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## مجلس حقوق الإنسان

الدورة الثالثة والعشرون

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

### مذكرة شفوية مؤرخة ٢٩ أيار/مايو ٢٠١٣ موجهة من البعثة الدائمة لليونان لدى مكتب الأمم المتحدة في جنيف إلى مفوضية الأمم المتحدة السامية لحقوق الإنسان

تهدى البعثة الدائمة لليونان لدى مكتب الأمم المتحدة في جنيف والمنظمات الدولية الأخرى في سويسرا تحياتها إلى مفوضية الأمم المتحدة السامية لحقوق الإنسان، وتشرف بأن تحيل طيه تعليقات حكومة اليونان على البيان الخطي المؤرخ ١٠ أيار/مايو ٢٠١٣ الذي قدمه "اتحاد أتراك تراقيا الغربية في أوروبا" وهي منظمة غير حكومية ذات مركز استشاري خاص (A/HRC/23/NGO/35).

وترجو البعثة الدائمة لليونان من المفوضية السامية أن تتفضل بتعميم النص المرفق\* كوثيقة من وثائق الدورة الثالثة والعشرين لمجلس حقوق الإنسان في إطار البند ٣ من جدول الأعمال.

\* يعمم كمرفق بالصيغة التي ورد بها، وباللغة التي قدم بها فقط.

## Annex

*[English only]*

Referring to the written statement submitted by the NGO “Federation of Western Thrace Turks in Europe”, under agenda item 3, of the 23rd session of the Human Rights Council, Greece would like to raise the following points:

Freedom of association is fully protected in the Greek legal order and guaranteed by the Constitution.

There is no specific legislation on minority associations. The general provisions of the Civil Code are applicable in this respect. Associations are to be registered with the Greek Courts which exercise, for that purpose, a control of legality, and not of opportunity. These procedures have recently been simplified by the newly adopted modifications to article 80 of the Greek Civil Code which clearly provide that associations are registered with the Court by simply fulfilling the requirements of the law (Law 4055/2012 articles 1 and 17).

With regard to the three minority associations mentioned in the above referred statement (Bekir Ousta group of cases), these are indeed not officially registered, because their statute was found incompatible with the Greek legislation by the Courts. The associations appealed to the European Court of Human Rights for violation of article 11 of the European Charter of Human Rights. The judgments rendered were in favor of the associations.

Greece fully respects the judgments of the European Court based on the principles upheld by the Council of Europe, the European Convention of Human Rights and other important human rights instruments.

Full implementation of the judgments is pending, due to procedural reasons. Greek authorities are currently considering the most appropriate means and ways to implement the decisions, including possible legislative adjustments. There is also an ongoing constructive dialogue with the Department for the Execution of the European Court's judgments of the Council of Europe on this issue.

Moreover, recent Greek Courts judgments on similar cases take into account the requirements of article 11 of the ECHR as interpreted by the Court of Human Rights, following the ruling of the Supreme Court of Greece in the case of the minority association "South Evros Educational and Cultural Association of Western Thrace Minority", also mentioned in the above referred statement.

It should be noted that there is thriving, multi-faceted and pluralistic civil society in Thrace, where the members of the Muslim minority of Greece reside. A large number of minority associations and NGOs have been registered with the competent courts and operate without impediments. Thus, they preserve, highlight and promote all aspects of the cultural, educational and economic life of the minority. Even the three associations in question, albeit not officially registered, do engage freely in numerous activities.

Greece is committed to ensuring full respect of the freedom of association for all, as guaranteed by the European Convention on Human Rights and the jurisprudence of the European Court for Human Rights.