According to the Greek state there were not any illegal actions on the part of the Union but they were afraid that the Turkish names of the unions would cause troubles and cause disruption of public peace following the invasion of Cyprus. They could not implement this earlier because they were trying to show a more liberal profile to the European Union. Moreover as we mentioned in the previous chapters, the years before Bulgaria and the Communist danger was there. After the overcome of this difficulty and the invasion of Cyprus they could “support” a movement like this.

In 2005 the deputy with the party of New Democracy and at that time an elected member of the Greek Parliament, Ilhan Ahmet, sent a letter to the Greek prime minister in which he stated some facts about the union and expressed complaints as one of the elected representatives of the Thracian minority. According to this letter the association had been operating for 56 years (1927-1983) without giving any handle for accusations or causing any kind of problem to the Greek authorities and legislation. Mr. Ahmet argued that the main activities of the union were cultural events and sports. The Members of the union were organizing folklore dancing events, exhibitions, music events, participating in local soccer leagues etc. He claimed that in

⁴⁵ Yeorgi Konstantin, Spiros Yanakopoulos and Mihail Penoglou. In the period 1970-1 Hristos Tsagalidis was a player of the football team of the union. Available at “ History of Western Thrace Turkish Civil societies -1 : Xanthi Turkish Union 1927-2003, also İskeçe Türk Birliği (Τουρκική Ένωση Ξάνθης 1927-2007, 80.Υιλ etkinlikleri)

1983 after the declaration of the state “Turkish Republic of Northern Cyprus”, Greece was afraid that the functioning of Turkish associations in Western Thrace would harm the public order of the region. Thus, the Greek government adopted a series of measures against the minority, including the dissolution of the associations of the minority that use the words “Turk” or “Turkish” in their title. Mr. Ahmet as a member of this minority argued that once again it’s the minority that will pay the price for the Greek-Turkish relations and the Cyprus issue.⁴⁶

2.5 The Minorities’ Protest

In 1986 two other Turkish associations also applied to the court of Appeals of Thrace. The Union of Turkish Teachers of Western Thrace and the Union of Turkish Youth of Komotini were dealing with the same problems as the Turkish Union of Xanthi. The only difference between the two cases was that whereas the trials of the Turkish Union of Xanthi continued until 2005 the other two unions battle ended earlier.

In 1987, Areo Pagus (The Greek high court) confirmed the decision by the court of appeals of Thrace for the dissolution of the associations. As will be seen again in the next chapter, the Greek court came up with a familiar explanation for their decision. “The word Turkish refers to citizens of Turkey and could not be used to describe citizens of Greece. The use of the word

⁴⁶ İlhan Ahmet: open letter to the prime Minister for the dissolution of the Turkish associations, available at <http://groups.yahoo.com/group/greekkhr/message/4857>(anoikti epistoli ston prothypourgo gia ti dialysi Tourkikon somation),also İskeçe Türk Birliği (Τουρκική Ένωση Ξάνθης 1927-2007, 80.Yıl etkinlikleri)

“Turkish” also endangered the public order”. We will see later that this comes in contrast with some decisions in 1954 that the Greek administrator of Thrace sent to the mayors. Those decisions ordered the replacement of the term Muslim by the term Turkish. After the publication of the court’s decision against the two Associations, the Thracian minority highly criticized it and decided to move collectively to a protest in January 1988.

The choice of this date was not a random coincidence. The Greek and Turkish prime ministers were set to meet in Davos for the first time after 40 years. Of course according to Baskin Oran the reason for this protest was primarily the decision of the court and the denial of their ethnic identity but the Thracian minority was also trying to draw the attention of the Turkish government. The Turkish foreign policy makers at that time were too busy with issues like Cyprus and the Aegean. Thus, the members of the minority considered themselves neglected by the political agenda of Turkey which supposed to bet their kin state. With this protest they wanted to make their presence visible and draw the attention first from Greece for the solution of this problem but also from Turkey. It was the first time until then that the Turkish/Muslim minority was taking part in something collectively. People from the three ethnic groups that constituted the minority (Turks, Pomaks and Gypsies) were there. Another important fact that should be mentioned is the entry of the minority women in this marathon. Until then their presence in this kind of battles were no existent.⁴⁷ I believe that with this way all the minority as a total were trying to be heard from all the international communities about their ethnic identity, religion and the conditions under which they were living

⁴⁷ Dis politikası cit. 2 (İstanbul: iletişim yayınları, 2001) p.117

until then. It was a collective try to draw the attention of the media of Turkey, Greece and International as a massive minority cry against the denial of their ethnic identity.

2.6 The Cases of Sadik Ahmet and Ibrahim Serif

Sadik Ahmet and Ibrahim Serif as independent candidates were elected members of the Greek parliament in 1989.⁴⁸ Nowadays that would be almost impossible since following those elections the Greek state changed the Greek electoral law, introducing a 3% threshold of the total votes for the acceptance of a political party into the Greek parliament. Thus, it is extremely difficult, if not impossible, for an independent minority candidate from Western Thrace to gather the roughly 200.000 votes needed, even if he gets the total majority of the region.

Within less than a year, a second election would be held. During their political campaign Mr. Ahmet and Mr. Serif distributed leaflets in which they called their minority voters “Turks”. After the elections both of them were lead to a trial for violation of article 192 of the penal code.⁴⁹ They were also accused of disturbing the public peace. After the end of the trial, around 5.000 minority people greeted Mr. Ahmet to show him their support in his declaration of “Turkishness” .

⁴⁸ Soltaridis,op.cit.1990, p.79

⁴⁹ Article 192 states that one who incites others to acts of violence or to disturbing the peace and harmony among them should be punished with imprisonment of no less than two years.

By doing this, the Thracian minority was trying to promote to the media that those two people were not the only Turks in the Western Thrace. Thousand of people had the same believes and ethnic identity and their presence there was exactly for this reason. While leaving the courtroom Mr Ahmet stated: “I am being taken into prison just because I am a Turk. If being Turk is a crime, I repeat here that I am a Turk and I will remain so. My message to the minority is that they should not forget that they are Turks”>>. ⁵⁰

Ahmet and Serif had been given the choice either to pay fines or go to jail. They were sent for sixty- for days in prison in Thessaloniki and their final imprisonment decision was eighteen months. They tried an appeal court which released them from the imprisonment but they had to pay fines in order this to apply, \$2.800 Mr Ahmet and \$1.875 Mr Serif. After Ahmet’s appeal to the European Commission of Human Rights in 1995 the Commission reached the decision that Greece had violated his right of free expression and forwarded his case to the European Court of Human Rights, where the case was dismissed. ⁵¹

2.7 1990’s: The Pogrom Against the minority

Only two days after Ahmet and Serif’s trial something unexpected happened in the Thracian town of Komotini. Minority members were to celebrate the anniversary of the 29 January 1988 protest by organizing a

⁵⁰ Whitman, op.cit.1990,p.18

⁵¹ Yanna Kurtovik “Δικαιοσύνη και μειονότητες” (Justice and minorities) in K.Tsitselikis and D. Hristopoulos ed., Το μειονοτικό φαινόμενο στην Ελλάδα. Μια συμβολή των κοινωνικών επιστημών. (The minority phenomenon in Greece. A contribution of the social sciences). Athens: Kritiki, 1997,p.261)

religious ceremony in Eski Camii of Komotini with no intention to cause any troubles or break the public order. That day and before the ceremony some Greek groups gathered in the streets of the town and after beating every Muslim without a reason they decided to move against minority members' property. They destroyed almost every shop by breaking everything that could be broken and every office that belonged to minority members. Greek shops were not even touched whereas all Muslim shops were destroyed. Its worth to be mentioned, that the Greek magazine "Sholiastis" in its article "Hellenizm" wrote about these events that "the Greek shops were labeled as the Nazis labeled the shops belonging to the Jews. The difference was that in Western Thrace the labeled shops represented the ones that should not be damaged".⁵² The result was that more than 30 people from the minority were injured. Oran classified these events as a "mini Greek 6-7 September".⁵³

2.8 Discrimination policies against the minority

After the pogrom against the minority and the trials of Ahmet and Serif, the Western Thracian issue started to draw the attention of international associations concerning the discriminatory policy and the patterns that the Greek state implemented in order to have a partiality for the Greek population of the area. Foreign associations and European countries started to press Greece for the abolishment of these measures and the reconsideration of the

⁵² Σχολιαστής, Ελληνισμός. Sholiastis magazine, "Hellenism"

⁵³ Baskin Oran, Yunanistan'ın Lozan ihlalleri(Ankara: SAEMK,1999). p. 27

case in general. Greece was a European country at this time and this policy involved also the European Union as a participant in this game. After the constant cautions from the other European countries Greek politicians started to realize the increasing tension of the area and the urge of the implementation of a different policy towards the minority. The leaders of the Greek political parties decided to meet and find a solution in this case. After this meeting of the leaders of the political parties in Greece(PASOK, NEA DIMOKRATIA, SYNASPISMOS etc), an official change in the policy towards the minority started to be considered.

Before the 1990's the Turkish/Muslim minority was facing a number of discriminations such as difficulties in obtaining licenses and permits. Until those days members from the minority were permitted to obtain licenses in order to use tractors. The majority of the minority had to obtain a tractor license for their agricultural work in order not to break the law. Because of this law almost the total of the minority used their tractor without license and the result was either to be sentenced by the police or have to pay fines. Besides this difficulty Muslim people encountered problems with permits in order to repair or build a new house. This fact was open to be seen from anyone just for a small comparison between the houses of Greeks and Muslims. As a result Muslim people started to invent in Turkey as it was allowed. Another policy of the Greek state to force the Muslims to leave Western Thrace was the expropriation of lands. Big acres of land were expatriated for the establishment of institutions or industrial areas. Its has to be noted that only some of this land had been converted into an industrial area while the land that had been expatriated for the establishment of the Dimokritos University

was four times bigger than the land that was needed in the University of Thessaloniki. All these expatriated lands belonged to the Muslims and were high-fertile farmlands. Violations of property rights were also observed. While the ratio of land ownership was 80% in favor of Muslims in the 1920's it has been shortened to 20% in the beginning of the 1990's. The main two reasons were the reallocation of the Greeks that came from the population exchange and the difficulties in repairing the old houses or acquiring new ones.

Restrictions on freedom of expression and press also occurred during the Colonels period. Turkish newspapers printed in Turkey were not allowed to be sold in Western Thrace while Turkish televisions and radios were also banned. Despite the fact that has been told that after these years the Muslim press of Western Thrace enjoyed conditions of complete freedom of expression, there are few examples of owners of Muslim newspapers that have been punished by the Greek authorities because they criticized some policies of the Greek state or use some banned terms like the Turkish names of some cities of Thrace.

The Surveillance zone is one of the toughest discriminatory policies that Greece implemented during the Colonels Period but as we will see it is still on. Some will easily recall that historic moment when the Greek minister of defense those days, Mr Gerasimos Arsenis decided by repealing the so "called" bar that separates the mountainous region of Thrace on the border with Bulgaria to the rest of Greece.⁵⁴ Metaxas, the Greek dictator, in order to protect Greece from the spread of Communism from Bulgaria, all northern regions which were bordering with Bulgaria were declared as the

⁵⁴ <http://www.greekhelsinki.gr/dikaiomatika/06/stiles/aytodikaiws/02.htm>

supervised/restricted zone. All the roads that connected the military zones with the rest of Greece were blocked by military checkpoints. Everyone who needed to enter or leave from this area had to hold a special identity. Even for people who lived in this area was forbidden to travel more than 30 kilometers when their homes are taken as the center. People who needed to enter this region had to get a special permission while no one was allowed to enter or leave from 00:00 a.m. until 5 a.m.⁵⁵

Oran states that within the surveillance zone were 69 villages in the Xanthi Prefecture with 5000 Muslim families, in the Komotini 49 villages with 1900 families and in the Evros 7 villages.⁵⁶ It is clear that this measure was about the Turkish/Muslim population of Western Thrace. One recent event, however, seems to show that the bar still exists, even if not visible now. Four Turkish journalists came to Greece on July 15 in order to make a documentary for the Greek people, the Greek refugees of 1923 and the members of the minority. This documentary would have a political connotation and focus on lifestyles of the Greeks. The journalists had endeavoured to obtain permission from the Ministry of Press in order to make the documentary and take some photos. While they were approaching Echinós, a village close to Xanthi, a police officer stopped the vehicle and soon arrived an another vehicle with political signs that followed them. Although the journalists showed their cards and especially the permission they had received from the Ministry of Press, the police told them that the license was not sufficient and that they should expect the arrival of a senior police officer. When he arrived he examined the passports of the journalists and without any

⁵⁵ Ortan, 22 December 1992

⁵⁶ Oran, op.cit., 1991,p.20

substantive reason he started to act aggressively. The case has not ended there. The Turkish journalists were arrested and they have been asked the purpose that they were there. They responded that they were there in order to make a documentary and had permission from the Ministry of Press. Police officers said once that this area had been a surveillance zone and had to obtain another license to be able to visit the area. The reporter retorted that such limitations had not been imposed when he had gone to Kosovo in wartime! The police officers told that in order to allow them to make a film in the restricted area they must obtain permission from the General Staff in Athens and at least 3 days were required for its adoption. Realizing that the whole affair was not the purpose of filming documentaries and perseverance will not lead anywhere, the Turkish journalist said that will leave Greece.⁵⁷

Discrimination in public employment is another issue that keeps the minority out of the public life of the community. In 1990's report, Human Rights Watch states that in the Komotini Nomark's office are 300 employees and in Xanthi 1000 employees that are working as civil servant. No one of these is Muslim/Turk.⁵⁸ But according to the Article 39 of the Lausanne Treaty⁵⁹

...differences of religion, creed or confession shall not prejudice any Greek national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employment, functions and honors, or to exercise of professions and industries.

⁵⁷ <http://www.greekhelsinki.gr/dikaionatika/06/stiles/aytodikaiws/02.htm>

⁵⁸ Whitman, op.cit., 1990, p.38

⁵⁹ Lausanne Treaty, see Appendix 2

The Greek state argues that the Turkish/Muslim people are not able to work in the public sector because the lack of the Greek language. Their Greek is too poor so they could not communicate in the level that a civil servant should do daily. Moreover they claim that the education level of the minority is too low, thus the non- existence of the Muslim/Turks in the public sector seems reasonable.

2.9 The Mitsotakis Government and Beneficial Effects on the Minority

After a while New Democracy won the elections and Mitsotakis as the new prime minister made a visit to Western Thrace on 13-14 may 1991 during which he introduced the new minority policy of the Greek state.⁶⁰ While in the region he admitted the wrong policy that the Greek state had implemented towards the minority and promised new developments and investments for the region.

Two new policies had been introduced:

Isonomia (equality before the law)

Isopolitia (equality in civil rights)

Mitsotakis stated that these principles would protect the minority against any kind of discriminatory policies but he also asked of them to fulfill

⁶⁰ Bati Trakya'nın sesi June 1991, vol. 31 ,p3-5

their responsibilities as Greek citizens towards the Greek administration. The introduction of these two policies is generally considered a turning point in the history of the Western Thracian Minority.⁶¹

Finally, I think it's worth mentioning the role of the European Union which had a great success in the transformation of the Greek policy towards the minority was significant. There are some examples of decisions that this transformation has brought.

From 1996 a 0.5 percent quota was created in order to provide jobs for the minority in civil service and also a positive discrimination for the minority students who wanted to enter Greek universities.

Greek government announced that all back taxes that the Turkish community owed on charitable foundations would be erased which practically means that they will forgive 6.000 millions euros worth of back taxes. In other words Muslim minority will not have to pay back some older taxes to the Greek state.⁶²

Between 1997 and 2004 an EU funded program against social exclusion was established in the space of minority education. The aim was to affect the minority education in a positive way as whole.⁶³

⁶¹ Παρατηρητής της Θράκης(Thracian newspaper “paratiritis”) 15 May 1991

⁶² <http://www.dailyestimate.com/article.asp?id=7981>

⁶³ The journal of Turkish weekly opinion , Greece : Turks of Western Thrace still ‘desperate’, interview with Hulya Emin, \ <http://www.turkishweekly.net/interview.php?id=230>, 2) Dragona Thalia & Anna Fragoudaki(2006), educating the Muslim Minority in Western Thrace, Islam and Christian relations , vol.17, no.1, pp.21-24

Chapter 3

Greek Fears of Turkification of Thrace

Greek courts have not recognized the Turkish Union after all these years and I dare say it wouldn't be recognized in the foreseeable future. The reason for this is not that Greek courts bear a grudge against the specific association or that it has performed any illegal actions. The truth is that the Turkish Union of Xanthi has never committed any crimes or faced any kind of accusations from the Greek state except for the vague and dubiously supported ones brought against it at the aforementioned trials. Thus, it is not the actions of the association that make Greek justice reach this kind of decisions. They are the result of the Greek states minority policy, the pressure of public opinion and mainly the fear of a "second Cyprus" in Western Thrace. I think that the same think would apply to any association like the cases of the other two unions in 1980's.

It is a widely held opinion among Greek authors, state officials and the general public, that this association is part of a plan orchestrated by Ankara. This plan is assumed to have several phases. In this view, the Muslim minority of Thrace has been part of the Turkish plot from the very beginning, and every move made in the region, either by the minority or the Turkish state has been aimed at achieving Turkey's ultimate goal, which is the Turkification and annexation of Western Thrace Here it is worth quoting a text from Gonatas and Kidoniatis book in which Ataturk more or less sums up Greece's

fears concerning the region of Western Thrace, the minority there and the targets of Turkey.

“In the negotiations that will take place with the foreigners concerning the future of Western Thrace we should not base our actions in a hurry. Our main target in Western Thrace is firstly for it to remain in Turkish hands and when the chance presents itself to have it united with the motherland (Turkey). We can not accept the loss of this Turkish territory. Our Western Thracian brothers are the first who should fight in order to keep their independence and the autonomy of Western Thrace”.⁶⁴

In this chapter I will try to explain the Greek point of view, analyzing one by one the perceived targets of Turkey in Western Thrace and the part played by the Muslim/Turkish minority of the region in the achievement of these targets.

3.1 National Pact or National Oath (Misak-ı Milli) and its meaning

Before the transfer of the parliament from Istanbul to Ankara six important decisions have been made from the last Ottoman Parliament which they are known as National pact or National Oath (Misak-ı Milli). Decisions taken by this parliament were used as the basis for the new Turkish Republic's claims in the Treaty of Lausanne . Except this the most important fact concerning the National Pact was its meaning and its importance

⁶⁴ Quoted in Neofytos Gonatas and Paraskvas Kydoniatis ,I Mousoulmaniki Meionotita tis Thrakis, Komotini 1985, “ The Muslim Minority of Western Thrace”. Originally taken from a speech where Ataturk states that Turkish territorial targets include the area until Nestos river(kara-Su)

concerning some territories. It included the integrity of all territories inhabited by “an Ottoman Islamic majority” and it was about to determine the future of this territories whose status was in doubt (Western Thrace, Kars, Ardahan and Batum in the Caucasus and areas with Arab majorities). Recognition and full independence were implemented.⁶⁵

These days (June 2009), a map which shows these intentions came in publicity. This map presents the areas which soon will be part of Turkey. The areas which are included are Rodos, Thessaloniki, Thrace, Cyprus, some areas of South Iraq, Syria, Azerbaijan, Georgia and Bulgaria.⁶⁶ This map was sent to Kurdish deputies under the title “We may come someday without Warning”. In the map is also included the following message<< we will not forget our ethnic borders, we will not allow it! >>⁶⁷

3.2 The importance of the Removal of the Muslim/conservatives

As explained in previous chapters, after the Lausanne Treaty and the establishment of the Turkish Republic, a dispute within the minority in Western Thrace ensued. One faction was the Modernist/Turkist, whose main target was the diffusion of Kemalism within the minority; on the other side were the Conservative/Islamist, who was opposed to these new ideas. According to Georgiou, at that time Venizelos made one of his biggest

⁶⁵ Ishaw, Stanford J. and Shaw, Ezel Kural, “History of the Ottoman Empire and Modern Turkey”, vol. 2: Reform, Revolution and Republic: The Rise of modern Turkey, 1808-1975. Cambridge, UK. and New York : Cambridge University Press, 1977

⁶⁶ See the map as appendix 3

⁶⁷ Εφημερίδα ‘Πολίτης’, κωδικός άρθρου: 877442
Πολίτης -12/06/2009, σελίδα 6, Κωνσταντινούπολη, Άννα Ανδρέου
-Newspaper “Politis”, article code: 877442, -Politis-12/06/2009, page 6, Istanbul, Anna Andreou.
For the map see appendix 3

mistakes. At a meeting with İnönü in Athens, the Turkish side asked him to remove the Conservative/Islamist from Western Thrace and in exchange the Turkish side would remove Papaefthim. Despite the fact that the Greek diplomats in Turkey advised him of the contrary, Venizelos accepted the deal. Moreover, not only did Turkey not remove Papaefthim as agreed, but continued to recognize him as leader of the Turkish Orthodox of Turkey. Up to this point the Thracian minority constituted a Muslim minority. After the removal of the Conservatives, the Modernist/Turkist were left uncontested and were free to shape the cultural-social identity and consciousness of the Thracian minority. The Turkification of the minority had begun.⁶⁸

3.3 Turkification of Pomaks and forging of a single, Turkish identity

After the removal of the Conservatives the Turkification of the Pomaks⁶⁹ seemed easier, since the Pomaks had always been closer to Islam

⁶⁸ Tsioumis 1994, p.69

⁶⁹ << Pomaks, along with Turks and Muslim Roma living in Thrace, are officially recognized as a religious Muslim minority, in accordance with the Treaty of Lausanne (1923) and formally enjoy the corresponding rights, though they have been treated as Turkish and not Pomak speakers by the authorities. So, there is no teaching of their language, despite the Treaty of Lausanne's guarantee of education in the Muslims' own language; this deficiency is admitted even by the official Greek authorities (COMS, 1994). Likewise, there is no teaching in Pomak, but it is sometimes used by

and the minority's religious leaders. With the religious vanguard out of the way, the Kemalists could approach the Pomaks more easily. Thus, during the years that followed the Kemalists concentrated their activities in this direction. Despite the fact that the minority consisted of three different groups (Turks, Pomaks, Roma), the Turks trying to promote Kemalism and the Turkification of the minority had a great success in one field. Through a number of agreements they succeeded in having Turkish recognized as the official language of the minority. In other words education within the minority would be in Turkish, even for Pomaks and Roma, whose mother tongues are totally different. And this education would not only include the Turkish language, but also history, culture and ultimately Turkish consciousness. Thus, their aims were successful. Of course the Turkish consulate in Komotini was always there to provide its help and support in every step of this assimilation process⁷⁰. Now that the Turkification of the minority had been achieved the next target was possible.

teachers to explain some things orally to kindergarten and primary school pupils. If required, Pomak may be used in courts and interpreters will be provided, as this is guaranteed by the Treaty of Lausanne: nevertheless, Pomaks use Turkish in such occasions>>. Available at <http://www.greekhelsinki.gr/english/reports/pomaks.html>

⁷⁰ Georgiou 1991,p. 174

3.4 Internationalization of the “Thracian issue”

Now that (according to the Turks) the minority had been homogenized under a single ethnic identity, they could promote their targets more easily and expect a greater international response. The Turkish consulate and the intelligentsia of the minority formed associations for Western Thracian Turks in Europe and mostly in Germany. The ambition of these associations was to internationally promote the existence of a minority issue in Western Thrace. A huge network of associations was organized.

Taking things a step further, they even started taking advantage of their religion. Islam, which they had until then vigorously opposed, became a powerful weapon in their hands. The editor of “Gercek” wrote in 25 April 1984 that he personally visited Muslim countries, like Indonesia, Iraq, Iran, Egypt and others, and presented his case about the mistreatment of the Turkish minority and the pressures that Greeks applied on the local Muslim population. There are cases of the Mufti (A jurist who interprets Muslim religious law) of Thrace taking part in Muslim conferences where he asked for help in order to “protect their fellow Muslims” from the Greek state. The magazine “Cihat” that is published by the Libyan association “Invitation to Islam” mentioned the Thracian Muslims and the pressures against them from the Greek state.⁷¹

In Western Germany in 26 April 1984, seven Western Thracian unions gave an interview where they underlined the inappropriate treatment of the minority by the Greek government. Thus, after the unification of the minority

⁷¹ N. Gonatas, P. Kydoniatis, 1985, p. 65

into one Turkish group, the internationalization of the “Thracian issue” and its promotion to foreign organizations could now proceed.⁷² According to Georgiou, the final step before Ankara could reach its ultimate goal (in other words the establishment of a Turkish state within the Greek borders in the area of Western Thrace) was to convince the international community that Greece is oppressing the Thracian minority. He states two reasons why Turkey so strongly desires the internationalization of the “non- existent Thracian issue”.

They could use the Thracian minority in order to draw international attention away from more important issues. For example they use the minority and its mistreatment by the Greek state every time that the Kurdish issue escalates. Thus, if the international opinion is focusing on the Muslim minority and its oppression by Greece, the field for Turkey is open to act accordingly in her own issues. The attention will be turned to other “important issues”, so Turkey will be free to act any way she sees fit, without pressures or recommendations by foreign states concerning her domestic affairs.

They take advantage of the minority as a lever for the promotion of other targets concerning Greek-Turkish relations. The control and the use of this strategically placed minority could make Greece very vulnerable in other Greek-Turkish issues such as the Aegean disputes etc.

The last stage of Ankara’s plan is related to the Cyprus one. After so many years of living under Greek oppression, the Muslims of Western Thrace would ask for the help of their Turkish brethren in order to gain their freedom, like in the case of Cyprus. The Turkish state would take pity on the minority

⁷² N. Gonatas, P. Kydoniatis, 1985, p. 65

and a second “intervention” would take place. This time will apply in Western Thrace but for exactly the same reasons as the Cyprus one.⁷³

Greek Press and Media also contribute to the preservation of these impressions. There is no point in quoting all the related articles that have been published. I will mention three in order to present the general attitude of the press and show the part that press and media play in shaping public opinion on the Thracian minority issue. On May 2008, the foreign minister of Turkey, Ali Babacan, made a 10-hour visit to Western Thrace and Komotini in particular, in order to examine the situation of the local Muslim minority. The Greek Newspaper “Makedonia” has an article concerning Mr Babacan’s visit. The title of this article was “What exactly did Babacan do in Thrace”? Here is the summary of the article:

“During his 10-hour long visit to Komotini, Mr Babacan stated many times that there is a Turkish minority issue in Thrace. Moreover, when addressing the minority members he used the terms “our Turkish brothers” and “omoethnis” or “Soydaş” (people of the same nation). Even in his speech to the 13 year-old children of the minority he argued that these children should not be ashamed of their ethnic identity, which is Turkish, and that they should fight in order to promote their rights and interests.

