

Warsaw, 20 September 2005

### **OSCE HDIM - WORKING SESSION 3**

#### **Fundamental freedoms I, including: Freedom of movement, assembly and association**

#### **STATEMENT BY THE GREEK DELEGATION IN RIGHT OF REPLY**

Ladies and Gentlemen:

As regards the questioning of the freedom of association in Greece, by a certain NGO today, I would like to stress that according to the recent case-law of the Supreme Court, any restriction on the freedom of association has to be carefully scrutinized by national courts under a strict proportionality standard. As the Supreme Court has recently held, the refusal of the denomination of an association which includes the word “Turkish” is not an unconditional one. It is closely linked to the particular association’s aims, which have been found contrary to public order. The relevant case-law of the Greek courts is fully in line with the jurisprudence of the European Court of Human Rights.

In 1984 the Prefect of Xanthi, acting within his competences, proceeded to the dissolution of the association of private law, named “Turkish Union of Xanthi”.

As we have repeatedly stressed on previous occasions, the Muslim minority in Thrace consists of three (3) distinct groups whose members are of Turkish, Pomak and Roma origin. The members of the Muslim minority are free to declare their ethnic origin, speak their language, exercise their religion and observe their particular customs and traditions.

What is not accepted by the Greek State is the attempt to identify the entire Muslim minority of Thrace as “Turkish”, irrespective of the existence of two other different groups within that minority. This is contrary to the provisions of the Treaty of Lausanne and against the spirit and the purpose of Art. 27 of the International Covenant on Civil and Political Rights, as well as of the European Framework Convention on the Protection of National Minorities, which protect all the members of the minority groups within a given state from being assimilated into other groups by reason of their size.

Furthermore, Art. 8 of the statute of the aforementioned association mentions among other things, that “...the objective of establishing the Turkish Union of Xanthi is ... to spread the cultural, social and religious reforms, established by the Turkish Revolution”.

The case has been before the Supreme Court, the plenary session of which in 7 February 2005 rejected the appeal of the members of the Union and recommended its dissolution.

The Greek Government makes every effort to preserve and promote the identity of the Muslim minority of Thrace and the special characteristics of the identity of its members in a democratic society, where the Rule of Law prevails.