



Avrupa Batı Trakya Türk Federasyonu Föderation der West-Thrakien Türken in Europa Federation of Western Thrace Turks in Europe Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης Fédération des Turcs 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
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UN Forum on Minority Issues

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Name of the Organization: Federation of Western Thrace Turks in Europe (ABTTF)

E-mail: info@abtff.org

Agenda Item III: Rethink: Minority rights defenders and their role in promoting principles of the Declaration

Dear Moderator,

Dear participants of the Forum,

As defined by the UN, “human rights defender” is a term used to describe people who, individually or with others, act to promote or protect human rights in a peaceful manner. This means that any person belonging to a specific minority group and a human rights defenders who advocates the rights of persons belonging to a specific minority group cannot be stigmatized, targeted or be subjected to any kind of hate speech for his/her statements or activities in order to defend the rights of this minority group.

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%). Greece recognises only the existence of a ‘Muslim Minority in Thrace’ in the country as an autochthonous national minority group based on the 1923 Treaty of Lausanne. Under this treaty, the Turkish community has the right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

From the time the treaty was signed to the Junta of the Colonels in 1967, the community known as the Turkish Minority in the region and had bilingual signboards in our schools in both Turkish and Greek languages. Repressive and discriminatory policies towards the Turkish community in Western Thrace continued despite the end of the 1967 Junta of Colonels in 1974. Although associations which bear the word ‘Turkish’ in their titles operated without any obstacles for nearly half a century, in 1983, the three associations (Xanthi Turkish Union (est. 1927), Komotini Turkish Union (est.1928), Western Thrace Turkish Teachers Union (est. 1936)) which include the word ‘Turkish’ in their names were dissolved. Following the rejection by the local courts of the registration applications of the newly formed Evros Prefecture Minority Youth Association (est.1995) and the Cultural Association of Turkish Women of the Rodopi Province (est. 2001), both associations applied to the ECtHR. In these three cases, now known as the Bekir Usta and Others group of cases, the ECtHR ruled in 2007 and 2008 that Greece violated Article 11 of the European Convention on Human Rights regarding the freedom of assembly and association.

Greece is among the top 10 countries that do not execute the ECtHR judgments, which is also criticized by the Chairman of the Special Committee of the Greek Parliament on monitoring the judgments of the ECtHR, Maximos Charakopoulos. As noted in the EU 2022 Rule of Law Report on Greece, Greece had 30 leading judgments of the European Court of Human Rights pending implementation. The oldest leading judgment, pending implementation for 18 years, concerns the access to and the efficient functioning of justice due to the lack and the delayed enforcement of domestic judicial decisions. In the Bekir Ousta group of cases, the re-opening of the proceedings for the applicant associations did not start despite the legislative amendment adopted by Greece in 2017, and the three judgments are pending for more than 14 years.

The Court of Cassation has rejected appeals lodged by three applicants in 2021 and 2022, despite the Interim Resolution (CM/ResDH(2021)105 and the Decision (CM/Del/Dec(2022)1436/H46-8) of the Ministers Deputies. This group of case has been politicised due to the denial of the ethnic Turkish identity and the lack of the necessary political will at the national level. Furthermore, an investigation has been launched against the President of Xanthi Turkish Union and 11 other representatives of the Turkish community 7 months after the march organised on 10 July 2021 to protest the failure of the execution by Greece of the ECtHR.

Our NGO has sent an urgent appeal in March 2022 to the UN Special Rapporteur on the Rights of Human Rights Defender on the violation of the right to freedom of peaceful assembly and of association and asked the Rapporteur to investigate the violations of the freedom of association of the Turkish community in Western Thrace by Greece and the right to access to justice due to the non-execution of ECtHR's judgments in Bekir Ousta group and send a letter to the Government of Greece ahead of her visit to Greece.

Apart from the Turkish community in Western Thrace, more than 6.000 Turks people live in the Dodecanese islands, mainly in Rhodes and Kos in the Aegean Sea. Greece does not recognize any minority rights of the Turkish minority in Rhodes and Kos on the ground that the islands were under the rule of Italy at the time the Lausanne Peace Treaty was signed, Greece does not recognize the ethnic identity of the Turkish population in the islands and name them as "Greek Muslims". According to the findings of the Committee of Legal Affairs and Human Rights of the Council of Europe and the NGO Human Rights Without Frontiers, the problems of the Turks living in the Dodecanese are citizenship, learning of Turkish, religion and worship, hatred and pressure, the protection of the cultural heritage of the Ottoman Turks and the pious foundations(waqfs) problem. There is no improvement in the solution of the problems mentioned above.

Mustafa Kaymakçı, the President of, Rhodes, Kos and Dodecanese Turks Culture and Solidarity Association (ROISDER), a diaspora organization which has the aim of preserving the cultural identity and traditions of the Turkish community in Rhodes and Kos, was arrested in Kos (İstanköy) in 2016, where he went on a research field trip, for a new project of his organization. Kaymakçı was kept under detention one night and then expelled from Greece on grounds that he poses a threat to the public order in the country. The deportation of Kaymakçı from Greece was an attempt of intimidation by Greek authorities against the Turkish community living in Rhodes, Kos and the Dodecanese, which is kept under political pressure for almost 70 years.

Greece should respect the rights of the Turkish community in Western Thrace and the Turkish community in Rhodes and Kos and ensure that everyone is effectively protected against all forms of discrimination and can fully enjoy their rights under the specific treaties they are granted with rights and other international human rights conventions.

We recall Recommendations 8, 13, 14, 21, 23 of the 2022 Europe-Central Asia Regional Forum Recommendations and we underline the importance of the recommendations of 30, 31,32, 34 and 36 which protects the rights of national minorities at the State level.