FREEDOM of ASSOCIATION in GREECE
A LOOPTHOLE in EUROPEAN MINORITY RIGHTS STANDARDS

CONFERENCE REPORT
UNREPRESENTED NATIONS AND PEOPLES ORGANIZATION
&
FEDERATION of WESTERN THRACE TURKS in EUROPE

UNREPRESENTED NATIONS & PEOPLES ORGANIZATION
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UNPO wishes to extend its thanks to all those who made the conference possible, in particular our co-organisers and co-sponsors.
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2 • Foreword

While respect for the rights of persons belonging to minorities is one of the core values of the EU – a value the Union has committed to promoting and protecting worldwide – there still remains a large discrepancy between policy and practice even within EU Member States. One of the most alarming accounts can be found in Greece, where ethnic minorities are being deprived of one of their fundamental human rights: freedom of association. This has been expressed, amongst others, through the banning of some associations bearing a name with the word ‘minority’ or a name of an ethnic group. Despite several rulings by the European Court of Human Rights upholding that the Republic of Greece is violating the rights of freedom of assembly and association of its national minorities, Greek authorities have for more than a decade delayed their implementation and refrained from amending the Code of Civil Procedure.

This conference – a joint initiative by the Unrepresented Nations and Peoples Organization (UNPO), the Federation of Western Thrace Turks in Europe (ABTTF) and Csaba Sógor MEP (EPP) – received unexpected attention (and arguably validation) as two Golden Dawn MEPs (non-attached) interrupted the beginning of the conference and were caught on camera attempting to derail the conversation, immediately denying the existence of any minority other than the ‘Muslim minority’ referred to in the Lausanne Treaty. Following their leaving the room, the conference then heard speeches from valuable speakers who are familiar with the problems of minorities in Greece, as well as the (non-)implementation of European and international regulations on minority rights. Overall, the conference drew much needed attention to the gap between rhetoric and action, namely, that although Greece claims to protect its minorities’ rights, this is neither true in law or in fact. Indeed, in law, the only minority group recognised by the Greek government is the Muslim minority, thus no legal recognition of ethnic minorities such as Turks or Macedonians is in place. Another important topic raised throughout the conference was a number of cases brought against Greece before the European Court of Human Rights (ECHR), by minority groups in Greece who have not been allowed to register their organisations due to the use of minority terminology in their names.

In conclusion, the conference confirmed that more dialogue is needed both at the national and European levels to overcome the politics of fear that continue to hamper progressive reform of minority rights legislation in Greece. The non-implementation of the ECHR judgements is not due simply to procedural reasons, but rather linked to the political question of recognising the Muslim minority of Western Thrace as Turkish. As the European Union prides itself on its core values of respect for human rights and promotion of democracy; it simply cannot continue to allow Greece, a Member State since 1981, to violate the rights of its minorities. Therefore, the establishment of a policy framework or instrument to protect minority rights at the EU level is of utmost importance.

Marino Busdachin
UNPO General-Secretary
3 • Conference Programme

Opening Remarks

Halit Habip Oğlu, President of ABTTF
Csaba Sógor, Member of the European Parliament (EPP)

Respect minorities and avoid future problems – with greetings from Finland
Nils Torvalds, Member of the European Parliament (ALDE)

Non-recognition of the Turkish minority in Greece and freedom of association
Melek Kırımcı Arik, International Affairs Director, Federation of Western Thrace Turks in Europe (ABTTF)

Violation of the Macedonian minority’s freedom of association and the case of ‘the Home of Macedonian Culture’
Eugenia Natsoulidou, Founder of Macedonian Educative and Culture Movement of EDESSA

United Nations and Council of Europe perspectives on the systemic violation of minorities’ freedom of association in Greece
Panayote Dimitras, Spokesperson of Greek Helsinki Monitor

Closing Remarks
Johanna Green, UNPO Program Manager

Questions and Answers
4 • Speaker Biographies

Csaba Sógor
Member of the European Parliament (EPP)

Csaba Sógor completed studies in theology in Romania before carrying out his postgraduate studies at the Universities of Zurich and Basel in 1992. A representative of the Hungarian minority in Romania, he is a member of the Democratic Alliance of Hungarians in Romania and was a pastor in the Reformed Church in Romania, serving in Ciceu from 1988 to 1999. Mr Sógor was a member of the Romanian Senate from 2000 to 2007, where he was an active member of the Committee on Education, Science, Youth and Sport, as well as of the Committee on Equal Opportunities. Concurrently, he studied at the Ovidiu Șincai European School of Politics from 2005-2006. He resigned from the Romanian Senate to take his seat in the European Parliament in 2007, having been elected in 2007 and 2009. Mr Sógor is a current member of the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE) and of the Delegation for relations with the countries of Southeast Asia and the Association of Southeast Asian Nations (ASEAN). Furthermore, a member of the European Parliament’s Intergroup for Traditional Minorities, National Communities and Languages, Mr Sógor has worked extensively for the promotion of minority rights in Europe and beyond. In 2013 he was a mission delegate for the UNPO fact-finding mission to Dagestan and Azerbaijan.

