



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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SESSION III: Empowering civil society to build bridges on the grassroots level

There is an important problem in the field of minority protection in Europe. There is a loophole, a large discrepancy between the rhetoric and the implementation of minority rights both at the EU and at the national level. In its replies to the written questions submitted by MEPs on the problems of the Turkish Minority of Western Thrace, the EU Commission repeats that the question exceeds the competence and sphere of responsibility of the Commission, in view of the fact that the Commission has no general powers as regards minorities. Since there is no general policy framework on the protection of historical and/or national minorities in the EU, the rights of persons belonging to minorities, as one of the core values of the EU – a value the Union has committed to promoting and protecting worldwide should be protected and promoted by the Member states themselves.

Greece recognizes a single minority only, this is us, as they call it “Muslim minority in Thrace”. For a strong civil society, freedom of association has an utmost importance. The first association established by the Turkish Minority is Xanthi Turkish Union; of which first name was “House of Turkish Youth of Xanthi” established in 1927 and registered by Xanthi Court of First Instance. Not only Xanthi Turkish Union, but Komotini Turkish Youth Union established in 1928, Western Thrace Turkish Teachers’ Union established in 1936 were legally registered associations with the “Turkish” word in their titles. The signboards of the associations and the minority schools in the region as well included the word “Turkish” and the names of the associations and minority schools were written both in Greek and Turkish.

After seven years of military rule and the return to democracy in 1974, the autonomy in education and religious affairs was not restored. The Cyprus question between Turkey and Greece in 1974 worsened the situation of the Turkish minority. The Greek government declared in 1983 that there were no Turks in Greece and 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 the word “Turkish” referred to citizens of Turkey and could not be used to describe citizens of Greece.

The ban on the associations; namely, the “Western Thrace Turkish Teacher’s Union”, the “Komotini Turkish Youth Association” and the “Turkish Union of Xanthi” has continued until today. Following the exhaustion of the internal remedies, the case concerning the banning of the Turkish

Union of Xanthi was taken to the ECtHR by the Minority. “Rodopi Turkish Woman Association” and the “Evros Prefecture Minority Youth Association” have not been registered by the Greek courts as well.

Today, there are three cases which have been brought before the European Court of Human Rights concerning the dissolution and refusal to register associations established by the persons belonging to Turkish Minority of Western Thrace, Greece:

1. Evros Prefecture Minority Youth Association: The Case of Bekir-Ousta and others (35151/05), judgment of 11/10/2007, final on 11/01/2008
2. Xanthi Turkish Union: The Case of Tourkiki Enosi Xanthis and others(26698/05), judgment of 27/03/2008, final on 29/09/2008
3. Rodopi Turkish Woman Association: Emin and others(34144/05), judgment of 27/03/08, final on 01/12/2008

The Court considered that freedom of association involved the right of everyone to express, in a lawful context, their beliefs about their ethnic identity. However shocking and unacceptable certain views or words used might appear to the authorities, their dissemination should not automatically be regarded as a threat to public policy or to the territorial integrity of a country. Accordingly, the Court held, unanimously, that there had been a violation of Article 11.

These three cases (Evros Prefecture Minority Youth Association, Xanthi Turkish Union, Rodopi Turkish Woman Association) concern the dissolution or refusal to register the applicant associations by the competent courts on the sole basis of a suspicion that the applicants intended to promote the idea that an ethnic minority existed in Greece. The Court held unanimously in 2007 and 2008 that there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights in both cases, which concern associations founded by persons belonging to the Muslim minority of Western Thrace. Today, the implementation of the three judgments of the European Court of Human Rights finding a violation of freedom of association due to the dissolution and/or refusal to register by the Greek authorities of the associations established by the persons belonging to Turkish Minority of Western Thrace have been still pending.

With regard to freedom of association, Greece notes that tens of minority associations have been established and recognized since 2008, in full conformity with the judgments of the European Court of Human Rights, but there are no associations established with the word of “Turkish” in its title in order to notify ethnic Turkish identity in Greece.

Some other groups such as Pomaks and Roma, which are described by Greek authorities as the constituent elements of the Muslim minority in Thrace along with the Turks are welcomed and supported by Greek authorities, they have associations which bear the word “Pomak” or “Roma” in their titles, but the Turks have not! There are currently no associations in Greece operating legally with their names including the word “Turkish” which reflect the ethnic or national identity of their members.

In its reply at 2016 HDIM’s meeting in Warsaw, Greece noted the Muslim minority in Thrace is defined by its religious identity and is not an ethnic or national minority. In fact, Muslim minority members have different origins (Turkish, Pomak or Romani); hence, the 1923 Lausanne Treaty identifies the minority as a religious one. Concerning freedom of association, Greece noted that it currently elaborates on the appropriate measures to implement them and the Ministry of Justice, Transparency and Human Rights is already establishing a special structure responsible for the execution of the Court’s judgments, which was taken note with interest by the Committee of Ministers of the Council of Europe in March 2016.

We urge Greek Government to implement, without any further delay, the decisions of the European Court in the cases Turkish Association of Xanthi and Others v. Greece, Bekir Ousta and Others v. Greece & Emin and Others v. Greece; and reaffirm the commitment of the Greek authorities to implementing fully and completely the judgments of ECtHR and amend the Code of Civil Procedures in such a way that it allows the implementation of the European Court decisions in matters related to freedom of association.