Mr. Babacan was accompanied by the religious leaders of the minority. The interesting thing is that the religious leaders that were with him were not the ones elected by the Greek state, but those who are elected by the minority (Muslim community wants to select by their own Muftis. Greek state does not accept it and they appoint them. As a result in Muslim community there is a

⁷³ Georgiou, 1991, p. 171-172

mufti appointed by the state and a Mufti elected from the minority. Legal power resides with the appointed Mufti from the Greek state). Another Turkish attempt to make clear to Greece that they ignore their policy and will act as they choose.

But his visit and the things he said raised many reactions from parts of the minority. Mr. Tahir Kode, taking his cue from Babacan's visit, stated that the Muslim minority does not consist of only Turkish people. It also includes Pomaks and Roma. "Especially in the region of Xanthi where I live, the number of Muslim Turks is really low in comparison to the Pomaks. Thank God we are Muslims but this doesn't mean that we are also Turks! On the contrary, our country is Greece and we are happy to be part of the European family". He continued by saying that he found Babacan's speech extremely provocative and made it clear that the Greek state and its constitution provides the same rights to Muslim Greeks as to Christians" >>. ⁷⁴

The newspaper "To Paron tis Kyriakis" takes a tougher stance concerning Turkey's ambitions in the area. In its article entitled "The covert Aims of Turkey in Thrace" it analyzes the intense and easily noticeable Turkish activity in the area. Thracian Muslim deputies have meetings with politicians in Ankara, who reciprocate with visits to Western Thrace. The number of Turkish associations keeps growing while recently a Turkish bank was established. This bank will provide low-interest loans to Muslims. The Turkish consulate plays its own part in all this as well. Responding to a question concerning the government's reaction to all this activity, a Greek government spokesperson told the newspaper that the situation is being

⁷⁴ Newspaper "Macedonia", 29 May 2008, article by Maria Nikolaou

monitored carefully. The author of the article criticizes the government's position by saying that this is Greece's customary course of action. He also compares the situation in Western Thrace to the one in Kosovo. First the creation of a Thracian issue like in Kosovo and then the intervention in order to save the Muslim people. According to the author, Western Thrace is the first target- the next one being the annexation of North Bulgaria with its one million Muslims. The article finishes with the assertion that things are getting worse for Greece by the day, and that the urge for an immediate reaction is bigger now than ever⁷⁵.

The last article that I will quote is from the newspaper "Eleftheros Typos", under the title "Turkey intensifies her flirt with Western Thrace". According to this article, the construction of new Muslim mosques (Camii) is a common occurrence in the Thracian region. Apparently it happens so often that sometimes you wonder in which country you are. Muslim celebrations are also very common, but always with the discreet presence of the Turkish consulate.⁷⁶ The author states that in this kind of celebrations you come across children reciting poems whose content is quite inappropriate for their age, containing verses like << "we will behead those who stand in the way to Turkism">>. Furthermore, the author comprehensively analyzes Turkey's tactics and states that this sort of pressure policy has always been a standard feature of Turkish foreign policy and is likely to remain so in the future.

⁷⁵ Newspaper "To Paron tis Kyriakis", an article by Leonidas Grigorakos, 25. 01. 2009, available at http://www.paron.gr/v3/article_print.pht?id=372848&colid=&ctid=42...

⁷⁶ Newspaper " Eleftheros Typos", Enteinetai to Thrakiko flert tis Agyras', 10 May 2008.

It is easy to see that Greek press and media play an important role in shaping the national public opinion towards the Thracian minority. Greek press, media, public opinion, past experiences and history are the main elements that make Greeks act like they do. In the following paragraphs I will try to describe the “main” fears of Greece and the continuous refusal of the use of the term “Turkish”.

Gonatas and Kydoniatis tend to draw a parallel between the movement for the recognition of the existence of a Turkish minority in Western Thrace and the Cyprus case. The Turkish aim is to confuse the international public opinion and prepare an invasion of Thrace, similar to the Cyprus one. Their alibi will be the protection of the minority from the “Cruel” Greeks. Moreover the two authors compare the Thracian minority to the Greek one in Istanbul. They argue that if the living conditions in Thrace were as bad as they claim, they would have left- just as the Greek minority left Istanbul when their situation became unbearable.⁷⁷

Regarding this issue, Meinardus states:

“The great majority of Greeks see the minority issue as one of national security mainly ... they fear this area might one day become a second Cyprus, subject to invasion, and possible annexation, by Turkey”⁷⁸

Mrs. Laganis, a professor of the Law Department in the University of Komotini, stated that the Greeks of Thrace have had very strong feelings due to the Turkish threat. This is because the first thing that springs to their mind when they hear the word “Turk” is what they had suffered through the

⁷⁷ Gonatas, Kydoniatis, 1985, p. 127

⁷⁸ Ronald Meinardus, “ Muslims: Turks, Pomaks and Gypsies” in Richard Clogg, ed, Minorities in Greece (London: Hurst and Company, 2002),p. 81

exchange of populations some years ago. Their aim is just to preserve the status quo in Thrace.⁷⁹

However, if asked about this issue, almost no Greek will give this answer. The most common answer to this question is that the Muslim (because the Lausanne treaty refers to Muslims) minority consists of three groups: Turks, Pomaks and Roma. Turkey has neither the right to categorize and name the minority Turkish, nor to promote Ankara's aims through one group.

3.5 Concerning the Self-identification of the Pomaks and Roma

Another issue is how the Pomaks and Roma identify themselves, and the only way to determine this is to ask them in person, as I did. I started with Roma people this summer (July 2009), and I got around 20 interviews in the Region of Evros in Alexandroupoli in the Avantos Street. They were not sure what to answer, probably because they weren't sure what I was expecting of them. A great number of Roma people live in the region of Evros, and especially on a road called "Avantos" (an area in Alexandroupoli, where they live alongside, but relatively isolated from the local Greeks, and with a decidedly lower living standard). In response to my question concerning their self-identification, most of them (16 out of 20) told me that they are Turks and a small number answered me that they are "Tsigani" (Gipsy, Tsigane).

⁷⁹ Irene Laganis quoted in Turkish Minority in Western Thrace, A Briefing paper of the Commission on security and cooperation in Europe (CSCE), 26 April 1996,p. 18 available at www.csce.gov/briefings

To meet the Pomaks I visited the town of Xanthi. It is really easy to distinguish them because of their different appearance from the other two groups of the minority. Usually they are blonde with white skin and blue eyes. I asked ten people about the way they feel regarding the identity issue. 9 out of 10 answered without thinking that they are Pomaks, completely distinguished from the Turks. The one who didn't give me an answer told me that these things are not to be discussed.⁸⁰

However, apart from these fears and the way that the minority members want to identify themselves, there are two more elements that make the Greek public opinion even more suspicious of the minority. According to the Greek side, the Turkish Consulate in Komotini works hand in hand with the minority press, to promote and diffuse these dangerous ideas among the minority population.

3.6 The role of the Turkish consulate in Western Thrace

According to Georgiou, the history of the Turkish Consulate in Komotini starts in 1930 when the two countries signed the Friendship agreement. Until then it was functioning as a simple Consulate office under the authority of the Turkish Consulate in Thessaloniki. In the 1950's Turkey decided to upgrade it to the General Turkish Consulate of Komotini. The main mission of the Turkish consulate was firstly to ensure good living standards for the minority and secondly the promotion of separationist tensions and

⁸⁰ Personal interviews that I made after the decision of the European court of Human Rights in towns of Alexandroupoli (Evros) and Komotini (Rhodopi)

movement of the minority. As Georgiou states Turkey took advantage of the non-existence of a Greek minority policy and transformed the Consulate into the main agent who would introduce the expansionist policy of Turkey inside the borders of the Greek state. The biggest achievement of the Consulate is considered to be the isolation of the Muslim population from the Greek one. The first visible interference of the consulate became clear in 1984, when they tried meddling in the procedures for the election of the Muftis of Xanthi and Komotini.

The same author stated that the policy that Greece followed towards the Consulate was and too liberal, especially when allowing it to approach the Pomaks. Since then they started to consider Pomaks as part of the Turkish minority. According to Greeks, the Turkish consulate in Komotini receives orders directly from Ankara, concerning which way will handle the minority. What they will be their tactics and what direction should be lead at. Thus the minority without understanding it becomes a tool and a puppet in Ankara's hands through the consulate. It then employs the aid of the minority press in order to have its ideas and targets spread among the minority. Greeks consider the Consulate responsible for the whole identification issue, which started to appear when the Consulate was first established, and when the Greek state removed the conservative Muslims from Thrace, according to Turkey's demands. It was then that the shaping of the ethnic identity of the minority began. Greeks argue that since that day the minority is controlled by the Turkish consul- in other words Turkey. If this policy is not stopped, the Christian and Muslim population of Thrace won't have the chance to act

according to their real beliefs and a reconciliation of the two will be all but impossible.⁸¹

3.7 Minority Press and its Contribution

The minority press in cooperation with the Turkish Consulate in Komotini is the main actors that shape the minority's public opinion. Georgiou states that in Xanthi and Komotini the number of Turkish magazines being published is much higher than the number of Greek magazines- and all this within the Greek borders.⁸²

After the signing of the Lausanne Treaty, the Greek state gave the minority the full right to have their own press. In 1923-25, Mehmet Hilmi, the leader of the Kemalist group and the person who first established the Turkish Union of Xanthi, published the newspaper "Yeni Ziya" and in 1926-1930 the "Yeni Adim". At the same time his political opponent Mustafa Sabri published the newspapers "Yarin" and "Peyan –i Islam". The political dispute between these two groups, Kemalists and Conservatives, also spread to the minority press. The content of the newspapers was related to the group they represented. Kemalist newspapers mainly presented national subjects and were published in the Latin alphabet, whereas the papers supporting the Conservatives were more concerned with religious issues and were published in the Arabic alphabet.⁸³ Tsioumis states that the Kemalist newspapers were

⁸¹ Georgiou, 1991.p. 179-180, 183, 210, 220-225

⁸² Georgiou, 1991, p.266

directed and financially supported by the Turkish consulate, while the Conservatives' ones said to be financed by Greek funds.⁸⁴

Until the 1970's many newspapers were published in Western Thrace. I will mention Trakya, Millet, Hak Yol, Ileri, Akin, Trakya'nin Sesi, Gundem, Balkan, Ortam, Yuvamiz, etc.⁸⁵

Vemund Aarbakke states that the Turcophone press in Western Thrace has been very vocal about the minority's rights. A Greek diplomat argued that the freedom of the minority's press was so great that some newspapers openly became organs of the Turkish consulate, had financial support from it and voiced systematic and ferocious criticism of the Greek authorities and their mistreatment of the minority.⁸⁶

These days also radio stations operate in Thrace- "Isik FM", "Radio City FM", "Joy FM", and "Tele Radio FM", to mention but a few. The municipality of Komotini has also placed a satellite antenna, and it's now possible for the minority to watch Turkish entertainment TV. The interesting thing is that some Turkish channels tried to use this to indicate to the minority the candidates they should vote for in Greek elections of 1990. It's obvious that Turkey sees even this as an opportunity to use the minority in order to get involved in Greece's internal affairs.⁸⁷

⁸³ Georgiou, 1991, p. 178-185

⁸⁴ Tsioumis, 1994, p. 124-126

⁸⁵ Μανώλης Κοττάκης, Θράκη η μειονότητα σήμερα, 2000, σελ. 137-138

⁸⁶ Vemund Aarbakke, The Muslim Minority of Western Thrace, 2000, p. 82

⁸⁷ Μανώλης Κοττάκης, Θράκη η μειονότητα σήμερα, 2000, σελ. 139-139

Chapter 4

Alternative Views of the Issue (International and Greek)

4.1 The Greek side (Before the European High Court Decision)

There is a part of Greek society that holds a totally different point of view from the commonly accepted one. These people belong to Human Rights institutions or minority rights associations and are concerned with the way in which human rights were implemented in the Greek case. Most of them try to promote the change of the Greek policy towards minority groups. Greece has the rights of a European country, and should therefore also fulfill the obligations of a European country towards its citizens. Minority groups should be considered part of Greece and full Greek citizens, and not a foreign body.

According to Hristopoulos the most proper word to describe the minority issue in Greece is the term “unadmitted”. Greek society, governments, politicians, media, and public opinion in general tend to ignore the presence of minorities in Greece. In the case of Western Thrace the only minority they can see is a Muslim minority and not a Turkish one. Concerning the Thracian minority it’s not important what one says about the issue, is better not to say anything at all (so as not to admit the existence of an issue). These are subjects that should not be recognized as issues and should in any case not be discussed. The Thracian minority is one of these topics.

It is really interesting to notice that for both Greece and Turkey minority issues are officially non-existent. And if they are non-existent there is nothing to be discussed, solved or proven. Greek governments try to promote the interests and improve the living conditions of the Greek minority in Turkey by applying policies towards the Turkish minority in Thrace that they would strongly condemn if implemented by the Turkish state towards the Greek minority- and the exact same can be said about Turkey.

After 1923 Greece realized that there is no chance of expanding the country's territory. Thus, they had to find a way to achieve ethnic homogeneity. The first step was the treaty of Lausanne. In this way they found a solution to one part of the problem, managing to get rid of a big percentage of the non-Greek people residing in the country. But what about the people they couldn't get rid of? Non-exchangeable was a special category of people that according to the Lausanne treaty were allowed to stay in Greece (and the Greek minority in Turkey as well), and enjoy a minority status. Greece had to take action and make these people "Greek" or else force them in some way to leave the country. So, in 1927 Greece started to put in practice the deprivation of citizenship.⁸⁸

According to this law (article 19 of the Greek citizenship law) Greek nationals were divided in two groups. Nationals with 'Hellenic origin' and those with 'non Hellenic origin'. Members of minorities were in the second category. According to this law a person belonging to the second category (Greek citizen but of non-Greek ethnic origin) leaving the country "without the

⁸⁸ Tsitselikis, Hristopoulos- Από το πολυπολιτισμικό << Μέγα όνειρο του Ελληνισμού>>,σελ.37-40, Το ανομολόγητο ζήτημα των μειονοτήτων στην Ελληνική έννομη τάξη,(Κεμο, σειρά μελετών κέντρο ερευνών μειονοτικών ομάδων)- From the multicultural <<Big dream of Hellenism>>, p.37-40, the unadmitted issue of minorities in Greek law and order, (Kemo, reports of a research institution for minority groups in Greece)

intention of returning” could legally be declared as having lost Greek nationality. Thousands of minority members (including their children and close relatives) lost their citizenship because of this law. Without prior warning they were not allowed to re-enter the country. Because of this law thousands of Thracians belonging to the Muslim minority were turned into stateless persons and had to face all the consequences of this status.⁸⁹

This law caused Greece to face a lot of bad publicity internationally. It stayed in force until 1998 and until recently was still unknown how many thousands of people lost their citizenship. It was the hardest step that Greece took in order to eradicate the Turkish minority of Western Thrace.⁹⁰ The main reason that made Greece abolish the law was the pressure of the European Union and International organizations. Article 19 of the Greek citizenship law (3370/1955) was also in contrast with article 4 paragraph 1 of the Greek constitution (equality of all Greek citizens before the law).⁹¹

May 2005 was the first time that some estimates concerning the number of people who lost their citizenship were publicized. Ilhan Ahmet, then a member of the Greek parliament, submitted a written question. The Greek ministry of Interior officially stated that in total 46.638 minority members from Western Thrace and the Dodecanese Islands lost their citizenship under article 19.⁹² That was the first step that Greece took in order to try to balance

⁸⁹ Available at www.atmg.org, Greek question, the Thracian issue.

⁹⁰ Tsitselikis, Hristopoulos- Από το πολυπολιτισμικό << Μέγα όνειρο του Ελληνισμού>>,σελ.37-40,

⁹¹ Tözün Bahçeli “ Türkiye’ nin Yunanistan politikasi” in Alan Makovsky and Sabri Sayari eds. Türkiye’ nin Dünyası(Istanbul : Alpha,2002),p.195. See also, Baskin Oran “The story of those who stayed-Lessons from articles 1 and 2 of the 1923 convention” in Renee Hirschon,ed., crossing the Aegean-An appraisal of the 1923 compulsory population exchange between Greece and Turkey(2003) p.106

the demographic figures in Western Thrace. Its existence until 1998 also carries conviction about the national importance of this law.

The issue of the recognition of the minority in Thrace as a Turkish one can be traced back to 1930. At that time the inspector of minorities proposed to Venizelos to replace the term “Turkish” with the term “Muslim” when referring to the Western Thracian minority, because of the same attitude of Turkey towards its Greek minority.⁹³ Moreover he suggested that they should proceed with the shutting down of the association “Turkish Union of Xanthi”, because it propagated Turkish beliefs among the minority.⁹⁴

However, until the 1950’s when the aggravation of the tense relations between the two states started to occur, the Thracian minority had not faced problems from Greeks concerning their self-identification. On the contrary, Greece promoted the Turkification of the minority. There are two orders that applied in 1954 and 1955 by the chief administrator of Thrace to mayors that proves it. According to those orders (known as Fessopoulos’ order), the Greek state had to replace all signs using the term “Muslim” to “Turk-Turkish”.⁹⁵

⁹² Newspaper “Hronos”, 18 May 2005.

⁹³ Report K. Stylianopoulou to Eleftherios Venizelos, 11.10.1929, tm B’ AEB, 53, 55

⁹⁴ Hristopoulos 2002: 171-194

⁹⁵ Lois Whitman, *Destroying Ethnic identity-the Turks of Greece*, (New York: Helsinki watch, 1990), p.51

KINGDOM OF GREECE

GENERAL ADMINISTRATION OF THRACE

INTERNAL AFFAIRS MINISTRY

Komotini, 28/1/19

URGENT

*TO: The Mayors and Presidents of the Communes of the Prefecture.
Following the order of the President of the Government we ask you that from
now on and all occasions the terms "Turk-Turkish" are used instead of the
terms "Muslim"*

The General Administrator of Thrace

G. Fessopoulos

And,

KINGDOM OF GREECE

GENERAL ADMINISTRATION OF THRACE

INTERNAL AFFAIRS MINISTRY

Komotini, 5/2/1955

URGENT

*Despite the fact that we ordered the replacement of the terms “Turk-Turkish” for the terms “Muslim“ there is still a sign in the Aratos village, on the road from Komotini to Alexandroupoli, which reads “ Muslim School”.
Immediately replace it and everything similar in the region of Rhodopi.*

The General Administrator of Thrace

G. Fessopoulos

As mentioned in previous chapters, according to Soltaridis there may be two main reasons that Greece took those steps. The first one is that an action like this would be promoted as an indication of Turco-Greek friendship. The second one is the threat coming from the South. (The communist Bulgaria was about to take advantage of this situation and claims

the minority as “hers”. So Greece decided to “Turkify” the minority and stop Bulgaria from this aims).⁹⁶

Another possible reason that may have caused Greece to adopt this identification is to prove to the international and Turkish public opinion that there is no reason for Turkey to be concerned for the Turkish population in Cyprus. That action was an attempt to show that the Muslims of Western Thrace did not face any discriminatory or assimilatory measures from Greeks. The same thing would apply for the Turkish population of Cyprus.⁹⁷

Greece started to officially implement the denegation policy of the term Turkish during the period of the Colonel’s junta. After many decades during which the identification of the minority was Turkish, the term had to be replaced by the term Muslim. Signs in schools, road names, associations etc. had to reject the term Turkish and start using the Muslim one. The main reason that made the Greek state to change its policy in this issue was the escalation of tension in Cyprus in 1974.⁹⁸

As mentioned earlier, the shutting down of organizations which bore the adjective “Turkish” started to be enforced. The only way for an association to continue functioning was to replace the term Turkish with the term Muslim. The “Turkish Union of Xanthi” was one of those culture associations. According to decision 2/2005 the Greek high court (Areo Pagus) came up with the decision that the shutting down of the “Turkish Union of Xanthi”, which had

⁹⁶ Simeon Soltaridis, *Η Δυτική Θράκη και οι Μουσουλμάνοι. Τι ακριβώς συμβαίνει;* (The Western Thrace and the Muslims. What exactly is going on?) Athens, Nea Synora-A.A. Livani, 1990, p.2

⁹⁷ Roland Meinardus, “Die Griechisch-Türkische Minderheitenfrage” (The Greek-Turkish minority problem), *Orient*, vol.26, No.1, 1985, pp.48-61 quoted in Ulf Brunbauer, “The perception of Muslims in Bulgaria and Greece: Between the “self” and the “other””, *Journal of Muslim minority affairs*, vol. 1, 2001, pp.44-46

⁹⁸ Hatipoğlu, *op.cit.*, 1999, p.22

until then never caused problems in public life (Tsitselikis 2007), does not an offence to its members rights and freedom of gathering in associations.

According to the Greek High Court, the decision was totally reasonable, based on two grounds. According to memoranda of the association its purpose of function was the promotion of the interests of Western Thracian Turks. Thus, according to this there is a Turkish minority in Greece, a fact that comes in contrast with the Lausanne treaty where it is stated that in Greece there is only one minority and that minority is a religious one (Muslims) and not an ethnic (Turkish) one. The word “Turkish” refers to citizens of Turkey and could not be used to describe citizens of Greece. The second reason that the high court cited was that the use of this specific word (Turkish) endangered the public order in the region of Thrace.⁹⁹

4.2 Criticism from the Greek side on these decisions.

According to Hristopoulos and Tsitselikis it is not the first time that the Greek high court makes a decision like this. It is a familiar policy line concerning minority issues that has often been put into practice during the last decades.¹⁰⁰

⁹⁹ Δημήτρης Δημούλης, “Οι αόρατες εθνικές μειονότητες της Ελληνικής έννομης τάξης,σελ.140-141, Dimitris Dimoulis, “The invisible minorities of the Greek Law and order”,p.140-141. Το ανομολόγητο ζήτημα των μειονοτήτων στην Ελληνική έννομη τάξη,(Κεμο, σειρά μελετών κέντρο ερευνών μειονοτικών ομάδων), the un admitted issue of minorities in Greek law and order, (Kemo, reports of a research institution for minority groups in Greece)

¹⁰⁰ Reports concerning decisions that have been made about the Turkish and Macedonian minority ,Kurtovik:1997:253-256,Hristopoulos 2002:182-202, Tsitselikis 2004: 472-475

Dimoulis formulates some doubts and questions. Concerning the decisions of the high court some legal issues have been raised. He wonders in which cases the fact that you are a member of an ethnic minority can curtail your rights and freedoms. Does the fact that you consider yourself Turkish, Greek or English and act accordingly constitute reason to have your constitutional freedoms diminished? But, let's assume that this decision concerning the ethnic identity is acceptable. Would the same rules apply if the name and the structure of the association would be "Greek Union of Xanthi"? Obviously it wouldn't. No Greek court shut down the association of "French friendship club of engineers and counterpart". Dimoulis dares a guess and states that the same thing would probably not apply if there was a "Pomak Union of Xanthi", as according to the Greek constitution this is applicable to all Greek citizens independently of their ethnic consciousness.

Regarding the second excuse that the "Turkish Union of Xanthi" endangers the public order, this should be proved "in concreto" and merely not based on assumptions that may or may not apply¹⁰¹. And even if they had noticed some transgressions against a law, these transgressions should be criminal actions in order to support the shutting down of the association.¹⁰² The specific association did not break any of these rules ever. Tsitselikis states the most important reasons why the nature of these decisions is problematic:

¹⁰¹ Dimoulis 2001:301-336, Kourtovik 1997:253-256, Hristopoulos 2002: 182-202, Tsitselikis 2004: 472-475

¹⁰² Dagtoglou 1991:784-790

Contradiction in terms:

Until 1967 this association was operating without causing any troubles in public order. The usage of the term “Turkish” was not only allowed but even promoted. Greece was trying at that time to promote the profile of a liberal country, in contrast to Turkey. While Turkey was trying to silence their Greek minority, Greece was trying to internationally peddle the view that the Turkish minority in Greece was safe and free to act in every way they wished. But if this association did not cause any troubles those years there is nothing to prove that it would cause troubles now. Or that it had in any way breached the law.

Historical inaccuracy:

According to the High Court’s decision the Thracian minority are Muslims and not Turks. Tsitselikis, Hristopoulos and Milios noticed a detail. If those people are not Turkish why do many official documents of the Greek state refer to them as “Turkish”? Moreover, when the population exchange took place why was this group of people not sent to Iran for example (as a Muslim population) but to Turkey?¹⁰³

Ignorance of the constitutional perspective:

¹⁰³ Milios 1997:298-307, Tsitselikis-Hristopoulos 1997: 418-419.

The Greek constitution protects the minorities but only those whose existence is officially recognized by the Greek state. According to official Greek policy there is no Turkish minority, so it doesn't enjoy a minority status. However, identity, how persons feel and identify themselves is not a matter that should depend on a court decision. It is a matter of a free and personal choice. The High Court decision on the other hand depends on the notion that its actions should be related to the way that Turkey treats the Greek minority (a bad usage of the idea of reciprocity)¹⁰⁴.

4.3 European Court of Human Rights. Justification of the Union

Greece, as a member of the European Union has to treat her minorities as other European countries would do. Turkey tries to promote the best for her minority through the European Union, and Greece being a European Union member has to conform and deal with it. There is a statement of a minority lawyer concerning their feelings on being a Greek and European Union citizen:

“I am a Greek citizen and wish to belong where every Greek citizen does. We are equal members of a United Europe. The solution to our problems must come from Athens not from Ankara. And if Athens fails to resolve it, the next step is Europe and the European Union to which we must take recourse.”
(Anagnostou, 2001:116)

¹⁰⁴ Hristopoulos 2002: 38-46

Thus, in the case of the “Turkish Union of Xanthi” that is what they did. The application of the association was lodged with the European Court of Human Rights on 15 July 2005.