Nils Torvalds
Member of the European Parliament (ALDE)

Nils Torvalds returned to politics after retiring from the Finnish Broadcasting Company (YLE) in 2008. He was a candidate on the Swedish People’s Party’s list in the European Parliament election in 2009 and then got the second most votes. In 2012 he succeeded Carl Haglund when the latter was elected president of the Swedish People’s Party and was appointed Minister of Defence back home in Finland. In the European Parliament Mr Torvalds acts as a member of the Committee on Environment, Public Health and Food Safety and as a substitute member of the Economic and Monetary Affairs Committee and of the Committee on Budgets. He is also one of three Chairs of the intergroup for Traditional Minorities. Besides politics, Mr Torvalds writes and has published books about Russia and international affairs as well as about the financial crisis and taxes.

Melek Kırmacı Arık
International Affairs Director, Federation of Western Thrace Turks in Europe (ABTTF)

Born in Greece as a member of the Turkish Minority of Western Thrace, Ms. Ank grew up in Turkey when her family decided to immigrate to Turkey for a better future for their children in the early 1980’s. She and her family were deprived of their Greek citizenship based on the former Article 19 of the Greek Nationality Code. She studied International Relations at the Hacettepe University in Ankara, Turkey and completed a Master’s degree in international relations, with a specialisation in EU enlargement policy. Before joining ABTTF, Ms. Ank worked for a think-tank in Ankara. Her work at ABTTF has involved advocacy work at the international organizations of OSCE, the Council of Europe and the UN in support of the cause of Turkish Minority of Western Thrace. After many years of lobbying at the EP, ABTTF opened a representative office in Brussels in 2010. Her mission in Brussels has involved supervising ABTTF’s Brussels Office in order to raise the problems of the Turkish Minority at the EU level.
Eugenia Natsoulidou  
Founder of Macedonian Educative & Culture Movement of EDESSA

Eugenia Natsoulidou is a Macedonian human rights activist born in Edessa, Greece, in 1955. She is the founder of the Macedonian Educative and Culture Movement of EDESSA (ECME), a not for profit organisation, working to preserve and promote the Macedonian language and cultural heritage in Greece. Because of her activist activity, she became the target of death threats, and has been publically slandered by a major Greek newspaper - Proto Thema.

Panayote Dimitras  
Spokesperson of Greek Helsinki Monitor

Panayote Dimitras is the founder and Spokesperson of Greek Helsinki Monitor (GHM), a member of the Secretariat of the Humanist Union of Greece (ENO.OUM.E.), a member of the Executive Board of the European Humanist Federation and a member of the Assembly of Delegates of the World Organisation Against Torture (OMCT). He holds a Ph.D. in Political Economy and Government from Harvard University and is an international expert on minority rights, particularly outspoken about Turks, Macedonians, Roma and other minorities in Greece.

Marino Busdachin  
Secretary General, UNPO

Marino Busdachin has a long history of political activism. In the 1980s he was active in promoting civil rights with the Transnational Radical Party. He led the TRP to recognition by the UN as an NGO of the first category, and led and coordinated the TRP in Yugoslavia (1991-1993) and the Soviet Union (1989-1993). Between 1993 and 1998, he worked in the United States on campaigns for the establishment of ad hoc international courts for war crimes committed in Rwanda and the Former Yugoslavia. He actively advocated for a global moratorium on the death penalty at the United Nations. He founded the NGO “Non c’è Pace Senza Giustizia” in Italy (1994-1999) as well as “No Peace Without Justice USA”, for which he served as President from 1995 to 2000. After serving as UNPO Executive Director from 2003 to 2005, Marino Busdachin was elected UNPO General Secretary in 2005.
5 • Opening the Conference

Welcome Speech by Halit Habip Oğlu

Dear Mr Sogor and Dear MEPs,

Ladies and gentleman,

Welcome to this afternoon’s conference on “Freedom of Association in Greece: A Loophole in European Minority Standards”.

I’d like to begin by thanking Mr Sogor for hosting this event at the European Parliament. On behalf of my organization, your help in making this conference possible is much appreciated.

I’d also like to thank Mr Torvalds for taking the floor today and for his full support to our minority and our cause. The support of MEPs means a lot to us.

Last, but not the least, I’d like to thank our partner organization UNPO, who has given their full support and cooperation to the less-heard minorities and groups.

As many of you will be aware, there is a gap between rhetoric and implementation in minority rights in most EU countries. We are fully aware that our country, Greece, is now struggling with the refugee crisis. But this does not, however, mean that we should forget about the minority rights there. The Turkish minority of Western Thrace and Macedonians have been struggling for their right to freedom of association for many, many years.

I hope today’s discussion will pave a new way for minority rights in Greece.

I thank you all again for being with us here.
Opening Remarks by Csaba Sógor MEP

It is sad to hear that some political parties in the European Parliament are against this conference, including S&D and GUE. I am a Hungarian coming from Romania. When the so-called Eastern Bloc entered to the EU in 2004 and 2007, we thought that we would have a better situation and embracing of democratic European values, such as the 2009 Lisbon Treaty and Charter of Fundamental Rights. However, even today there is a big dilemma for some Member States, the so called ‘Copenhagen dilemma’. How can we ensure that the EU values of human rights, minority rights, and linguistic rights will be embraced by all the Member States? How we can convince them that this is not only about human rights, this is about economy, political stability and even social cohesion? Simply saying, if I deny the rights of my neighbour today, how can I work with them in the future for better life?

