

**Генеральная Ассамблея**

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Совет по правам человека**Сорок четвертая сессия**

30 июня — 17 июля 2020 года

Пункт 9 повестки дня

**Расизм, расовая дискриминация, ксенофобия
и связанные с ними формы нетерпимости:**

последующие меры и осуществление

Дурбанской декларации и Программы действий

**Вербальная нота Постоянного представительства Греции
при Отделении Организации Объединенных Наций в Женеве
от 20 июля 2020 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/44/NGO/74) (см. приложение).

Постоянное представительство Греции просит Управление Верховного комиссара распространить настоящую ноту и приложение к ней* в качестве документа сорок четвертой сессии Совета по правам человека по пункту 9 повестки дня.

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



Annex to the note verbale dated 20 July 2020 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

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

With reference to the written statement No. A/HRC/44/NGO/74, dated 13.7.2020, Greece would like to set things right and state the following:

In the context of the 1923 Peace Treaty of Lausanne, of which Turkey is a party, in the region of Thrace, Greece, resides a religious Muslim minority, which is defined as a whole by its religious identity and not by ethnic origins. The members of the minority are Greek citizens of Muslim faith. Insisting on the term “*Turkish*” purposefully ignores a large part of the Muslim minority population in Thrace (Pomaks and Roma) and violates the letter and the spirit of the Lausanne Treaty.

Greece is a member of the Council of Europe (CoE) since 1949 and, for the current period, holds the Chairmanship of the said Organization till 18.11.2020. Although the Framework Convention for the Protection of National Minorities (FCPNM) was signed in the context of CoE, Greece is not bound by the FCPNM, as long as it has not yet ratified it. As a consequence, any reference to that Convention or invocation of its provisions by any party concerned, has no effect on Greece whatsoever.

Freedom of association is strongly protected by the Greek Constitution. It applies to all citizens, irrespective of ethnic origin, culture or religion. In Thrace there is a thriving civil society comprising of a large number of Muslim minority associations (and NGOs), duly registered with the competent courts, as foreseen by the relevant legislation for all associations.

Over the last 10 years, more than 50 minority associations have been registered with local courts in the region of Thrace. They are actively and freely pursuing their goals by promoting various activities.

As regards the 2008 ECHR rulings on the 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 case of minority unions by the Greek courts.

Although First Instance and Appeal Courts have dismissed new requests submitted 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. A hearing at the Supreme Court of Greece, Areios Pagos, is now scheduled for 16 October 2020.

Greece has adopted all the necessary protection measures and provisions in order to ensure and safeguard the health and wellbeing of the Muslim minority in Thrace.

On special circumstances, when it was deemed necessary for health reasons and in order to reduce the spread of the Covid-19 virus, local quarantine regimes were imposed in areas where members of the Muslim minority reside, in close cooperation with the local authority officials and based on impartial and uncontested medical data available at the time. The same measures and provisions were applied to the whole of the Greek territory and to the whole population, with the aim of addressing the Covid-19 pandemic.

Moreover, special care and attention was given so as to protect the affected populations, help them go through the pandemic without unnecessary restrictions and the least possible casualties. Within the Muslim minority population, which comprises more than 120.000 members, eighteen (18) persons have lost their lives due to the virus.

On numerous occasions, the Deputy Minister for Citizen Protection, Mr. Nikos Chardalias, has visited Thrace to personally coordinate the necessary actions in order to prevent the spread of the virus and to shield those with underlying illnesses.

Especially for the mountainous village of Echinós, a lock-down was imposed anew on 12.6.2020, because of the reemergence of the virus there which claimed the lives of nine (9) villagers within one week. It goes without saying that drastic and customized measures should be taken in order to decisively prevent the virus from spreading any further, not only inside the village but also outside of it, to the rest of Xanthi prefecture.

At this point, it has to be cited that this prefecture was concurrently hit by a new wave of Covid-19 incidents and, as a consequence, the Echinós outbreak should be dealt with swiftly and, most importantly, at the source. The special measures in Echinós were lifted on 6 Jul 2020. For the time being, certain measures are still in place for the whole of Xanthi prefecture and not specifically for the Echinós village.

During the challenging times of the ongoing pandemic, it should be underscored that local quarantine regimes have also been imposed to other parts of the Greek territory.

Since the outbreak of the Covid-19 pandemic, the Greek State has adopted all measures deemed necessary to safeguard the health of all its citizens. In this context, the competent authorities, using various channels of communication, provide critical information to the members of the minority regarding the current epidemiological data in their region, as well as helpful instructions for self-protection in the official language of the State.

In addition, the elected local authorities in areas where members of the minority reside and were gravely affected by the pandemic, emanate from its ranks and are constantly seized of the matter. No gaps of communication were reported or could have taken place.

The prayer of Ezan (the calling to the Mosque) in Thrace was never silenced. In consultation with the minority, there had been an unofficial *in situ* arrangement for the lowering of its volume, given that mosques were closed to mass praying. The arrangement was respected by the vast majority in Thrace. It should be noted that, during the Easter period, the ringing of Christian churches' bells was not at all allowed.

The custom of sounding drums during Ramadan in order to notify the Muslims of the evening break of the fast was also never prohibited in Thrace. Everybody was free to perform it in their own premises. Drum playing public restriction resulted only as a side-effect of the general restrictive measures of free movement in the entire Greek territory, because of the pandemic.

Allocation of public spaces or premises for performing religious rituals and customs *en masse* was prohibited for all denominations throughout Greece with the aim of preventing gatherings, congestion and overcrowding in order to avert the spread of Covid-19.

As far as the damages inflicted on the fountain in the village of Nymfaia, the Greek police are investigating the case and the perpetrators will be brought to justice.

Finally, Greece fully respects the freedom of religion of all its citizens, including the members of the Muslim minority in Thrace. At the moment, there are approximately 260 mosques operating in Thrace, as well as Muslim graveyards. The 3 Muftis in Thrace, beyond their religious duties, appoint, supervise and dismiss imams who serve in the mosques. They also perform religious wedding ceremonies between Muslims and advise on issues related to the Islamic law.

The appointment of imams, regardless of its timing, constitutes a standard administrative procedure falling within the competence of the respective local Mufti. Under no circumstances could it be possibly construed as a violation of freedom of religion.