



## NEWS REPORT

**Date:** 4 December 2014  
**Expert:** Theodoridis, Athanasios  
**Title:** Exclusion of Muslim minority university –graduate educators from minority schools  
**Country:** Greece  
**Context**  
**Issue at stake:** Access of Muslim minority teachers to employment on equal terms  
**Ground of discrimination:** Religion/belief, race/ ethnic origin  
**Source:** Legislation  
**Field:** Employment, education  
**Legislative provisions:** Anti-discrimination Law 3304/2005, art. 4, par. 1 (a) & art. 8, par. 1 (a)

### Content

**Law development:** On 13<sup>th</sup> November 2014, the Minister of Education filed an amendment to a bill of law, according to which members of the Muslim minority in Thrace are not allowed anymore to fill teaching positions for the Greek-language program of minority primary schools. More specifically, article 64 par.1 of the bill stipulates that “members of Muslim minority of Thrace are not allowed to teaching positions concerning the Greek-language program of minority primary schools”.

With this legislative provision regulating matters relating to the teaching staff of minority schools the fundamental constitutional principle of equality is violated as defined under Article 4 of the Constitution. According to the new provisions, Muslim teachers who are Greek citizens and have graduated from Greek Universities' education departments are classified, and in practice divided, into groups based on their religious beliefs and their ethnic origin rather than on their qualifications, professional skills and knowledge.

According to legal scholars and human rights NGOs, this provision directly violates Article 21 of the Charter of Fundamental Rights of the EU, which prohibits, among other forms of discrimination, any discrimination based on ethnic origin or religion.

It seems that the new provision violates mainly Directive 78 /2000/EC which prohibits discrimination in the field of employment, and hence the exclusion of minority educators falls within its protective scope which includes a number of grounds for discrimination, among which discrimination on the basis of religious beliefs. In addition it seems to violate Directive 43/ 2000/EC which prohibits any discrimination on grounds of ethnic origin that takes place in a number of areas, among which employment and education are explicitly mentioned. An issue of discrimination in the field of education could possibly arise (as the student who is denied teaching by a



minority educator who also speaks the student's mother tongue could be seen as discriminated against, because - unlike the rest of the children - they do not have equal access to teachers who know their mother tongue). Therefore, the new provision seems to be inconsistent with anti-discrimination Law 3304/2005 incorporating the two Directives in the Greek legal order. Regarding the steps that could be taken to combat the new discriminatory provision, there has to be an individual victim (a Muslim teacher) who would have to bring a case to court. Moreover, a victim could submit a request before the competent Equality Body for the public sector, which is the Greek Ombudsman, but its opinion would not be binding although it would be helpful during the court procedure.

**Internet link source and additional information:**

<http://www.hellenicparliament.gr/UserFiles/bcc26661-143b-4f2d-8916-0e0e66ba4c50/e-etean-pap.pdf>