We thought that limited minority rights was a problem of the old Soviet bloc; that once inside the EU we could find solutions to the problems concerning minorities in Europe, for instance, by implementing EU Council recommendations on the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. However, we realized that there are some member states who do not apply these regulations, for example Greece and France. So, unfortunately, this is not only a problem of the former Soviet bloc. There are other European countries who are not respecting the EU principles on minority rights.

I think there are deeper reasons behind this unfortunate situation, such as historical hostilities and fears of neighbouring countries. However, I would like to underline that this is 2016 not the 1920s and there is no point of relying on those historical problems and hostilities anymore. We need to focus on finding ways to improve our cooperation.

There are 40 million EU citizens who belong to ethnic or linguistic minorities, as one of them I can tell you that we did not choose our countries, the countries chose us. It is important to ensure that European values on minority rights work properly for the sake of these people and for the sake of the EU. Since 2008 we are in a financial crisis, however, it has evolved into a political and moral crisis. We need to be able to trust each other more in order to get through this period.
6 • Speeches

Nils Torvalds MEP
Freedom of Association in Europe: Practices from Finland

If you look at Syrian history from the 1920s and onwards, there is a scattered landscape with various ethnic and religious minorities. However, what France did was playing these minorities against each other. In order to understand what is happening in Syria today, you should go back to the 1920s and look at the French policy on Syria. This 90 years old wrong policy is now exploding in our faces, which gives me the opportunity to say, all the mistakes we made in history, will sooner or later find us, sometimes in really complicated and hard ways.

Finland is part of the same region as many other small nations in Europe. Historically, we were located between big powers. Finland was squeezed between Sweden and Russia and then between Nazi Germany and the Soviet Union. In this way of looking at history, we are one of those countries who gained their independence from big powers. However, most of these countries failed, Finland did not. The reason behind this is the existence of a stable and strong civil society in Finland. And here I want to warn you against a common mistake that we make in the European Parliament: when we talk about civil society we talk about its very thin surface, political parties. Civil society is more than just the political parties. It is important to remember that in order to have stable social structure it is vital to have a civil society with a deep history. There should be a strong culture of civil society, it should be embedded into culture. This is even more important when we talk about minority rights.

As a young boy I was attending school in Swedish that was my native tongue. After school, it was hard for me to start my career in civil society in the Finnish language and culture. I needed my own minority culture, I needed to move further by starting from my own language. You need to start from your native language.

In Finland we have very strong, deep-rooted civil society both in the Finnish and Swedish language. Hence, we were able to establish a fairly stable political system when everything turned upside down after WW1.

However, this does not mean that we are perfect. If you go to the north and look how Sami people were treated until the 1960s, they would say that they were
treated really badly, that they weren’t given their rights as a minority. Sami people gained their rights in the mid-1960s, but even today we struggle to fully give them their rights. But we are still working for it and creating a good example for other countries in Europe. We have a fairly good solution for minority rights, but it doesn’t mean that we are perfect.

The Åland Islands is a very good example highlighting this case: they turned their faces to Sweden due to nationalist Finnish politics. And as they decided they would like to join Sweden, it caused a big national debate. We solved that conflict by giving them their rights: now they are almost independent within Finland, and they have a quota in the Finnish Parliament. Åland Islands has been used as a case study in many conflict studies.

The Swedish minority in Finland decided to join Sweden but Finland solved this problem by giving their rights to them. Now they consist a certain part of the parliament and they are part of Finnish political life. This is a working system which could be used by other countries in the EU.

*There is currently a pattern whereby states with empire history or strong central governments are struggling to give rights to their minorities.*

Even today we have enormous problems in giving rights to the minorities, and we will struggle with these in the coming years. There is always the possibility to use these ungiven rights to create more problems for Europe.

Lastly, I want to finish my speech by saying that, we have enough problems in Europe, we do not need a nationalistic approach to solve these problems; what we need is a progressive European approach to solve these problems, including by strengthening civil society.
Melek Kırmacı Arık
Non-recognition of the Turkish minority in Greece and freedom of association

The title of this conference is underlining 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. This is the large discrepancy which makes us raise our voice here today.

Greece recognizes a single minority only, this is as they call it “Muslim minority in Thrace”. However, Turkish people living in Rhodes, Kos and the Dodecanese are not granted official minority status on the ground that these islands were not part of Greece when the Lausanne Treaty of 1923 was signed, the Treaty which we derived the status of minority and the minority rights. The Treaty of Lausanne recognises “a Muslim religious minority in Thrace” rather than a Turkish national minority. The Greek authorities use this argument to reject the use of the word “Turkish” in the names of the relevant associations. However, the thing we should underlined here that although the Treaty of Lausanne does not specifically mention the ethnic identity of the Muslim minority in Western Thrace, there is a specific reference to the Turkish ethnic identity of the Muslim minority in Western Thrace in legal and international documents. “Etabli Documents“ which were the documents given to the people of Greek and Turkish origin who were left out of the exchange procedure in accordance with the provisions of the Agreement on the Exchange of Turkish and Greek Populations on 30 January 1923
mentioned the ethnic origin of Muslim minority in Western Thrace as Turkish.

