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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

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)

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

Name of Main Contact Person(s): Mrs. Melek Kırmacı Arık

E-mail(s): melek.kirmaci@abttf.org; info@abttf.org

OSCE

Supplementary Human Dimension Meeting Freedom of Assembly and Association 8 November 2012

SESSION I: Freedom of Association: obstacles to the full realization of this right and ways to overcome them

Ms. Moderator, Distinguished representatives, And esteemed NGO Delegates,

The freedom of assembly and association constitute the cornerstones of representative democratic system and the exercise of these rights have always been at the heart of the struggle for democracy around the world, and they still remain at the heart of societies, since they are essential to the development of civil society and thus to the strength of democracy.

Although OSCE participating States have, on various occasions, reiterated that they shall respect the right to freedom of peaceful assembly and association, the freedom of assembly and association is under threat in many regions in the OSCE area, including Greece. Unfortunately, a favourable environment is not created in Greece for the exercise of freedom of assembly and association by means of laws and practices consistent with OSCE commitments and international standards.

The Greek government continues to place legal restrictions on the names of associations of nationals who self-identify as Turkish or Macedonian. There is only one (ethnic) Macedonian association that attempted to register with the courts, the "Home of Macedonian Civilization" (Stegi Makedonikou Politismou), but denied registration, although the European Court of Human Rights (ECtHR) in 1998 ruled that Greece violated the right to association.

The three Turkish associations were dissolved simultaneously with Home of Macedonian Civilization in 1987. The government, which declared in 1983 that there were no Turks in Greece, claimed that the members of Muslim minority are Greek Muslims. Xanthi Turkish Union, Komotini Turkish Youth Union and Western Thrace Turkish Teachers' Union were dissolved in 1986 by local courts and the Supreme Court decided the dissolution of the associations on the ground that ground that the word "Turkish" referred to citizens of Turkey and could not be used to describe citizens of Greece.

In 1996, the Greek courts rejected an application for registration by "Evros Prefecture Minority Youth Association" on the ground that the Treaty of Lausanne recognized only a Muslim, and not a Turkish, minority in Western Thrace. The courts found that the title of the association was confusing, creating the impression that nationals of a foreign country, and in particular Turkish nationals, were permanently resident in Greece and that the association they had set up was not aimed at serving the interests of the Muslim minority in Evros. The applicants challenged the decision rejecting their application before the Greek courts, without success. The applicants complained of the refusal by the Greek courts to register their association and of the length of the relevant proceedings to the ECtHR in 2005, the Court in 2007 therefore held unanimously that there had been a violation of Article 11.

In 2001, the Greek courts dismissed a request for registration by "Cultural Association of Turkish Women of the Region of Rodopi" on the ground that its title might mislead the public regarding the origin of its members.

In the case of Xanthi Turkish Union which was dissolved in 1986, the Thrace Court of Appeal upheld that judgment on 25 January 2002. It found that the applicant association was not in conformity with the Treaty of Lausanne. The appeal was finally dismissed in February 2005.

The three associations (Xanthi Turkish Union, Cultural Association of Turkish Women of the Region of Rodopi and Evros Prefecture Minority Youth Association) lodged a complaint with the European Court of Human Rights in 2005; the ECtHR held unanimously there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights. Further to the European Court of Human Rights' judgments, the applicants requested the cancellation of the decision dissolving them (the case of Tourkiki Enosi Xanthis and Others) or submitted a new registration of their associations before the national courts. The applications have been declared inadmissible on the ground that it is not possible to cancel a domestic decision which has become final in the context of non-contentious procedure following a judgment of the ECtHR, and that domestic law does not provide, in civil matters, for the reopening of proceedings following a finding of violation by the ECtHR.

There is a further problem that associations which bear the title "Minority" are not being registered in Greece. The request for registration by South Evros Minority Educational and Cultural Association and Evrenköy Minority Culture, Folklore and Education Association are dismissed by local courts on the ground that the word "minority" in its title had a vague meaning and was specified neither as "Muslim" nor as "Turkish".

Recalling the Greek Constitution that all Greeks are equal before the law and that all persons possessing the qualifications for citizenship as specified by law are Greek citizens and Greeks shall have the right to form non-profit associations and unions, we urge Greek Government to guarantee the effective enjoyment of the Turkish Minority of Western Thrace its right to freedom of association without discrimination of any kind and fully execute or enforce ECtHR's judgments to ensure that its obligations are fulfilled in practice.

We recommend that all OSCE participating States should create an environment, including a legal framework, in which individuals can exercise their right to association, without any kind of discrimination and ensure their legislation regulating the activities of NGOs is in conformity with OSCE and other international commitments.

We recommend OSCE/ODIHR to establish a Panel of Experts on Freedom of Association which would monitor the situation in the OSCE region and develop a framework in relation to commitments and obligations regarding freedom of association enshrined in international and regional human rights treaties.