

WARSAW, 25 September 2007

**OSCE HDIM-WORKING SESSION 2 :
Combating Intolerance and Discrimination and Promoting Mutual
Respect and Understanding-Implementation of Commitments**

**STATEMENT BY THE GREEK DELEGATION
in exercise of its Right of Reply**

1. The status of the Muslim minority in Thrace was established and is being governed by the 1923 Treaty of Lausanne.

In parallel, based on the principle of equity, political rights and the rule of law, guaranteed by Constitutions in modern, democratic states, the members of the Muslim minority, being Greek citizens, enjoy the same rights and obligations. Not to mention the fact that a series of specific measures has been taken by Greece, with a view to enhancing the said minority's rights, in keeping with the European Convention of Human Rights, the very values of the European Union and the O.S.C.E. political commitments.

For instance, the members of the said minority are entitled to declare their ethnic origin (Turkish, Pomak and Roma), speak their mother tongue, exercise their religion and observe their particular customs and cultural traditions. Thus, the European principle of individual self – identification is fully respected in Greece. Therefore, any attempt to impose a single ethnic identity for the entire Muslim minority, by having unwillingly the Pomak and Roma subsumed under the term “Turkish”, is erroneous because it is not in accordance with the provisions of the Lausanne Treaty.

2. Freedom of association is fully protected in the Greek legal order. According to the case-law of the Supreme Civil and Criminal Court, which follows the relevant case-law of the European Convention on Human Rights, any interference in the exercise of this freedom has to be fully scrutinized by national courts under strict standards. Thus, any restriction to this right must be necessary in a democratic society and must be motivated by a pressing social need with a view to protecting,

among others, national security, public safety and the rights of others, or to preventing disturbances of public order.

There is no general prohibition to use certain words in the denomination of an association. Each case is examined on its own merits, on the basis of the particular association's statutory aims, under a strict proportionality test, in order to achieve a fair balance between the individual right to freedom of association and the need to preserve a legitimate aim (such as public order and the rights or freedoms of others).

Finally, it should be noted that, according to the case-law of the Grand Chamber of the European Court of Human Rights, the non-registration of an association on the basis of its memorandum and appellation may be, under certain circumstances, in conformity with the European Convention on Human Rights.