Based on the reciprocal principle under the 1923 Lausanne Peace Treaty, the Turkish Minority of Western Thrace has an equal right with the non-Muslim minority in Turkey to establish, manage and control at their own expense, any charitable, religious and social institution, any school and other establishment for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

The autonomy in education and religious affairs was in practice until the Greek military junta regime in 1967. The first association established by the Turkish Minority is Xanthi Turkish Union; of which the 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 also Komotini Turkish Youth Union established in 1928, and Western Thrace Turkish Teachers' Union established in 1936 were legally registered associations with the word “Turkish” in their titles. The signboards of the associations and the minority schools in the region also 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. Then, the educational and religious autonomy of the Turkish Minority of Western Thrace was undermined and diminished by governmental practices over years through legislations without prior consultation or opinion sharing with the representatives 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 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 either.

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 persons belonging to the 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.**

**1. The Case of Evros Prefecture Minority Youth Association**

The applicants and nineteen other members of the Turkish minority in Western Thrace decided to set up a non-profit-making association called the “Evros Prefecture Minority Youth Association”. The association sought, in particular, to harness the intellectual potential of young people belonging to the minority, safeguard and promote the minority’s traditions, develop relations between its members and protect democracy, human rights and friendship, especially between the Greek and Turkish peoples. The Court of First Instance rejected an application to have the association registered; pointing out that the Treaty of Lausanne recognized only a Muslim, and not a Turkish, minority in Western Thrace. It 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 court’s refusal to register the applicants’ association amounted to interference by the authorities in the exercise of their right to freedom of association. The interference was prescribed by a law which allowed the courts to refuse an application to register an association if they found that the validity of its articles of association was open to question.

First; the disputed measure had been based on a mere suspicion as to the true intentions of the association’s founders and the activities it might have engaged in had it started to function. However, in the instant case it had not been possible to
verify their intentions in practice, as the association had never been registered.

Second, the European Court noted that there was nothing in the articles of association to suggest that its members advocated the use of violence or antidemocratic or anti-constitutional methods.

Third, the Court of First Instance could always have ordered its dissolution if it were subsequently to pursue an aim other than that specified in its articles of association, or if its functioning proved to be contrary to law, morality or public order.

2. The Case of Xanthi Turkish Union (26698/05 Tourkiki Enosi Xanthis and others)
[See Figures 1 & 2, p20-21]

Xanthi Turkish Union was founded in 1927 under the name “House of the Turkish Youth of Xanthi”. According to the statute of the association, its purpose was to preserve and promote the culture of the “Turks of Western Thrace” and to create bonds of friendship and solidarity between them.

In 1936 the applicant association successfully sought to change its name to “Turkish Association of Xanthi”. In November 1983, however, a decision was issued prohibiting it from using the term “Turkish” on any document, stamp or sign.

On 11 March 1986 the Greek courts ordered the dissolution of the association on the ground that its statute ran counter to public policy. 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 and that some of the members presented the Muslim minority of Thrace as a “strongly oppressed minority”. The court referred, among other things, to the president of the association’s participation in conferences organised by the Turkish authorities and the publication of a letter in a Turkish daily referring to the “Turks of Western Thrace”. In April 2002 the first applicant association appealed on points of law and subsequently the nine other applicants also intervened in the proceedings in support of Tourkiki Enosi Xanthis. The appeal was finally dismissed in February 2005.

*It should be noted that this association had pursued its activities unhindered for nearly half a century. Furthermore, the Greek courts had not identified any element in the title or statute of the association that might be contrary to public policy.*

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.

The Court noted that, in respect of the applicant association Tourkiki Enosi Xanthis, the proceedings in question had lasted more than 21 years. Having regard to the circumstances of the case, it considered that that was excessive and failed to satisfy the “reasonable time” requirement. Accordingly, it held, unanimously, that there had been a violation of Article 6 § 1.

3. The Case of Rodopi Turkish Woman Association

In March 2001 women from the region founded the “Cultural Association of Turkish Women of the Region of Rodopi”. According to the statute of the Association, its aim was to create a “meeting place for women of the county of Rodopi” and to work for “social, moral and spiritual exaltation and establish bonds of sisterhood between its members”.

On 6 June 2001 the Greek courts dismissed a request for registration of the association on the ground that its title might mislead the public regarding the origin of its members. The Court of Appeal upheld that decision in January 2003, reiterating that by virtue of the Treaty of Lausanne only a Muslim minority – and not a Turkish minority – had been recognised in the region of Western Thrace. The Court of Appeal held that the title of the association, combined with the terms of its statute, was contrary to public policy. An appeal on points of law by the applicants was dismissed in April 2005.

The seven applicants living in Rodopi applied to the ECtHR. The Court was not satisfied that the Greek courts had based their finding that the association constituted a danger to public policy on the title “Cultural Association of Turkish Women of the Region of Rodopi” alone. It observed that it had not been possible to verify the intentions of the applicants in practice as the association had never been registered.

The Court observed that there was nothing in the statute to indicate that its members advocated the use of violence or of undemocratic or unconstitutional means. The Court noted further that the Greek courts would have had the power to dissolve the association if in practice it pursued aims that were different from those stated in its statute. Accordingly, the Court held, unanimously, that there had been a violation of Article 11.
These three cases 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 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.

