



Avrupa Bab Trakya Turk Federasyonu

Federation der West-Thrakien Tiirken in Europa

Federation of Western Thrace Turks in Europe

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Federation des Tures de Thrace Occidentale en Europe

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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Session I: The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: 20 years on

The Charter of the United Nations, which lays the foundation of modern international human rights law, ushered in a worldwide movement in which states and other stakeholders are the main actors in the struggle over the role that the international community should play in protecting and promoting human rights.

International Covenant on Civil and Political Rights (ICCPR), addresses rights of "persons belonging to" ethnic, religious or linguistic minorities, "to enjoy their own culture, to profess and practice their own religion, or to use their own language," to be exercised "in community with the other members of their group"(Article 27). Article 1 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities underlines that States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity. This recognition of rights to the "persons belonging to national or ethnic, religious and linguistic minorities" has a limited collective dimension and represents the rights of individuals rather than collective rights.

The twentieth anniversary of the UN Declaration the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities offers an important opportunity to examine the .diverse ways in which the Declaration has been used and implemented in practice and to gain the perspectives of different stakeholders on how it has impacted on aspects of national legislation, institutional mechanisms and their activities to advance the rights of persons belonging to minorities.

Article 1, paragraph 1, requires that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity". Previous sessions of the Forum have demonstrated that a *significant* progress has been made in the implementation of the Declaration, though there are still important challenges that the States should confront.

Since the Declaration accords rights to ethnic, religious and linguistic minorities, the existence of a minority entitled to protection is determined by States, which, in particular cases, deny officially to recognize particular ethnic, religious or linguistic groups within their territories as minorities and decline to grant these groups collective rights which should be used as minorities.

The existence of a minority is not, and should not be always numerical. Even when the minority—as is usual—is a numerical one, we must tackle statistics cautiously. An ethnic, religious or linguistic group may prove to be a minority in the State as a whole, yet a majority in some districts. To give a case in point, The Turkish minority in Western Thrace, Greece, has an estimated population of 150.000, does comprise 1.3% of the general population (2001 census) and it constitutes majority in Rhodope (52%) and almost half of the population in Xanthi(45%).

There is an officially recognized Muslim minority of 140.000 to 150.000 members reside in Thrace (Western Thrace) and the status of the Minority is determined by the Treaty of Lausanne in 1923. Although the Treaty of Lausanne does not specifically mention the ethnic identity of the Muslim minority in Western Thrace, there is a specific reference to the Turkish ethnic identity of the Muslim

Minority in Western Thrace in legal and international documents. "Etabli Documents" which were the documents given to the people of Greek and Turkish origin who were left out of the exchange procedure in accordance with the provisions of the Agreement on the Exchange of Turkish and Greek Populations on 30 January 1923 mentioned the ethnic origin of Muslim minority in Western Thrace as Turkish.

Greece has, on various occasions, stated that all Greek citizens, including the members of the "Muslim minority in Thrace" have the right for individual self-identification and underlined that the Muslim minority is defined by its religious identity, not ethnic or national minority. Greece does not subscribe to the right of any group to self-identification on a collective basis and the right of assembly or association of the group which seeks to determine their identity. Although so-called other segments within the Minority are recognized and even welcomed and supported by Greek authorities, the Turks are not allowed to use their right of self-identification, while the existence in a country of ethnic minorities is defined on the basis of collective rights. On 18 February 2009, the report of the Independent Expert on Minority Issues, Gay McDougall, following her mission to Greece on 8-16 September 2008, stated that The absence of formal recognition by the state of a particular societal group as constituting "a minority" is not conclusive", and continued that "Rather, the existence of a group to which a state owes minority protections is a matter of objective facts and exercise of the right of self-identification by persons belonging to the group". The independent expert urged Greece to protect the right to self-identification and the freedoms of expression and association of minority communities.' CERD similarly took note of the explanation by Greece for recognition of a single minority only and called upon Greece to ensure the non-discriminatory implementation, for all groups within the scope of the Convention, of the rights referred to in article 5 of the Convention.'

In the twentieth anniversary of the Declaration, States should respect the right to self-identification of the persons belonging to national or ethnic, religious and linguistic minorities and retreat from the dispute over how to identify national or ethnic, religious and linguistic groups and place their full focus on protecting the rights to self-identification of those communities.

We recall Recommendation 14 that all countries should reaffirm their commitment to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and publicize it widely.

We fully support para. 20, in which it is recommended that Governments have the primary responsibility for implementing the Declaration and other minority rights standards and instruments, and that States should recognize explicitly the diversity within their respective societies, including with respect to race, ethnicity, religion and language. States should demonstrate their commitment to the

¹ A/HRC/10/11/Add.1.3, p. 2, and paras. 83, 88 and 90.

² CERD/C/GRC/CO/16-19, para. 8.

protection of minority rights by ensuring that minority issues are consistently integrated into and reflected in governmental policies and practice.