



PERMANENT MISSION OF GREECE  
GENEVA

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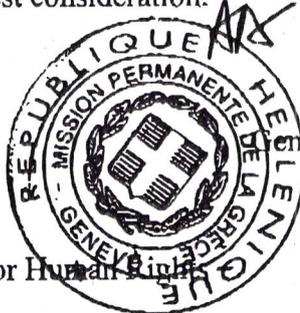
No 6171.2/32/AS 354

**NOTE VERBALE**

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organisations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the letter sent by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders and the Independent Expert on minority issues, dated 21 December 2012, ref.no. GRC 3/2012, has the honour to inform them of the following:

The Greek authorities, having examined with great attention the afore-mentioned letter, have the honour to present their reply to the Special Procedures, attached herewith.

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organisations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner of Human Rights, the assurances of its highest consideration.



Geneva, March 4, 2013

Office of the High Commissioner for Human Rights  
Special Procedures Branch  
Palais des Nations, CH 1211 Genève 10  
Fax : 022 917 9006

Att. : 2 pages

OHCHR REGISTRY

4 / MAR 2013

Recipients : SPD  
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With reference to your joint letter dated 21.12.2012, we would like to bring to your attention the following information:

Freedom of association is fully protected in the Greek legal order and guaranteed by the Constitution.

There is no specific legislation on associations claiming a minority identity, the general provisions of the Civil Code being applicable in this respect. Associations are to be registered with the Greek courts which exercise for that purpose a control of legality, and not of opportunity. These procedures have recently been simplified and accelerated by virtue of the recently adopted amendments of the relevant article of the Greek Civil Code.

With regard, in particular, to the three minority associations of Thrace that seized the European Court of Human Rights (ECHR), two associations that have not been registered, because their statute had been found by the Courts incompatible with the Greek legislation (*Bekir-Ousta* and *Emin* cases), as well as one association which was dissolved by the competent courts (*Tourkiki Enosi Xanthis* case), submitted individual complaints to the European Court of Human Rights. The judgments rendered were in favour of the said associations.

Greece fully respects the judgments of the European Court of Human Rights, based on the principles upheld by the Council of Europe, the European Convention on Human Rights and other important human rights instruments.

Full implementation of the said judgments is pending, due to procedural reasons, not related to the statute or the activities of any particular association.

Greek authorities are currently considering appropriate ways and means to implement the abovementioned judgments, including possible legislative adjustments. There is also an ongoing constructive dialogue with the Department of Execution of the European Court's judgments of the Council of Europe on this issue.

Moreover, recent Greek Court judgments on similar cases take into account the requirements of article 11 of the European Convention on Human Rights as interpreted by the ECHR, following the ruling of the Supreme Court of Greece in the case of the minority association "South Evros Educational and Cultural Association of Western Thrace Minority", that you mention in your letter.

It should be noted that there is a thriving, multi-faceted and pluralistic civil society in Thrace, where the members of the Muslim minority reside. A large number of minority associations and NGOs have been registered with the competent courts and operate without impediments. Since January 2008, more than 40 minority associations were registered. Thus, the abovementioned associations preserve, highlight and promote all aspects of the cultural, educational and economic life of the minority. Even the three associations in question, albeit two of them are not officially registered and one has been dissolved, do engage freely in numerous activities. Within this framework, the right to freedom of association is fully guaranteed to, and effectively enjoyed by, civil society actors and activists, including human rights defenders.

With regard to the group "Home of Macedonian Civilization", the European Court of Human Rights has found a violation of the right to freedom of association on the grounds that Greek courts have refused to register the abovementioned association. It is to be noted that the use of the qualifier "Macedonian" in the statute of the said association creates confusion since the same qualifier is used by hundreds other associations established by Greek Macedonians, which however use the adjective "Macedonian" to denote the regional and/or cultural provenance of their members and not a distinct national identity. This confusion, which also creates problems of public order and infringes upon the human rights of other groups, could have been avoided if the founders of the said association had used

a name for the latter which corresponds to their Slav oriented identity. A new complaint related to this association is pending before the European Court of Human Rights.

In concluding, we would like to stress that Greece is committed to ensuring full respect of freedom of association for all, without discrimination, as guaranteed by relevant universal and regional human rights treaties.