After so many years the solution to these problems came from the European Court of Human Rights. In 27 March 2008 the European Court of Human Rights reached the following decisions concerning violations of the European Convention on Human Rights in the case:

- Violation of article 11 – freedom of assembly and associations- which concerns associations founded by persons belonging to the Muslim/Turkish minority of Western Thrace. To the Turkish Union of Xanthi the Greek state has to pay a compensation of 8.000 Euro.
- Violation of article 6 paragraph 1 –right to a fair hearing within a reasonable time. 21 years passed until this decision was reached.

Concerning the excuses used for closing down the Association, the European Court of Human Rights (ECHR) ruled that even if the real aim of the members of “Tourkiki Enosi Xanthis” was to promote the idea of an ethnic minority and not a religious one; this fact cannot be translated as a threat to democratic society. Finally the court emphasized that in democratic societies, it’s everyone’s’ right to express, in a lawful context always, the beliefs of their ethnic identity. Greek courts and Greek society should not object to the existence of a minority in their borders. Different cultures in a county should not only exist but also be promoted by the host countries. The members of the Association point out that they cannot use the term “Muslim” to describe their associations -it would be inaccurate since millions people around the world are Muslim, but this does not mean that they are also Turkish. An Egyptian

can be Muslim but not Turkish. That's what they promote and try to make clear internationally.

Democratic societies like Greece should keep this in mind and act accordingly. One thing that should be mentioned about this case is that these decisions were unanimous and a Greek and Cypriot judge adheres to them (George Nicolaou- Cypriot judge, Petros Pararas –Greek ad hoc judge).¹⁰⁵

The members of the minority accepted this decision as recognition of their marathon all these years. "It's a historical rule of court" said Ozan Ahmetoglou, the president of the Union. "We were waiting for a justification more than 25 years. Finally this time came" he stated after the decision was declared. Ahmet Hadjiosman, deputy of the Rhodopi prefecture, also defines the decision as satisfying. He also states that it's now Greece's turn to accept and implement the decision.¹⁰⁶ Members of the board of directors of the Union also share the same opinion. Justification from the European Court may have come, but they also need justification from the Greek courts in order for this decision to apply in Greece.¹⁰⁷

¹⁰⁵ European Court of Human Rights , Chamber Judgments Emin and others versus Greece, Tourkiki Enosi Xanthis and others versus Greece.

¹⁰⁶ Gündem, 04/04/2008

¹⁰⁷ Personal interviews with members of the board of directors of the union.

4.4 Expectations and Aims after the Judicial Victory

I managed to visit the Union almost one year after the European court's decision, in order to have a personal interview with the general secretary of the Union. I have to confess that they were very friendly and very helpful with everything I needed. They provided me with history books of the Union, leaflets and photographic material. Moreover, Mr. Hüseyin Mehmet Usta introduced me to almost every member present and encouraged me not to hesitate to ask anything.

He started his statements by saying that, just like me, every Christian or Muslim Greek is welcome to join the Union, and informed me that in the 1960's many Christian Greeks were members of this union. He continued by admitting that originally their intention had not been to apply to the European court, but they were left without any other choice. They sought justice in Greek courts many times, but all the courts had the same answer: "The term "Turkish" does not apply to citizens of Greece". Thus, the only solution was the European court.

Mr. Hüseyin made clear that their union never caused any troubles to the Greek state or that they did not want to accuse Greece of anything. The appeal to the European court was the only option left to them. He explained why they insisted so much on the use of the term Turkish. He argued that almost 50% of the global population is Muslims, but are they also Turkish? The answer is no. An Egyptian can be Muslim but not Turkish. They wanted their association to be comprised of people of the same ethnicity and culture. He then turned the question on its head and asked me if I am a Christian

Orthodox. My answer was that I am. He came back at me by saying “Russians are also Christian Orthodox, do you consider them Greeks?”

In the last part of our interview he talked to me about the European Court’s decision and the legal procedures that must be followed in Greece. Despite the fact that their association found justification from the European court, in order for this decision to apply in Greece, it must be ratified by a Greek court. If ratification from Greek courts doesn’t come this decision holds no validity in Greece. He said that he hopes that this will not happen and that their struggle will come to a happy end after so many years. But in case this does happen, they have to be ready to find new solutions to this new litigation.¹⁰⁸

4.5 International Perspective, Recent Expert Reports and Reactions

The behavior towards the Thracian minority has attracted the attention of international organizations many times. These organizations called for the attention of Greek governments but with no response or action on the Greek part. I will mention some reports (the most recent ones), their findings, and the Greek reaction to this.

Bruce Fein 3.24.2008 “Greek Human Rights violations against its Turkish minority in Western Thrace”. The United States Helsinki Commission,

¹⁰⁸ Personal interview that I made with the executive secretary of the Turkish Union of Xanthi, Mr. Hüseyin Mehmet Usta.

an international and independent agency which is interested in the compliance of Human Rights standards, monitored the case of the Turkish minority in Western Thrace where they observed ethnic and religious discriminations towards the minority. Also, there are cases of economic marginalization. Among other issues, they highlighted the prohibition of the use of the word “Turkish” by the Greek state, a fact that puts obstacles in the expression of the minority members’ self identification and is against Human Rights.¹⁰⁹

The “Human Rights Report 2008 on Greece”. The publisher was the US Department of State on February 2009, and states: << *Human rights abuses reported during the year included: reports of abuse by security forces, particularly of undocumented immigrants and Roma; overcrowding and harsh conditions in some prisons; detention of undocumented migrants in squalid conditions; some legal restrictions on freedom of speech (although not enforced in practice); restrictions and administrative obstacles faced by members of non-Orthodox religions, including serious delays in receiving permits; detention and deportation of unaccompanied or separated immigrant minors, including asylum seekers; failure to provide adequate protection to victims of domestic violence; discrimination against Romani children in education; exploitation of Romani children through begging and forced labor; trafficking in persons; limits on the ability of ethnic minority groups to self-identify; and discrimination against and social exclusion of ethnic minorities, particularly Roma. A large number of Roma lacked access to*

¹⁰⁹ Bruce Fein, “Greek Human Rights violations against its Turkish minority in Western Thrace” available at <http://www.globalpolitician.com/24315-Turkey-Greece> see appendix 4 part a.

*adequate housing, basic medical care, public services, and employment opportunities.>>*¹¹⁰

Mr Thomas Hammarberg, commissioner of the Human Rights Council of Europe published a report on the situation of the minorities in Greece (February 2009). When asked about the Lausanne articles in an interview to Greek newspaper “Eleftherotypia on Sunday” dated 8 March 2009¹¹¹, Mr. Hammarberg stated that the Lausanne treaty is outdated when it comes to Human Rights of minorities as recognized by current International and European treaties. Moreover he declared that if any member of the Muslim minority wants to identify themselves as having a Turkish origin he/she is free to do so according to the UN.¹¹²

Mrs. Gay Magdougall’s report. Mrs. Magdougall is a United Nations Independent Expert on Human Rights. Her report was based on the situation of minorities in Greece on March 2009. The independent expert visited Greece from 8 to 16 September 2008 and she tried to implement the declaration of the rights of persons who belong to National, Ethnic, religious or linguistic minorities. Her mission included traveling in different regions, meeting government representatives, religious leaders, academics and community leaders. Mrs. Magdougall stated that Greece recognizes only one minority according to the Lausanne treaty and that minority is a religious and not an ethnic one.

¹¹⁰ <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119082.htm>
see appendix 4 part b.

¹¹¹ http://www.enet.gr/online/online_text/c=110,id=13923060

¹¹² <http://www.bttadk.org/en/default.asp?P=AnnouncementsRead&id=22>
see appendix 4 part c.

She said that the Greek government sees other minorities in Greece as non-existent and politically motivated. Moreover she is worried about the domestic jurisdiction of the government of Greece concerning the treatment of the minorities. Also she questions to which degree Greek legislation, policy and practice fulfill the international Human Rights law, specifically minority rights.

She insists that minorities are a constituent group of the Greek society and not a foreign element and should therefore be treated the same as the Greek element. Finally the independent expert calls on the Greek government to give an end to the unimportant dispute, which is whether there is or there is not a Turkish minority, and concentrate on the essential issue, protecting the rights of those communities and their people, implementing basic Human Rights such as self identification, freedom of expression and freedom of gathering into associations. Greece should accept the European court's decision, especially those decisions referring to the use of the word "Turkish" in their associations and generally in their ethnic identification.¹¹³

Opinions and reactions from Greek society towards this report were varied. Here is the statement of the Foreign Ministry spokesman Mr. G.Koumoutsakos regarding the report of the independent UN expert on minority issues.

<< "Our positions are crystal clear and founded on absolute respect for Human Rights a principle that applies to minorities and constitutes an accomplishment of the modern Greek Republic. In our country every Greek

¹¹³ Human Rights council, Tenth session, Agenda item 3, promotion and protection of all Human Rights, Civil, Political, Economic, Social, and Cultural rights including the right to development- Report of the independent expert a minority issues, Gay Macdougall, Addendum-mission to Greece(8-16 September 2008) ,Available at: <http://daccess-ods.un.org/TMP/8596465.html> see appendix 4 part d.

citizen has the individual right to self determination, while the state's active concern with the strengthening and the protection of Human Rights is continuous and effective. This policy is founded on our firm conviction that the mechanisms for protection and strengthening of Human Rights should ultimately contribute to the harmonic coexistence of a country's citizens. Therefore, these mechanisms should not be transformed, directly or indirectly, into an opportunity or alibi for some that consciously attempt to exploit them for their own purposes on the level of interstate relations. Also they should not become a tool in the hands of division and a climate of tension within a society.”¹¹⁴

As we understand by reading this statement, which is the official response regarding Mrs. Macdougall's report, the Greek government sees no problems or misbehaviors towards the Thracian minority. According to them the protection and the implementation of the Human Rights is continuous and effective. They can only see and recognize a group of people who are trying to make the minority a tool in their hands and promote their own goals by cultivating a climate of division and tension within the Greek society.

The foreign policy spokesman for PASOK (the Greek socialist party), Mr. Andreas Loverdos made the following statement regarding the report of the independent UN expert on minority issues:

“While New Democracy rules the country we are living a life full of contradictions. On the one hand, we see a smiling government with no problems in dealing with serious problems, and on the other hand we come face to face with an unproductive policy in all levels. We can see the

¹¹⁴ Available at http://www.mfa.gr/www.mfa.gr/articles/en-us/06032009_ALK1127.htm

weakness of the government to face problems like this and their failure in promoting and managing our national targets. The only thing that New Democracy has achieved is to embarrass our country internationally".¹¹⁵

Dora Bakogianni, the Greek foreign minister answered those in the same newspaper, saying:

"These reports do not change at all the Greek reality. Greece was, is and will be a state that promotes Human Rights and will keep working on promoting this to all Greek citizens equally with no discriminations".

Generally the majority of the Greek press and media that cover the minority issue in Greece describe this report as surprising, totally inaccurate and most importantly politically motivated. They follow the official Greek state line and often in much stronger terms. The report was also criticized by the communist party KKE and the extreme leftist LAOS. Conversely, Sinaspismos (the left Greek party), remained silent and proposed that "NGO's" deal with cases like this one.¹¹⁶ According to the Greek Helsinki Monitor that report was the most comprehensive and it successfully addresses the minority issues in Greece. This is the reason why Mrs. Magdougall's report was the only one that raised so many reactions from the Greek government, Media, press, political parties and finally from the Greek society and public opinion.

A report which was prepared by Mr. Michel Hunault, member of the parliamentary assembly of the Council of Europe, with the title " Freedom of religion and other Human Rights for non- Muslim minorities in Turkey and for the Muslim minority in Thrace/Eastern Greece".

¹¹⁵ Available at www.kathimerini.gr, Monday 27 April 2009, -statement of Pasok's spokesman regarding the report of the independent UN expert on minority issues.

¹¹⁶ Greek Helsinki Monitor, Press release, 9 Mart 2009.

According to this report Greece and Turkey must stop using the “reciprocity” principle in their treatment of minorities, as they have done until now, and should instead put into practice the provisions of the European Convention on Human Rights. That means that the two countries should treat their citizens equally without giving any importance to their religious or ethnic identity and most importantly regardless of the way in which the other country (in the case of Greece-Turkey) treats its own citizens.

Moreover the committee indicates the principle of reciprocity as the basis of all these issues and also defines it as “anachronistic” and responsible of the non-existence of each country’s national cohesion. The main point to which this report tries to call the attention of the two countries is to treat their minorities as members of their own country and not as foreigners. Finally, referring to the expression of ethnic identity, the Assembly fully shares the position of the commissioner for Human Rights, according to whom “freedom of ethnic self-identification is a major principle in which societies should be grounded and should be effectively applied to all minority groups be they national, religious or linguistic”. The diversity and the uniqueness of minority groups should be allowed to be expressed. Concerning Greece and the cases of infringement against the freedoms of religion and association the commissioner urges the Greek state to fully implement the judgments of the European Court of Human Rights and allow the associations to use the adjective “Turkish” if they so wish.

That report also states that, according to some claims, the Greek state does not create any difficulties or obstacles for the functioning of Roma or Pomak associations. The rapporteur met the head of the Drossero-Xanthi

Roma women's association, through which meeting he is able to confirm this information. Thus, we can talk about a case of openly unjustified discrimination that the Greek state implements.¹¹⁷

Generally Greek media and press keep the same stance as government does in concerning the minority issue. Greek political parties often judge the government for its ineffective policies towards this issue but generally tend to share the same political views on the issue. In Western Thrace there is not a Turkish minority, i.e. that the only minority that exists is the Muslim one according to the Lausanne treaty and this Muslim minority does not consist of one ethnic group but of three: Turks, Pomaks and Roma. The view of Greek political parties and public opinion can be summed up in the following interview with then Deputy Greek foreign minister, Yannis Kranidiotis.

“...In Greece we do not speak of a Turkish minority; we call it a Muslim minority. We feel this term, Turkish gives them a Turkish ethnic character while downgrading other elements that are not Turkish (such as Pomaks and Gypsies...) We have been tolerant and are becoming more tolerant. Stricto sensu if one wants to interpret Lausanne treaty they must be called Muslims...We are respecting the different elements of the Muslim minority”.¹¹⁸

The only Greek politician that admitted the existence of a Turkish minority in Western Thrace was George Papandreou (now leader of the

¹¹⁷ Parliamentary assembly
Doc. 11860, 21 April 2009. “ Freedom of religion and other Human Rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace(Eastern Greece),Report: Committee on Legal affairs and Human Rights, Rapporteur: Mr Michel Hunault, France,European.
Available at: <http://assembly.coe.int/documents/workingDocs/DOC09/EDOC11860.pdf>

¹¹⁸ An interview made with Yannis Kranidiotis at Athens on September 1997 by the Human Rights watch that is cited in 1999 HRW report: Turks of Western Thrace,p.10

Greek socialist Party PASOK), at the time when he was foreign minister. In an interview that he gave to the Greek magazine Klik he stated that:

“It is probable for some to feel that they have a Turkish origin as others state that they are Pomaks or Roma. What is important is that all of them feel that they are Greek citizens... No one contest that they are Muslims of Turkish origin. Of course treaties refer to Muslims. From time to time the minority issues are related to territorial adjustments. If the borders are not disputed, I really don't care at all if one calls himself a Turk, Bulgarian, or Pomak. The Balkans will be calm if we secure our borders parallel with protection of the Rights of the minorities. However, if the term “Turkish” minority is used by a country in order to create unrest or change the borders, then this term definitely becomes a big problem.”¹¹⁹

Thus, although we can see some movement in different directions regarding the Western Thracian minority the main climate concerning this issue remains the one that I mentioned before, the non- existence of a Turkish minority.

¹¹⁹ “ Αν δεν ήμουν Παπανδρέου θα δούλευα σε γκέτο Μαύρων”(if I wasn't Papandreou I would work in the Ghetto of Blacks”, klik vol. 148

Conclusion

In my thesis I tried to explain some patterns that are initially not easy to discern. The case of the Turkish Union of Xanthi draws my attention for two reasons. Firstly, why Greece who supposed to be democratic country adapted and still puts in practice an attitude like this. Secondly, my question was why it had to take so many years for justice to be done and when is done that justice came from an international court and not a Greek one.

Thus, my research was based mainly in these two questions. But in order for those two questions to be answered I had to focus on the history of the minority inside the Greek borders and the relations of these two elements step by step. I realized that the Muslim/Turkish minority of the Western Thrace was always between Greece and Turkey. Turkey tries to achieve her interests through this minority and Greece punishes this minority for Turkey's moves. The Thracian minority was a tool in the hands of those two countries and they moved it accordingly their aims.

If we check the relations between Turkey and Greece we will notice that according to them the situation applied in the minority also. After the signing of Lausanne treaty and until 1970's we can notice periods of discriminations but also fruitful. The situation started to become worse when the Cyprus issue made its appearance.

Some people say that the truth is in the eye of the beholder. In my opinion this expression fits 100% in this case. The case of the Turkish Union of Xanthi was just a food for thought concerning the ethnic identification of the

minority. As I mentioned in my thesis the real problem is not this specific association but the general movement of the ethnic identity of the minority. According to Turkish side we have to deal with an issue of denial of their ethnic identity. They are Turks and they want according to their constitutional human rights to express it. Do you need a court decision in other countries in order to prove your ethnicity? The answer is no. But on the other hand Greece is not just another country if you realized the past of these two countries.

The request of the association is totally understandable. In my thesis I tried to analyze and examine the Greek fears concerning this issue. What is this that they are afraid so much and they don't accept the term "Turkish"? Of course we cannot pass along the fact that indeed the Lausanne Treaty talks about Muslims and not Turkish. Also the minority consists of three groups. But in my opinion this is not the real reason that Greece keeps rejecting this term. The real reason is the Cyprus issue and the similarity that they can see in these two cases. Moreover there are elements that they make this fear stronger and their rejections towards the term more powerful. The presence of the Turkish consulate, statements of two countries politicians, media, press and the position of the other countries have their role in this chasing game.

During the writing of this thesis I realized that facts of the past can and do shape the future of some elements, in this case the Thracian minority that are just the token participant in this game. Turkey has to prove that there is no reason not to be trusted while Greece should leave her continuous suspiciousness toward the minority behind. If these two targets will be achieved then we may have the opportunity to see a common and fresh future

of the Western Thrace as a unite community. As a whole, I hope this research has offered some information in this field and insight their current situation, conditions and problems that have to deal with.

REFERENCES

BOOKS AND ARTICLES

Aarbakke, Vemund, *The Muslim Minority of Greek Thrace*, Ph.D. Dissertation, University of Bergen, 2000

Akalın, Hakkı, *Turkey and Greece: On the Way to Another War?* (Ankara:Font Matbaacılık, 1999)

Aktar Ayhan, *the first year of Greek-Turkish populations exchange: September 1922-September 1923*, (Greek edition)

Aktar Ayhan, *Homogenising the Nation, Turkifying the Economy, the Turkish experience of population exchange reconsidered*

Alexandris, Alexis, *Οι ελληνοτουρκικές σχέσεις, 1923-1987*. (The Greek Turkish Relations, 1923-1987) (Athens: ELIAMEP, 1988)

Alexandris, Alexis, "Religion and Ethnicity-The Identity issue of the Minorities in Greece and Turkey" in Renee Hirschon, ed., *Crossing the Aegean-An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey* (NY:Berghan Books, 2003)

Anagnostou, Dia, "Breaking the Cycle of Nationalism: The EU, Regional Policy and the Minority of Western Thrace, Greece", *South European Society and Politics*, Vol.6, No.1, Summer 2001

Antoniou, Dimitriou A.(2003), *Muslim immigrants in Greece: Religious organization and local responses, immigrants and minorities*, vol. 22,no2 & 3

Asimakopoulou Fotini and Sevasti Christidou-Lionaraki, eds., *Η Μουσουλμανική Μειονότητα της Θράκης και οι Ελληνοτουρκικές Σχέσεις* (The Muslim Minority of Thrace and the Greek-Turkish Relations) (Athens: Livanis, 2002)

Baltsiotis, Lambros, "Ελληνική Διοίκηση και Μειονοτική Εκπαίδευση στη Δυτική Θράκη"(The Greek Administration and the Minority Education in Western Thrace) in K.Tsitselikis and D. Hristopoulos, eds.*Το μειονοτικό φαινόμενο στην Ελλάδα.Μία συμβολή των κοινωνικών επιστημών* (The minority phenomenon in Greece. A contribution of the social sciences) (Athens: Kritiki, 1997)

"Batı Trakya'da Türk Azınlığa Haksızlık Yaptık", *Batı Trakya'nın Sesi*, June 1991, Vol.31

Brown, James, *Delicately Poised Allies: Greece and Turkey* (London: Brassey's, 1990)

Bruce Clark, *Twice a stranger, The mass expulsions that forged modern and Turkey.*

Bruce Fein, *Greek Human Rights Violations Against Its Turkish Minority in Western Thrace*, available at <http://www.globalpolitician.com/24315-turkey-greece>

Brunbauer, Ulf, "The Perception of Muslims in Bulgaria and Greece: Between the 'Self' and the 'Other' ", *Journal of Muslim Minority Affairs*, Vol.21, No.1, 2001

Capotorti, F., 1991, *Study of the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*, New York, United Nations

Cebecioğlu, S., *Batı Trakya Türkleri'nin Yaşam Savaşı* (İstanbul: Erol Matbaacılık, 1975)

Chousein Ali, *Continuities and changes in the Minority policy of Greece: The case of Western Thrace.*

Clogg, Richard, ed., *Minorities in Greece: Aspects of A Plural Society* (London: Hurst and Company, 2002)

Clogg, Richard, *A Short History of Modern Greece* (Cambridge: Cambridge University Press, 1986)

Clogg, Richard, *A Concise History of Greece* (Cambridge: Cambridge University Press, 1992)

Demetriou, Olga, "Prioritizing 'Ethnicities': The Uncertainty of Pomak-ness in the Urban Greek Rhodope", *Ethnic and Racial Studies*, Vol.27, No.1, January 2004

Divani, Lena, *Ελλάδα και Μειονότητες. Το Σύστημα Διεθνής Προστασίας της Κοινωνίας των Εθνών*

Dokos, Thanos, "Η Τουρκική Πολιτική στο Ζήτημα της Ελληνικής Θράκης" (The policy of Turkey in the issue of the Greek Thrace), *Νέα Κοινωνιολογία*, Vol.29, Winter 1999-2000

European Court of Human Rights , *Chamber Judgments Emin and others versus Greece, Tourkiki Enosi Xanthis and others versus Greece.*

Georgieva, Tsvetana, "Pomaks: Muslim Bulgarians", *Islam and Christian-Muslim Relations*, Vol.12, No.3, July 2001

Georgiou Vasilis “Η σκιά της Άγκυρας πάνω στην Ελληνική Θράκη”, η ιστορική και πολιτική πραγματικότητα, εκδόσεις Ρήγα, (Ankara’s shadow over the Greek Thrace, historical and political reality)

Gonatas Neofitos and Paraskevas Kidoniatis, Η Μουσουλμανική Μειονότητα της Θράκης (The Muslim Minority of Thrace) (Komotini: Eklogi, 1985)

Hare Raymond, The Greek–Turkish Rapprochement of 1930 and the Repercussions of the Ankara Convention

Hatipoğlu, M. Murat, Yunanistan’ da Etnik Gruplar ve Azınlıklar (Ankara: SAEMK, 1999)

Hatipoğlu, Murat, “Yunanistan’ın Dış Politikası ve Balkanlar” in Ömer E Lütem and Birgül Demirtaş-Coşkun, eds., Balkan Diplomasisi (Ankara: ASAM, 2001)

Heraclides, Alexis, Yunanistan ve “Doğu’dan Gelen Tehlike” Türkiye (İstanbul: İletişim, 2002)

Hıdıroğlu, Paul, The Greek Pomaks and Their Relations with Turkey (Athens: Proskinio Editions, 1991)

Hirschon Renee, Crossing the Aegean, An appraisal of the 1923 compulsory population exchange between Greece and Turkey.

Hirschon Renee, ‘Unmixing People’ in the Aegean Region, assessments of Lausanne,

Human rights watch , vol 11 , no 1 , the Turks of Western Thrace

Karakasidou, Anastasia, “Cultural Illegitimacy in Greece” in Richard Clogg, ed., Minorities in Greece: Aspects of A Plural Society (London: Hurst and Company, 2002)

Karakasidou Anastasia, Fields of wheat, hills of blood, *passages* to nationhood in Greek Macedonia 1870-1990

Kırlıdökme, Rıza, Çetin Mandacı, et.al., History of Western Thrace Turkish Civil Societies-1: Xanthi Turkish Union, 1927-2003, July 2003

Kottakis, Manolis, Θράκη: Η Μειονότητα Σήμερα (Thrace: The Minority Today) (Athens: Livani-Nea Synora, 2000)

Kurtovik, Yanna, “Δικαιοσύνη και Μειονότητες” (Justice and Minorities) in K.

