

EXPLANATORY MEMORANDUM

**to Law 4115/2013, Article 53 (Official Gazette of the Hellenic Republic A' 24),
Amendment to Articles 36 to 39 of Law 3536/2007**

ARTICLE 53

**Islamic Religion teachers for the Muslim minority in Thrace and support for the
schooling of Muslim children in public schools in Thrace**

Articles 36 to 39 of Law 3536/2007 (A'42) are replaced by this article for the following reasons:

ARTICLE 36

1. In the first paragraph without cutting down on the established positions of Islamic religion teachers in the three Muftiates in Thrace, aiming to contribute in the religious and spiritual cultivation of Muslims in Thrace with teaching the Quran in the local Mosques, for the first time it is provided for that Islamic religion teachers, members of the Muslim minority, may teach the Quran in public schools of primary and secondary education in Thrace, to students members of the Muslim minority exempted from the course of Religious Education and where necessary. The teaching of the Quran will take place within the school schedule without appearing in the school timetable. Therefore, for this purpose an essential prerequisite is that on the one hand there are Islamic religion teachers who want to teach within the school environment and on the other hand that this need is verified in certain schools, meaning that sufficient number of Muslim students have expressed the wish to be taught the Quran. In this way, all Muslim students who have been exempted from the course of Religious Education will have the possibility, if they want to, to be taught the Quran in school and during school hours, relieved of the burden of extra teaching hours. It is noteworthy that a similar (but more general) provision already exists in public education and in particular in the basic piece of legislation on the structure of primary and secondary education, that is in the provision of paragraph 17 of article 14 of Law 1566/1985, according to which teaching the course of Religious Education to a sufficient number of secondary school students of a religion other than Christian Orthodox may be assigned "to individuals holding a degree in Theology of the corresponding denomination from a foreign University and a certificate of secondary education from a high school in Greece or any six grade

secondary school". Consequently the objective of the amendment proposed focusing specifically on minority students in Thrace, is to establish the necessary arrangements for the teaching of the Quran in school at the time when the course of Religious Education is taught. It is intended that this is arranged in the best possible way in accordance with the particularities of the area, the students' needs and the availability of qualified staff. Therefore, the objective pursued is the proper implementation within the prefecture of Thrace of a possibility already provided for by the legal framework and already implemented in other areas of Greece, such as the islands of Tinos and Syros, where during the course of Religious Education, catholic students may attend a course taught by catholic priests or theologians hired by the Greek State. This service shall be provided within the school environment by decision of the competent director of Primary or Secondary Education respectively. All necessary details to determine the schools hosting Islamic religion teachers and the classes that they will teach, the selection process of the Islamic religion teachers who shall be assigned to teach in schools and in general the manner that this course shall be provided, shall be determined for a one-school year period or for shorter periods by decision of the Minister of Education and Religious Affairs, Culture and Sports.

The allocation of the posts, adapted in line with the needs and the changing reality, is as follows:

Muftiate of Xanthi: Eighty (80)

Muftiate of Komotini: One Hundred Twenty (120)

Muftiate of Didimoteixo: Forty (40)

2. According to the second paragraph, it is provided for that hereinafter all Islamic religion teachers must be Greek citizens members of the Muslim minority, holders of a degree on Islamic studies of a Higher School of Theology (received in Greece or abroad and adequately recognized). The aim is to upgrade the teaching of the Quran to Muslim students through enhanced formal qualifications of Islamic religion teachers notably because they may be called upon to teach students of the Muslim minority in the public primary and secondary education system. In the case where the candidates with the aforementioned formal qualifications are fewer than the positions announced, holders of degrees of a Higher Education Institution of Greece may be appointed as Islamic religion teachers, provided that they are graduates of Medresses in Thrace. Lastly, in order to facilitate the immediate and complete implementation of the law, due to lack of candidates with enhanced formal qualifications, it is provided for, by way of exception and for a limited period of time, that is for the first five years following the publication of this law, Greek citizens members of the Muslim minority graduates of either one of the two Medresses in

Thrace or graduates of Primary or Secondary education who have a ten year service (continuously or intermittently) in teaching the Quran are authorized to be appointed as Islamic religion teachers with a view to remedy the lack of the required formal qualifications by established long-standing experience in teaching the Quran.