Further to the European Court of Human Rights’ judgments, the applicants requested the cancellation of the decision dissolving them (the case of Xanthi Turkish Union) 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. The Court of Cassation also dismissed on procedural grounds the applicants’ appeals in cassation in the cases of Bekir-Ousta and others and Emin and others.

Council of Europe’s Committee of Ministers closely follows the developments about the implementation of the Court’s judgements under the name of Bekir-Ousta group of cases against Greece since 2008. At the execution held on 5 December 2013 (1186th meeting), the Committee of Ministers urged the Greek authorities to provide in due time concrete and tangible information on the measures that they are currently exploring in order to implement the individual measures, accompanied by an indicative calendar for their adoption. On 5 June 2014, the Committee of Ministers adopted an interim resolution and called upon the Greek authorities to take all necessary measures so that the applicants benefit from proceedings in compliance with the Convention requirements, in the light of the Court’s case-law.

The European Court declared on 5 January 2015 that it will re hear the cases of Bekir Ousta and others (35151/05), Emin and others (34144/05) and Turkish Association of Xanthi and others (26698/05) since Greece failed the implement the Court’s decisions on the Bekir Ousta group of cases. The Court reheard the three cases in July 2015. In December 2015, the ECtHR issued its decision to reject as inadmissible the applications of the Cultural Association of Turkish Women of the Region of Rhodope and the Turkish Association of Xanthi. The
ECTHR will issue a judgment on Evros Prefecture Minority Youth Association.

The result is that the Turkish Minority of Western Thrace is not allowed to establish associations which include the word “Turkish” in their names. Greek authorities comment on the aforementioned three minority associations that these are not officially registered because their statute was found incompatible with the Greek legislation by the Courts. And they further note that the full implementation of the judgements is pending to procedural reasons. On the other hand, they say that even the three associations in question, albeit not officially registered, do engage freely in numerous activities. This argument cannot be accepted! Given the time that has elapsed since the Court’s judgments, we believe that the Greek authorities are, in fact, unwilling to implement the Court’s decisions.

*Some other groups such as the Pomaks and the 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. This is discrimination in itself! The non-recognition of the Turkish Minority of Western Thrace by the Greek State has created a paradox, may be a vicious circle here! We cannot believe that the non-implementation of the ECTHR judgments is due to procedural reasons. No, it’s not! The real argument behind these cases is the recognition of the Turkish minority in Western Thrace! We fully respect everyone’s right to self-identify, but the problem here is that the Greek State is implementing some kind of a divide-and-rule policy among the Turkish minority. If not, then let us establish our own associations including the word “Turkish” in the titles!

In conclusion, these three cases are now legal cases, to which we are trying to find a solution at the courts! There are no concrete steps taken by the Greek authorities. We urge the Greek Government to implement, without any further delay, the decisions of the European Court in the cases Turkish Association of Xanthis 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. On the
other hand the non-implementation of the ECtHR judgments by the State parties is another issue that the Council of Europe is trying to, and should solve in order to close this loophole in European minority rights standards!

Figure 1:

Figure 2:
KOMOTINI TURKISH YOUTH ASSOCIATION IS CLOSED DOWN

It was originally founded on 24 June 1928 as the "Komotini Turkish Youth Star Sporting Club". In 1938, it was amalgamated with the "Komotini Turkish Youth Hope Sporting Club" and its name was changed to "Komotini Turkish Youth Association". (1-2)

In 1983, the Governor of Rodopi prosecuted the association claiming that the word "Turkish" in its name was "a threat to public order". Komotini Turkish Association was ordered closed. Its signs, in Turkish and in Greek, were taken down. (3)

It was victim of bigoted intolerance of ethnic, religious and cultural diversity and the systematic policy of discrimination practiced against the Turkish Minority of Western Thrace.
Eugenia Natsoulidou
Violation of the Macedonian minority’s freedom of association and the case of ‘the Home of Macedonian Culture’

The “Home of Macedonian Civilization” is a clear case of violation of freedom of assembly that Greece continues to implement. The basic purpose of the cultural association by the name “Home of Macedonian Civilization” was the promotion, preservation and sharing of Macedonian language, traditions, history, and culture in Greece.

The facts - In 1990 the members of the Provisional Board of Management of the non-profit association “House of Macedonian Civilization”, which claimed to be ethnically Macedonian and to have a Macedonian national awareness, lodged a request for registration of their association. This request was rejected by all level of domestic Courts. In its judgment on the case of Sidiropoulos and Others v. Greece, in July 1998, the European Court of Human Rights found that the rejection violated Article 11 of the Convention.

In 2003 the applicants decided, together with others, to re-establish the association “House of Macedonian Culture”. The registration of that new association was once again rejected on the ground that the word “Macedonian” was liable to cause confusion both vis-à-vis States wishing to contact the applicant association in the exercise of its activities and among any individuals wishing to join the association.

The domestic courts added that there was also a risk to public order because the existence of the applicant association could be exploited by persons wishing to promote the creation of a “Macedonian nation”, even though such a nation had never historically existed.

Relying on Articles 11 and 46 of the Convention, the applicants filed a complaint to the ECtHR for the rejection of the first applicant’s request for registration of their association.