Tsitselikis and D. Hristopoulos, ed., Το μειονοτικό φαινόμενο στην Ελλάδα. Μία συμβολή των κοινωνικών επιστημών (The minority phenomenon in Greece. A contribution of the social sciences) (Athens: Kritiki, 1997)

Lausanne treaty

Maheropolou, Mina, Μπροστά στον Καθρέφτη (In front of the Mirror) (Athens: Kastaniotis, 2004)

Meinardus, Ronald, “Muslims: Turks, Pomaks and Gypsies” in Richard Clogg, ed, Minorities in Greece (London: Hurst and Company, 2002)

Millas, Iraklis, Εικόνες Ελλήνων και Τούρκων (Pictures of Greeks and Turks) (Athens: Aleksandria, 2001)

Neuburger, Mary, “Pomak Borderlands: Muslims on the Edge of Nations”, Nationalities Papers, Vol.28, No.1, 2000

Onsunoglou, Impram, “Κριτική στη μειονοτική εκπαίδευση” (A Critique in the education of the Minority), Συγχρονά Θέματα, Vol.63, April-May 1997

Oran, Baskin, Türk- Yunan İlişkilerinde Batı Trakya Sorunu (Ankara: Bilgi Yayınevi, 1991)

Oran, Baskin, Yunanistan'ın Lozan İhlalleri (Ankara: SAEMK, 1999)

Oran, Baskin, Türk Dış Politikası Cilt-2 (İstanbul: İletişim Yayınları, 2001)

Oran, Baskin, “The Story of Those who Stayed-Lessons from Articles 1 and 2 of the 1923 Convention” in Renee Hirschon, ed., Crossing the Aegean-An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey (NY: Berghan Books, 2003)

Oran, Baskin, Türkiye’de Azınlıklar (İstanbul: İletişim, 2004)

Öksüz, Hikmet, “The Reasons for Immigration From Western Thrace to Turkey”, Turkish Review of Balkan Studies, 2003

Panagiotidis, Nathanail M., Το Μειονοτικό Εκπαιδευτικό Σύστημα της Ελλάδας (The Minority Education System of Greece) (Aleksandroupoli: Gnomi, 1996)

Panagiotidis, Nathanail M., Μουσουλμανική Μειονότητα και Εθνική Συνείδηση (The Muslim Minority and the Ethnic Consciousness) (Aleksandroupoli: Ekdosi Topiki Enosi Dimon ke Kinotiton N.Evru, 1995)

Papadimitriou, P., Οι Πομάκοι της Ροδόπης. Από τις εθνοτικές σχέσεις στους Βαλκανικούς εθνικισμούς (1870-1990) (The Pomaks of Rhodopi. From the ethnotic relations to the Balkan nationalisms (1870-1990) (Thessaloniki: Kyriakidi, 2003)

Papandreaou, George, “Αν Δεν Είμουν Παπανδρέου Θα Δούλεβα σε Γκέτο Μάυρων” (If I was not Papandreaou I Would Work in the Ghetto of Blacks), *Klik*, vol.148

Papathanasi-Mousioroulou, Kalliopi, “Ο Αντίκτυπος Της Συνθήκης Του Βουκουρεστίου Στη Θράκη” (The impact of the Treaty of Bucharest on Thrace) in Συμπόσιο: Η Συνθήκη Του Βουκουρεστίου και η Ελλάδα (Symposium: The Bucharest Treaty and Greece, 16-18 November 1988) (Thessalonica: Institute for Balkan Studies, 1990)

Petraki, Georgia, “Στην Ξάνθη και στο Λαύριο: Ταξικές Διαστάσεις του Μειονοτικού στην Ελλάδα” (In Xanthi and Lavrion: Class Dimension of Minority in Greece), *Συγχρονά Θέματα*, Vol.63, April-May 1997

Platias, Athanasios, “Greece’s Strategic Doctrine: In Search of Autonomy and Deterrence,” in Dimitri Costas, ed., *The Greek Turkish Conflict* (London, Macmillian, 1991)

Rizas, Sotiris, Απο την Κρίση στην Ύφεση-Ο Κωνσταντίνος Μητσοτάκης και η Πολιτική της Προσέγγισης Ελλάδας – Τουρκίας (From Crisis to Détente-Konstantinos Mitsotakis and the Rapprochement between Greece and Turkey) (Atina: Papazisi, 2003)

Rozakis, Christos L., “The international protection of minorities in Greece” in Kevin Featherstone and Kostas Ifantis, eds., *Greece in a Changing Europe* (Manchester: Manchester University Press, 1996)

Ryan, Stephen, *Ethnic Conflict and International Relations* (Aldershot: Dartmouth, 1995)

Soltaridis, Simeon, Η Δυτική Θράκη και οι Μουσουλμάνοι. Τι ακριβώς συμβαίνει; (The Western Thrace and the Muslims. What exactly is going on?) (Athens: Nea Synora- A.A. Livani, 1990)

Soltaridis, Simeon, Η ιστορία των μουφτείων της Δυτικής Θράκης (The History of the Muftis of Western Thrace) (Athens: Nea Synora, 1997)

Soltaridis, Simeon, Απο την Κρίση του Μαρτίου 1987.....στο Δαβός (From the Crisis of March 1987...to Davos 1988) (Komotini: Vivliopolio tis Estias, 1988)
Tayfur, M.Fatih, *Semiperipheral Development and Foreign Policy. The Cases of Greece and Spain* (Aldershot: Ashgate, 2003)

Triandafyllidou, Anna and Anna Paraskevopoulou, “When is the Greek Nation: The Role of Enemies and Minorities”, *Geopolitics*, Vol.7, No.2 (Autumn 2002)

Triandafyllidou, Anna and Mariangela Veikou, "The Hierarchy of Greekness", Ethnicities, 2002, Vol.2

Troubeta, Sevasti, Κατασκευάζοντας ταυτότητες για τους μουσουλμάνους της Θράκης. Το παράδειγμα των Πομάκων και των Τσιγγάνων (Creating identities for the Muslim of Thrace. The example of the Pomaks and the Gypsies) (Athens: Kritiki and KEMO, 2001)

Tsakonas, Panayotis and Antonis Tournikiotis, "Greece's Elusive Quest for Security Providers: The Expectations-Reality Gap", Security Dialogue, Vol.34, September 2003

Tsioumis K.A., Η Μουσουλμανική μειονότητα της Δυτικής Θράκης και οι Ελληνοτουρκικές σχέσεις(1923-1940), Thessaloniki: Aristotelio Panepistimio , pedagogiki sholi tmima niptagogon 1994

Tsoukalas, Constantine, The Greek Tragedy (Middlesex: Penguin, 1969)

Whitman, Lois, Destroying Ethnic Identity-The Turks of Greece (NY: Helsinki Watch, 1990)

Whitman, Lois, Denying Human Rights and Ethnic Identity: The Greeks of Turkey (NY: Helsinki Watch, 1992)

Yildirim Onur, the 1923 population exchange, refugees and national historiographies in Greece and Turkey, middle East Technical University ,Ankara

Zolotas, Xenophon, A. Angelopoulos, I.Pesmazoglou, eds., Η Ανάπτυξη της Θράκης: Προκλήσεις και Προοπτικές (The development of Thrace: Challenges and Prospect) (Athens: Akadimia Athinon, 1995)

Zurcher Erik.J, Turkey.A modern history (Greek edition)

NEWSPAPERS

Athens News

Eleftherotipia

Ethnos

Hronos

Kathimerini

Paratiritis tis Thrakis

Ta Nea

To Vima

Trakya

Gündem

Politis

Sholiastis magazine

INTERNET

Avramopoulou, Irini and Leonidas Karakatsanis, Η Διαδρομή Της Ταυτότητας: Από τη Δυτική Θράκη στο Γκάζι (The travel of identity: From Western Thrace to Gazi) Available at www.kemo.gr

Boitard, Catherine, “Greek Muslims Seek Turkish Identity”, Agence France-Presse, 2003 cited at www.greekhelsinki.gr

Christopoulos, Dimitris and Konstantinos Tsitselikis, Treatment of Minorities and Homogeneis in Greece: Relics and Challenges available at www.kemo.gr

Compliance with the Principles of the Framework Convention for the Protection of National Minorities. A report prepared by the Greek Helsinki Monitor (GHM) and Minority Rights Group(MRG), 18 September 1999 available at www.greekhelsinki.gr

Dimitras Panayote and Nafsika Papanikolatos, Two Years of Traditionalist Modernism in Greece's Human Rights Policy, AIM Athens, 28 January 1998 available at www.aimpress.ch

Domna, Michael, Migration, Tradition and Transition Among the Pomaks in Xanthi (Western Thrace) A Symposium Paper prepared for the LSE PhD Symposium on Social Science Research on Greece, 21 June 2003 available at www.lse.ac.uk

Lykovardi, Kalliopi. General Overview of Discrimination in Greece, International Organization for Migration (IOM)-Legal Training Project, December 2002 available at www.iom.fi/anti-discrimination/pdf

Macedonian Press Agency, www.mpa.gr

Mavrommatis, G. and K. Tsitselikis, The Turkish Language in Education in Greece, Mercator-Education, Leeuwarden- The Netherlands, 2003 available at www.mercator-education.org

Minority Rights in Greece, A Report Prepared by Minority Rights Group (MRG) and Greek Helsinki Monitor(GHM), 18 September 1999 available at www.greekhelsinki.gr

Minorities and Media in Greece, A Report prepared by Minority Rights Group-Greece (MRG – G), May 2000 available at www.greekhelsinki.gr

Papanikolatos, Nafsika. “Minorities: Sacrificial lamb at Greek Democracy’s Silver Jubilee”, AIM Athens, 29 July 1999 available at www.aimpress.com

Religious Freedom in Greece: A Report Prepared by Minority Rights Group (MRG) and Greek Helsinki Monitor (GHM), September 2002, available at www.greekhelsinki.gr

The Framework Convention for the Protection of National Minorities, available at www.greekhelsinki.gr

The Written Statement of Ilhan Ahmet about the Dissolution of the Xanthi Turkish Union, 21-02-2005 available at www.ilhanahmet.com

The European Convention of Human Rights and its Five Protocols available at www.hri.org

The decisions of the ECHR available at www.echr.coe.int

The Muslim Minority of Greek Thrace, A Report prepared by the Ministry of Foreign Affairs of Hellenic Republic available at www.mfa.gr/foreign/musminen.html

“Το παζάρι της Θράκης” (The bazaar of Thrace), 17 November 2003, an article available at www.e-grammes.gr

Turkish Minority in Western Thrace, A Briefing Paper of the Commission on Security and Cooperation in Europe (CSCE), 26 April 1996, available at www.csce.gov

Western Thrace Issue available at <http://www.atmg.org/GreekProblem.html>

What was Babadjan doing at Western Thrace?, Maria Nikolaou, available at : <http://www.makthes.gr/index.php?name=News&file=article&sid=10034>

Alpha TV, Πολιτική (politics), “Tourkiki enwsi Thrakis “, available at: http://www.alphatv.gr/index.asp?a_id=88&news_id=28872

Hellenic MFA, The Greek minority of Turkey, available at <http://www.hri.org/MFA/foreign/bilateral/minority.htm>

Interview with Hulya Emin, Greece: Turks of Western Thrace still ‘desperate’, available at <http://www.turkishweekly.net/interview.php?id=230>

GreekAmerican news Agency , Turkish Revisionist Claims on Thrace, available at http://www.greekamericannewsagency.com/gana/index.php?option=com_content&task=view&id=2867&Itemid=83

Republic of Turkey, ministry of foreign affairs , Turkish minority of Western Thrace , available at <http://www.mfa.gov.tr/sub.en.mfa?ffe07e05-f4d8-4b0d-95b7-192eab7c2142>

Tommas Hammaberg, "The Lausanne treaty is out of date",
http://www.enet.gr/online/online_text/c=110,id=13923060

THE CONSULTATIVE COMMITTEE OF THE TURKISH MINORITY OF
WESTERN THRACE,

<http://www.bttadk.org/en/default.asp?P=AnnouncementsRead&id=22>

Human Rights council, Tenth session, Agenda item 3, promotion and protection of all Human Rights, Civil, Political, Economic, Social, and Cultural rights including the right to development-Report of the independent expert a minority issues, Gay Macdougall, Addendum-mission to Greece(8-16 September 2008) ,Available at: <http://daccess-ods.un.org/TMP/8596465.html>

Parliamentary assembly Doc. 11860, 21 April 2009. " Freedom of religion and other Human Rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace(Eastern Greece),Report: Committee on Legal affairs and Human Rights, Rapporteur: Mr Michel Hunault, France,European. Available at: <http://assembly.coe.int/documents/workingDocs/DOC09/EDOC11860.pdf>

<http://www.greekhelsinki.gr/dikaomatika/06/stiles/aytodikaiws/02.htm>

OTHER SOURCES

Minority Education in Thrace, A New Perspective in the Search for Solutions in 2002, A Booklet Prepared by Western Thrace Turkish Teachers Union and Western Thrace Minority University Graduates Association, Komotini, December 2002 Muslim Charitable Foundations in Greece: "Disregarding Turkish Heritage", A Draft Paper of the BTYTD, (University Graduates'Association of Western Thrace), January 2004

Outstanding Issues Affecting the Muslim Turkish Minority of Western Thrace. A Revised presentation by the Human Rights Branch of the Western Thrace Minority University Graduates Association- Komotini-GREECE, May 2005

History of Western Thrace Turkish Civil societies -1 : Xanthi Turkish Union 1927-2003 İskeçe Türk Birliği (Τουρκική Ένωση Ξάνθης 1927-2007, 80.Υil etkinlikleri)

Personal interviews with the executive secretary of the Turkish Union of Xanthi Mr Mehmet Usta

Personal interviews with People from the minority in Xanthi and Alexandroupoli

APPENDICES

Appendix -1



General map of Greece.

Source: <http://www.travel4greece.com/maps-greece.phd>

Appendix – 2

TREATY OF LAUSANNE

Section III. Protection of Minorities

Article 37.

Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognized as fundamental laws, and that no law, no regulation, no official action shall conflict or interfere with these stipulations, nor shall any law, regulation, non official action prevail over them.

Article 38.

The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion. All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals. Non-Muslim minorities will enjoy full freedom of movement and emigration, subject to the measures applied, on the whole or part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for maintenance of public order.

Article 39.

Turkish nationals belonging to non-Muslim minorities will enjoy the same civil and political rights as Muslims. All the inhabitants of Turkey, without distinction of religion, shall be equal before the law. Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to enjoyment of civil and political rights, as, for instance, admission to public employments, functions and honors, or the exercise of professions and industries. No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press or in publications of any kind or at public meetings. Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts.

Article 40.

Turkish nationals belonging to non-Muslim minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any school and other establishments for instruction and education, with the right to use their own language and to exercise their own religion therein.

Article 41.

As regards to public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Muslim nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their language. This provision will not prevent the Turkish

Government from making the teaching of the Turkish language obligatory in the said schools. In those towns and districts where a considerable proportion of Turkish nationals belonging to non-Muslim minorities, these minorities shall be assured an equitable share in employment and application of the sums which may be provided out of public funds under the State, municipal, or other budgets for educational, religious, or charitable purposes. The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.

Article 42.

The Turkish Government undertakes to take, as regards non-Muslim minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities. These measures will be elaborated by special Commissions composed representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers. The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the above mentioned minorities. All facilities and authorization will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at the present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature.

Article 43.

Turkish nationals belonging to non-Muslim minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend Courts of Law or to perform any legal business on their weekly day of rest. This provision, however, shall not exempt such Turkish nationals from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.

Article 44.

Turkey agrees that, in so far as the proceeding Articles of this section affect non-Muslim nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations. Turkey agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may there upon take such action and give such directions as it may deem proper and effective in the circumstances. Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these Articles between the Turkish Government and any of the other Signatory Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under

Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article of the Covenant.

Article 45.

The rights conferred by the provisions of the present Section on the non-Muslim minorities of Turkey will be similarly conferred by Greece on the Muslim minority in her territory.

Appendix-3



The map that was sent to Kurdish deputies.

Source: Newspaper "Politis", article code: 877442, -Politis-12/06/2009, page 6, Istanbul, Anna Andreou

Appendix-4

a).

Greek Human Rights Violations Against Its Turkish Minority in Western Thrace

Bruce Fein - 3/24/2008

The United States Helsinki Commission, an independent government agency charged with monitoring and securing compliance with international human rights standards, should hold hearings to spotlight Greece's subjugation of its Turkish minority in Western Thrace. While the European Union and the United States have been quick to award Turkey demerits for allegedly slighting Kurdish culture, they have been conspicuously inaudible in the face of Greece's decades long campaign of cultural repression, ethnic and religious discrimination and economic marginalization of its Turkish minority. Double standards breed resentment. The soft diplomacy of the United States will be punctured if it is not scrupulously evenhanded between Muslims, Christians, and other religions in the defense of human rights.

The Commission's chief mission is to police the human rights standards enshrined in the Conference on Security and Cooperation in Europe, FINAL ACT, HELSINKI, August 1, 1975. It stipulates, among other things:

"The participating States will respect human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief, without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, and cultural and other rights and freedoms...

The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, and will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms...."

According to a recent report issued by The Federation of Western Thrace Turks, Greece is flouting its HELSINKI FINAL ACT human rights obligations towards its Turkish minority. Greece restricts use of the words "Turkish" and "minority" in the naming of organizations, thus impairing the cultural identity of the Turkish minority in Western Thrace. Names are core elements of identity. Consider how the names of children or sacred places are carefully chosen.

Greece denies its Turkish minority equal treatment under the law by providing salaries to Greek Christian families with three children, but denying the same to their Greek Muslim counterparts. Between 1955 and 1998, approximately 46,638 Muslims from Thrace and the Dodecanese islands lost their citizenship

when they left the country; this was done under Article 19 of the Greek Citizenship Code, which presumed that every Muslim citizen traveler who left the country, regardless of duration, intended to depart Greece permanently. No such presumption existed for Greek Christians. Though the law was repealed in 1998, 7 years later, in 2005, 30 citizens remained classified as stateless and the ombudsman for human rights noted that delay in processing applications for recovering citizenship was "excessive and unjustified." Equal treatment is additionally violated by Greece's discriminatory policy of appointing Muftis as opposed to permitting their popular election by the Turkish minority. In contrast, Jews are permitted to elect Rabbis and Greeks are permitted to elect metropolitans to the Greek Church. Finally, Greece intentionally fragments the voting of its Turkish minority in local election regions to prevent the election of a Muslim mayor or governor; and, a 3% election hurdle has been erected for independent Turkish minority candidates to force them to join Greek political parties if they wish to meaningfully participate in politics.

Education, like naming, is a central component of preserving the identities and cultures of national minorities. The Lausanne Treaty of 1923 endows the Turkish minority in Western Thrace with the right to establish and to administer their schools. Teachers in schools for the Turkish minority, however, are unable to speak Turkish; and, the Turkish minority lacks control over the selection of staff or the curriculum. School resources for Greece's Turkish minorities are shortchanged, which has forced Turkish children to seek education in Greek schools because of the superior quality of education. Greece's crippling of the Turkish minority's ability to operate first-class schools in Western Thrace violates its FINAL ACT obligation to promote and encourage their exercise of social or cultural rights.

Ditto for Greece's undermining of Turkish minority foundations, which routinely establish schools, pay the salaries of teachers and religious functionaries, and otherwise support the Turkish minority culture. Foundation executives are appointed by the Greek government and are accused of chronically alienating and plundering the property of the foundations they oversee. The Turkish minority is not permitted to elect even the foundation's officers who hold the purse strings.

Greece deserves harsh condemnation for its egregious mistreatment of the Turkish minority in Western Thrace. At this particular time in history, the Islamic world deserves proof that western democracies do not look with indifference at Christian wrongs inflicted on Muslims—that there is no inescapable battle of civilizations.

b).

2008 Human Rights Report: Greece

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
[2008 Country Reports on Human Rights Practices](#)
February 25, 2009

Greece is a constitutional republic and multiparty parliamentary democracy with an estimated population of 11 million. In September 2007 the New Democracy Party won a slim majority of seats in the unicameral Vouli (parliament) in free and fair elections, and Konstantinos Karamanlis remained the prime minister. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in several areas. Human rights abuses reported during the year included: reports of abuse by security forces, particularly of undocumented immigrants and Roma; overcrowding and harsh conditions in some prisons; detention of undocumented migrants in squalid conditions; some legal restrictions on freedom of speech (although not enforced in practice); restrictions and administrative obstacles faced by members of non-Orthodox religions, including serious delays in receiving permits; detention and deportation of unaccompanied or separated immigrant minors, including asylum seekers; failure to provide adequate protection to victims of domestic violence; discrimination against Romani children in education; exploitation of Romani children through begging and forced labor; trafficking in persons; limits on the ability of ethnic minority groups to self-identify; and discrimination against and social exclusion of ethnic minorities, particularly Roma. A large number of Roma lacked access to adequate housing, basic medical care, public services, and employment opportunities.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any politically motivated killings during the year; however, a police officer killed one person.

On December 6, a police officer killed 15-year-old Alexandros Grigoropoulos in the Exarchia district in Athens, as Grigoropoulos and other youths reportedly were throwing rocks at a police vehicle. Authorities arrested the officer and his partner in connection with the shooting. The officer claimed that he fired warning shots and did not aim at Grigoropoulos. Autopsy and ballistics reports, requested by the victim's family, indicated that Grigoropoulos was killed by a ricochet bullet. The official investigation into the circumstances of the shooting was still pending at year's end. The shooting

touched off more than a month of riots and demonstrations by youths and self-styled anarchists in cities across the country that resulted in injuries to dozens of civilians and police as well as an estimated 1 billion euros (approximately \$1.4 billion) in property damage. Both policemen were in custody at year's end on as yet undetermined charges.

In January a special Navy tribunal acquitted the coast officer involved in the August 2007 shooting death of a Greek citizen of all charges. Prosecutors had charged the officer with "reckless wounding." Coast guard officers had fired at the man after he reportedly failed to stop for a boat check. He later died in a hospital.

A trial was pending at year's end in the case of a border guard who shot and killed an Albanian migrant who was attempting to cross the Greek-Albanian border illegally in November 2007.

In September four Georgian migrants were killed in marked minefields in the Evros area on the Greek-Turkish border. During the previous 17 years, 72 persons died in the Evros minefields.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, during the year there was an increase in nongovernmental organization (NGO) reports of abuse by police forces and the Coast Guard, particularly of undocumented immigrants, asylum seekers, and Roma.

On December 11, Amnesty International (AI) reported that police used unlawful and excessive force against peaceful demonstrators protesting the December 6 police shooting of Alexandros Grigoropoulos. AI alleged that two of its members were beaten with police batons and criticized police for not discriminating between peaceful protesters and violent anarchists.

On February 8, the Council of Europe Committee for the Prevention of Torture (CPT) released a report on the visit by a CPT delegation to the country in February 2007. The report noted that there had been no improvement since the previous CPT visit in 2005 in the treatment of persons detained by law enforcement agencies and that the delegation received many allegations of mistreatment of detainees by law enforcement officials. Most of the allegations consisted of slaps, punches, kicks, and blows with batons, inflicted upon arrest or during police questioning. In one example, a detainee alleged that he was punched in the head and body by officers at the Alexandroupoli police station and that officers had threatened to sever his right forefinger with pliers. The detainee further stated that, while being held over a table by two officers, his trousers were pulled down and he was threatened with rape by a third officer. In several cases, CPT medical experts examined detainees'

wounds and found their allegations to be credible and consistent with injuries from slaps, kicks, and baton blows.

NGOs regularly reported that police beat and mistreated immigrants, including minors. Human Rights Watch (HRW) reported in November that asylum seekers and migrants were regularly beaten during arrest and while in detention. The NGO, Network of Social Support to Refugees and Immigrants, alleged that incidents of police abuse against foreign street vendors occurred almost daily.

In March the secretary of the Foreigner Immigrants Union of Larisa alleged that he was beaten by Thessaloniki police officers when he visited the station to report a problem. He claimed that he was beaten on his fingers with an iron bar more than 80 times and that he was punched and kicked several times. The victim alerted the Albanian consular authorities to the incident and filed criminal charges, which were pending in court at year's end.

In June seven police officers and the director of the Corinth police station reportedly tortured and abused a 35-year-old mentally ill Romanian national and left him in a field in a remote area. The officers involved were suspended and the prosecutor ordered an inquiry into possible charges of torture, insult to human dignity, serious bodily harm, and theft. The inquiry was pending at year's end.

In July, according to media reports, the Patras Port Authority handcuffed undocumented migrants to public benches and trees outside port authority offices. Officials responded that they were handcuffing the migrants outside because the detention center had been destroyed by an earthquake and was unsafe for the detainees. At year's end the Port Authority was using metal containers to hold arrested migrants, a practice that NGOs condemned as inhuman and degrading.

In March two police officers and two border guards were dismissed after a video surfaced showing officers abusing two Albanian migrants in police custody after their 2006 arrest on drug charges. A video of the incident was posted to the Web site YouTube.com and was aired on Greek television. Criminal charges against the officers for torture and breach of duty were pending at year's end.

There were multiple reports of the Coast Guard treating undocumented immigrants, including minors, in a cruel manner. In February AI called for an investigation into the case of 13 Afghan migrants, eight of whom were minors, who were allegedly intercepted by the Coast Guard, beaten and robbed, put in an inflatable dinghy, and forced to return to Turkey. In July undocumented immigrants on the island of Samos alleged that they were slapped and beaten during their interrogation by coast guard officers. In September immigrant detainees in Patras rioted after coast guard officers allegedly seriously injured two Afghan migrants. In a December report on unaccompanied migrant children, HRW alleged that on multiple occasions coast guard officers beat minors after intercepting them at sea.

There were continued reports of police mistreatment of Roma, and human rights advocates accused the court system of failing to prosecute abusive police officers. In April the Appeals Court acquitted a police officer who had allegedly beaten a Romani man, Theodoros Stefanou, in 2001 on the island of Cephalonia. At the initial trial, the officer was suspended and his three-year prison sentence was commuted to a fine, but the victim and a human rights defender claimed that they were never summoned to the trial. With legal aid from the Greek Helsinki Monitor (GHM), an NGO, in January 2007 the victim took his case to the European Court for Human Rights (ECHR), alleging mistreatment, excessive length of proceedings, and the failure of the authorities to investigate promptly due to his Romani ethnicity. The case was pending at year's end.

In July the United Nations Human Rights Committee (HRC) found that the country had violated the provisions of the International Covenant on Civil and Political Rights that prohibit torture and establish the right to an effective remedy for abuses. The HRC found a lack of a proper investigation into the alleged police brutality against ethnic Romani citizen Andreas Kalamiotis in 2001, in Athens. The state was given six months to provide the victim with an effective remedy and appropriate reparation and to report on measures taken to prevent similar violations in the future. The government had not taken any remedial measures by year's end.

The criminal investigation of two police officers on the island of Rhodes in connection with the alleged multiple rapes of a Bulgarian woman in 2006 and the trial of a homicide police officer for the attempted rape of a Greek woman in 2007 were both pending at year's end.

Prison and Detention Center Conditions

Prison conditions remained inadequate due to continued overcrowding and outdated facilities. Some prisons and detention centers continued to hold minors in the same cells as adults. While prison capacity increased overall, partly due to construction during the year of a new prison facility for women in Thebes, the number of inmates also grew. The Ministry of Justice reported that, as of September, the total prison population was 11,798, while the official capacity of the prison system was 7,543.

