

**Генеральная Ассамблея**

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**Совет по правам человека****Сороковая сессия**

25 февраля – 22 марта 2019 года

Пункт 3 повестки дня

**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие**

**Вербальная нота Постоянного представительства Греции  
при Отделении Организации Объединенных Наций  
в Женеве от 28 марта 2019 года в адрес Управления  
Верховного комиссара Организации Объединенных  
Наций по правам человека**

Постоянное представительство Греции при Отделении Организации Объединенных Наций и других международных организациях в Женеве свидетельствует свое уважение Управлению Верховного комиссара Организации Объединенных Наций по правам человека и имеет честь настоящим препроводить замечания правительства Греции в отношении письменного заявления, представленного Федерацией турок Западной Фракии в Европе, неправительственной организацией, имеющей специальный консультативный статус (A/HRC/40/NGO/66) (см. приложение).

Постоянное представительство Греции просит Управление Верховного комиссара распространить настоящую вербальную ноту и приложение к ней\* в качестве документа сороковой сессии Совета по правам человека по пункту 3 повестки дня.

\* Воспроизводится в том виде, в каком оно было получено, только на языке оригинала.



## **Annex to the note verbale dated 28 March 2019 from the Permanent Mission of Greece at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

### **Reply to the written statement of the NGO “Federation of Western Thrace Turks in Europe”**

The non-governmental organization “Federation of Western Thrace Turks in Europe” has circulated a written statement regarding the freedom of association in Greece and “the problem of execution of ECtHR judgments concerning the Turkish community in western Thrace”.

First of all, it is to be noted that the above-mentioned NGO continues to use inaccurately the term “Turkish community” in Thrace, instead of “Muslim minority”, which is the correct term used in the 1923 Treaty of Lausanne which established the status of the said religious minority in Greece.

Further to fully complying with the relevant provisions of the Lausanne Treaty, Greece’s policy and legislation reflect and implement contemporary human rights norms and standards, the very values of the European Union and its *acquis*, aimed at improving the living conditions of the members of the minority and their smooth integration into all aspects of both local and national society.

Greece’s commitment to the preservation of the rule of law and the right of freedom of association applies to all citizens without ethnic, cultural or religious discrimination, in compliance with the existing national and international legal frameworks.

In Thrace there is a thriving civil society comprising a large number of Muslim minority associations and NGOs that have been registered by the competent courts. Over the last 10 years, over 50 minority associations have been registered by domestic courts in the region of Thrace (e.g. the “Cultural and educational association of the Minority of Western Thrace” in 2007 and the association “Solidarity-Development of Greek Muslim citizens whose mother tongue is Turkish” in 2015).

With regard to the cases mentioned by the NGO “Federation of Western Thrace Turks in Europe”, we note that Law 4491/2017, adopted on 10 October 2017, allows (through the amendment of para. 1 of Art. 758 of the Code of Civil Procedure) the reopening of proceedings in cases in which the European Court of Human Rights has found a violation of the right to a fair trial or a substantive right under the Convention – originating in a domestic court judgment issued in a non-contentious procedure.

Moreover, a transitional provision was adopted allowing for the reopening of proceedings in cases, such as the present ones, where the ECtHR had found violations before the entry into force of the above legislative amendment.

The allegation that the new law has introduced a “strict limitation on civic space” through restrictions stipulated in the law is completely misleading, since the restrictions provided for in the Greek law are those foreseen in the ECHR itself in the exercise of substantive rights, such as the protection of national security, public order, public health, etc.

Although the Court of First Instance and the Court of Appeal of Thrace have dismissed the new requests by the minority associations based on Law 4491/2017, an overall assessment of the implementation of this law can only be made after the completion of the ongoing judicial procedures, i.e. after the relevant irrevocable decisions of the Court of Cassation.

Greece will continue its ongoing efforts to ensure that the decisions by domestic courts are fully and effectively aligned with the ECtHR case law.