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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)

Europe-Central Asia Regional Forum on Minority Issues 2022

30th Anniversary of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

02-03 May 2022

SESSION II: Implementation: Institutions, Mechanisms, Policies, and Programmes

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Dear Moderator,

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities provides a solid guidance and key standards on minority rights ranging from protection of existence and identity to non-discrimination and participation in economic, social and political life. The Declaration is the most important legal framework within the United Nations system and in international human rights law, when questions regarding minorities are raised. This document is a cornerstone in international human rights law and constitutes a broad set of implementation machineries created within the United Nations.

Although the Declaration has not a binding character and lacks an implementation mechanism, the Declaration creates an international environment in which States are increasingly being forced by a variety of external and internal factors to respond for their behaviour to the international community. This reality limits their freedom of action and in many, albeit not all, cases contributes to an improved human rights situation.

The thirtieth 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 UN Forum on Minority Issues and the Regional Forums 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 grants rights to ethnic, religious and linguistic minorities on a collective basis, 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.

The Turkish community in Western Thrace, Greece which 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 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 only recognises a ‘Muslim minority in Thrace’ and denies the existence of an ethnic Turkish minority in Western Thrace. The educational and religious autonomy of the Turkish community in Western Thrace has been undermined and diminished by governmental practices over years through legislations without prior consultation or opinion sharing with the representatives of the Turkish Minority.

The recognition of the Turkish community as a national - and not merely a religious minority is still denied by the Greek government and a large part of the Greek media. Moreover, its portrayal is closely linked to the negative stereotypes and reports concerning Turkey as a neighbouring country. The overall situation was further complicated and polarised by the complex and often tense external relations between Greece and Turkey. Nothing about the situation of Turkish community in Western Thrace has changed into better. The fight against the historical prejudices is going on, pig’s heads are being left at the doors of the leaders, cars are being burned and hate speech is being spread.

On 18 February 2009, the report of the former 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.

Governments have the primary responsibility for implementing the Declaration and other minority rights standards and instruments. In the thirtieth 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. 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. States should demonstrate their commitment to the protection of minority rights by ensuring that minority issues are consistently integrated into and reflected in governmental policies and practice.