3. The legislative delegation in force is retained, thus it is established that the special qualifications of Islamic religion teachers per category of formal qualifications, the selection criteria in each category as well as the procedure for appointment are determined by Joint Decision of the Minister of Administrative Reform and Electronic Governance and the Minister of Education, Religious Affairs, Culture and Sports, by way of derogation from the existing provisions on staff recruitment employed in the public sector with a private-law contract.

4. The positions of Islamic religion teachers are allocated to each Muftiate depending on the needs of each region by decision of the Minister of Education, Religious Affairs, Culture and Sports, after obtaining the opinion of the Committee of article 38 and of the local Mufti.

ARTICLE 37

1. Islamic religion teachers are hired on a fixed-term contract, for a period of nine (9) months, following a public call. The contract is signed by the Minister of Education, Religious Affairs, Culture and Sports, and it determines the place of appointment of each teacher which may be in more than one Mosque, depending on the local needs. It is also clarified that in the case where an Islamic religion teacher accepts to provide his services in a school in order to teach Muslim children, it is presumed *fictio juris* that the contractual relationship is modified accordingly with the agreement of both parties with a corresponding reduction in the Islamic religion teacher's working hours in the Mosques where he has been appointed so that the needs of the school are covered. The local Mufti is immediately informed of this modification so that together with the Islamic religion teacher jointly determine the way that the latter provides his services to the Mosques in the most effective way. Islamic religion teachers shall be registered with Social Security on IKA – ETAM fund.

2. The legislative delegation for the determination of the remuneration of Islamic religion teachers is retained and the cost shall be borne by the budget of the Ministry of Education, Religious Affairs, Culture and Sports. However, following the provision for the possibility of Islamic religion teachers to carry out other duties, it is provided for that teaching the course of Islamic religion in schools may not be considered as an additional service or employment since the Islamic religion teachers' employment hours in Mosques shall be reduced and therefore they shall not be entitled to any additional payment.

3. The third paragraph introduces the possibility of the local Mufti, depending on staff availability and in order to cover emergency needs, to employ Islamic religion teachers as administrative assistant personnel for the time required, which may not be longer than the duration of the employment contract, without the rights and obligations of permanent employees. This task shall not be considered additional or non-contractual and it shall not give rise to a claim of additional payment since it shall be completed within working time and with a corresponding reduction in the employment time of Islamic religion teachers from their teaching duties.

4. The precise number of the positions to be filled by Muftiate, the duration of contracts, the period over which work will be provided and all necessary details for their hiring shall be determined by Joint Decision of the Minister of Administrative Reform and Electronic Governance and the Minister of Education, Religious Affairs, Culture and Sports.

ARTICLE 38

The selection of Islamic religion teachers is made by a Committee of five members consisting of:

a) the local Mufti, as Chairperson, b) an official of the Ministry of Education, Religious Affairs, Culture and Sports and an alternate, c) a University Faculty member specialised in Islamic studies and an alternate, d) a distinguished Muslim theologian and an alternate, appointed by the Minister of Education, Religious Affairs, Culture and Sports, e) a distinguished Muslim theologian and an alternate, proposed by the local Mufti. Therefore, this composition ensures that the majority of the Committee are Muslims. Secretary of the Committee without the right to vote shall be a public servant. The Committee is established by decision of the Minister of Education, Religious Affairs, Culture and Sports.

ARTICLE 39

For the selection of the most appropriate candidates to these positions, the Committee referred to in article 38 shall decide by taking into account the candidates' personality, in addition to their qualifications, and shall form a complete picture of their skills taking into consideration their ethos and conduct as well as their past career as Islamic religion teachers.

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ARTICLE 53

Islamic religion teachers of the Muslim minority in Thrace and support for the schooling of Muslim children in public schools in Thrace

1. Articles 36 to 39 of Law 3536/2007 shall be replaced as follows:

ARTICLE 36

1. Two hundred forty (240) positions of Islamic religion teachers are set up in Muftiates in order to contribute to the religious and spiritual cultivation of Muslims in Thrace. Those positions will be filled by permanent residents of Thrace, members of the Muslim minority. Islamic religion teachers shall be assigned to teach the Quran in Mosques in Thrace. Following a decision of the competent Director of Primary or Secondary Education, Islamic religion teachers may, if they so wish, teach the Quran in public schools of primary or secondary education in Thrace to students members of the Muslim minority exempted from the course of Religious Education and where necessary. This course will take place within the school schedule without appearing on the school timetable. All necessary details to determine the schools hosting Islamic religion teachers and the classes that they will teach, the selection process of the Islamic religion teachers who shall be assigned to teach in schools and in general the manner that this course shall be provided, shall be determined for a one-school year period or for shorter periods by decision of the Minister of Education and Religious Affairs, Culture and Sports.

