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WARSAW, 10 October 2006

OSCE HDIM-WORKING SESSION 12:
Fundamental Freedoms II

STATEMENT BY THE GREEK DELEGATION
in exercise of its Right of Reply

Mr. Moderator,

We heard this morning four statements with regard to the situation in my country. My delegation is of course happy to respond to all allegations made by NGOs. But I believe that our discussions, as a whole, would greatly benefit if human rights issues were raised in a more balanced, proportionate and, especially, non-repetitive manner, reflecting the wide diversity of challenges facing all participant states.

Mr. Moderator,

Freedom of movement is fully respected in Greece. Every State has the right to control the entry of foreign citizens in its territory, in accordance with international standards and applicable national regulations. Greece strictly applies all relevant EU (Schengen) regulations on issuing entry visas to foreign nationals.

As we have repeatedly stressed, the Muslim minority in Thrace consists of three distinct groups whose members are of Turkish, Pomak and Roma origin. They share, however, a common religion, which is the basic reason for the denomination of the minority in its entirety as “Muslim” in the Lausanne Treaty of 1923. Every member of this minority is free to speak his or her language, exercise his or her religion, customs and traditions and declare his or her origin. There is no denial of the existence of such minority, but only of the attempt to identify the entire Muslim minority of Thrace as “Turkish”.

Mr. Moderator,

Freedom of association is fully protected in our legal order. According to the case-law of our Supreme Court, any restriction on the exercise of this freedom has to be carefully scrutinized by national courts under a strict proportionality standard.

There is no general prohibition to use certain words in the denomination of an association. Each case is examined on its own merits, in order to achieve a fair balance between the individual right to freedom of association and the need to preserve public safety, public order and the rights and freedoms of others, as provided for in international human rights law.

As our Supreme Court, sitting in plenary, has recently held, the refusal of the denomination of an association which includes the word “Turkish” is closely linked to the particular association’s aims, which have been found contrary to public order.

With regard to allegations made by another NGO, referring to an association wishing to use the denomination “Macedonian”, the Committee of Ministers of the Council of Europe has already found, in its final Resolution, that Greece had complied with the relevant European Court’s judgment. The case is now pending before domestic courts.

It is to be noted that we have hundreds of scientific, business, professional and sports associations which bear the Macedonian name. The use of this word for the denomination of an association founded by a small number of individuals who attach to it a different meaning, in terms of culture or origin, would inevitably create great confusion as to what they actually mean or pursue by using this word.

The relevant case-law of the Greek courts is in line with the jurisprudence of the European Court of Human Rights, as well as with European and universal standards on permissible restrictions to the exercise of human rights in general and freedom of association in particular.

Thank you, Mr. Moderator.