The ombudsman for human rights noted during the year that overcrowding in prisons had not been addressed and that this was leading to disciplinary problems and criminal behavior in the prisons. For the third year in a row, the ombudsman formally complained that the Ministry of Justice denied his representatives access to prisons and detention facilities.

In November an estimated 8,000 inmates nationwide staged an 18-day hunger strike protesting overcrowding in prisons. The protest spurred riots and arson attacks by anarchist groups in Athens and Thessaloniki in support of the inmates who were on hunger strikes. Prisoners ended the strike after the Ministry of Justice announced an early release of up to 5,500 prisoners and new measures for improving prison conditions, including integrating

cumulative disciplinary penalties for prisoners and reducing the maximum pretrial detention period from 18 months to 12 months. The early releases began in December.

AI, the Office of the UN High Commissioner for Refugees (UNHCR), the NGO Pro-Asyl, the government-appointed ombudsman for human rights, the European Commission, HRW, and Doctors Without Borders (MSF) noted during the year that conditions in detention centers for undocumented aliens were unacceptable and amounted to a serious violation of human rights. The UNHCR expressed its concern for the situation in some Aegean Island detention centers. An MSF fact-finding mission in July visited detention centers and expressed its concerns for what it termed a "continuing humanitarian crisis."

AI noted in its annual country report, released in May, that an increase in the number of deaths in prisons and in police custody raised serious concerns about the lack of effective monitoring of the handling of detainees and prisoners. AI also reported that minors were among the refugees and migrants being held at detention centers.

The NGO Prisoners' Rights Initiative reported in March that 440 inmates died in prisons and police detention centers between 1997 and 2007. Although some deaths were drug-related or self-inflicted, there were also cases in which the circumstances were disputed, and the authorities were indifferent to the lives of inmates.

In June the ECHR ruled against the government in the case of an inmate held in prison for trafficking antiques and drug possession. The ECHR concluded that authorities had not fulfilled their obligation to safeguard the inmate's health by providing him the appropriate medical care and that this omission amounted to inhuman treatment. The country was ordered to pay the victim 8,000 euros (approximately \$12,000) in damages, costs, and expenses.

There were multiple reports that prison or detention center guards mistreated prisoners. In July and September protests and hunger strikes took place in immigrant detention centers on Leros and Samos islands due to overcrowding and alleged mistreatment.

In September MSF announced that it would withdraw from the detention center on Lesbos due to a lack of support from authorities. MSF stated that police hampered its efforts to offer medical care and improve conditions in the detention center. In October media reported that hundreds of immigrant detainees on Lesbos fell ill from drinking contaminated water from the detention center's moldy and rusted pipes.

During its February 2007 visit to the country, the CPT examined the treatment of persons detained by law enforcement authorities, focusing on Korydallos prison and detention facilities for illegal immigrants in Attica, the eastern Aegean, and Thrace. The delegation visited prisons, police detention centers, police stations, and holding facilities for illegal immigrants. In its February

report on the visit, the CPT reiterated that prisons remained largely overcrowded; prison violence appeared to be on the rise; conditions of detention in police facilities generally were unsatisfactory, in certain cases constituting inhuman or degrading treatment; and facilities designed for holding suspects for short periods were inappropriately used for prolonged incarceration.

In one case, the CPT noted that a Bangladeshi national, who had alleged police brutality at Athens International Airport after he had refused deportation and who had visible injuries, only received medical treatment after the CPT intervened. In another case, a detainee at the Omonia police station, who had alleged police abuse and required medical attention, was told by police that he would be immediately deported unless he informed the CPT delegation that he no longer wished to see a doctor.

The CPT observed that the Korydallos prison remained overcrowded and that no noticeable improvement had occurred since its 2005 visit. The CPT found that three or four prisoners were placed in cells designed for a single occupant and that health care remained inadequate for a prison of its size. The CPT also reported that in the Petrou Ralli facility in Athens, detainees were confined to their cells 24 hours a day, had no recreational spaces, and were kept in cells that did not have toilet facilities or call bells. At the time of its visit, the CPT found that some minors did not have beds and were sleeping on mattresses on the floor.

The Samos facility that opened in 2007, while much improved over the island's previous detention center, held over 500 detainees and was already crowded beyond capacity.

In November diplomatic observers toured the Fylakio detention center, opened in March 2007, and found conditions to be clean, well-lit, and climate-controlled. Male and female detainees were held in separate facilities comprised of large, compartmented rooms with bunk beds for each detainee. There were no families or minors in the detention center. The building had a cafeteria, outdoor recreational facilities, a telephone room, and an infirmary with four beds. Police authorities stated that there were 279 detainees in the center; they reported that the center had an official maximum capacity of 375, but that in their opinion the center would be overcrowded with any more than 320 detainees. Police officials also said that the Venna, Peplos, and Tychemo detention centers (long criticized by the CPT and other NGOs for squalid conditions) had closed due to reduced numbers of new illegal immigrant arrivals in the Evros border region during the year.

In November HRW described "inhuman and degrading" conditions in multiple prisons and detention facilities. In December HRW alleged that unaccompanied migrant minors were routinely detained in the same cells as adults.

The government permitted the CPT to conduct periodic and ad hoc visits to prisons, detention centers, and mental hospitals, most recently in September.

Other NGOs, such as HRW, were inconsistently granted access to prisons and detention facilities. During the year international human rights groups reported fewer problems receiving permission for prison and detention center visits than did local human rights groups, and the International Committee of the Red Cross had a regular program for prison visits. However, there was insufficient access to detention centers for independent organizations wanting to screen for trafficking victims.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention. However, police continued to conduct large-scale sweeps and temporarily detained large numbers of foreigners, often under crowded and squalid conditions, while determining their residence status.

Role of the Police and Security Apparatus

The police are responsible for law enforcement and the maintenance of order within the country and are under the authority of the Ministry of the Interior and Public Order. The Coast Guard is responsible for law enforcement in territorial waters and is under the authority of the Ministry of Mercantile Marine. While the country's law enforcement agencies were generally effective, police sometimes did not fully investigate self-styled "anti-imperialist" anarchists, who used crude gas canister bombs and Molotov cocktails to attack property, government offices, targets representing "Western interests," and the police, particularly in central Athens.

In the nationwide protests and riots that followed the December 6 death of 15-year-old Alexandros Grigoropoulos in an altercation with a police officer, anarchists wielding petrol bombs destroyed vehicles and commercial and government offices, causing an estimated 1 billion euros (approximately \$1.4 billion) in property damage. Media criticized the police for failing to protect businesses from violent rioters and looters. There were media allegations that government leaders, seeking to avoid a further escalation of violence, directed the police to take a defensive posture in response to the riots.

Police corruption continued to be a problem. During the year the police Bureau of Internal Affairs took several disciplinary measures, including dismissal and suspension, against officers involved in corruption, primarily for forging documents and for taking bribes. Most charges against police involved violation of duty, issuing false certificates, abuse of power, corruption, violations with arms and explosives, illegally releasing persons in police custody, pimping, and violations related to alien registration.

In contrast with the previous year, NGOs and the media reported more frequently on police corruption, criticizing the prevalence of lenient punishments for officers, such as suspended sentences, small fines, or acquittals. The ombudsman noted that the lack of adequate punishment meant that there was no effective deterrent against police corruption and that the Ministry of the Interior and Public Order apparently lacked the will to

combat police corruption. During the year the GHM reported that, of 238 police mistreatment cases brought against law enforcement personnel from 2003-07, only one police officer was dismissed.

Four Thessaloniki police officers, including the former director of the Ano Poli police station, were discharged from service by a police disciplinary board in February. The officers had issued fraudulent documents to approximately 50 Albanian nationals seeking residence permits in Thessaloniki. The Albanian nationals had paid 500 to 1,500 euros (approximately \$750 to \$2,250) bribes for the papers. A police lieutenant was given a 16-month suspended sentence, while the three other officers were acquitted of all charges.

In June the police Bureau of Internal Affairs dismantled a network of border guards, police, and intelligence personnel that was smuggling undocumented aliens and stolen vehicles from Albania into the country. The bureau filed criminal charges and the case was pending at year's end.

In July two police officers were given prison sentences of two and 18 months, respectively, for offering protection to an illegal electronic gambling shop in Thessaloniki.

In November eight Thessaloniki police officers were convicted in connection with the beating of a Cypriot student in 2006. The officers were convicted of causing bodily harm and were given sentences ranging from 15-39 months, with the option to avoid jail time by paying five euros (approximately \$8) for each day of the sentence. The former police precinct director in place at the time of the beating was convicted for neglecting his supervisory duty and given a suspended 15-month sentence. The policemen appealed their convictions, which were pending at year's end. Press and local NGOs criticized the punishments as lenient.

In November five coast guard officers in the port city of Patras were arrested on charges of alien smuggling and forming a criminal organization. The Ministry of Mercantile Marine ordered an inquiry into the case and replaced the harbormaster. The results of the inquiry had not been announced by year's end.

Arrest and Detention

The law requires judicial warrants for arrests, except when they are made during the commission of a crime, and prohibits arbitrary arrest orders. Authorities generally respected these provisions in practice. Police are required to bring persons who are detained or arrested before an examining magistrate within 24 hours. The magistrate is then required to issue a detention warrant or order their release within three days unless special circumstances justify a two-day extension of detention. Bail is available for defendants detained or arrested on felony charges, unless the judicial officer determines that the defendant is a flight risk or a danger to the community.

The law provides that persons in detention have the right to contact a close relative or another third party, to have access to a lawyer, and to have access to a doctor. However, during its 2007 visit to the country, the CPT found that the government did not respect these rights in practice. The CPT heard a number of allegations that access to a lawyer had been delayed for periods of up to three days. In most of these cases, the persons detained, mainly foreigners, alleged that they were mistreated during arrest and interrogation. The CPT received a number of complaints from illegal immigrants in detention that they were only provided information sheets explaining their rights in Greek, and that they were either physically coerced or verbally threatened with mistreatment to ensure that they signed an acknowledgement on the information sheets.

Defendants have the right to legal counsel. In felony cases the bar association provides lawyers to defendants who prove they cannot afford legal counsel.

Defendants brought to court on the day following the alleged commission of a misdemeanor may be tried immediately under expedited procedures. Although legal safeguards, including representation by counsel, apply in expedited procedure cases, the short time period limited defendants' ability to present an adequate defense. Defendants may request a delay to prepare a defense, but the court is not obliged to grant their requests. Expedited procedures were used in less than 10 percent of applicable cases.

The ombudsman asserted in his annual report that the number of complaints from citizens about violations of personal freedoms in the course of police action remained high. These violations included: taking citizens to detention centers for arbitrary identity checks, using insulting language and threats of force, and conducting bodily searches in public. The ombudsman noted an increase in the number of complaints that police conducted investigations without soliciting testimony from victims. Police reportedly targeted persons based on their race, color, nationality, or presence in high-crime areas.

The 2006 case concerning the alleged abduction of 14 Pakistani permanent residents was still pending at year's end.

The law allows pretrial detention for up to 18 months for cases involving alleged felonies and for up to nine months for misdemeanors involving "multiple accidental manslaughters." Some defense lawyers asserted that pretrial detention was supposed to be reserved for exceptional cases but had become the norm. They also argued that the detention period was excessively long and that, although the code of criminal procedure expressly excludes "seriousness of the crime" as a criterion, it is usually the main reason for extended detention in practice. A panel of judges may release detainees pending trial with or without bail. Pretrial detainees made up approximately 30 percent of those incarcerated and contributed to prison overcrowding, according to figures provided by the Ministry of Justice.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice; however, observers reported that the judiciary was subject to influence. On several occasions in 2006 and 2007, the ECHR criticized the government for unreasonably long trials and found the court system to be inefficient. During the year two judges were dismissed on corruption related charges. Several ongoing corruption investigations of as many as twenty judges were still pending at year's end. One judge fled the country and was in hiding abroad at year's end. The judiciary acted more leniently toward those claiming a political motivation for their acts of property destruction (so-called anarchists) than it did for those who did not claim a political motivation. For example, anarchists were frequently given suspended prison sentences in lieu of prison time or fines.

On August 13, the GHM sent a letter to the prosecutor and the president of the Supreme Court listing 39 recent litigation cases on behalf of, or against, Roma. The GHM charged that cases against Roma were usually investigated promptly; however, cases brought by Roma concerning serious violations of human rights took several years to move through the legal process and rarely led to indictments or convictions. Furthermore, the GHM noted that police mistreatment cases filed by Roma almost always resulted in acquittals for the officers charged.

After the December 6 death of 15-year-old Alexandros Grigoropoulos, authorities arrested a police officer and his partner. The investigation of the incident was ongoing at year's end. Officials of both the government and opposition parties made statements that observers noted implied presumption of the officer's guilt. In the aftermath of the shooting, mainstream media condemned the police officers as guilty of murder. Independent observers expressed concern that such statements presupposed the officers' guilt and jeopardized the defendants' right to a fair trial.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public in most instances, and juries are used in all first- and second-degree felony cases. An antiterrorism statute permits denial of the right to a jury trial in cases of violent terrorism. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. An attorney is provided at public expense if indigent defendants face serious criminal charges. Defendants may confront and question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and have the right to appeal. Defendants who do not speak Greek have the right to a court-appointed interpreter.

Some NGOs reported during the year that court interpretation was inadequate for non-Greek speakers; however, diplomatic observers noted good-quality interpretation at trials specifically for foreign victims of trafficking.

The government recognizes Shari'a (Islamic religious law) as the law regulating family and civic issues of the Muslim minority in Thrace.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is a generally independent and impartial judiciary in civil matters. There are no administrative remedies available beyond the judicial remedies for alleged wrongs.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; however, these provisions were not always respected in practice.

Police and prosecutors regularly conducted raids and searches of Romani and migrant neighborhoods, frequently entering homes without authorization in search of criminal suspects, drugs, and weapons. Local authorities evicted Roma from camps and tent dwellings during the year, and threatened to evict others. NGOs and media regularly reported that law enforcement authorities beat or harassed unlicensed immigrant street vendors and undocumented immigrants.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. However, legal restrictions on free speech remained in force. The law prohibits speech that endangers or disturbs the country's relations with foreign states, spreads false information or rumors causing fear among citizens, causes rivalry or division among citizens, or incites citizens to disturb the peace or commit acts of violence. In practice these legal prohibitions were seldom invoked. In most criminal defamation cases, defendants were released on bail pending appeal without serving time in jail.

Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede this criticism.

There were numerous independent newspapers and magazines in circulation, and they generally expressed a wide variety of views without restriction.

The law provides for the government to exercise "immediate control" over radio and television stations and establishes ownership limits on media frequencies. However, independent radio and television stations were active and expressed a wide variety of views with little or no government restriction.

State-operated stations tended to emphasize the government's views but also reported objectively on other parties' programs and positions.

The requirement of the 2007 media law that radio and television stations broadcast primarily in Greek had no practical effect on the existing Turkish-language radio stations in Thrace.

The law allows for seizure, by order of the public prosecutor, of publications that insult the president, offend Christianity "or any other known religion," contain obscene articles, advocate violent overthrow of the political system, or disclose military and defense information. The government did not charge any individuals with violation of this law during the year.

The law punishes "whoever intentionally incites others to actions that could provoke discrimination, hatred, or violence against persons or groups of persons on the basis of their race or ethnic origin or expresses ideas insulting to persons or to groups of persons because of their race or ethnic origin."

The GHM and the Central Board of Jewish Communities brought charges against the newspaper *Eleftheros Kosmos* and former LAOS political party candidate Kostas Plevris for racism and anti-Semitism. In December 2007 *Eleftheros Kosmos* was acquitted, but Plevris received a 14-month suspended sentence for inciting hatred and racial violence with his book *The Jews -The Whole Truth*. The book denied the Holocaust and called Jewish people "mortal enemies" and "subhuman." Plevris appealed the sentence; the appeal trial had not begun by year's end.

On March 5, the misdemeanors court of Athens sentenced three journalists of *Eleftheros Kosmos* to seven-month suspended sentences for insulting Jews. The journalists appealed the sentence. In September the appeals court unanimously changed the terms from seven to five-month suspended sentences.

In September an Athens appeals court sentenced the publisher and a former columnist of the weekly newspaper *Eleftheros Kosmos* for anti-Semitism in a 2006 column. The columnist had criticized Thessaloniki's small Jewish community, decimated during the Holocaust, writing "thank God, less than 1,500 are left." Each defendant was given a five-month suspended sentence.

In December, after the start of Israeli military action in Gaza, the left-of-center newspaper *Eleftherotypia* printed anti-Semitic cartoons and satire, joining smaller extremist publications that compared Jews to Nazis or held them responsible for actions of the state of Israel.

In October media in Thessaloniki reported that two editors of *Millet*, a local paper published in Turkish, were given 12-month suspended sentences for inciting hatred against the Pomak community.

According to an October report by Reporters Without Borders, journalist Makis Nodaros was assaulted by two unknown persons. Nodaros was a regular

contributor to articles in the daily newspaper *Eleftherotypia* about government corruption and financial mismanagement. No investigation had begun by year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail. Internet was available throughout the country and widely used.

The libel and defamation trial of an internet blog administrator who criticized a Greek Orthodox televangelist had not begun by year's end. The blogger was charged in 2006 for comments that appeared on one of his Web sites allegedly calling the televangelist "stupid" for claiming that all things on earth came from Greece.

Academic Freedom and Cultural Events

The government did not restrict academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice.

The December 6 death of 15-year-old Alexandros Grigoropoulos touched off more than a month of riots and demonstrations. Peaceful demonstrators were joined by violent, self-styled, anarchists and arsonists. Using Molotov cocktails, petrol bombs, rocks, and other projectiles, violent protesters injured dozens of police officers and destroyed vehicles and commercial and government property estimated at one billion euros (approximately \$1.4 billion). The police used tear gas and force, including baton strikes, to disperse violent protesters.

On December 11, AI alleged that two of its members were beaten with police batons and criticized police for not discriminating between peaceful protesters and violent anarchists.

Freedom of Association

The law provides for freedom of association; however, the courts continued to place legal restrictions on the names of associations involving certain ethnic minorities.

In 2006 the group "Home of Macedonian Culture" took its case regarding the denial of the organization's legal status to the Supreme Court. It remained pending as of year's end.

The government prohibited associations that used the term "Turkish" in their names. The ECHR ruled in March that the country was violating the freedom of association of the Muslim minority by dissolving the Turkish Union of Xanthi, established in 1927, after 21 years of legal proceedings (1983-2005). The ECHR also ruled against the government's refusal to register the Cultural Association of Turkish Women of Rodopi. The Greek courts, citing the 1923 Treaty of Lausanne, had objected to the use of the word "Turkish" because the Greek government officially only recognized a "Muslim" religious minority, not a "Turkish" ethnic one. Greece appealed the decision, but the ECHR rejected the appeal in October. In December the Turkish Union of Xanthi requested recognition from the First Instance Court of Xanthi, in line with the ECHR decision. The case was heard on December 11, but the court had not issued a decision by year's end.

c. Freedom of Religion

The law provides for freedom of religion. However, non-Orthodox groups at times faced administrative obstacles or legal restrictions on their religious practices.

The law establishes the Eastern Orthodox Church of Christ (Greek Orthodoxy) as the "prevailing" religion. The Greek Orthodox Church continued to exercise significant political and economic influence. The government recognized de facto the Orthodox canon law. Privileges and legal prerogatives granted to the Orthodox Church were not routinely extended to other recognized religions. Orthodox Church officials refused to enter into dialogue with religious groups that they considered harmful to Orthodox worshippers, and they instructed their members to shun members of the Jehovah's Witnesses, Church of Jesus Christ of Latter-day Saints (Mormons), Protestant, and evangelical Christian churches.

The government supported the Greek Orthodox Church financially and paid the salaries and some expenses of the three official Muslim religious leaders, or muftis, in Thrace. In addition, the government announced in February 2007 that it would hire 240 imams as public employees in Thrace. As of year's end, the Ministry of Education and Religion was reviewing applications for the imam positions. Jewish leaders requested that the government pay the salaries of rabbis, given the practice of paying for Orthodox priests and Muslim muftis; the government had not responded to this request by year's end.

The Orthodox, Jewish, and Islamic communities are the only religious groups deemed "legal entities of public law," able to own, bequeath, and inherit property and appear in court under their own names as religious organizations. Other religious organizations may be registered as "legal entities of private law," which cannot own "houses of prayer" or other property

directly as religious entities but must create other corporate legal entities in order to own, bequeath, or inherit property, or to appear in court.

To be recognized as a "legal entity of private law," a religious group must be a "known religion" or dogma, defined by the courts as having a publicly taught doctrine with rites of worship that are open to the public, being nonprofit in nature, not adversely affecting public order or morality, and having a hierarchy of religious authorities. No formal mechanism existed to gain recognition as a "known religion." Recognition is granted indirectly when the Ministry of Education and Religion grants applications for permits to acquire a "house of prayer."

Some Christian denominations, such as Roman Catholics, Pentecostals, Methodists, evangelicals, and the Jehovah's Witnesses, were recognized as "known religions." No new religious entities have been recognized by the Ministry of Education and Religion since 2006. Three groups following ancient polytheistic Hellenic religions had applied to the ministry for recognition. Despite the ombudsman's advice to the ministry to respond, there has been no reply. The ministry last responded to one of these groups in 2006, stating that it "would delay its formal response due to the seriousness and the peculiarity of the matter."

Some religious groups without house of prayer permits, such as the Scientologists and followers of ancient polytheistic Hellenic religions, practiced their faith as registered nonprofit civil law organizations.

The law extends recognition as a private entity to Roman Catholic churches and related entities established prior to 1946. The Catholic Church has sought, without success, a legal procedure that would provide recognition to its religious institutions built after 1946. In 2006 the Ministry of Education and Religion established a committee to study the issue and propose a legislative solution. The Committee last met in February 2007 but produced no results as of the end of the year. Since 1999 the Catholic Church also has sought, to no avail, government recognition of Catholic canon law.

At year's end the Jehovah's Witnesses had 12 applications for house-of-prayer permits pending with the Ministry of Education and Religion, some dating from 2005. In 2006 the ombudsman recommended that the ministry send an official response as mandated by the law; however, the ministry did not respond during the year. Members of the Jehovah's Witnesses community reported that in 2005 two Greek Orthodox Bishops asked a local court to repeal the Jehovah's Witnesses' house-of-prayer permits. The matter remained in the courts at year's end. Local leaders of the Jehovah's Witnesses stated that their house-of-prayer applications were delayed by bureaucratic obstruction and pending construction permits.

Parliament approved a bill in 2000 allowing the construction of Athens' first mosque and Islamic cultural center. In 2006 the government passed a new law providing for the establishment of a mosque, without a cultural center, in the Athens neighborhood of Votanikos. Leaders of the Athens Muslim

community were satisfied with the proposed location, but in October 2007 they urged the Ministry of Education and Religion begin construction, calling the issue "one of grave importance" to the Muslims of Athens. Construction had not begun by year's end. In 2006 a Muslim Cultural Center opened in Moschato, Athens, in an abandoned factory warehouse. Funded by foreign charities and with space for 2,000 worshippers, this unofficial mosque continued to operate without a house-of-prayer permit at year's end. Other Muslims continued congregating in dozens of unofficial prayer rooms. Since the government does not recognize Muslim clerics outside of Thrace, Muslims in Athens had to travel to Thrace for official religious weddings and funerals.

Muslims are an official minority in Thrace, and the government selects three official Muslim religious leaders, or muftis, there. While part of the community accepted the officially-appointed muftis, some Muslims "elected" two different muftis, one in Xanthi and one in Rodopi, in elections in which only men were allowed to cast votes.

Discussions continued between the Jewish community of Thessaloniki and the government to find acceptable restitution for the community's cemetery, expropriated after its destruction during the Holocaust. Aristotle University, a public institution, was built on top of the expropriated cemetery soon after the end of World War II. International NGOs expressed concern that subway construction in the vicinity of the cemetery could disturb human remains. During the year the government worked with the local Jewish community to address these concerns.

Non-Orthodox citizens claimed that they faced career limits in the military, police, firefighting force, and civil service due to their religion.

The law prohibits proselytizing and stipulates that religious rites must not disturb public order or offend moral principles. Members of missionary faiths reported police harassment and detention because of antiproselytizing laws, and officials of these faiths expressed concern that these laws remained in effect.

Police occasionally detained members of the Church of Jesus Christ of Latter-day Saints (Mormons) and the Jehovah's Witnesses for identity checks. While such persons were typically released after one to several hours, in January two Mormon missionaries were detained for two days on charges of proselytizing. The charges were subsequently dropped.

Orthodox religious instruction in public primary and secondary schools is mandatory, but non-Orthodox students are exempted from religious instruction. Some Thracian Muslims resident in Athens lobbied unsuccessfully for Islamic religious instruction for their children.

Some schoolbooks contained negative references to Roman Catholicism, Judaism, and the ancient polytheistic Hellenic tradition. Negative references to the Jehovah's Witnesses were taken out of 2007 edition schoolbooks that were being used during the year.

In Thrace the government subsidized bilingual Greek-Turkish public schools and two Koranic schools for the Muslim minority.

The law requires a religious oath for all civil servants before entering office. Persons not belonging to the Orthodox Church may take an oath in accord with their own beliefs. In February the ECHR found the country to be in violation of the European Convention on Human Rights, Article 9 (freedom of thought, conscience and religion) and Article 13 (right to an effective remedy), in the case of a lawyer who was allegedly forced to publicly state that he was not an Orthodox Christian before being permitted to take a nonreligious affirmation during the admission ceremony to the state bar. The ECHR awarded the plaintiff 2,000 euros (approximately \$3,000) in damages.

Societal Abuses and Discrimination

Members of non-Orthodox faiths reported incidents of societal discrimination, including warnings by Greek Orthodox bishops to their parishioners not to visit clergy or members of these faiths and requests that police arrest missionaries for proselytizing. Some non-Orthodox religious communities encountered difficulty in communicating with officials of the Orthodox Church and claimed that the attitude of the Orthodox Church toward their faiths increased societal intolerance toward their religions. With the exception of the growing Muslim population, however, most members of non-Orthodox faiths considered themselves satisfactorily integrated into society.