In its apology to the ECtHR jury, the Greek government relieved the domestic courts had rightly considered that the use of the term "Macedonian" in the name of the applicant association, as cultural and linguistic element differing from Greek history, could hinder the exercise of freedom of association by third parties. Such is the case of other member associations where the term "Macedonian" is used in its geographical connotation, referring to the northern part of Greece. The Greek government submitted, furthermore, to the Court the decisions of
domestic courts, namely the courts of first instance and appeal courts, to demonstrate that they undertake a case-by-case basis for each application for registration of associations. It referred in particular to the case of non-profit company under the name “Education and Cultural Movement of Edessa” and the political party "Rainbow" (Ουράνιο Τόξο), that had similar goals to those of the applicant association, and have been recognized by the domestic courts.

The Greek Government, of course, did not mention that neither the “Education and cultural movement of Edessa” has any mention to the term “Macedonian” in its title and statute, nor the political party “Rainbow”! The political party was registered in 1994, a few days before the European elections of that year and following pressure by European institutions and political parties. As about the “Education and culture movement of Edessa”, it is registered as a non-profit private company that by Greek law does not need a court decision to be founded, like it is the case of any other associations that are regulated by a different law. Nor it mentioned that an association by the same name of “Home of Macedonian Civilization” was founded in the town of Aridaia and was approved by the domestic first instance court, in 2006! In this case the association in its statute declares that it promotes “The dissemination of the principles of Greek and particularly of Macedonian culture and its universal values”. The court did not have a problem here about the confusion the use of the term “Macedonian” could create!

On July 2015, the ECtHR unanimously concluded that there had been a violation of Article 11 of the Convention by Greece, on account of the refusal to register the association “Home of Macedonian Civilization”. As this is not the sole decision by the ECtHR that condemns Greece about the violation of freedom of association of its citizens and the Greek state is still very reluctant to comply with the rule of international and European law, I will try to explain why this problem remains unsolvable. The problem lies with the very current Greek constitution that in its article 16 point 2, states: *Education constitutes a basic mission for the State and shall aim at the moral, intellectual, professional and physical training of Greeks, the development of national and religious consciousness and at their formation as free and responsible citizens.*

*The development of national and religious consciousness* means that some state bureaucrats have the right to decide, each time, about Greek citizens’ consciousness and how they must feel and behave toward the very state.
Those who do not yield, are excluded from the rights of citizen. Thus the negation of free assembly! In Greece, someone who feels different from what the state has decided about the consciousness of its citizens, cannot have equal rights. Diversity, any diversity, be it ethnic, linguistic, religious, etc. has no chance to be allowed legally to exist.

The constitution of a state is the basics for democratic rule. If Greece does not change its constitution, I personally am not very optimistic that Greece will be able to develop and become a real democracy based on all the European ideals and principles. Thus no Greek citizen will be granted the right to be different and equal before the state law.
Greece is notorious for systematically failing to execute UN Human Rights Committee views and European Court of Human Rights (ECtHR) judgments, including those concerning the violation of the freedom of association of the Turkish and the Macedonian minorities.

In July 2015, the ECtHR found, for the second time, a violation of freedom of association by Greece for the refusal since 1990 to register the Home of Macedonian Civilization: the first ECtHR judgment in July 1998 had been ignored by Greece.

Similar judgments were issued in the past for the refusal to register the Department of Evros Minority Youth Association (October 2007) and the Cultural Association of Turkish Women of the Region of Rodopi (March 2008), as well as for the dissolution of the Turkish Association of Xanthi (March 2008) – an association first established in 1927. In December 2014, the ECtHR communicated to Greece the second applications of all three Turkish minority associations which continue to be banned despite these ECtHR judgments which again Greece chose to ignore.

In December 2015, the ECtHR issued its decision to reject as inadmissible the applications of the Cultural Association of Turkish Women of the Region of Rodopi and the Turkish Association of Xanthi. Implicitly, the ECtHR ruled as admissible the application of the Department of Evros Minority Youth Association, for which a judgment will be issued. The two associations whose applications were ruled as inadmissible had not tried to register anew after the 2008 judgements but had applied to the Greek courts seeking the revocation of their previous judgments. Such procedure however does not exist in the Greek Code of Civil Procedure. Since, therefore, there were no new elements concerning the merits of the procedure to register one of them and contest the dissolution of the other, while at the same time the execution of the three 2007-2008 judgements continues to be under review by the Council of Europe’s Committee of Ministers, the ECtHR concluded that it had no competence to review the merits of those two applications.

On the other hand, the Department of Evros Minority Youth Association had not sought before the domestic courts the
revocation of their previous judgements but had launched a new registration procedure, although they invoked the corresponding ECTHR judgement in it. The registration was rejected by the Greek courts on the basis of their previous judgements with the addition that the ECTHR judgements cannot infiltrate domestic law and result in the automatic removal of the state acts that violated the Convention. Hence, the Greek courts effectively ruled that the Department of Evros Minority Youth Association cannot ever register! This is probably why the ECTHR considered that this is a new element that the ECTHR will review and issue a judgement in this case, expected to find a new violation of freedom of association by Greece.

