



Western Thrace Minority
University Graduates Association

**OSCE
Human Dimension
Implementation Meeting
23 September – 4 October 2013
Warsaw, Poland**

Working session 9 (specifically selected topic): Freedom of assembly and association

Name of Contact Person: Ntilek Osman

Email: dilekao@hotmail.com / btaytd@otenet.gr

Freedom of Association in Western Thrace, Greece

Thank you Ms. /Mr. Moderator,

My name is Nilek Osman and I am representing the Western Thrace Minority University Graduates Association from Greece.

The right to freedom of association is a fundamental human right and it is provided in most of the fundamental human rights instruments to which Greece is a party. However, exercising the right to freedom of association is not always easy for the Western Thrace Turks since they face serious legal obstacles in establishing associations and NGOs when they want to use the term ‘Turkish’ or ‘minority’ in their titles.

Now, I would like to draw your attention to some cases in order to show how Greece violates the right to freedom of association of Western Thrace Turks. There are three ECtHR rulings indicating that the freedom of association in Western Thrace has been violated (*Tourkiki Enosi Xanthis v. Greece*, No: 26698/05), (*Emin and others v. Greece*, No: 34144/05) (*Bekir-Ousta and others v. Greece*, No: 35151/05).

In the case of Xanthi Turkish Union which was established in 1927 (*Tourkiki Enosi Xanthis and Others v. Greece – No: 26698/05*), the ECtHR ruled that the freedom of association of the Turkish minority was violated. After the ECtHR’s Decision, the Xanthi Turkish Union, applied to both Court of First Instance with Multi-Judges in Xanthi and in the Court of Appeal of Thrace in line with code 758 of the Greek Civil Procedure in order to cancel previous court decisions that closed down the Xanthi Turkish Union.

The judgement of the Court of Appeal was announced in 2010 and the petition was rejected. The decision was appealed and the case was brought before the Supreme Court on 7 October 2011. The decision released in 2012, and the request of the

association was once again rejected by the Supreme Court. The case of Turkish Union of Xanthi is once again pending before the ECtHR.

The second case is about the Cultural Association of Turkish Women of Rodopi (*Emin and others v. Greece*). In this case, the Greek courts did not allow the association to be established because of the word `Turkish` in its title. The ECtHR concluded that the right to freedom of association was violated by Greece. Application by the Cultural Association of the Turkish Women of the Region of Xanthi, formed by group of Turkish women in Xanthi in 2011, was also rejected because of its title.

It is also worth mentioning that although many associations function with the term `Minority` in their titles, sometimes this term was used by the Greek courts to reject registration of new associations. For instance, the Evros Minority Youth Association" has been struggling to register the association despite the existence of the relevant ECtHR decision (*Bekir-Ousta and others v. Greece, No: 35151/05*). The decisions of the Greek court was that the word "minority" in its title was vague and might endanger public order. Similarly, on 30 June 2011 the Greek local court rejected the establishment of another Minority Association, the "Minority Cultural, Folkloric and Educational Association of Evrenos in Rodophi, based on the same reasons.

Starting from the mid 1980s until this day, three historical Turkish associations of the Minority remain officially dissolved on the grounds that their titles included the word `Turkish` while applications of many other associations some of which I referred above are refused by the local Greek courts. Put it differently, each Minority member has the right for self-identification. But some of them identifying themselves with ethnic Turkish identity can not still use this right to form a Turkish association in Western Thrace.

While the Greek authorities do not allow the establishment of other Turkish Minority associations, the State officially recognises other ethnic identities and allows establishment of associations with different ethnic denominations like `Pomak` or `Roma`.

Apart from the case of `Western Thrace Minority Southern Evros Education and Culture Association` which was finally recognised by the court of Appeals of Thrace on the 28th of June in 2013, the Greek State continues not to implement decisions given by the European Court of Human Rights regarding freedom of association of the Minority. Examples that I mentioned above indicate that the freedom of association is still violated and not fully respected for the members of the Muslim Turkish minority in Western Thrace, Greece .

Therefore we call upon the Greek State

- To respect and implement its duties emanating from the international instruments in which the freedom of association is safeguarded,

- To recognize and implement the ECtHR decisions