The Orthodox Church maintained on its Web site a list of religious groups, including the Church of Jesus Christ of Latter-day Saints, Jehovah's Witnesses, evangelical Protestants, Scientologists, Baha'is, and others, that it considered sacrilegious.

According to local leaders of the Jewish community, there were approximately 5,000 Jews living in the country. Expressions of anti-Semitism continued to occur, particularly in the extremist press. The mainstream press and public often mixed negative comments about Jews with criticism of the Israeli government. Giorgos Karatzaferis, the leader of the ultra-right political party LAOS, publicly stated that the party was not racist or anti-Semitic but frequently denied that the Holocaust occurred and accused "the pope and the Jews" of a conspiracy against the country.

There continued to be reports of vandalism of Jewish monuments during the year. In May a gravestone was broken and a large amount of broken glass was spread in the alleys and around the graves of the Athens Jewish cemetery. In August an anti-Semitic video boasting about the vandalism of the Holocaust memorial of Rhodes was aired on YouTube. In December anti-Semitic graffiti protesting Israeli military action in Gaza appeared on the walls of the synagogue in Volos. The Jewish community protested these incidents, and the government formally condemned vandalism and all expressions of anti-Semitism.

Unlike the previous year, state tourism and media agencies did not advertise the Easter tradition involving the burning of a life-size effigy of Judas, sometimes referred to as the "burning of the Jew." The traditional practice continued to occur in some parts of the country but was generally labeled the "burning of Judas" instead. The Jewish Community continued to protest anti-Semitic passages in the Greek Orthodox Church's Holy Week liturgy. The Jewish community reported that it remained in dialogue with the Orthodox Church about the removal of these passages.

The GHM and the Central Board of Jewish Communities brought charges against the newspaper *Eleftheros Kosmos* and former LAOS political party candidate Kostas Plevris for racism and anti-Semitism. In December 2007 *Eleftheros Kosmos* was acquitted, but Plevris received a 14-month suspended sentence for inciting hatred and racial violence with his book *The Jews -The Whole Truth*. The book denied the Holocaust and called Jewish people "mortal enemies" and "subhuman." During the trial a group of neo-Nazis made Nazi salutes in the corridors of the courthouse, put up "fans of Hitler" posters, and handed out anti-Semitic leaflets. Plevris appealed the sentence; the trial had not begun by year's end.

On March 5, the misdemeanors court of Athens sentenced three journalists of *Eleftheros Kosmos* to seven-month suspended sentences for insulting Jews. The journalists appealed the sentence. In September the appeals court unanimously changed the terms from seven to five-month suspended sentences.

In September an Athens appeals court sentenced the publisher and a former columnist of weekly newspaper *Eleftheros Kosmos* for anti-Semitism in a March 2006 column. The columnist had criticized Thessaloniki's small Jewish community, decimated during the Holocaust, writing "thank God, less than 1,500 are left." Each defendant was given a five-month suspended sentence.

In December, after the start of Israeli military action in Gaza, the left-of-center newspaper *Eleftherotypia* printed anti-Semitic cartoons and satire, joining smaller extremist publications that compared Jews to Nazis or held them responsible for actions of the state of Israel.

The government cosponsored commemorative events in Athens and Thessaloniki in January for Holocaust Remembrance Day. The Ministry of Education and Religion distributed materials on the history of the Holocaust to be read in all schools on the day and informed schools of educational courses available through the Jewish Museum of Athens.

For a more detailed discussion, see the *2008 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for free movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. While the government provided financial support to the UNHCR and other humanitarian organizations, in practice the government did not always cooperate with these organizations or follow their recommendations on protecting and assisting refugees, asylum seekers, and stateless persons.

The law prohibits forced exile, and the government did not employ it.

The law permits the government to remove citizenship from persons who commit acts contrary to the country's interests for the benefit of a foreign state. While the law applies to citizens regardless of ethnicity, historically it has been enforced primarily against persons who identified themselves as ethnic "Macedonians." The government did not reveal the historical number of such cases, but it was reported to be low, and there were no reports of new cases during the year.

Due to serious bureaucratic problems in the legalization process for immigrants, many aliens were in a semilegal status, holding expired residency permits in the process of renewal. Without current residency permits, immigrants encountered difficulty in accessing government services to which they otherwise would have been entitled. Many immigrants were subjected to summary deportation without legal process following police sweeps. The law provides for legalization of undocumented immigrants who can prove by a visa stamp or possession of a tax roll number that they entered the country before 2005. However, the ombudsman noted that the system of legalization remained disorganized and that a database of residence permits had not yet been created.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. However, the government had not implemented, for the most part, a 1999 presidential decree that brought the law into compliance with UNHCR standards regarding asylum procedures. In practice the government provided very limited protection against the expulsion or return of persons to countries where their lives or freedom would be threatened. According to Pro-Asyl, subsequent presidential decrees addressing accommodations for asylum seekers (220/2007, published in November 2007) and reforming the asylum application process (90/2008 and 96/2008, published in July) had not been implemented by year's end.

HRW reported in November that there have been few formal, legal deportations from Greece to Turkey under the 2001 Greece-Turkey readmission protocol. According to the HRW report, since 2002 Greece has requested the readmission of tens of thousands of aliens, but Turkey has only accepted several thousand cases. Greek officials expressed concern that the

protocol was not working, and the high number of migrants crossing into the country from Turkey strained social services.

Local and international entities, including the UNHCR, the Greek Council for Refugees, the ombudsman for human rights, the European Commission against Racism and Intolerance, AI, HRW, and Pro-Asyl expressed concern that very few applicants were granted asylum and potential asylum seekers, including minors, were at risk of expulsion.

In November HRW released a report regarding the detention of Iraqi and other asylum seekers in poor, overcrowded conditions as well as the forced expulsion of Iraqi asylum seekers to Turkey. The report criticized the "inhuman and degrading treatment" of these individuals while in detention, particularly at the detention centers in Lesbos, Chios, and Petrou Ralli. HRW also alleged that Greece, by summarily expelling Iraqi migrants to Turkey, which would return them directly to Iraq, was engaging in the practice of expelling or returning persons to countries where their lives or freedom would be threatened. The report also criticized the Coast Guard for intentionally puncturing seaborne migrants' inflatable boats and for pushing them back into Turkish territorial waters.

In December HRW reported on the country's "systematic failure" to protect unaccompanied migrant children, alleging that minors were detained in the same cells as adults, age and vulnerability assessment procedures were inadequate, child-trafficking victims were not identified properly, and unaccompanied minors faced severe problems in applying for asylum. The law requires that unaccompanied migrant minors be provided with a temporary guardian, regardless of whether the child has applied for asylum. In practice the government seldom provided a guardian or safe accommodation for migrant children, leaving minors vulnerable to homelessness and labor exploitation. HRW estimated that 1,000 unaccompanied and asylum-seeking children entered the country during the year.

The ombudsman continued to point out inadequacies in laws for detaining and deporting underage foreign nationals, including asylum seekers, and a lack of infrastructure and services for handling juvenile detainees who tried to enter the country illegally or sought asylum.

In February Norway stopped returning refugees and asylum seekers to the country under the Dublin II Regulation after receiving information from Greek NGOs, and testimonies from asylum seekers, that returnees were mistreated and that their rights infringed upon in Greece. By May Sweden and the Netherlands had also suspended the return of certain asylum seekers.

The European Council on Refugees and Exiles (ECRE) reported in April that the rights of asylum seekers were routinely violated. ECRE publicized stories of asylum seekers who had suffered police violence.

During the year both the UNHCR and HRW called on the government to refrain from returning asylum seekers to the country under the Dublin II

Regulation until further notice. The UNHCR noted that, although the country had taken a number of steps to improve its asylum practices, a substantial number of asylum seekers continued to face serious challenges in accessing and enjoying effective protection. Essential procedural safeguards were not guaranteed throughout the process of determining whether candidates were entitled to refugee status, at both the first-instance and appeals levels, to the detriment of asylum seekers. The UNHCR also highlighted the lack of interpreters and legal aid, undue hardships in the hearing and adjudication of claims, problematic conditions and limited capacity in reception centers, and excessively long waiting periods for appeals decisions. As of May the country had only 11 asylum officers.

The ombudsman also noted that the overall asylum application process remained a problem, primarily due to selective acceptance and processing procedures for asylum applications at police stations throughout the country. According to UNHCR, from January to October asylum seekers filed 16,676 applications at the first instance and 11,144 at the appeals level. The government reviewed 21,626 cases and 3,043 appeals during this period. At the first-instance level, only six persons (0.02 percent) received refugee status, while at the appeals level 344 persons (11.3 percent) were granted refugee status. An additional 25 persons were granted special humanitarian status.

Conditions for illegal immigrants and asylum seekers detained by authorities were generally unsatisfactory. NGOs and international organizations continued to criticize detention procedures and facilities for refugees and asylum seekers as inadequate. During the year the ombudsman alleged that police detained all refugees and migrants on their arrival on the islands, including minors. All new arrivals, without exception, were placed under a deportation order without having the chance to first file for asylum, and detention was continued even if an asylum application had been submitted. The ombudsman noted that new arrivals were routinely held to the end of the maximum detention period.

The UNHCR, AI, the ombudsman for human rights, and MSF expressed concern over the country's asylum policy and practices. Specific problems included unacceptable living conditions; lack of permanent reception facilities with decent living conditions; the use of ad hoc facilities (primarily on the islands, when a boatload of refugees arrived); underdeveloped systems to provide for refugee welfare; insufficient counseling to assist in the integration of refugees and asylum seekers; and a lack of appropriate facilities for unaccompanied minors who were potential asylum seekers.

The CPT reported in February that conditions in most of the migrant detention centers it visited in 2007 were unsatisfactory. The CPT reported that the Petrou Ralli, Piraeus, Vrissika, and Aspropyrgos migrant detention centers were overcrowded, in a poor state of repair, had unhygienic conditions, lacked access to outdoor exercise space, and provided limited access to medical care. The CPT also found that conditions for migrants in border police detention centers were unacceptable, even for short periods of stay. Border

police detention centers in Isaakio and Heo Himoni had poor access to natural light and ventilation, detainees were provided dirty blankets and slept on the floor, and cells were regularly flooded. The CPT described the conditions at the Kiprinos border police detention center as "inhuman and degrading" due to extreme overcrowding and a lack of access to common space.

The UNHCR representative to Greece stated in 2007 that some progress had been made on Lesbos and that much progress had occurred in Samos in providing information, legal counseling, and medical care to undocumented immigrants and in registering their asylum claims. During the year the UNHCR representative and local human rights advocates criticized the conditions of the detention centers on Lesbos, Patmos, and other Aegean islands, where detainees had no access to a yard and where overcrowding was a serious problem.

During the year the UNHCR released a study of the handling of unaccompanied minors seeking asylum in the country and requested that the asylum applications of separated children be examined immediately, that new reception centers be created, and that the principle of guardianship in the best interests of the children be strengthened.

In February the UNHCR expressed concern over the police's temporary dismantling of a makeshift camp in Patras, where asylum seekers and other migrants, mainly from Afghanistan and including about 250 unaccompanied minors, had been residing for years. The UNHCR urged the government to address the issue while protecting human rights, the right to asylum, public health and social concerns of the host society, the well-being of children, and combating human smuggling.

In May the MSF reported irregular and inefficient medical care, lack of adequate personnel, unacceptable living conditions, lack of special measures for vulnerable groups, and lack of interpreters in all detention centers it visited in the Aegean islands.

During the year the CPT again reported that the short-term detention and transit facility at Petrou-Ralli for persons awaiting deportation was unsuitable for stays over two days. However, in practice persons were confined for up to three months in cells that contained up to eight persons with cement beds and limited access to showers and exercise. The CPT noted that the facility's design was extremely poor and that it lacked any communal spaces.

In its annual report, AI found that protection of refugees remained minimal, that the government failed to allow asylum seekers access to the country, continued to return them to their countries of origin without legal aid or having access to asylum procedures, that detention of asylum seekers, including children, continued, and that detention conditions continued to be unhygienic and overcrowded.

Stateless Persons

Citizenship is derived from one's parents and not by birth within the country's territory. UNHCR data indicated that there were 108 stateless persons in the country at the end of 2007. The former Ministry of the Interior reported to parliament in 2005 that 46,638 Muslims from Thrace and the Dodecanese islands lost their citizenship when they left the country from 1955-98. The law that permitted this divestment of citizenship was repealed in 1998, and these "stateless" residents are eligible to recover their citizenship as long as they live in the country. According to the Ministry of Foreign Affairs, by 2005 there were 25 to 30 persons in possession of government-issued identification documents characterizing them as "stateless." The ministry had no updated figures on stateless persons by year's end.

In 2007 the Ministry of Foreign Affairs reported that all of the stateless persons had applications pending for citizenship through naturalization. In March 2007 the ombudsman noted that delays in processing applications for recovering citizenship were "excessive and unjustified." According to the Ministry of Foreign Affairs, the Ministry of the Interior and Public Order had made no decisions on the applications by year's end. Stateless residents were denied access to state benefits such as social security, medical care, and pensions.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

The country held parliamentary elections in September 2007; the elections were considered free and fair. Five parties passed the 3 percent threshold for representation in parliament. Opposition parties functioned freely and had broad access to the media.

Romani representatives reported that local authorities often deprived Roma of the right to vote by refusing to register them. Many Roma had difficulty meeting the municipal residency requirements to register to vote.

According to the law, voting is mandatory for citizens over age 18; however, there are many conditions under which citizens may be exempted, and the government did not apply a penalty for not voting.

There were 49 women in the 300-seat parliament and two women in the 17-member cabinet. A quota system requires 30 percent of all local government candidates to be women. At the three high courts, 14 of 61 council-of-state justices were women, as were 28 of 59 supreme administrative court justices, and 3 of the 62 Supreme Court justices.

There were two members of the Muslim minority in the 300-seat parliament; there were no minority members in the cabinet.

A government-appointed regional administrator of Eastern Macedonia and Thrace has statutory responsibility for the oversight of rights provided to the Muslim minority in Thrace, but the Ministry of Foreign Affairs retained an important advisory role.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that corruption was a serious problem.

NGOs and media reported that the government insufficiently prioritized anticorruption efforts. Mutual accusations of corruption between political parties were a daily staple of political life. Prime Minister Karamanlis made anticorruption a key element of his party's program, and the government pursued an in-depth investigation into judicial corruption and took steps to trace and apprehend corrupt tax collectors and law enforcement officers. Despite these efforts, major corruption cases continued to surface throughout the year.

In September a former minister and personal aide of the prime minister was convicted and given a one-year suspended prison sentence for interceding with judicial authorities on behalf of one of his constituents, who was illegally growing hashish. The former minister appealed his sentence. In December an appeals court gave him a five-month sentence, suspended for three years.

Two cabinet ministers resigned during the year amid allegations of involvement in a controversial property swap between Vatopedi, a Mount Athos monastery, and the Hellenic Public Real Estate Corporation.

In 2005 the former general director/acting consul at the Greek Consulate in Kyiv, the consulate's messenger, three foreign employees, and a policeman in Thessaloniki were criminally charged for allegedly cooperating in issuing approximately 2,500 illegal tourist visas to Ukrainian citizens for \$200,000. The case was tried in Thessaloniki in April 2007. The diplomat was sentenced to 21 years in prison. A consular employee received a sentence of 19 years, and a female Russian accomplice based in Greece received nine years. The diplomat's partner and a policeman were also tried but acquitted on all counts. The convicted parties appealed the decision but remained in prison at year's end. The date of the appeals trial had not yet been determined at year's end.

There are income disclosure laws for high-ranking public officials and members of parliament.

The constitution provides for the right of access to government-held information, and in practice the government granted access to citizens and noncitizens alike, including foreign media.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative with some NGOs. However, the ombudsman for human rights and the GHM characterized the government-NGO relationship as poor. The ombudsman charged that the government avoided cooperating with NGOs, who "could remedy the shortcomings of the administration."

Despite calls from the UN special rapporteur on the sale of children, child prostitution, and child pornography for the government to appoint a lead person on children's issues, the government failed to do so. There were no improvements to the institutional capacity for protecting unaccompanied minors or street children.

GHM and other NGOs called for the government to improve the living conditions of Roma and give Romani children alternatives to street work and prostitution. However, the problem remained largely unaddressed except in Thrace and in Athens, where the Ministry of Foreign Affairs and local NGOs implemented measures to increase school attendance by Romani children. The government has not taken steps to create an advisory board to coordinate children's policies or to create a joint Greek-Albanian commission to investigate "disappearances" from a children's institution between 1998 and 2003.

The law provides for an independent ombudsman for human rights. Although the Ministry of Justice has denied the ombudsman access to prisons since 2005, the ombudsman's office otherwise provided an effective means for citizens to address human rights and religious freedom problems. While it could not inspect prisons, the office was granted adequate resources to perform its other functions, which included mediating between private individuals and public administration and defending and promoting children's rights.

There were five deputy ombudsmen who dealt respectively with human rights, children's rights, citizen-state relations, health and social welfare, and quality of life. The Department of Human Rights received complaints during the year regarding the government's handling of residence and work provisions for immigrants, overcrowding in prisons and detention centers for illegal aliens, unjustified procedural difficulties in acquiring citizenship, excessive and unjustified delays in processing applications by Muslims from Thrace to recover citizenship lost under pre-1998 laws, arbitrary acceptance or denial of asylum seekers' applications, discrimination against aliens, and police brutality.

The government-funded National Commission for Human Rights is an autonomous human rights body. The commission is the government's advisory body on the protection of human rights. During the year it produced reports on health treatment for illegal immigrants, problems in the asylum process, the plight of aliens trying to enter the country via the Aegean Sea and the practices of the Coast Guard, inmates' rights, and conditions in prisons.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not protect these rights consistently in practice. Violence against women and children, trafficking in persons, and discrimination against homosexuals and ethnic minorities, particularly Roma and undocumented migrants, were problems.

Women

Rape, including spousal rape, is a crime. Conviction rates for rape were low for first-time offenders, but sentences were harsh for repeat offenders. According to government statistics, there were 150 rape or attempted rape cases reported in the first six months of the year, and 133 rape suspects were arrested. In 2007, 249 rapes and attempted rapes were reported. In 2006 an academic researcher estimated that approximately 4,500 rapes occurred annually in the country, while government statistics from that year showed that 270, or 6 percent of the academic estimate, were actually reported to police. Of those reported rapes, 183 resulted in an arrest. Of the 47 rape cases that reached court, 20 resulted in conviction.

Medical, psychological, social, and legal support from the government and NGOs were usually available to rape victims.

Domestic violence, including spousal abuse, continued to be a problem. The law provides for prosecution by force of law, without the need for a victim to press charges, for all domestic violence crimes. Penalties range from two to 10 years' imprisonment, depending on the gravity of the crime.

The General Secretariat for the Equality of the Sexes (GSES), an independent government agency, estimated that only 6 to 10 percent of domestic violence victims contacted the police, and only a small fraction of those cases reached trial. Despite training efforts, the GSES reported that police tended to discourage women from pursuing domestic violence charges, encouraging them instead to undertake reconciliation efforts, and courts were lenient when dealing with domestic violence cases. Police stations generally had a manual on how police should treat victims of domestic violence. The GSES, in cooperation with the Ministry of the Interior and Public Order, trained police on working with domestic violence victims.

In September a Greek-Spanish woman alleged that police in Eressos, Lesbos, threatened and discouraged her from filing charges against a local

man who had beaten her. The victim alleged that the police officers at the station were friends of the perpetrator and were covering for him.

The GSES provided counseling and assistance to domestic violence victims. Two GSES shelters for battered women and their children, in Athens and Piraeus, offered services including legal and psychological help. The GSES operated a 24-hour emergency telephone hot line for abused women. A unit of the Ministry of Health and Welfare that operated a hot line providing referrals and psychological counseling closed early in the year due to lack of funds. The municipality of Athens, the Greek Orthodox Church, and various NGOs operated shelters for victims of domestic violence.

Prostitution is legal at the age of 18. Persons engaged in prostitution must register at the local prefecture and carry a medical card that is updated every two weeks. It was estimated that fewer than 1,000 women were legally employed as prostitutes and approximately 20,000 women, most of foreign origin, were engaged in illegal prostitution. According to academics, many illegal prostitutes may be trafficking victims. While there were reports that prostitutes were abused and subjected to violence and harassment by pimps and clients, there were no reports that they were specifically targeted for abuse by the police.

The law prohibits sexual harassment and provides for penalties ranging from two months' to five years' imprisonment. However, labor unions reported that lawsuits for sexual harassment were very rare. The Center for Research on Gender Equality Issues reported that the vast majority of women who experienced sexual harassment in the workplace quit their jobs and did not file charges. The center estimated that 30-50 percent of working women and 10 percent of working men had experienced sexual harassment at their workplace.

Muslim women in Thrace have inferior rights to men under family law, property law, and in the judicial system, since these issues are resolved under Shari'a (Muslim religious) law interpreted by muftis. The government recognizes Shari'a as the law regulating the family and civic issues of the Muslim minority in Thrace, and thus the first instance courts in Thrace routinely ratified the muftis' decisions.

In an unprecedented March case, a court of first instance in Rodopi Prefecture refused to ratify a mufti's decision that awarded a woman only a small share of her parental inheritance, instead of the one-half share provided by the law. The court held that Greek and European law should prevail over Shari'a law. The court stated that the use of Shari'a should not deprive the country's Muslim women of their rights and should not be applied if it violated the basic principles of the constitution regarding the equality of the sexes and equality before the law. A final court decision regarding the division of property between the woman and her brother had not been delivered by year's end.

The National Commission for Human Rights has advised the government to limit the powers of the muftis to religious duties and to stop recognizing Shari'a law, because it could restrict the civic rights of citizens. Muslim female activists claimed that, because all Muslim women in Thrace were married under Shari'a, they were therefore obliged to acquire mufti consent to obtain a divorce. These decisions were based on interpretations of Shari'a law that do not exist in written form and therefore would not be able to be appealed. Still, the courts routinely ratified such mufti decisions.

Apart from the Muslim minority in Thrace, women have rights equal to those of men, and equality is stipulated by the constitution.

The law provides for equal pay for equal work; however, according to the last official statistics (collected in 2005), women's pay was 81 percent of men's pay. Although relatively few occupied senior positions, women continued to enter traditionally male-dominated professions such as law and medicine in larger numbers. Women were underrepresented in labor union leadership.

Children

The government was not consistently committed to children's rights and welfare. Romani children continued to face social exclusion and discrimination in education and lacked access to social services. Unaccompanied migrant children were detained in the same cells as adults, lacked safe accommodations and legal guardians, and were vulnerable to homelessness and labor exploitation. Corporal punishment of children is prohibited by law.

The government does not issue birth certificates for children born in the country to immigrant parents without citizenship. The ombudsman for human rights urged the government to grant citizenship to all children who were born and raised in the country and to accept them for all educational, social security, and social protection-related services. Without a birth certificate or a long-term residence permit, immigrant children faced difficulties registering for school. According to the law, noncitizen children must wait until age 18 to apply for long-term residence permits. In December the parliament passed a new law giving immigrant children born in the country the right to apply for long-term residence permits.

While the law provides free and compulsory education for a minimum of nine years, noncompliance was a significant problem in the Romani community. Research conducted by the Aghlaia Kyriakou state hospital showed that 63 percent of Romani children did not attend school. The Pedagogical University of Thessaloniki reported that less than 10 percent of Romani children in northern Greece finished the nine years of compulsory education and only 3 percent graduated from high school. The GHM reported in April that 90 percent of Romani children were illiterate.

There were continuing reports of non-Romani parents withdrawing their children from schools attended by Romani children and attempting to prevent Romani children from studying at the same schools that their children

attended. A segregated Romani-only school in Psari, Apropyrgos, was destroyed twice within a year, in April 2007 and in January, and the perpetrators had not been found by year's end.

In June the ECHR ruled against Greece for maintaining a segregated school in Psari, Aspropyrgos, since 2005. The ruling came after the GHM filed an application on behalf of 11 Romani parents and 18 children. The ECHR found that the refusal of education authorities to enroll the Romani children in the local elementary school, and their subsequent placement in a separate annex school attended only by Roma, violated prohibitions against discrimination and denied Romani children their right to education.

Violence against children was a problem, particularly against street children and undocumented migrant children. The law prohibits the mistreatment of children and sets penalties for violators, and the government generally enforced these provisions effectively. However, government-run institutions were understaffed, and NGOs complained that they did not have positions for all children in need of alternative placement. Welfare laws provide for treatment and prevention programs for abused and neglected children as well as alternative family care or institutional placement for those in need of it. However, the deputy ombudsman for children's rights reported during the year that the system for children's welfare and protection was deficient overall and did not cover increasing needs. In particular, social services were not appropriately staffed to face serious family problems, and welfare allowances and support to single-parent families were insufficient. In addition the deputy ombudsman noted that prosecutors for minors, who should by law take measures to protect children in problematic situations, were overloaded with other duties. Child-protection institutions were understaffed, lacked certification, and did not have sufficient qualified staff to provide care to abused, refugee, or drug-abusing children. Foster care systems were not adequately implemented, and adoption procedures continued to take several years.

Child marriage was common within the Romani community, and there were limited numbers of marriages of persons under 18 among the Muslim minority in Thrace and Athens. In 2006 the Council of Europe's commissioner for human rights and the UN special rapporteur reported that they were informed of cases of both early marriages and marriages-by-proxy. The state-appointed muftis, who may apply Shari'a law in family matters, noted that they did not allow the marriage of children under age 15. The government has youth centers, parent counseling, and programs targeted at Romani and Muslim communities that address poverty and the lack of education, two factors believed to contribute to child marriage.

In January legislation prohibiting the possession and circulation of child pornography was passed. Previously, only the sale or purchase of such materials was prohibited.

According to the UN Children's Fund (UNICEF) and local NGOs, the majority of street children (often indigenous Roma or Albanian Roma) were exploited

by family members, who forced them to work in the streets, begging or selling small items. The government took insufficient steps to prevent this form of child exploitation. While no nationwide statistics were available at year's end, in December, the NGO ARSIS estimated that Thessaloniki, the country's second-largest city, had over 300 street children.

