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**OSCE
HUMAN DIMENTION
IMPLEMENTATION MEETING
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Working Session 3,
Freedom of Association**

VIOLATION OF FREEDOM OF ASSOCIATION IN WESTERN THRACE

Ms/ Mr. Moderator,

Thank you very much for giving this opportunity to me to emphasize briefly on unlawful implementations of the Greek administration towards the members of the Turkish minority in Greece with regards to the rights of freedom of association.

The right to freedom of association is a basic fundamental human right and it is stipulated by most of the fundamental human rights instruments and nowadays is accepted as an inseparable and indispensable part of human rights. Furthermore, the right to freedom of association is considered commonly as an imperative aspect of diversity and pluralist democracy. Therefore, the implementation of the right to freedom of association is one of the significant aspects to establish and improve the standard of democracy within a state.

I would like to mention three cases here regarding the implementation of the right to freedom of association in Greece and the cases indicate clearly that Greece is still continuing unlawful attitudes towards the Turkish minority.

In 1983, the Greek state officially declared that there are no Turks in Greece and the members of the minority are Greek-Muslims and following such discourse, three historical minority associations (Turkish Union of Xanthi, Turkish Youth Union of Komotini, and Union of Turkish Teachers in Western Thrace) were shut down in 1984 by the local courts. However, the Xanthi Turkish Union and the other associations had been legally operated and recognized by all forms of social, political and cultural life until 1980s. Finally, in 1987, the Greek Supreme Court reached a verdict on dissolution of the Komotini Turkish Youth Union and the Union of

Turkish Teachers of Western Thrace on the basis that the term 'Turkish' in their titles referred to citizens of Turkey and constituted a threat to the social cohesion and solidarity of Greece. Despite these allegations, none of them was convicted with any offence until their termination. On the contrary, they made significant contributions to the relationships between the minority and majority, to mutual understanding to all enriching and diversity. After an unjustified 22 years legal struggle, in 2005, the Greek High Court approved the verdicts on dissolution of 'the Xsanthi Turkish Union'.

1984 onwards, the designation of the minority associations as "Turkish" has been forbidden any kind of restriction has expanded for new proposed association to not allow using the word 'minority' in their titles and according to this restriction associations are not allowed to be registered.

Moreover, in 2005, the Greek High Court approved the verdict on denial of request for registration by the 'Cultural Association of Turkish Women of Rodopi' based on aforementioned reasons, even though, that the association had never been registered and existed. Furthermore, the Greek state did not tolerate even the term "Minority" in the title of the 'Evros Minority Youth Association'. In 2007, the Greek High Court refused the establishment of the Evros Minority Youth Association on the grounds that the definition of Minority in this context, whether ethnic, religious or national, was not clear.

When these cases came before the European Court of Human Rights, the Court held unanimously that there had been a violation of Article 11 of the European Convention on Human Rights. The Court dismissed the allegations of the Greek state and found that the aims of the associations were not contrary to the Greek public policy; their presidents or members had never called for the use of violence or other form of rejection of democratic principles. Moreover, the Court added that even if the members of associations claimed that there was an ethnic minority in Greece, this would not constitute a threat to democratic society. The decisions became final and obligatory when the Grand Chamber dismissed the appeal of Greece.

After the final decision of the Grand Chamber of ECHR, "Xanthi Turkish Union" applied to the First Instance Court of Xanthi for invalidating the decision of dissolution of the Xanthi Turkish Union in order to be registered as before. The case was held on 19 February 2009 and the Federation of Thrace Unions based in Thessaloniki applied to the court as an intervening party by

claiming that local Greek courts are not obliged to follow the decision of ECHR and an association bearing the name Turkish should not be allowed to be established. Interestingly, similar approach had been mentioned by the First Instance Court of Alexandroupolis when the Evros Minority Youth Association applied to be registered within the framework of relevant ECHR decision (*Bekir Ousta v Greece* no: 35151/05). The Court rejected the application on December 9, 2008 on the grounds that the decisions of ECHR are not obligatory regarding the Greek domestic law and they do not necessarily require the Greek authorities to register the association.

In April 2009, a group of minority people applied to in order to establish a new NGO under the title of “Western Thrace Minority Southern Evros Education and Culture Association”, but their application was rejected on the same grounds that the NGO had the word “minority” in its title. This shows that there is a systematic breach of freedom of association in Greece.

Since 2007, Greece has not taken any measures in order to make applicable the decisions of the ECHR regarding re-functioning of the dissolution associations with the title “Turkish” or establishing new minority associations under the name of their choice. The current developments show the attitudes have become much more contrary rather than be compatible with legal obligations and democratic principles.

Recommendations

- 1- We recommend that the Greek State authorities should respect the collective usage of the right of self-identification and let us establish our own “Turkish” associations.
- 2- We recommend that the Greek State to ensure immediately that freedom of association is guaranteed by the Greek Constitution for all persons concerned and demand that the Greek authorities abolish all restrictions to the freedom of association for ethnic minorities, especially ethnic Turks.
- 3- We urge the Greek State to end the abuse of the right of freedom of association so that civil and political rights of ethnic minorities are guaranteed for all persons concerned. We further urge Greece to respect and act according to the recent written notifications of European Court of Human Rights on the cases of *Tourkiki Enosi Xanthis and Others v. Greece* (no. 26698/05), *Emin and Others v. Greece* (no. 34144/05), and *Bekir Ousta and Others v. Greece* (no. 35151/05) which resulted in favour of the said associations.

4- We recommend Greece to ratify the Council of Europe's Framework Convention for the Protection of National Minorities signed in 1997.

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