



Avrupa Batı Trakya Türk Federasyonu Föderation der West-Thrakien Türken in Europa Federation of Western Thrace Turks in Europe Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης Fédération des Turcs de Thrace Occidentale en Europe

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Name of the Organization: Federation of Western Thrace Turks in Europe (ABTTF)

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Dear Moderator,

Distinguished representatives,

And esteemed NGO Delegates,

The importance of the participation of persons belonging to national minorities in associations is specifically stressed in the Decision VI of the Helsinki Document of 1992 of the OSCE. In the same document, the participating states affirmed that “they would intensify in this context their efforts to ensure the free exercise by persons belonging to national minorities, individually or in community with others, of their human rights and fundamental freedoms, including the right to participate fully, in accordance with the democratic decision-making procedures of each State, in the political, economic, social and cultural life of their countries including through democratic participation in decision-making and consultative bodies at the national, regional and local level, inter alia, through political parties and associations”.¹ Non-governmental organisations and associations, as part of civil society, are core elements for a better functioning democracy and are established in accordance with the right to freedom of association affirmed by the international mechanisms.

However, the commitments in these international agreements are not adequately implemented or not applied equally to all parts of society such as in Greece. Associations founded by the members of the Turkish community in Western Thrace, Greece whose names include the word “Turkish” are not currently allowed to operate legally. It can be asserted that Turkish community in Western Thrace is subjected to double standards since some other ethnic groups’ associations are recognized and even welcomed and supported by Greek authorities. The associations such as Xanthi Turkish Union, Komotini Turkish Youth Union and Western Thrace Turkish Teachers’ Union were dissolved in 1986 by local courts, although they were legally registered and operated since their establishments in 1920’s and 1930’s. The Supreme Court ruled that the dissolution of these associations was justified, claiming that the word “Turkish” referred to citizens of Turkey and could not be used to describe citizens of Greece. Following to the final judgment of Supreme Court, three associations, namely Xanthi Turkish Union and Cultural Association of Turkish Women of the Region of Rodopi and Evros Prefecture Minority Youth Association, of which applications for

¹ Decision VI of the Helsinki Document of 1992 of the OSCE, para. 24.

registration were rejected applied to the European Court of Human Rights (ECtHR) in 2005 for the revocation of the Supreme Court's decision. The ECtHR ruled unanimously that Greece breached the Article 11 (freedom of assembly and association) of the European Convention on Human Rights.

Consequently, on 5 January 2015, the European Court of Human Rights (ECtHR) decided to rehear the cases of Bekir Ousta and others (35151/05), Emin and others (34144/05) and Turkish Association of Xanthi and others (26698/05) on the basis of its non-compliance with the three court rulings in 2007 and 2008. The Court reheard the three cases in July 2015 and in December that year ruled its decision to reject the applications of Emin and others and Turkish Association of Xanthi for being inadmissible, claiming there were no new elements concerning the merits of the procedure to register one of them and contest the dissolution of the other. A law proposal brought to the Greek parliament in September 2017 which would make Greek domestic courts implement judgements of ECtHR on the associations belonging to national minorities living in Greece. Pursuant to the reactions by ANEL party, the junior coalition partner of the government, the initial legislation was modified and new conditions were added to the final text adopted in October 2017(no.4491/2017), for instance the associations should not “should not threaten the state security” and “should not violate international treaties” as well as new restrictions on “national security”, “public security” and “freedom of third parties”.

The Council of Europe's Committee of Ministers closely follows the developments about the implementation of the Court's judgments on these Bekir-Ousta cases since 2008 and consequently decided to resume consideration of these cases when re-opened proceedings are delivered under the mentioned law adopted in October 2017. After the adoption of the above-mentioned law by the Greek parliament, Xanthi Turkish Union, which was established as the first association of Western Thrace Turkish community in 1927 and closed in 1986 for having the word “Turkish” in its name, has started a legal process for the return of its official legal entity. Accordingly, on 22 June 2018, the Thrace Court of Appeal delivered its judgment on the Xanthi Turkish Union's request for the re-opening of its case after the adoption of Law No. 4491/2017. In its judgment(no.96/2018) Thrace Court of Appeal rejected Xanthi Turkish Union's application for the re-opening of the domestic proceedings on the basis of Article 30 of Law 4491/2017 on grounds that the transitional provision does not cover cases in which a re-examination has already been made or an application requesting the implementation of the ECHR's judgment which has already been issued. Therefore, the case was rejected on procedural grounds. Similarly, the application of the Cultural Association of Turkish Women in the Prefecture of Xanthi for the cassation of the decision by the first instance Greek court on the registration of the association was rejected by the Single-Judge Appeals Court of Thrace in 2014, which was a violation of the general measures in Bekir-Ousta that the Greek Government is supposed to be implementing. The application of the same association to the Supreme Court on the appeal of cassation heard on 13 January 2017, however, their application was rejected by the Supreme Court by quoting extensively from the Appeals Court judgment in which the association's title was considered “misleading” as its members are not and cannot be proven to be “Turks” and cannot claim a “Turkish national identity”.

As it is noted by ODIHR in the Guidelines on Freedom of Association, “Minorities should be able to join associations and/or establish their own associations, without discrimination and it may also be appropriate to adopt legislative incentives aimed at supporting associations that promote the role of minorities in a democratic society.² In the same document, the importance of the associations is highlighted as they are often active in “addressing and resolving challenges and issues that are important to society, such as (...) empowering women, social justice, (...) and the realization of all human rights”.³ We urge Greece to act on the principles in the guidelines, recognise the important role of these associations and treat all of its citizens without discrimination.

² OSCE/ODIHR, Venice Commission and Council of Europe, *Guidelines on Freedom of Association*, 2015, para. 15.

³ *Ibid.*, para. 10.

We call upon Greece to take, without any further delay, all necessary measures so that the applicants benefit from proceedings in compliance with the ECtHR's judgments. Moreover, we call on Greece to provide tangible information on changes in the domestic courts' case law concerning registration of associations in Thrace following the adoption of the above-mentioned law, in light of the judgment(no.96/2018) of the Thrace Court of Appeal.