Conditions for undocumented-immigrant and asylum-seeking children were particularly harsh. In June, 103 unaccompanied minors, including Somali girls from eight to 12 years old and boys from 12-18 years old, were incarcerated with adults on Lesbos. In May, 121 unaccompanied minors held in a small hotel and rented hall in Leros Island staged rolling hunger strikes to protest their poor detention conditions. Following public outcry over these incidents, media reported that local NGOs provided aid to these minors.

In December HRW reported on the country's "systematic failure" to protect unaccompanied migrant children, alleging that minors were detained in the same cells as adults, age and vulnerability assessment procedures were inadequate, child trafficking victims were not identified properly, unaccompanied minors faced severe problems in applying for asylum. The law requires that unaccompanied migrant minors be provided with a temporary guardian, regardless of whether the child has applied for asylum. In practice the government seldom provided a guardian or safe accommodation for children, leaving minors vulnerable to homelessness and labor exploitation. HRW estimated that 1,000 unaccompanied and asylum-seeking children entered the country during the year.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, significant numbers of women and children and smaller numbers of men were trafficked to and within the country for the purposes of commercial sexual exploitation and forced labor. Sectors involving forced labor included agricultural work, street vending, and forced begging.

According to NGO estimates, there were 13,000-14,000 trafficking victims in the country at any given time. Major countries of origin for trafficking victims included Nigeria, Ukraine, Russia, Bulgaria, Albania, Moldova, Romania, and Belarus. Women from many other countries were trafficked to the country and, in some cases, were reportedly trafficked on to Italy and other European Union countries as well as to the Middle East. Women and children typically arrived as "tourists" or illegal immigrants and were lured into prostitution by club owners who threatened them with deportation.

NGOs reported a decrease in the number of Albanian children trafficked into the country for the third consecutive year. However, there were reports that Albanian Romani children continued to be trafficked for forced begging and stealing. In July the parliament ratified a protocol with Albania on the repatriation of Albanian children who were victims of child trafficking.

The law considers trafficking in persons a criminal offense and provides for imprisonment of up to 10 years and fines of 10,000-50,000 euros (approximately \$15,000-\$75,000) for convicted traffickers. Penalties are harsher for traffickers of children. The government continued to investigate cases of trafficking and secured convictions for traffickers.

In 2007 police conducted 42 trafficking investigations (30 sexual exploitation cases, 11 labor exploitation cases, and one illegal adoption), down from 70 in 2006. They brought charges against 121 suspected traffickers, down from 206 arrests in 2006. Twenty-five defendants (in nine separate cases) were convicted of trafficking-related charges, while three were acquitted. Sentences imposed on convicted traffickers remained lenient; moreover, the majority of convicted traffickers remained free on bail for five to six years while their convictions were appealed. The Ministry of Justice continued to lack effective databases, hindering its ability to provide and manage information on convictions and sentencing, especially in trafficking cases.

During the year the government participated in international investigations in cooperation with EUROPOL, INTERPOL, and the Southern European Cooperative Initiative. The Ministry of the Interior and Public Order continued working on a police action plan for regional antitrafficking cooperation.

Some police officers and diplomats were reportedly involved in trafficking rings or accepted bribes from traffickers, including from organized crime networks. The police Bureau of Internal Affairs investigated charges of police involvement in trafficking cases. In 2007 charges were filed against three police officers, two of them senior, relating to trafficking. By year's end no trial date had been set.

In April 2007 Greek diplomats assigned to Ukraine were tried in Thessaloniki for issuing visas, with little documentary evidence and no personal interviews, to women subsequently identified as trafficking victims. One diplomat received a 21-year sentence, and a consular employee received a 19-year sentence. A female accomplice, a Russian citizen living in Greece, received a nine-year sentence. The diplomat's spouse and a policeman were acquitted. The convicted parties appealed the decision, but at year's end they remained in jail waiting for their appeals to be heard.

While the immigration law provides for a "reflection period" for trafficking victims facing deportation, the screening and referral process did not adequately identify and protect most vulnerable victims, especially children. Some trafficking victims, including minors, were prosecuted for immigration violations, sometimes alongside their traffickers. A few trafficking victims and NGOs reported that inadequate police protection for victims who were witnesses in trials meant that those victims lived in constant fear of their traffickers. A few victims were provided with the reflection period and testified against their traffickers. One hundred trafficking victims were identified by authorities in 2007, an increase over the 83 victims identified in 2006 but still below the 137 victims identified in 2005.

Police continued to detain trafficking victims who were minors as criminals or to repatriate them without ensuring proper reception by authorities in their home countries.

During the year the government continued training programs for prosecutors and public administration officers, including social workers, psychologists, nurses, police personnel, and justices. The government also conducted training programs in conjunction with international organizations, including the Council of Europe and the International Organization for Migration.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other government services, and the government effectively enforced these provisions. The law mandates access to buildings for persons with disabilities; however, authorities enforced this law poorly. During the year rapporteurs to a special parliamentary committee on persons with disabilities reported that the lack of accessibility forced such persons to stay home and led to serious social exclusion.

Only 5 percent of public buildings were fully accessible to persons with disabilities; most buildings with special ramps did not have accessible elevators or lavatories. The deputy ombudsman for social welfare handled complaints related to persons with special needs, especially those related to employment, social security, and transportation.

The Ministry of Welfare estimated during the year that there were approximately 180,000 children with special educational needs. The Teachers' Associations estimated that only 18,500 of these children attended primary school and that, of this number, only 10 percent would go on to attend secondary school, due either to a lack of local special education schools or a lack of accessibility. The National Confederation of Persons with Disabilities reported in February 2007 that the educational system for persons with disabilities fostered discrimination and social exclusion and that, as a consequence, 90 percent of children with disabilities were excluded from the mandatory nine years of education. The deputy ombudsman for children's rights and the NGO Confederation of the Disabled reiterated during the year that education was not available for persons with serious disabilities and that many persons with disabilities were either forced to leave school due to lack of accessibility or were receiving a low quality education at the special education schools. The confederation stated that, of the 10 universities in Athens, only two were accessible to persons with disabilities.

In June members of a special parliamentary committee for persons with disabilities said that unemployment of persons with disabilities, estimated to

be approximately 80 percent, was the greatest social problem these persons faced.

The law states that individuals may be confined in mental hospitals only under a court order. In May 2007 the ombudsman for human rights reported that 94 percent of persons confined in mental hospitals were there under a prosecutor's order but that, in 84 percent of these cases, the decision to confine the patient was not supported by a corresponding court decision. As a result, the rights of mentally ill persons were not effectively protected. The ombudsman further found that 97 percent of mentally ill persons had been transferred to mental hospitals by police, sometimes handcuffed and escorted as "dangerous persons" rather than as patients.

National/Racial/Ethnic Minorities

Roma continued to face widespread governmental and societal discrimination, including systematic police abuse; mistreatment while in police custody; regular raids and searches of Romani neighborhoods for criminal suspects, drugs, and weapons; limited access to education and segregated schooling; forced illegal evictions; demolitions of dwellings (which in many cases were shacks made of cardboard, plastic sheets, and corrugated tin on the edge of city dumps); and a lack of running water, electricity, or waste removal.

During the year AI criticized the government for its treatment of Roma, stating that the Romani community continued suffering forced evictions and home demolitions and that Roma faced discrimination and racist attacks from both representatives of local administrations and society in general. Other international human rights organizations and entities, including the European Committee of Social Rights, the International Helsinki Federation, the European Commission against Racism and Intolerance (ECRI), the UN special rapporteur, and the Council of Europe commissioner for human rights, identified numerous shortcomings in government policies regarding the Romani community, including the failure to provide a sufficient number of dwellings for settled Roma or camps for Roma who follow an itinerant lifestyle; systematic eviction of Roma from sites or dwellings; segregation of Roma into substandard housing that lacked water, sanitation, and other basic services; denial of access to education for Romani children; and denial of access to health and social programs.

The law prohibits the encampment of "wandering nomads" without a permit and forces Roma to establish settlements outside inhabited areas and far from permanent housing. There were approximately 70 Romani camps in the country at year's end. Local and international NGOs charged that the enforced separation of Romani settlements from other inhabited areas contravened the country's commitments under the International Convention on the Elimination of All Forms of Racial Discrimination.

There were frequent police raids on Romani settlements and reports of harsh treatment of them by police. The ombudsman held a conference on Roma issues in December 2007 at which he highlighted that, in virtually all

categories, Roma were the most marginalized group in society. He criticized the government and society as apathetic and indifferent toward measures that would support the Romani community, particularly in connection with housing and access to education. Roma continued to face problems in registering for an identity card in municipalities, without which they could not access basic civic opportunities such as voting, contributing to social security, or obtaining marriage, commercial, or driver's licenses, or a mortgage. The ombudsman criticized the lack of a central authority to coordinate action and to monitor government initiatives to tackle long-standing Romani problems.

In April, on International Roma Day, the ombudsman noted that society's tolerance of the desperate living conditions of the Roma constituted degrading treatment. The GHM reported that the situation for the Roma had worsened since 2007 and the National Commission for Human Rights said that the unaddressed civil rights problems facing the Roma were dimming hopes for Romani integration into, and coexistence with, the rest of society.

In April an academic reported that life expectancy for Roma was 55 years (compared to 79 for the rest of the population), 90 percent of Romani children were not vaccinated, the rate of hepatitis B among Roma was three times higher than the rest of the population, and that the rate of incarceration for Roma was seven times higher than that of the general population.

Also in April a truck unloading garbage in the Aspropyrgos dump killed a pregnant 17-year-old Romanian Romani teenager foraging for food.

Local authorities continued to harass and threaten to evict Roma from their camps or other dwellings. In April the International Center for the Legal Protection of Human Rights, in partnership with the GHM, filed a complaint against Greece with the European Committee of Social Rights. The complaint detailed serious and widespread violations of the Romani community's right to housing.

In July the Misdemeanors Court of Athens convicted three employees of the extreme right-wing weekly newspaper *Eleftheros Kosmos* to seven-month suspended sentences for racist articles against the Roma.

Government ministries continued projects to address the chronic problems of the Romani community, including training courses for civil servants, police, and teachers to increase their sensitivity to Romani problems; the development of teaching materials for Romani children; the establishment of youth centers in areas close to Romani communities; and the deployment of mobile health units and community social workers to address the needs of itinerant Roma. However, these programs reportedly did not always reach the intended target communities or were of limited effectiveness. Roma complained that government-sponsored housing loans, for amounts up to 60,000 euros (approximately \$90,000), were insufficient for purchasing housing, and that the loan application process was too slow. The government blamed incomplete applications for loan delays.

Neo-Nazi groups reportedly attacked immigrants during the year. Five Pakistanis were injured and one was hospitalized at an attack in November 2007 on a western Athens house rented by Pakistani immigrant workers. The Greek-speaking neo-Nazi skinheads entered the house after kicking and smashing doors and windows. A similar attack took place in January, but without injuries. Police did not find the perpetrators and stated that they were investigating the allegations. No results were announced by year's end.

Albanian immigrants, who made up approximately 5-7 percent of the population, faced widespread societal discrimination, although Albanian community representatives said that this was slowly decreasing over time. Immigrants accused police of physical, verbal, and other mistreatment. They also reported the confiscation and destruction of personal documents, particularly during police sweeps to apprehend undocumented immigrants. According to AI, the GHM, and the ombudsman, the police rejected complaints by Albanians of mistreatment as unfounded, even when the complaints were supported by documents such as certificates from state hospitals concerning recent injuries, issued shortly after the complainants' release from police stations.

Community leaders reported that it was difficult for ethnic Albanians and other immigrants to be granted citizenship, even after all objective citizenship requirements had been met. Government procedures for granting citizenship are confidential, and the Ministry of the Interior and Public Order is not obliged to explain the reasons for rejecting an application. Immigrant community leaders noted that the ministry regularly rejected the applications of immigrants who believed that they met all citizenship criteria. Applying for citizenship was further discouraged by the 1,500 euro (approximately \$2,100) nonrefundable application fee. During the year the ombudsman noted that delays in citizenship procedures were excessive and unjustified. The ombudsman reported that few applications for citizenship were accepted by the Ministry of the Interior and Public Order and that many applications were pending for years, even if the applicants met all requirements.

A number of Greek citizens identified themselves as Turks, Pomaks (Slavic-speaking Muslims), Vlachs (a Balkan minority group speaking a dialect of Romanian), Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), or Macedonians. Some members of these groups sought to be officially identified as "minorities" or "linguistic minorities." The government considers the 1923 Treaty of Lausanne as providing the exclusive definition of minorities in the country and defines the rights they have as a group. In accordance with this view, the government recognizes only a "Muslim minority." The government does not confer official status on any indigenous ethnic groups, nor does it recognize "ethnic minority" or "linguistic minority" as legal terms. However, the government affirmed an individual right of self-identification.

Many individuals who defined themselves as members of a "minority" found it difficult to express their identity freely and to maintain their culture. Use of the terms *Tourkos* and *Tourkikos* ("Turk" and "Turkish") is prohibited in titles of

organizations, although individuals legally may call themselves *Tourkos*. Associations with either term in their name were denied official recognition. To most ethnic Greeks, the words *Tourkos* and *Tourkikos* connote Turkish identity or loyalties, and many ethnic Greeks objected to their use by Greek citizens of Turkish origin.

Some members of the Pomak community claimed they were pressured by members of the Turkish-speaking community to deny the existence of a Pomak identity as separate from a Turkish identity. Media in Thessaloniki reported in October that two editors of *Millet*, a local paper published in Turkish, were given 12-month suspended sentences for inciting hatred against the Pomak community.

The government did not recognize the existence of a Slavic dialect, called "Macedonian" by its speakers, spoken in the northwestern area of the country. A small number of Slavic speakers insisted on self-identifying as "Macedonian," a designation that generated strong opposition from other Greeks. These Slavic speakers claimed that the government pursued a policy designed to discourage the use of their language. Government officials and the courts denied requests by Slavic groups to identify themselves using the term "Macedonian," stating that approximately 2.2 million ethnic (and linguistically) Greek citizens also use the term "Macedonian" to identify themselves.

Other Societal Abuses and Discrimination

The NGO Greek Homosexual Community (EOK) alleged that police often abused and harassed homosexuals and transvestites and subjected them to arbitrary identity checks and bodily searches in public places.

There were no reports of discrimination against persons with HIV/AIDs.

Section 6 Worker Rights

a. The Right of Association

The law provides that all workers, with the exception of members of the military services, have the right to form and join independent unions of their choice without any previous authorization or excessive requirements, and workers exercised this right. Approximately 30 percent of the total labor force was unionized. There were no unionized agricultural employees. The law allows unions to conduct their activities without interference, and the government protected this right in practice.

The law provides for the right to strike, and workers in the private sector and in public corporations exercised this right in practice. Police have the right to organize and demonstrate but not to strike. There are some legal restrictions on strikes, including a mandatory notice period of four days for public utilities and 24 hours for the private sector. The law mandates minimum staff levels (as determined by management) during strikes affecting public services.

Courts may declare a strike illegal; however, such decisions were seldom enforced. Unions complained that this judicial power deterred some of their members from participating in strikes. Courts declared some strikes (of transportation workers, air traffic controllers, garbage collectors, customs employees, and others) illegal during the year for reasons such as the failure of the union to give adequate advance notice of the strike or the introduction of new demands by a union during the course of the strike, but no workers were prosecuted for striking.

b. The Right to Organize and Bargain Collectively

The law generally provides for the right to bargain collectively in the private sector and in public corporations, and unions exercised this right freely. No antiunion discrimination was reported during the year.

c. Prohibition of Forced or Compulsory Labor

The law prohibits all forced or compulsory labor, including by children; however, there were reports that women, children, and occasionally men were trafficked for commercial sexual exploitation or labor.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace and prohibits forced or compulsory labor; however, the government did not adequately protect children, including Roma, who were trafficked for commercial sexual exploitation as well as for labor, such as begging on the street.

The minimum age for employment in the industrial sector is 15, with higher limits for some activities. The minimum age is 12 in family businesses, theaters, and the cinema. These limits were enforced by occasional spot checks and were generally observed. Families who engaged in agriculture, food service, and merchandising were often assisted by younger family members on at least a part-time basis.

Child labor was a problem, although international and local observers agreed that the number of working children had decreased in recent years. A number of children begged or sold small items in the streets. The government and NGOs reported that the majority of beggars were either indigenous or Albanian Roma. Local children's advocates estimated that a large number of the 150,000 children under 18 years of age who dropped out of school each year ended up in the labor market, often in poorly-paid and arduous positions. Jobs for dropouts included washing cars, pumping gas, construction, and low-level service sector employment.

In December HRW reported that unaccompanied migrant children were particularly vulnerable to labor exploitation. These minors worked mainly in the agriculture, construction, and garment-manufacturing sectors, all in situations that violated the law. Farm and construction jobs, in particular, were reported to be hazardous to the children's health. All of the children that HRW

interviewed were paid below the minimum wage and many worked 12 hours or more per day.

There were reports that children from Albania were trafficked and forced to beg; however, antitrafficking NGOs reported a decrease in trafficking as more Albanian parents entered the country legally with their children. Some parents forced their children to beg for money or used their children to elicit sympathy while begging for money.

The labor inspectorate is responsible for enforcement of labor legislation; however, trade unions alleged that enforcement was inadequate due to serious labor inspectorate understaffing.

e. Acceptable Conditions of Work

The national minimum wage of 31 euros (approximately \$47) per day and 680 euros (\$1,020) per month provided a decent standard of living for a worker with a family. Wages were officially the same for local and foreign workers, but there were reports of undocumented foreign workers being exploited by employers who paid low wages and made no social security contributions.

The maximum legal workweek is 40 hours in the private sector and 37.5 hours in the public sector. The law provides for at least one 24-hour rest period per week, mandates paid vacation of one month per year, and sets limits on the amount of overtime worked. Premium pay and authorization by the Ministry of Employment is required by law for overtime work. The labor inspectorate is responsible for enforcement of labor legislation; however, trade unions alleged that enforcement was inadequate, especially in the construction and public works sectors, due to inadequate inspectorate staffing.

The law provides for minimum standards of occupational health and safety. The Greek General Confederation of Labor characterized health and safety laws as satisfactory but stated that enforcement by the labor inspectorate was inadequate. Workers do not have the legal right to remove themselves from situations that they believe endanger their health; however, they have the right to lodge a confidential complaint with the labor inspectorate. Inspectors have the right to close down machinery or a process for up to five days if they see safety or health hazards that they believe represent an imminent danger to workers.

c).

Strasbourg, 19 February 2009

Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Greece on 8-10 December 2008

Issue reviewed: Human rights of minorities

Executive Summary

Commissioner Thomas Hammarberg and his delegation visited Greece, including the Evros department, from 8 to 10 December 2008. In the course of this visit the Commissioner held discussions with state authorities and non-governmental, national and international organisations on certain human rights issues, including minorities. The Commissioner held also discussions and had contacts with members of minority groups.

In the present Report, following an overview of the main features of and issues relating to minorities in Greece, the Commissioner focuses on the following major points:

I. Minorities and the right to freedom of association: The Commissioner remains concerned by the authorities' refusal to recognize the existence of any other kind of minority except for the 'Muslim' one and the over-restrictive practice of Greek courts which by proceeding to a preventive, in effect, control of certain applicant minority associations have refused to register them. Also of serious concern has been the radical measure of the dissolution of a minority association that used to operate in Greece for decades. In this context, the Commissioner expresses his worry that this situation has led in fact to a number of relevant applications before and of unanimous judgments against Greece by the European Court of Human Rights. The Commissioner calls upon the Greek authorities to adopt urgently all necessary measures in order to make possible the effective enjoyment by minority members of their right to freedom of association, in full alignment with the Council of Europe human rights and minority protection standards.

II. Protection of minority members affected by the application of former Article 19 of the Greek Nationality Code: The Commissioner welcomes the efforts made by the Greek authorities and urges them to restore immediately the nationality of those minority members who were denationalised under the above provision and have remained in the country. The authorities' attention is drawn to the need to provide special care to any of these persons who are elderly and/or with limited financial means to cover welfare and medical services of which they are in need. As regards minority members who were

stripped of Greek nationality under former Article 19 and have remained abroad, the Commissioner calls on the authorities to consider the possibility of providing them, or their descendants, with satisfaction, according to the general principles of international law.

III. Muftis and application of the Sharia Law in Greece: The Commissioner takes note of the very serious concerns that have been expressed by competent national and international organizations about the application to Muslim Greek citizens in Thrace of the Sharia Law in family and inheritance law matters by Muftis who are appointed by the Greek state. Given the issues of incompatibility of this practice with European and international human rights standards, the Commissioner recommends its review by the authorities, institutionalizing at the same time an open and continuous dialogue with representatives of the Muslim minority on all matters affecting their everyday life and human rights, in accordance with the Council of Europe standards. Any amendment of the current legal framework should be carried out with the direct involvement of the minority concerned that should be fully enabled to participate effectively in cultural and social life and in public affairs. In the meantime, the Commissioner urges the Greek authorities to ensure an effective review and control by domestic civil courts of the judicial decisions which are rendered by Muftis.

Finally, by this Report the Commissioner calls upon the Greek authorities to proceed promptly to the ratification of or accession to certain major Council of Europe treaties, such as the Framework Convention for the Protection of National Minorities, the European Convention on Nationality and the Fourth Protocol to the European Convention on Human Rights.

The Greek authorities' comments are appended to the present Report.

I. Introduction

1. The present Report follows a visit to Greece by the Commissioner for Human Rights (the Commissioner) from 8 to 10 December 2008,¹ in the course of which he held consultations with a number of state authorities, including Mr Aristides Agathokles, Secretary General of the Ministry of Foreign Affairs. The Commissioner also traveled to Alexandroupolis (Evros department, north-eastern Greece) where he met Mr Osman Ahmet Hatzi, Member of Parliament, Mr Ilhan Ahmed, former Member of Parliament and Mr Mustafa Mustafa, former Member of Parliament. Before his visit the Commissioner received a memorandum from representatives of the political party 'European Free Alliance – Rainbow'.

2. The Commissioner sincerely wishes to thank the Greek authorities in Strasbourg, the Evros department and Athens for the assistance that they provided in facilitating the independent and effective performance of his visit.

3. Greece, one of the oldest member states of the Council of Europe, has ratified and is bound by the vast majority of the major international and

European human rights instruments. Greece also signed in 1997 the Framework Convention for the Protection of National Minorities.

4. The Commissioner, in his capacity as an independent and impartial institution of the Council of Europe, wishes to continue his sincere and constructive dialogue with the Greek authorities and to assist them in their efforts to further enhance the effective protection of the Council of Europe human rights standards.

5. The protection and promotion of the human rights of non-dominant, minority groups in Europe has always been at the heart of the Commissioner's work. This is because European history has indeed shown that the protection of minorities is essential to stability, democratic security and peace in this continent. Protection afforded by states to non-dominant groups is in fact a litmus test for the former's effective observance of and respect for the fundamental human rights principles that should flourish in every pluralist, democratic society.

6. In the present Report, after an overview of the main features of minorities in Greece (section II), the Commissioner would like to focus on the following major issues: minorities and the right to freedom of association (section III); protection of minority members affected by the application of former Article 19 of the Greek Nationality Code (section IV); Muftis and application of the Sharia Law in Greece (section V), followed by conclusions and recommendations (section VI).

II. Main features of minorities in Greece

7. The Commissioner notes that the Greek authorities recognise the existence of only one minority on Greek territory, the 'Muslim' one in western Thrace (north-eastern Greece), by virtue of the Lausanne Peace Treaty of 24 July 1923.² This minority group (and the 'Greek inhabitants of Constantinople') had been expressly excluded from the compulsory exchange of populations between Greece and Turkey under the Lausanne Convention of 30 January 1923.³ According to the authorities, it now 'numbers around 100 000 persons and consists of three distinct groups, whose members are of Turkish, Pomak or Roma origin'⁴, each representing respectively 50%, 35% and 15% of this minority population.⁵

8. At the same time, the Greek authorities have affirmed that Greece 'subscribes to the right of each person to self-identification [and that] the members of the Muslim minority in Thrace are free to declare their origin, speak their language, exercise their religion and observe their particular customs and traditions'.⁶ The Commissioner has noted that 'persons of Roma origin' outside Thrace are not considered by the Greek authorities as members of a minority but of a 'vulnerable social group'.⁷

9. The Commissioner has observed that despite the non recognition of any other national or linguistic minority, Greek authorities have acknowledged that in northern Greece there exist 'a small number of persons who... use, without

restrictions, in addition to the Greek language, Slavic oral idioms, confined to family or colloquial use'. According to the authorities, this 'Slav-oriented group of Greek citizens in [the Greek region of] Macedonia have been freely participating with their own political party in parliamentary elections in Greece'.⁸ In fact, in the 2004 elections for the European Parliament this party ('European Free Alliance – Rainbow', based in the town of Florina as from 1995⁹) received 6 176 votes, that is a national percentage of 0,10%.¹⁰

10. The Commissioner takes note of the serious concerns which have been expressed by monitoring bodies of both the Council of Europe and the United Nations about the policy and practice followed so far by Greek authorities vis-à-vis minorities.

11. In particular, in its 2004 Third Report on Greece, the European Commission against Racism and Intolerance (ECRI) commented that 'persons wishing to express their Macedonian, Turkish or other identity incur the hostility of the population. They are targets of prejudices and stereotypes, and sometimes face discrimination, especially in the labour market'¹¹.

