Генеральная Ассамблея

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Совет по правам человека
Сорок шестая сессия
22 февраля — 19 марта 2021 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 5 марта 2021 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 настоящим препровождает замечания правительства Греции в отношении письменного заявления, представленного Федерацией турок Западной Фракии в Европе, неправительственной организацией, имеющей специальный консультативный статус (A/HRC/46/NGO/17) (см. приложение).

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

* Воспроизводится в полученном виде только на том языке, на котором оно было представлено.

Просьба отправить на вторичную переработку

Annex to the note verbale dated 5 March 2021 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

It has been brought to our attention that the so-called "Federation of Western Thrace Turks in Europe" (ABTTF) has circulated a written statement, addressed to the UNGA under item 3 of the 46th session of the Human Rights Council, in which they seem to voice concern regarding the execution of certain judgments of the ECtHR. In order to set the record straight, we would like to clarify the following facts:

With regard to the 2008 ECtHR judgments on freedom of association, Greece has adopted Law 4491/2017, which introduced an amendment to the Code of Civil Procedure, allowing for the re-examination of the cases of minority associations by the Greek courts. Although First Instance and Appeal Courts have dismissed relevant applications, 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. A relevant hearing at the Supreme Court of Greece (*Areios Pagos*), was held on October 16, 2020. The ruling is expected to be delivered in due course.

As for the cases "Bekir – Ousta and Others" and "Emin and others", a hearing at the Supreme Court (*Areios Pagos*) has been scheduled for March 18, 2022. It goes without saying that judiciary in Greece is independent, also with regard to its decisions and internal procedures, including those related to the scheduling of hearing dates. It should be noted, however, that, as in most CoE member states, objective necessities and relevant measures in the effort to combat the ongoing COVID-19 pandemic have markedly slowed the hearing and deliberation of all cases.

With regard to the decision of the Committee of Ministers, adopted on September 3, 2020, we have to note that it is fully respected. In this decision, there is no request for the Supreme Court of Greece (*Areios Pagos*) to set new dates for the hearings in 2021. Rather, as stated in paragraph 6 of the decision, the Committee of Ministers, in referring to the cases "Bekir – Ousta and Others" and "Emin and others" urges the Greek authorities to take the same actions as with the case of the so called "Tourkiki Enosi Xanthis" mentioned in paragraph 5; namely to ensure a hearing before the Supreme Court of Greece (*Areios Pagos*). It should be noted that the hearing of the latter case took place before the Supreme Court of Greece on 16.10.2020.

The Greek authorities have long used the case-law of ECtHR as a benchmark for state practice and we can assure you that the same also applies to the cases in question. In particular, Greek courts harmonize their jurisprudence with the relevant case-law of ECtHR. Freedom of association is duly protected by the Greek Constitution and as such, is enjoyed by all citizens, irrespective gender, race, culture or religion. Indicative of this state policy is the mere fact that in Thrace there is a thriving civil society consisting of associations (and NGOs) established by and comprised of Greek citizens that are members of the Muslim minority, in conformity with the relevant provisions of the Civil Code, which irrespectively apply to all associations in Greece. In fact, over the last years, tens of associations have been established by members of the Muslim minority have been registered with local courts in the region of Thrace, all of which freely pursue and promote their various activities.

The ABTTF's interpretation of Resolution 2358 (2021) of the Parliamentary Assembly of CoE is erroneous and misplaced. As it is widely known, official positions of the Parliamentary Assembly are expressed only in its adopted resolutions. All documents, texts and reports submitted by parliamentarians prior to the vote contain opinions that are exclusively their own and in no way reflect the views of the Parliamentary body. They certainly do not constitute agenda items subject to voting at the plenary sessions. It should be noted that while Greece is mentioned in this resolution, there is absolutely no reference to the cases "Bekir – Ousta and Others" and "Emin and others".

Last but not least, we have the impression that the written statement of the ABTTF is attempting, in vain, to muddle the reality on the Muslim minority in Thrace. The status of the

Muslim minority in Thrace is clearly defined and solidly based on the relevant provisions of the 1923 Peace Treaty of Lausanne. Its members are Greek citizens who enjoy a wide range of minority rights, in addition to the rights and freedoms which are guaranteed to all Greek citizens without discrimination by the Constitution and the national legislation.

Further to the above, the Greek State has, systematically and consistently, adopted several "positive discrimination" measures to the benefit of Greek citizens who are members of the Muslim minority in Thrace, including, but not limited to, the compulsory quota of 0,05% for minority students' enrollment to Greek universities and the quota of 5‰ in favor of minority members for recruitment in the Greek Civil Service. Persons belonging to the Muslim minority in Thrace actively participate in all aspects of everyday public, civil and political life on a regional, as well as on a national level. All measures taken with regard to members of the Muslim minority in Thrace are also fully in line with contemporary norms and standards of human and minority rights protection. Regrettably, it appears that the ABTTF, operating once again as a GONGO is egregiously disconnected from the realities on the ground and is not in a position to speak on behalf of the Greek citizens belonging to the Muslim minority in Thrace.