The allocation of the posts is as follows:

Muftiate of Xanthi: Eighty (80)

Muftiate of Komotini: One Hundred Twenty (120)

Muftiate of Didimoteixo: Forty (40)

2. The Islamic religion teachers must be Greek citizens members of the Muslim minority, holders of a degree in Islamic studies awarded by a Higher Education Institution of Theology received in Greece or abroad recognized by the Hellenic National Academic Recognition Information Centre (NARIC). In the case where the candidates with the aforementioned formal qualifications are fewer than the positions announced, holders of degrees of a Higher Education Institution of Greece may be appointed as Islamic religion teachers, provided that they are graduates of Medresses in Thrace. For the first five years following the publication of this law in the Official Gazette of the Hellenic Republic, Greek citizens members of the Muslim minority graduates of the Medresse of Ehinós or Komotini or graduates of primary or secondary education who have a ten year service in teaching the Quran are exceptionally authorized to be appointed as Islamic religion teachers.

3. The special qualifications of Islamic religion teachers per category of formal qualifications, the selection criteria in each category as well as the procedure for appointment are determined by a Joint Decision of the Minister of Administrative Reform and Electronic Governance and the Minister of Education, Religious Affairs, Culture and Sports, by way of derogation from the existing provisions on staff recruitment employed in the public sector with a private-law contract.

4. By decision of the Minister of Education, Religious Affairs, Culture and Sports, after obtaining the opinion of the Committee of article 38 and of the local Mufti, the abovementioned positions of Islamic religion teachers are allocated to each Muftiate depending on the needs of each region.

ARTICLE 37

1. Islamic religion teachers are hired on a fixed-term contract, for a period of nine (9) months, following a public call. The contract is signed by the Minister of Education, Religious Affairs, Culture and Sports and it determines the place of appointment of each teacher which may be in more than one Mosque, depending on the local needs. In the case where an Islamic religion teacher accepts to provide his services in a school in accordance with the provisions of the first paragraph of the preceding article, it is presumed that the employment contract is modified accordingly with the agreement of both parties with a corresponding reduction in his working hours in the Mosques where he has been appointed. In consideration of this, the local Mufti is immediately informed. Islamic religion teachers shall be registered with Social Security on IKA – ETAM fund.

2. The amount of the remuneration of Islamic religion teachers shall be determined by a Joint Decision of the Minister of Finances and the Minister of Education,

Religious Affairs, Culture and Sports. This cost shall be borne by the budget of the Ministry of Education, Religious Affairs, Culture and Sports. Islamic religion teachers providing service in public schools of Primary and Secondary education, in accordance with the provisions of the first paragraph of the preceding article, shall not be considered to provide additional services beyond their contractual obligations, and therefore shall not be entitled to additional payment.

3. In order to meet urgent needs, Islamic religion teachers may offer their services in the central office of the Muftiate, employed as administrative assistants within the regular working time with a corresponding reduction in their employment time without additional payment by decision of the local Mufti.

4. The precise number of the positions to be filled by Muftiate, the duration of contracts, the period over which work will be provided and all necessary details for their hiring shall be determined by Joint Decision of the Minister of Administrative Reform and Electronic Governance and the Minister of Education, Religious Affairs, Culture and Sports.

ARTICLE 38

The selection of Islamic religion teachers shall be made by a Committee of five members consisting of: a) the local Mufti, as Chairperson, b) an official of the Ministry of Education, Religious Affairs, Culture and Sports and an alternate, c) a University Faculty member specialised in Islamic studies and an alternate, d) a distinguished Muslim theologian and an alternate, appointed by the Minister of Education, Religious Affairs, Culture and Sports, e) a distinguished Muslim theologian and an alternate, proposed by the local Mufti. Secretary of the Committee without the right to vote shall be a public servant. The Committee is established by decision of the Minister of Education, Religious Affairs, Culture and Sports.

ARTICLE 39

For the selection of the most appropriate candidates to these positions, the Committee referred to in article 38, shall form a complete picture of them, in addition to their qualifications, by taking into account their ethos, conduct, personality and their past career as Islamic religion teachers.