



Avrupa Batı Trakya Türk Federasyonu Föderation der West-Thrakiens 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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Madam Chair,
Distinguished representatives
And esteemed NGO Delegates,

The OSCE participating States in 1990, in Copenhagen reaffirmed that persons belonging to national minorities have the right to establish and maintain organizations or associations within their country. However, the restrictions and limitations on the right to freedom of association are still persistent in many OSCE States, including Greece.

Although Greece has, on various occasions, expressed its commitment to the implementation of the judgments of the European Court of Human Rights, there are three judgments related to the freedom of association of the Turkish Minority of Western Thrace, of which domestic proceedings are still pending at the Civil Courts.

On 27 March 2008, the ECtHR held unanimously in the cases of Emin and Others v. Greece (application no. 34144/05) and Xanthi Turkish Union and Others v. Greece (no. 26698/05) that there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights. On the basis of the European Court's decision, the applicants in the case of Xanthi Turkish Union and Others introduced two separate claims currently pending before the national courts which seek the annulment of the earlier decision that ordered the dissolution, but they were rejected. The Court of Appeal noted that an annulment or revision of a final domestic judgment in the framework of a non-contentious procedure does not extend to a judgment of the European Court under the Code of Civil Procedure (Article 758§1). In the case of Emin and Others, the applicants again re-applied for registration of the association before the national courts, but they were rejected, too.

Together with the problems in implementation of ECtHR's judgments regarding the cases of Xanthi Turkish Union and Others and Emin and Others, there is a further problem that associations which bear the title even "Minority" are not being registered in Greece, although the ECtHR ruled that Greece violated the freedom of association of Evros Minority Youth Association in the case of Bekir-Ousta and Others vs. Greece (No. 35151/05). On the basis of the ECtHR's judgment, the applicants applied again for registration, but the Court rejected the application as inadmissible.

In December 2009, the Thrace Court of Appeal rejected the application for registration of South Evros Western Thrace Minority Educational and Cultural Association on the ground that the word “minority” in the title of the association does have a vague meaning. Lately, in April 2011, the Civil Court of First Instance in Komotini dismissed the request for registration of the Evrenos Minority Culture Folklore Education Association on the ground that the word “minority” in the title was specified neither as “Muslim” nor as “Turkish”. The Court held that, in case the word “minority” in the title of the association referred to “Turkish”, the application would be contrary to the public policy.

In light of the information above, we urge all participating States, in particular Greece to fully execute or enforce ECtHR’s judgements to ensure that its obligations are fulfilled in practice, and thus ensure the effective enjoyment of the Turkish Minority of Western Thrace the truly freedom of association in Greece.