The latter prediction is based on Greek Helsinki Monitor (GHM)’s experience with the second judgement in the case of the Home of Macedonian Civilization which had also launched a registration procedure anew after the first ECTHR judgement rather than having sought the revocation of the domestic judgements. The rejection of its second registration effort led to the finding of a second violation by Greece. The Home of Macedonian Civilization is now launching a third registration procedure.

In the meantime, GHM included the problem of systematic failure to execute the ECTHR judgements on the freedom of association of these Turkish and Macedonian minority associations in its 2015 reports to two UN Committees ahead of Greece’s review by them.

Greek Helsinki Monitor stressed that the persistence in the effective ban of those associations reflects the State’s refusal to acknowledge the existence of an ethnic Turkish and an ethnic Macedonian minority identities among tens of thousands of its citizens.

The two Committees issued the following comprehensive recommendations that Greece is again refusing to implement, as there are no real consequences except the repeated naming and shaming by the intergovernmental bodies. It is noteworthy that these recommendations as well as the ECTHR judgements remain largely unknown in Greece as they are almost never reported by Greek media. They are not even invoked by the – now four - Turkish minority MPs that belong to the mainstream political parties which all oppose the acknowledgment of the existence of the Turkish and Macedonian minorities.
Recommendations of intergovernmental organizations on minorities in Greece

UN Committee on Economic, Social and Cultural Rights
Concluding observations on the second periodic report of Greece (9/10/2015)

(…) Non-Discrimination

9. The Committee notes with concern that the State party only recognizes the Muslim Religious Minority in Western Thrace as a minority. The Committee further notes the lack of statistics on the composition of the population in the State party. The Committee is also concerned at the persistent discrimination against persons with immigrant backgrounds and Roma in the State party, particularly in the fields of employment, education, health care and housing (art. 2, para. 2).

10. The Committee recommends that the State party collect statistical data on the composition of the population, on the basis of voluntary self-identification with a view to formulating, implementing and monitoring targeted and coordinated programmes and policies at the national and regional levels aimed at improving their enjoyment of economic, social and cultural rights. In this regard, the Committee, referring to its general recommendation No. 20 (2009) on non-discrimination in economic, social and cultural rights, encourages the State party to revisit its narrow interpretation of “minorities” and recommends the State party to take effective measures for the recognition of all minorities in order to fully protect their rights, including their language, religion, culture and identity.

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UN Human Rights Committee
Concluding observations on the second periodic report of Greece (5/11/2015)

(…) Freedom of association

39. While the Committee notes the State party’s expressed intention to proceed with the registration of associations of groups claiming a minority group status, in accordance with the European Court of Human Rights decisions of 2008 and 2015, the Committee expresses concern over the pace of implementation of these decisions (art. 22).

40. The State party should expedite its measures to register associations of distinct communities, including those claiming a minority group status, in accordance with article 22 of the Covenant.

(…) Recognition of minorities and statistics

43. While welcoming the statement by the State party that the lack of official recognition of minorities other than the Muslim minority in Thrace within its territory does not prevent the adoption of appropriate policies aimed at preserving and promoting cultural diversity and does not hinder the right of individuals to freely self-identify, the Committee is concerned at insufficient guarantees for the equal and effective enjoyment of culture, profession and practice of religion and use of language by all persons, including those claiming to belong to ethnic, religious or linguistic minorities. The Committee also expresses its concern over the lack of statistical data demonstrating the ethnic and cultural composition of the State party, the use of mother tongues and languages commonly spoken (arts. 26 and 27).

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44. The State party should ensure that all persons are effectively protected against any form of discrimination, and can fully enjoy their rights under the Covenant, including under article 27.

[Article 27. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.]

In view of the fact that Greek authorities often claim that only half of the members of the “Muslim” minority in Thrace have a “Turkish origin” it is important to recall that the Greek census does not measure language or religion or ethnic identity. Hence the survey results included in the EU’s Euromosaic Report are the only authoritative estimate and indicate that some 80% of the minority members report a subjective Turkish identity.

European Union – Euromosaic Report
Turkish in Greece (27/8/1997) 3

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7 • Closing Remarks by Johanna Green, UNPO Program Manager

The right to freedom of association is among the most important human rights we possess. It is one of the core rights - along with freedom of peaceful assembly - designed to protect peoples' ability to come together and work for the common good. It is a vehicle for the exercise of many other civil, cultural, economic, political and social rights.

For the Unrepresented Nations and Peoples Organization it also holds a special meaning: being a network, or membership, organization, UNPO is in fact an association of groups - most of whom have been denied their right to freedom of association in their homelands. Our members – ranging from the Uyghurs, Tibetans and Mongolians in China; to the Oromos and Ogadenis in Ethiopia, to the Haratin in Mauritania and to the Crimean Tatars – all under constant pressure of marginalization, persecution and assimilation, therefore often look to the international community, and especially to Europe and the EU as an example for functioning and effective minority rights protection.

However, no system is perfect, and as we’ve learned over the course of today’s discussion, even within the EU there are both loopholes and contradictions when it comes to minority rights.

In the case of Greece, the embryonic political nature of the European Economic Community in the 1970s, the lack of political criteria for EEC membership as well as of conditionality policies aiming to push for reform of minority rights resulted in Greece’s membership without addressing questions of minority discrimination first.

