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Working Session 3: Fundamental Freedoms II

Freedom of assembly and association

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FREEDOM OF ASSOCIATION IN WESTERN THRACE - GREECE

The right to freedom of association is a basic fundamental human right and it is stipulated by most of the fundamental human rights instruments, like the paragraph 32.2 and 32.6 of the 1990 CSCE Copenhagen Document, the Article 11 of the European Convention on Human Rights and the Article 3.2 of the Framework Convention for the Protection of National Minorities. However, Turkish Muslim Minority of Western Thrace faces serious impediments in establishing associations and NGOs. There are three ECtHR rulings indicating that the freedom of association in Western Thrace has been violated (*Tourkiki Enosi Xanthis v. Greece*, No: 26698/05), (*Emin and others v. Greece*, No: 34144/05) (*Bekir-Ousta and others v. Greece*, No: 35151/05).

Since 1984, three minority associations¹ have been closed (on the grounds that their titles included the word "Turkish/Minority") while Greek authorities did not allow the establishment of other Turkish Minority associations². For instance, on 1 December 2010 a group of Turkish women in Xanthi applied to establish "The Cultural Association of the Turkish Women of the Region of Xanthi". However, this application is also rejected by the First Instance Court of Xanthi on 17 February 2011 because of the word "Turkish" in the title. On the other hand, the State officially recognises other ethnic identities and allows establishment of other associations with different ethnic denominations like "Pomak" and "Roma".

It is also worth mentioning that even the word "minority" was objected by the Greek courts, especially by the ones in the Prefecture of Evros. Since 1995, "Evros Minority Youth Association" has been struggling to register the association despite the existence of the relevant ECtHR decision (*Bekir-Ousta and others v. Greece*, No: 35151/05). Application by another minority association that was formed by the minority people living in the Southern Evros region was also rejected by the Court of First Instance of Alexandroupolis (on 23 April 2009) and Court of Appeals of Thrace (on 12 February 2010). The argument was that the word "minority" in the title of the association ("Western Thrace Minority Southern Evros Culture and Education Association") was vague and that it might endanger public order. Very recently, on 30 June 2011 the Greek Court rejected the establishment of another Minority Association naming "Minority Cultural, Folkloric and Educational Association of Evrenos in Rodophi" based on the same reasons.

¹ These are Xanthi Turkish Union; Komotini Turkish Youth Union, and Western Thrace Turkish Teachers' Union.

² Cultural Association of the Turkish Women of Rodopi Prefecture; The Cultural Association of the Turkish Women of the Region of Xanthi; Evros Minority Youth Association; Western Thrace Minority Southern Evros Culture and Education Association.



Minority MP, Mr. Tsetin Mantatzi put a question to the parliament regarding the issue of Xanthi Turkish Union. In his question Mr. Mantatzi asked to the Ministers of Interior, of Public Administration and Decentralization and of Justice, Transparency and Human Rights “What will do the government after the unanimous decision of the ECtHR? And does the country intend to recognize the minority’s right to organize and create associations containing the word ‘Turk’ in their names? In his answer Minister of Justice, Transparency and Human Rights states openly the State hand - discrimination among citizens. He stated that “between January 2008 and October 2010, 32 out of 33 applications with the title of minority association have been approved. Furthermore, members of the Muslim Minority, Pomak and Roma associations have been recognized by the Greek courts.” It is crystal clear that the Greek administration recognizes the Pomak and Roma associations while ignoring the existence of the Turkish associations. (The Center for Pomak Studies in Komotini - 1997 / The Pomak Cultural Association of Xanthi - 2007 / Roma Women’s Association of Drosero “ Elpida” - 2006)

We call upon the Greek State

To respect and implement its duties from the international instruments in which the freedom of association is safeguarded,

To recognize and implement the ECtHR decisions.