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NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Member of the Fundamental Rights Platform (FRP) of the European Union Agency for Fundamental Rights
Member of the Federal Union of European Nationalities (FUEN)

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Supplementary Human Dimension Meeting on promotion of freedom of expression: rights, responsibilities and OSCE commitments

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SESSION 1: The Right to Freedom of Expression

Dear Chairperson,
Distinguished representatives,
And esteemed NGO colleagues,

OSCE participating States have committed that freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society and that free, independent and pluralistic media are essential to a free and open society and accountable systems of government. The OSCE Representative on Freedom of the Media observes relevant media developments in OSCE participating States and, in close co-ordination with the Chairman-in-Office, to advocate and promote full compliance with OSCE principles and commitments in respect of freedom of expression and free media.

Pluralism in the media allows for the expression of different opinions and safeguards individuals' abilities to express their opinions without interference. Federation of Western Thrace Turks in Europe (ABTTF) has, on various occasions, expressed its serious concern on freedom of the media and the free flow of information in Greece. Law 3592/2007 on the Legal Status of Private Television and Local Radio, Regulation of Issues Related to Radio and Television Market, Miscellaneous Provisions contains some provisions which the authorities should review, including the provision which provides that the main broadcasting language for radio programs should be Greek and the provision that the minimum human and financial resources required to obtain a license jeopardizes smaller regional and minority media.

In March 2014, Greek National Radio and Television Council(ESR) has issued recommendation decisions of warning against Radio City FM, Çınar FM and Joy FM, the radio stations broadcasting in Turkish in the region, on the ground that they did not broadcast in the Greek language for more than 25 percent of their transmission time. ABTTF received information that that radio stations, which broadcast in English or Russian languages, are not subjected to the requirement that they must also broadcast in the Greek language.

Previously, the ESR in 2011 issued an administrative penalty of a fine of 3,000 euros against the radio station KRAL FM in Xanthi Prefecture on the ground that KRAL FM consisted of broadcasting by 11% in Greek and 89% in a foreign language (Turkish) and in 2009, the ESR had issued an ad-

ministrative penalty recommendation about Tele Radio 104.2 FM broadcasting in Turkish language in Xanthi.

ABTTF continuously notes that the relevant legislation do threaten maintenance of the existence of radio stations owners belonging to the Turkish Minority of Western Thrace and do undermine the free flow of information in the country. The OSCE Representative on the Freedom of Media, Ms. Dunja Mijatovic repeatedly noted in reports of previous years to the Permanent Council that the relevant Greek legislation needs to be reformed, as it sets a high threshold for minority, community and low-cost broadcasters because of the language requirement, as well as financial and personnel requirements, which can endanger media pluralism. We urge Greece to reconsider to revise and amend the relevant legislation that hinders the freedom of the media and to ensure that media pluralism is guaranteed, protected and promoted in the country by all means.

The other most important problem for the Minority regarding media freedom is that two minority newspapers *Gündem* and *Millet* were ordered to pay €150,000 and €120,000 respectively in the judicial cases sued by the Greek teacher Hara Nikopoulou¹, who worked in the Turkish minority primary school in the village of Büyük Derbent (Megalo Derio) on the ground that the newspapers published misinformed articles which claimed that the teacher had asked the first-grade kids in the primary school, where she had worked to draw the picture of God.

The incident gained nationwide publicity because of the excessive fines and ABTTF has noted in several letters that it sent to the Representative that any compensatory damage award should not be a vehicle for censorship and other restrictive measures and thus weaken media pluralism in the country. The Office of the OSCE Representative on the Freedom Media² continuously monitored the lawsuit against *Gündem* and *Millet*. In October 2013, the Thrace Court of Appeal announced its decision and decided *Gündem* and *Millet* newspapers to pay € 30,000 for compensation instead of the local court's decision of €150,000 and €120,000 compensation. The Court of Appeal decided three-months of imprisonments for the editors in chief of the newspapers in case of non-payment of compensation. The two minority newspapers filed an appeal to the Greek Supreme Court, Arios Pagos.

The high amount of compensation penalties given by the authorized courts is not an amount to be able to be paid by the concerning two minority newspapers continuing their publication life with very limited resources, and threatens their existence due to the result it has brought up. The European Association of Daily Newspapers in Minority and Regional Languages (MIDAS) with Federal Union of European Nationalities(FUEN) carried out a fact-finding mission on 19-22 June 2014 in order to examine the problems of the Turkish Minority of Western Thrace, in particular in the field of freedom of media. Six journalists from MIDAS member newspapers and 2 media students from the Andrassy University in Budapest held enlarged meeting with the representatives of the Turkish minority media and listened their problems regarding media freedom and pluralism in the country. Last year in March 2013, MIDAS Governing Board Member Bojan Brezigar visited the region and attended as observer to the trial of the two newspapers at the Thrace Court of Appeal and the General Assembly of MIDAS expressed its deep concern over excessive fines imposed on

¹ Hara Nikopoulou worked between 2005 and 2010 in the Turkish minority primary school in the village of Büyük Derbent (Megalo Derio). The problem, which began with a discussion between the Greek teacher Hara Nikopoulou and the school council about the maintenance and painting works of the school in the academic year of 2007-2008, deteriorated thoroughly due to the teacher's harsh attitude towards the pupils. The problem escalated as Nikopoulou continued to work in the school in the beginning of the academic year of 2008-2009. Due to the ongoing problem for about two years, the parents of the Büyük Derbent Turkish minority primary school demanded that Nikopulu was urgently suspended to work in the school and sent to another one, and decided not to send their children to the school. Upon this, Hara Nikopoulou was transferred to another school. The problem has gained another dimension due to the support given by the Greek extreme nationalists to Nikopoulou. Lastly, Nikopoulou was awarded by the Athens Academy. Prof. Dr. Anna Frangoudaki, the person in charge of the Programme of Education of Muslim Children, criticized the prize awarded to Nikopoulou by sending an open letter.

² Please see <http://www.osce.org/pc/109182>

Gündem and Millet. The General Assembly of MIDAS stressed that minority language media are essential for maintaining for minority languages and cultures as integral part of European linguistic and cultural diversity, as established in Article 3 of the Treaty of European Union.

The OSCE commitments on media freedom that all participating States reaffirmed and recommitted must not be only valid in paper and there should be actual, practical follow-through to allow for the mechanisms to develop and exist that protects freedom of expression and media. We kindly request the Office of the Representative on Freedom of the Media to have a greater role in review of the implementation of OSCE commitments and to establish a stronger mechanism of country-monitoring in OSCE area.