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NGO in Special Consultative Status with the Economic and Social Council of the United Nations  
Member of the Fundamental Rights Platform (FRP) of the European Union Agency for Fundamental Rights  
Member of the Federal Union of European Nationalities (FUEN)

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Office of the United Nations  
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Durban Review Conference

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## Legalized Racial Discrimination: Former Article 19 of the Greek Nationality Code

First, Federation of Western Thrace Turks in Europe (ABTTF) is, hereby, particularly honoured to contribute to the Durban Review. The 2001 Durban Declaration and Programme of Action urged Governments to create favourable conditions and take measures that would enable persons belonging to minorities within their jurisdiction to express their characteristics freely and to participate on a non-discriminatory and equitable basis in the cultural, social, economic and political life of the country in which they live.

Although Outcome Document of the Durban Review Conference “affirms that the existence and the national or ethnic, cultural, religious and linguistic identity of minorities shall be protected, and that the persons belonging to these minorities should be treated equally and enjoy human rights and fundamental freedoms without discrimination of any kind”, Turkish Minority of Western Thrace does, however, continue to be subjected to discrimination on the ground of its ethnic origin. In this respect, the Turkish Minority of Western Thrace is still facing discrimination in a country, which is deemed to be the cradle of democracy, namely Greece.

Therefore, let the Federation of Western Thrace Turks in Europe (ABTTF) reject the statement delivered during the General Segment by the Member State of Greece. We, hereby, would like to remind that discrimination on the grounds of race, colour, religion, descent, nationality or ethnic origin further hinders enjoyment of national or ethnic minorities of their basic human and minority rights including economic, social and cultural rights.

Confirming that recognition of and full respect for cultural diversity and multiculturalism is an important tool to end discrimination on the grounds of national or ethnic origin, we reiterate that rejection of diversity and multiculturalism has led to the negation of the very humanity of the national or ethnic, religious and linguistic minorities. This is also in stark contradiction with the principle on which the European Union is founded, namely freedom, democracy, respect for fundamental rights and freedoms and the rule of law.

Reminding that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature which enriches our societies, respect for equality in diversity is a foundation principle of the European Union. Although the Durban Review Conference does offer an important plat-

form to examine the implementation and impact of anti-discrimination policies and measures and bring expression in fight against all forms of discrimination which affect minorities adversely, Turkish Minority of Western Thrace still remains to be heard by international community.

Former Article 19 of the Greek Nationality Code (Legislative Decree, Law No.3370/1955) which is a provision that was applied from 1955 until 1998 provided for the denationalisation of 'citizens of different [non-Greek] descent' 'alloyenis', as opposed to 'omoyenis', that is, 'of the same [Greek] descent') who left Greece 'with no intent to return'.

The process of depriving an individual of his/her citizenship usually began when the police informed the Directorate of Citizenship that an individual and his/her family had left the country for an extended period of time. Since there was no obligation to inform the individual about deprivation of his/her citizenship, the person generally learned of it by coincidence, at border controls, or when he/she applies for a new identity card/passport.

Although the individuals deprived of their Greek citizenship had by law two months from the time of revocation of their citizenship to appeal to the Council of State, only a few managed to meet the deadline as these persons were kept unaware of and were uninformed about their denaturalization by the Greek administration.

As a consequence of the above provision, from 1955 to 1998 there were approximately 60.000 Greek citizens, including minors, who lost their nationality. The majority of these persons have been of Turkish ethnic origin. According to the reply by Greek Parliamentary to the notice of question asked by İlhan Ahmet in May 2005, MP for Rodop in the Hellenic Parliament, 46,638 Turks (Muslims) in Western Thrace and the Island of Rhodes (Twelve Islands) were deprived of citizenship until 1998.

The European Commission against Racism and Intolerance (ECRI), which is the Council of Europe's principle body in combating racism and intolerance, has noted in its third report in Greece(2004) that Greece has not taken measures that would lead to the reparation of 'the serious consequences that arose from the deprivation of citizenship on the basis of Article 19. In particular, the repeal of Article 19 does not have a retroactive effect. Persons who were deprived of their citizenship and have remained in Greece (estimated at 200 persons) and wish to recover their Greek nationality have had to go through the normal naturalization process applicable to aliens.

The former Article 19 of the Greek Nationality Code is in contravention of Article 12(4) of the International Covenant on Civil and Political Rights ratified by Greece by Law 2462/1997 which provides that 'No one shall be arbitrarily deprived of the right to enter his own country', and that Article 3(2) of the Fourth Protocol to the European Convention on Human Rights which provides that 'No one shall be deprived of the right to enter the territory of the State of which he is a national'.

We would like to remind that the Outcome Document of the Durban Review Conference urges States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality, especially if such measures and legislation render a person stateless (Para. 83).

However, the vast majority of persons deprived of their citizenship by virtue of Article 19 are already foreign citizens and reside outside the Greek territory. Therefore, there is a need for a satisfaction in accordance with the general principles of international human rights standards and mechanisms for the denationalised persons who have remained abroad and are not willing to return Greece, that is an immediate restoration of the nationality of those minority members and their descendants who were denationalised under the former Article 19 of the Greek Nationality Code.

In this respect, we urge Greece, which is a member country of the Bureau of the Durban Review Conference, to ensure within their jurisdiction that all members of the Turkish Minority of Western Thrace can exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law.

Lastly, not the least, we would like to remind that the Outcome Document of the Durban Review Conference states in Section 3 expresses its concern at the delays in the submission of reports by the States parties to the CERD, which hinder the effective implementation of the Convention and hamper the Committee's operation and monitoring function and reiterates that timely submission of reports by States parties is an obligation under article 9 of the Convention, and urges States parties to comply with their reporting obligations, we hereby call Greece to submit its reports in due time, in full cooperation and constructive engagement with relevant civil society actors, including minority organizations.

We would like the Outcome Document to be a source of inspiration and a step forward in the elimination of all forms of discrimination, including discrimination on the ground of ethnic origin.