Yes, we should recognize and commend the improvement of minority rights in Greece in the 1990s. However, significant loopholes in minority rights protection have remained intact, despite the country’s membership of the EU and increasing international interest in minorities. And when a consolidated democracy continues to ban peaceful associations because their names imply the existence of minorities within its borders - regardless of what ECHR rulings say on the matter - it just doesn't set the right example.

Why is that? Because freedom of association is not only the right to form groups, to organise and to assemble together with the aim of addressing issues of common concern, but it is also “one of
the foundations of a functioning democracy” (OSCE 2007: 13), in that it allows for dialogue, pluralism and tolerance, where minority or dissenting views or beliefs are respected. It empowers minorities to expose social and/or political problems, and help to identify and implement possible solutions.

To highlight the democratic importance of freedom of association I want to give a concrete example. Recently, in Crimea, the self-proclaimed local “prosecutor” appealed to the so-called “Supreme Court of the Republic of Crimea” to declare the Mejlis of the Crimean Tatar people (executive representative body of the Crimean Tatar people) as an extremist organization and to ban its activity in the territory of the Russian Federation. Wiping out what appears to be the only legitimate authority left in Crimea - one that people have actually voted for and thus a symbol of democracy - the self-proclaimed authorities just confirmed what we already knew - that they do not respect human rights and democratic principles.

But Greece is not Crimea. Greece is a consolidated democracy, and a EU member state since 1981. Framing and dramatizing political issues, such as minority rights, as security challenges to the state, will in the long-run not be doing Greece a service. Instead, implementing ECtHR rulings and reforming minority rights legislation - including full recognition of ethnic self-identification for tens of thousands of Greek citizens - should be seen as an opportunity that can secure the Greek State the support of the majority of its citizens. Not as a threat.

At the same time there is room for improvement at the EU level: to facilitate the process, the EU should develop instruments to secure compliance with European norms throughout the European Union - in line with the Copenhagen criteria that currently serve as a requirement only for candidate states. We have a long way to go, but this seminar is an important step in addressing a question that has been defined almost as taboo and beyond political discussion. How we talk about human rights can and does make a difference to how they are perceived, and we therefore need more free and open discussions also on controversial issues.
8 • Media Coverage

2 March 2016

Politico.eu
“When Greek MEPs attack!”


3 March 2016

Euractiv.com
“Golden Dawn thugs disrupt European Parliament meeting”

www.politico.eu/article/greek-meps-attack-european-parliament-group-efa-shouting-turkish-minority-rights-greece-far-right/
3 March 2016

Abtff.org

“EFA protests to EP President Martin Schulz on Golden Dawn MEPs”


3 March 2016

Dahr.ro

“Non-existent Turkish minority in Greece?”

3 March 2016

iefimerida.gr

"Η Χρυσή Αυγή κάνει εξαγωγή τσαμπούκα: Φουντούλης σε Ρουμάνο ευρωβουλευτή: «Είσαι μ@@κας» [βίντεο]"


3 March 2016

Euractiv.gr

"Ο Σούλτς θα διερευνήσει το επεισόδιο με τη Χρυσή Αυγή στην Ευρωβουλή"

3 March 2016

Star.gr

"Χαμός με τη Χρυσή Αυγή σε εκδήλωση στην Ευρωβουλή: Είσαι ηλίθιος και μαλακάς - Ντροπή σου!"

www.star.gr/Pages/Politiki.aspx?art=315111&artTitle=chamos_me_ti_chrysi_aygi_se_ekdilosi_stin_evrovouli_eisai_illithios_kai_mlaka_ntropi_sou

3 March 2016

Electora.wordpress.com

"ΝΑ ΕΙΣΤΕ ΣΙΓΟΥΡΟΙ ΠΩΣ ΤΕΤΟΙΟΙ ΠΡΑΚΤΟΡΕΣ ΚΥΒΕΡΝΟΥΝ ΑΥΤΗ ΤΗ ΧΩΡΑ ΣΗΜΕΡΑ, ΑΛΛΟΙΜΟΝΟ ΜΑΣ, ΑΝ ΔΕΝ ΞΕΣΗΚΩΘΟΥΜΕ!"

elatora.wordpress.com/2016/03/03/δυναμική-παρέμβαση-της-χρυσής-αυγής-α/
3 March 2016

Galanoleykoblog

“Δυναμική παρέμβαση της Χρυσής Αυγής σε εκδήλωση τούρκων πρακτόρων, στην ευρωβουλή”

galanoleykoblog.wordpress.com/2016/03/03/δυναμικη-παρεμβαση-της-χρυσης-αυγης-

3 March 2016

Thecaller.gr

“«Εξαγεί τραμπουκισμο η Χρυσή Αυγή! Μπούκαραν σε εκδήλωση στην Ευρωβουλή”

thecaller.gr/callers-choice/exagei-trboukismo/
3 March 2016

Gazzetta.gr

“Επεισόδιο της Χρυσής Αυγής στην Ευρωβουλή”

www.gazzetta.gr/plus/article/886228/epeisodio-tis-hrysis-aygis-stin-eyrovoyli-vid

11 March 2016

Booksjournal.gr

“Greek political parties’ protests against EP panels on minority rights in Greece”
