



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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Mr. Chair,

Distinguished representatives

And esteemed NGO Delegates,

The freedom of the media is one of OSCE's cherished values and the 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 task of the OSCE Representative on Freedom of the Media is to observe 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.

However, the former OSCE Representative on Freedom of the Media, Mr. Miklos Haraszti stated in his regular report to the Permanent Council in March 2010 that "media freedom problems are not only omnipresent, they perpetually re-emerge".¹ Mr. Haraszti added that the universality of the commitments are still being questioned by several participating States in the second decade of OSCE's existence, which in fact puts the Office of the Representative on Freedom of the Media in question. Furthermore, the current OSCE Representative on Freedom of the Media, Ms. Dunja Mijatovic, asked her in regular report to the Permanent Council on March 2011 that whether [the OSCE commitments on media freedom that all 56 Heads of State reaffirmed and recommitted themselves to just a few months ago in Astana] these words were only valid in paper, and, she added that "the finest language in the world rings hollow if there is no actual, practical follow-through to allow for the mechanisms to develop and exist that protects free expression".

Among issues raised with participating States, 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 "Concentration and Licensing of Media Enterprises and Other Provisions" adopted on 16 July 2007 in Greece contains some provisions which the authorities should review, including Article 8 13) (a) which provides that the main broadcasting language for radio programs should be Greek.

¹ <http://www.osce.org/fom/41653>

Greek National Council for Radio and Television (ESR) which 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) in breach of Law No. 2328/1995, revised by Law 3592/2007 on the Legal Status of Private Television and Local Radio, Regulation of Issues Related to Radio and Television Market, Miscellaneous Provisions in which broadcasters are obliged to broadcast in the original language of Greek for more than twenty five percent (25%) of their transmission time excluding the time news, sports, games, advertising or teletext services for original works in the Greek language.

Previously, the ESR issued an administrative penalty recommendation (Dec.473-19.10.2009) about Tele Radio 104.2 FM broadcasting in Turkish language in Xanthi, Western Thrace that the concerning radio station must broadcast for 25 percent in the Greek language, and the Council issued a recommendation decision of warning that the Committee could even impose more harsh sanctions if Tele Radio FM, which only broadcasts in the Turkish language, does not broadcast 25 percent of qualifying time for works produced in the Greek language.

In her regular report to the Permanent Council, Ms. Dunja Mijatovic stated she wrote to the authorities to request details about the decision of the Greek National Council for Radio and Television to levy a penalty of €3,000 against radio station KRAL FM in Xanthi Prefecture. The Representative noted that she received the reply from the authorities confirming the penalty levied on KRAL FM, indicating that the station had violated the language-content requirements.

ABTTF has noted in several letters that it wrote to the Representative on Freedom of the Media that the ESR's administrative penalties on the grounds that radio stations do not broadcast in the original Greek language more than 25% of their transmission time, do threaten maintenance of the existence of radio stations owners belonging to the Turkish Minority of Western Thrace, while it undermines its freedom of expression and media and the free flow of information in the country. The Representative on Freedom of the Media also noted that her Office has said on several occasions 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.

Secondly, the Representative noted in her regular report to the Permanent Council that on 8 March, she wrote to the authorities asking for details in the cases of two Muslim minority newspapers that were given high fines by a civil court for their articles about a Greek teacher in a Muslim minority school. The newspapers, *Gündem* and *Millet*, were ordered to pay €150,000 and €120,000 respectively in the judicial cases sued by the Greek teacher Hara Nikopoulou², 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. An initial amount of €20,000 for *Gündem* and €30,000 for *Millet* has to be paid to the teacher immediately, even if the newspapers appeal the verdict to a higher court. In the case of non-payment of compensation, ten-month imprisonments are envisaged for the editors in chief of the newspapers.

² 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.

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. 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.

We urge all participating States, in particular 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. 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 related to the freedom of the media in all OSCE States.