12. As regards UN monitoring organs, in 2004 the Committee on Economic, Social and Cultural Rights in its Concluding Observations, after having expressed its concern 'that there is only one officially recognized minority in Greece, whereas there are other ethnic groups seeking that status', urged Greece 'to reconsider its position with regard to the recognition of other ethnic, religious or linguistic minorities which may exist within its territory in accordance with recognized international standards'.¹²

13. One year later, the UN Human Rights Committee noted 'with concern the apparent unwillingness of the [Greek] Government to allow any private groups or associations to use associational names that include the appellation "Turk" or "Macedonian", based upon the State party's assertion that there are no ethnic, religious or linguistic minorities in Greece other than the Muslims in Thrace. The Committee note[d] that individuals belonging to such minorities have a right under the [International] Covenant [on Civil and Political Rights] to the enjoyment of their own culture, the profession and practice of their own religion, and the use of their own language in community with other members of their group (art. 27)'.¹³

III. Minorities and the right to freedom of association

14. In its latest Report on Greece, ECRI deplored the fact that, five years after the 1998 judgment of the European Court of Human Rights in the relevant case of *Sidiropoulos and others*,¹⁴ the 'Home of Macedonian Civilisation', a non-profit-making association that a number of Greek nationals who claimed to be of Macedonian ethnic origin aimed to establish in the town of Florina, had not been registered in accordance with the provisions of the Greek Civil Code.¹⁵ The domestic courts' refusal to allow registration of this association had been grounded, inter alia, in a perceived 'intention on the part of the [above association's] founders to undermine Greek territorial integrity' and found that 'the promotion of the idea that there is a Macedonian minority in

Greece...is contrary to the country's national interest and consequently contrary to law'.¹⁶

15. The Commissioner has been informed that the above association's legal personality is still not recognized, even though the Greek government submitted to the Council of Europe Committee of Ministers in 2000, before the conclusion by the Committee of the examination of this case under ex Article 54 (now Article 46, paragraph 2) of the European Convention on Human Rights, that 'considering the direct effect today given to judgments of the European Court in Greek law...the Greek courts [would] not fail to prevent the kind of judicial error that was at the origin of the violation found in this case'.¹⁷ ECRI, having noted that 'representatives of the Macedonian community have asked the authorities to recognize their right to self-identification, as well as the existence of a Macedonian national minority', inter alia, encouraged the authorities 'to take further steps toward the recognition of the freedom of association and expression of members of the Macedonian and Turkish communities' in Greece.¹⁸

16. The Commissioner has taken note with particular concern that the Greek authorities' refusal to recognise the existence of any other kind of minority apart from the 'Muslim' one has led in fact to a number of applications before the European Court of Human Rights, especially concerning minority members' right to freedom of association, as provided for by Article 11 of the European Convention.

17. One such case has been that of *Bekir-Ousta and others*¹⁹ in which the Court found unanimously against Greece in 2007. This case concerns the competent courts' refusal to allow the registration of the Muslim minority applicants' association that they decided to form in Evros in 1995, under the name 'Association of the minority youth of the Evros Department', on the ground that the applicants intended in fact, through this association, to promote the idea that an ethnic, as contrasted to a religious, minority existed in Thrace. This, according to the domestic courts, risked creating confusion in the public as to the origin of the members of this association. Having noted that the Greek Constitution and the civil code in fact do not allow the domestic courts to proceed to a preventive control for the establishment of non-profit-making associations, the European Court of Human Rights found unanimously that there had been a violation of the applicants' right to freedom of association, since there was no 'pressing social need' that would have made the non-registration of the above association necessary in a democratic society.

18. The Court, with a similar reasoning, found anew unanimously against Greece in 2008 in the case of *Emin and others v Greece*,²⁰ which concerns the domestic courts' refusal to allow the registration of the 'Cultural Association of Turkish Women of the Prefecture of Rodopi' that the applicants wished to create in 2001. The national courts deemed that this registration would be against the public order on the ground that the title of the association would create the impression that there exists in Greece a Turkish (national) minority as contrasted to the religious one provided for by the 1923

Lausanne Peace Treaty. To date, the Commissioner has not been informed of any measures by the Greek authorities aimed at the registration of the above associations.

19. Of further concern to the Commissioner has been a fourth case that led in 2008 to a new judgment against Greece by the European Court of Human Rights (case of *Tourkiki Enosi Xanthis and others*)²¹. It concerns the dissolution by a domestic court, upon request by the Prefect of Xanthi, of the applicant association which was entitled 'Turkish Association of Xanthi' and aimed, inter alia, at promoting the culture of the 'Turks of western Thrace' and contributing to propagating the cultural, social and religious reforms that took place in Turkey following the regime change by Mustafa Kemal Atatürk.²² It is noted that the members of this association are part of the officially recognised 'Muslim' minority, of Turkish ethnic origin, and that this association had been registered and operating in Greece under this name since 1936, and under another name, 'House of the Turkish youth in Xanthi' between 1927 and 1936.

20. The Court in this case found unanimously another violation by Greece of Article 11 of the European Convention. It judged as unnecessary in a democratic society the 'radical measure' of dissolution of the above minority association by the domestic courts on the ground, inter alia, that the term 'Turkish' in the title and in the memoranda of the above non-profit association (promoting the idea of existence of an ethnic, not a religious minority in line with the Lausanne Treaty) and the reference to the ideals of Kemal Atatürk ran against public order. The Court, having noted that the applicant association had never in fact appealed to violence, underlined that no matter how shocking and unacceptable may seem to be for the authorities certain points of view or terms used by the association or its members, these should not automatically be viewed as a threat to the public order or the country's territorial integrity, since the essence of democracy consists in fact in its capacity to solve problems through an open debate.²³ The Commissioner has not been informed to date of any measures by the Greek authorities aimed at reregistering the above association.

IV. Protection of minority members affected by the application of former Article 19 of the Greek Nationality Code

21. Former Article 19 of the Greek Nationality Code (GNC, Legislative Decree (Law) 3370/1955)²⁴ was a provision that was applied from 1955 until 1998. It provided for the denationalisation of 'citizens of different [non-Greek] descent' ('alloyenis', as opposed to 'omoyenis', that is, 'of the same [Greek] descent') who left Greece 'with no intent to return'.

22. According to former Article 19 GNC 'a citizen of non-Greek descent ['alloyenis'] who leaves the Greek territory with no intent to return may be declared to be a person who has lost the Greek nationality'. In the framework of Article 19 a Greek citizen of non-Greek descent ('alloyenis') meant an individual with Greek nationality who did not 'originate from Greeks, had no Greek consciousness and did not behave as a Greek [and consequently] it

may be concluded that their bond with the Greek nation is completely loose and fragile'.²⁵

23. It has been widely accepted that the former Article 19 GNC was in contravention of, inter alia, Article 12, paragraph 4, of the International Covenant on Civil and Political Rights (ratified by Greece by Law 2462/1997) which provides that 'No one shall be arbitrarily deprived of the right to enter his own country', as well as to Article 3, paragraph 2, of the Fourth Protocol to the European Convention on Human Rights (this Protocol has not as yet been ratified by Greece) which provides that 'No one shall be deprived of the right to enter the territory of the State of which he is a national'.²⁶

24. As a consequence of the above provision, from 1955 to 1998 there were approximately 60 000 Greek citizens, including minors, who lost their nationality.²⁷ The majority of these persons have been of Turkish ethnic origin.

25. The European Commission against Racism and Intolerance (ECRI) has noted that Greece has not taken measures that would lead to the reparation of 'the serious consequences that arose from the deprivation of citizenship on the basis of Article 19. In particular, the repeal of Article 19 does not have a retroactive effect.²⁸ Denationalised persons who have remained in Greece (estimated at 200 persons)²⁹ and wish to recover their Greek nationality have had to go through the normal naturalization process applicable to aliens, a process that has been described as 'long, expensive and uncertain as regards the outcome, and humiliating for persons who have wrongly lost their citizenship'.³⁰ During the discussions that the Commissioner had during his visit to Greece with the aforementioned minority members in Thrace the lack of any 'moral compensation' (satisfaction) so far to the forced denationalization victims was particularly brought to his attention.

26. The Commissioner has been especially concerned at reports according to which the remaining stateless persons in Greece, most of them middle- and old-aged and of limited financial means, often encounter difficulties in benefiting particularly from health services when in need thereof. The Commissioner has noted that in 2006 the Greek National Commission for Human Rights called upon the Greek state to urgently provide for coverage of all these particularly vulnerable persons under the state health system.³¹

27. According to the Greek government, '[t]he vast majority of persons deprived of their citizenship by virtue of Article 19 are already foreign citizens and reside outside the Greek territory. The general provisions of the Citizenship Code on the naturalization of foreign citizens may be applicable to them. [The]... "stateless" Muslims, who reside in Thrace... have been provided with special Identity Cards, in accordance with the UN Convention relating to the Status of Stateless Persons... At the same time, the Ministry of Interior has issued instructions to Local Authorities for the speeding up of the procedure for the naturalization of these persons.³² It is expected that soon Greek citizenship will be granted to the abovementioned stateless persons, who are permanent residents of Greece'.³³ The Commissioner notes with satisfaction that during his conversation with the Secretary General of the

Foreign Ministry, Mr Agathokles, on 10 December 2008, the latter confirmed the Greek government's determination to proceed promptly to the restoration of the nationality of the remaining stateless persons who now reside in Greece.

V. Muftis and application of the Sharia Law in Greece

28. The three, currently functioning, Muftis (religious officials and legal experts in the Sharia Law) in Thrace (in the towns of Xanthi, Komotini and Didimoticho) have the status of Greek civil servants. The Muftis are Greek Muslims, graduates of a University-level Islamic school of theology, and appointed by decision of the Minister of Education and Religious Affairs. In accordance with, inter alia, Law 1920/1991 on Muftis, which echoes in effect early 20th century treaties concluded between Greece and the Ottoman Empire/Turkey, a Mufti has, in addition to his role as a Muslim legal expert, the exceptional competence to adjudicate, applying the Sharia Law, among Greek Muslim citizens residing in their region upon cases relating to, inter alia, marriage, divorce, alimony, guardianship and inheritance. It is to be noted that Greek Muslims residing on the Dodecanese islands are not subject to Sharia Law but to Greek civil law. The Commissioner notes that in 2006 the Greek National Commission for Human Rights proposed the adoption of legislation aimed, inter alia, at abolishing the public law personality of Muftis and at restricting their competence to strictly spiritual tasks.³⁴

29. The Commissioner has observed that the continuing practice of appointment of the Muftis by the Greek state, excluding their direct election by members of the Muslim minority, has caused in the past and continues to cause deep disappointment and reactions by members of the Muslim minority. In this context, the Commissioner recalls a number of judgments against Greece by the European Court of Human Rights concerning prosecutions for having 'usurped the functions of a minister of a 'known religion'', against an elected Mufti issuing and signing messages to the Muslims attending his prayers in Thrace, while the Greek state had appointed another Mufti. In its judgment in the case of *Agga v Greece (N° 2)* (17/10/2002) (concerning the Mufti post at Xanthi) the Court had found a violation of Article 9 of the Convention (freedom of religion) on account of the above-mentioned prosecution. The supervision of execution of this and the similar, earlier case of *Serif* was concluded by the Council of Europe Committee of Ministers in 2005 following the adoption by Greece of individual as well as of general measures to prevent a similar violation of the Convention.

30. Nonetheless, two very similar judgments against Greece were rendered by the Court on 13 July 2006 (*Agga N° 3; Agga N° 4*),³⁵ finding anew, unanimously, violations of Article 9 of the Convention due to other prosecutions against the same applicant for the same reasons. The Court noted, as in the 2002 *Agga N° 2* case, that 'the domestic courts that convicted the applicant did not mention in their decisions any specific acts by the applicant with a view to producing legal effects...[but they convicted him] on the mere ground that he had issued messages of religious content and that he had signed them as the Mufti of Xanthi'.³⁶ Hence, the convictions were not

justified by a 'pressing social need', provided for by the exclusion clause of Article 9, paragraph 2, of the Convention.

31. The Commissioner has additionally been informed of the serious concerns that have been expressed notably by the Greek National Commission for Human Rights with regard to a number of Muslims' weddings by proxy (without the clear and express consent of the women concerned in most cases, including minors), which are allowed by the Sharia Law and in the past, at least until 2003, have been officiated by a Mufti and subsequently recorded in the state public records.³⁷ The National Commission deemed that this practice raised serious issues of compatibility of the above practice with the Greek Constitution that protects, inter alia, human dignity and the free development of one's personality, as well as with provisions of international human rights treaties ratified by Greece, such as Article 23, paragraph 3, of the International Covenant on Civil and Political Rights (ICCPR) that proscribes marriages without the 'free and full consent of the intending spouses'.³⁸

32. Even more grave concerns were expressed in 2005 by, among others, the Greek National Commission for Human Rights about the wedding of a Muslim minor girl of 11 years of age. Even though under Sharia Law the minimum age of marriage is twelve years, in that case the Mufti reportedly officiated the above wedding exceptionally 'in order to protect the girl's interests'.³⁹

33. The Commissioner has noted that in 2007 the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) expressed its concern about 'the non-application of the general law of Greece to the Muslim minority on matters of marriage and inheritance', thus leading 'to discrimination against Muslim women, in contravention of the Greek Constitution and article 16 of the [Convention on the Elimination of All Forms of Discrimination against Women]. The Committee note[d] with concern the continuing phenomenon of early marriage and polygamy in the Muslim community notwithstanding the fact that they are in conflict with the Greek constitutional order and the [above] Convention'.⁴⁰

34. The Commissioner is aware that the decision to proceed to the application of Sharia Law in family and inheritance law matters may be taken by members of the Muslim minority in Thrace, who have, in principle, the right to choose between Greek civil law and Sharia Law. It is to be noted, however, that exceptions occur in matters relating to inheritance law where the Sharia Law is strictly applied.⁴¹ The Commissioner is also informed that Sharia Law should be implemented, as a matter of principle, to the extent that its rules are not in conflict with the Greek statutory and constitutional order. In fact, Law 1920/1991 (on Muftis) provides that the domestic courts, in cases of dispute, shall not enforce decisions of the Muftis which are contrary to the Greek Constitution. A recent, legal expert report, however, has cast very serious doubts over and raised grave concerns about the effectiveness of the review and control of the Mufti judicial decisions which is carried out by domestic civil courts.⁴²

35. The Commissioner shares the comments of the above competent national and international human rights institutions whose reports have clearly indicated that the Sharia Law-related practice as outlined above, based notably on early 20th century treaties concluded between Greece and the Ottoman Empire and later Turkey, raises serious issues of compatibility with the undertakings of Greece following the ratification of the post-1948, core international and European human rights treaties, especially those relating to the human rights of the child and of women, which should, in any case, be effectively applied and prevail.

36. On many occasions during the discussion that the Commissioner held in Alexandroupolis with the aforementioned members of the Muslim minority the wish for a prevalence of and application of the 'European standards' to the Muslim minority members was stressed. In these discussions, the Commissioner was given the impression that there is a large part of the Muslim minority members who do not wish to be subject, even with the right to choose, to Sharia Law and would very much welcome its abolition in Greece. At the same time, such a development could well pave the way towards a possible direct election of a Mufti by members of the Muslim minority, a prospect that appears also to be wished for by the majority of this minority.

VI. Conclusions and Recommendations

37. The Commissioner is aware of the complexity of the minority questions that arise naturally in 'nation states', especially those of south-east Europe, a region where various civilisations have mixed and thrived in turbulent historical contexts. On many occasions, the emerged states there have not managed to view social pluralism as a valuable asset and source of development for all members of their societies. History has indeed shaped all nation states' past and present. It should not however confine or hamper their future development.

38. The Commissioner believes strongly that effective protection by states of minority groups on their territories is a necessary condition for the establishment and preservation of domestic social cohesion and international peaceful relations and cooperation of all Council of Europe member states, as provided by the Council of Europe Statute.

39. The Commissioner wishes to commend and encourage further action by the Greek authorities for enhancing the human rights of minorities, such as that on 'education of Muslim children' in Thrace, the existence of a special quota of 0.5% for entry into higher education of Muslim minority students and the introduction in 2006 of teaching of the Turkish language as a second foreign language in secondary education in Thrace.

40. Nonetheless, the Commissioner remains deeply concerned about the persistent denial by Greek authorities of the existence on Greece's territory of minorities other than the tripartite 'Muslim' one in western Thrace, despite the recommendations made so far notably by ECRI, the UN Committee on Economic, Social and Cultural Rights and the UN Human Rights Committee.

41. The Commissioner wishes to underline in this context that any obligations that may arise out of the 1923 Lausanne Peace Treaty, or any other early 20th century treaty, should be viewed and interpreted in full and effective compliance with the subsequent obligations undertaken by the ratification of European and international human rights instruments.

42. The Commissioner wishes to recall that freedom of ethnic self-identification is a major principle in which democratic pluralistic societies should be grounded and should be effectively applied to all minority groups, be they national, religious or linguistic.⁴³

43. The Commissioner notes that Greece, like all other Council of Europe member states, is an inherently pluralistic society. The existence in it of minority groups, be they 'national', 'religious' or 'linguistic', should be considered as a major factor, not of division, but of enrichment for the Greek society. The Commissioner would like to urge the Greek authorities to show greater receptiveness to diversity in their society and take appropriate measures that would allow members of the existing, numerically small, minority groups to be effectively self-identified and express their identities.

44. The existence of tensions among members and groups of a democratic society, such as that of Greece, is an inherent element of its pluralism. The answer to tensions, though, should not be the adoption of repressive measures. As noted by the European Court of Human Rights, '[t]he role of the authorities is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other'.⁴⁴ Democracy and social cohesion are nurtured by dialogue and the promotion of the human rights principles to which Council of Europe member states should effectively adhere.

45. Tolerance and open, sincere dialogue between authorities and all minority groups should be nurtured and promoted as widely as possible by the national, as well as the regional and local authorities. In this regard, the Commissioner reiterates his view that the creation by the Greek government of a national human rights action plan would be highly beneficial,⁴⁵ one in which the protection of minorities should be integrated and based notably on the principles of the Framework Convention for the Protection of National Minorities (FCNM), which was signed by Greece on 22 September 1997.

46. In this context, the Commissioner calls upon the Greek government to create a consultative mechanism, at national, regional and local levels, which would ensure an institutionalised, open, sincere and continuous dialogue with representatives of different minorities and/or representatives of individual minority groups. These consultative bodies should have a clear legal status and be inclusive and representative.⁴⁶

47. The Commissioner recalls the similar recommendation made by the previous Commissioner in his 2002 and 2006 reports on Greece, and urges once again the Greek authorities to proceed, as soon as possible, to the ratification by Greece of the FCNM and accession to the 1992 European

Charter for Regional or Minority Languages⁴⁷. The Commissioner is in no doubt that the incorporation of these important Council of Europe treaties will be a major step towards the advancement of minority protection in Greece and will set an example.

48. As regards in particular freedom of association, the great importance for democracy of the freedom of establishment and functioning of associations 'seeking an ethnic identity or asserting a minority consciousness' has been emphasised by the European Court of Human Rights.⁴⁸

49. The Commissioner recalls the European Court of Human Rights' guiding principles, according to which '[t]he harmonious interaction of persons and groups with varied identities is essential for achieving social cohesion. It is only natural that, where a civil society functions in a healthy manner, the participation of citizens in the democratic process is to a large extent achieved through belonging to associations in which they may integrate with each other and pursue common objectives collectively... freedom of association is particularly important for persons belonging to minorities, including national and ethnic minorities... Indeed, forming an association in order to express and promote its identity may be instrumental in helping a minority to preserve and uphold its rights'.⁴⁹

50. Needless to say that there exists always a possibility for states to impose restrictions upon the right to freedom of association, in accordance with Article 11, paragraph 2, of the European Convention on Human Rights. However, it has to be stressed, in the words of the Court, that this 'power must be used sparingly, as exceptions to the rule of freedom of association are to be construed strictly and only convincing and compelling reasons can justify restrictions on that freedom'.⁵⁰

51. In addition, it is recalled that under Article 27 of the International Covenant on Civil and Political Rights (ICCPR), which was ratified by Greece on 5 May 1997, in all states parties where 'ethnic, religious or linguistic minorities exist', members of such minorities may 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'.

52. In this regard, it is to be noted that the UN Human Rights Committee has clarified that under the above provision of the ICCPR a state party 'is under an obligation to ensure that the existence and the exercise of [the above right] are protected against their denial or violation'. The UN Human Rights Committee has stressed that '[a]lthough the rights protected under article 27 are individual rights, they depend in turn on the ability of the minority group to maintain its culture, language or religion. Accordingly, positive measures by States may also be necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practise their religion, in community with the other members of the group'.⁵¹ Similar provisions are found in the Framework Convention for the Protection of National Minorities (FCNM) (see e.g. Article 5),⁵² which was signed by Greece on 22 September 1997 but has not as yet been ratified.

53. Indeed, the right to freedom of association is one of the fundamental prerequisites for the harmonious functioning of European democratic societies which are characterised by inherent pluralism that, in turn, should always be accompanied by tolerance and broadmindedness.⁵³ The essential contribution made by non-profit-making associations, such as non-governmental organisations, to the development and realisation of democracy and human rights was recently highlighted also by the Committee of Ministers in its Recommendation [CM/Rec\(2007\)14](#) *on the legal status of non-governmental organisations in Europe*.⁵⁴

54. The Commissioner follows closely and remains concerned by the over-restrictive practice of Greek courts which by having proceeded to a preventive, in effect, control of certain applicant minority associations have refused to register them in accordance with the Civil Code, even though Article 12 of the Greek Constitution expressly proscribes the imposition of 'prior authorisation' on the formation of non-profit-making unions and associations.

55. Of even greater concern has been the radical measure of the dissolution of the minority association 'Turkish Union of Xanthi', even though this had been registered and operated in Greece under this name since 1936.

56. The Commissioner remains deeply concerned about all the aforementioned applications lodged with the European Court of Human Rights and the latter's subsequent, unanimous judgments against Greece concerning restrictions of minority members' freedom of association, which are unnecessary in a democratic society. All these cases have further strained the Court's long overburdened docket, instead of having being promptly resolved at national level, in accordance with the Court's long-established case law.

57. The Commissioner calls upon the Greek authorities to adopt urgently all necessary measures in order to make possible the operation of all minority associations, in full alignment with the European Convention on Human Rights, a ratified treaty that enjoys a supra-statutory status under Article 28, paragraph 1, of the Greek Constitution.

58. As regards the persons who were deprived of Greek nationality under former Article 19 of the Greek Nationality Code and remain in Greece, the Commissioner welcomes the efforts made by the Greek authorities and urges them to proceed to the immediate restoration of their nationality. Particular care should also be provided by the competent authorities to any of these persons who are elderly and/or with limited financial resources to cover welfare and medical services of which they are in need. As for the denationalised persons who have remained abroad and are not willing to return, the Commissioner calls upon the authorities to consider the possibility of providing them, or their descendants, with satisfaction, in accordance with the general principles of international law.

59. In this context, the Commissioner calls upon the Greek authorities to proceed promptly to the ratification of the 1997 European Convention on

Nationality, which was signed on 6 November 1997, the 1963 Fourth Protocol to the European Convention on Human Rights and the 1961 UN Convention on the Reduction of Statelessness.

60. With regard to the appointed Muftis and their application of the Sharia Law, the Commissioner recommends that Greece institutionalise an open, sincere and continuous dialogue with representatives of the Muslim minority on all matters affecting their everyday life and human rights. Any solutions to the issues raised in the present Report should be reached following consultations with the minority concerned and in accordance with the wish of the majority of its members.

61. The Commissioner, however, wishes to note that he is favourably positioned towards the withdrawal of the judicial competence from Muftis, given the serious, aforementioned issues of compatibility of this practice with international and European human rights standards, and towards the subsequent, direct election of the Muftis (solely as Sharia Law experts) by the members of the Muslim minority, in conformity with Article 15 and the standards set by the Advisory Committee of the Framework Convention for the Protection of National Minorities.⁵⁵ In the meantime, the Greek authorities are urged to take promptly all necessary measures for strengthening the substantive review and control by domestic courts of the Muftis' judicial decisions so that they are effectively and fully in line with the standards of international and European human rights law.

62. Finally, the Commissioner wishes to stress that he will continue to follow closely relevant developments and intends to take all necessary measures, in accordance with his mandate as an independent and impartial institution of the Council of Europe, in order to promote the effective implementation of the Council of Europe standards relating to minority and human rights protection. The Commissioner stands ready to continue a sincere, constructive dialogue with and assist the Greek authorities in their efforts to remedy the shortcomings that were outlined in the present Report.

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Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the independent expert on minority issues, Gay McDougall
Addendum**

**MISSION TO GREECE
(8-16 September 2008)**

<http://daccess-ods.un.org/TMP/8596465.html>

Summary

The independent expert on minority issues visited Greece from 8 to 16 September 2008, inter alia, to promote implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. She travelled to different regions and conducted extensive consultations with senior government representatives and public officials at the national and regional levels. She consulted civil society organizations, religious leaders, academics and community leaders.

Greece recognizes only one minority, the Muslim religious minority in Western Thrace, which is protected by the terms of the Treaty of Lausanne of 1923. Greece does not recognize the minority status of other communities. The Government is convinced that the claims of the existence of other minorities are unsubstantiated and politically motivated. However, whether a State officially recognizes a minority is not conclusive with respect to its obligations toward minority populations.

The independent expert is concerned with matters solely within the domestic jurisdiction of the Government of Greece relating to its treatment of minorities and disadvantaged groups inside the country. Her concerns focus on the degree to which legislation, policy and practice fulfil obligations under international human rights law, including minority rights, which have precedence over bilateral treaties and agreements. The decision that a certain

group should receive the protections due to minorities does not have implications for inter-State relations. Minorities are constituent groups of Greek society, not a foreign element.

The independent expert urges the Government of Greece to withdraw from the dispute over whether there is a Macedonian or a Turkish minority in Greece and focus on protecting the rights to self-identification, freedom of expression and freedom of association of those communities. Their rights to minority protections must be honoured in accordance with the Declaration on Minorities and the core international human rights treaties. Greece should comply fully with the judgements of the European Court of Human Rights, specifically those decisions that associations should be allowed to use the words “Macedonian” and “Turkish” in their names and to express their ethnic identities freely.

Discrimination against Roma exists in Greece as in other European countries. The independent expert visited Roma communities which lacked basic facilities and faced the constant threat of eviction. Many Roma children are either in segregated schools or do not have access to education owing to their identity. The independent expert commends government efforts to develop positive policies coordinated at the inter-ministerial level by the Minister for the Interior through the Integrated Action Programme on Roma. However, there are serious problems of implementation at the local level, particularly regarding living conditions and the segregation of Roma in certain public schools. The Government should continue its efforts to ensure that national policies are not subverted or defied by local authorities that are responsive to local prejudices. It should comply with European Court judgements with respect to the segregation of Roma children.

Annex

REPORT OF THE INDEPENDENT EXPERT ON MINORITY ISSUES MISSION TO GREECE (8-16 September 2008)

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