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Written statement* submitted by the Federation of Western Thrace Turks in Europe (ABTTF), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Right to citizenship and the problem of former Article 19 of the Greek Nationality Code

We, Federation of Western Thrace Turks in Europe (ABTTF), would like to express our sincere gratitude to the United Nations General Assembly for the creation of the Universal Periodic Review (UPR) mechanism under the auspices of the Human Rights Council. Although there is no other universal mechanism of this kind exists, this state-driven process prevents the Human Rights Council to address human rights violations wherever they occur since there is no mechanism of any kind of sanctions. Still, this is a huge step forward which enables the Council to remind States their responsibility to fully respect and implement all human rights and fundamental freedoms in their own countries.

Given the seriousness of the problem, we would like to bring the right to citizenship and the problem of former Article 19 of the Greek Nationality Code in Greece to the attention of the Human Rights Council. Nationality is a legal bond between a state and an individual, and statelessness and/or deprivation of citizenship refers to the condition of an individual who is not considered as a national by any state and/or deprivation of an individual from his/her citizenship of a country which he/she used to live in. Statelessness may occur for a variety of reasons including discrimination against a particular group in nationality legislation. This discrimination further hinders enjoyment of national or ethnic minorities of their basic human and minority rights of this particular group as a result of deprivation of his/her citizenship. This discrimination is not only a root cause, but also a result of statelessness.

Former Article 19¹ of the Greek Citizenship Code, which had been applied from 1955 until 1998, provided for the denationalisation of ‘citizens of different [non-Greek] descent’ (‘alloyenis’, as opposed to ‘omoyenis’, that is, ‘of the same [Greek] descent’) who left Greece ‘with no intent to return’. When announcing the government’s decision to abolish Article 19 in June 1998, on 23 January 1998, Minister of the Interior Alekos Papadopoulos stated that, since its introduction in 1955, 60 thousand Greek citizens had lost their citizenship in application of that article; the large majority were members of the minority in Thrace.² According to the reply by the Greek Ministry of Interior, Public Administration and Order to the notice of question asked by İlhan Ahmet, the former MP for Rhodope in the Greek Parliament, in May 2005, 46,638 Turks (Muslims) in Western Thrace and the Island of Rhodes (Dodecanese Islands) were deprived of citizenship until 1998.

The process of depriving an individual of his/her citizenship usually began when the police informed the Directorate of Citizenship that an individual and his/her family had left the country for an extended period of time. Although individuals deprived of their Greek citizenship had by law two months from the time of revocation of their citizenship to appeal to the Council of State, only a few managed to meet the deadline as these persons were kept unaware of and were uninformed about their denaturalization by the Greek administration. Since there was no obligation to inform the individual about deprivation of his/her

¹ Former Article 19 of the Greek Nationality Code: “A person of non-Greek ethnic origin leaving Greece without intention of returning may be declared as having lost Greek nationality. This also applies to a person of non-Greek ethnic origin born and domiciled abroad. His minor children living abroad may be declared as having lost Greek nationality if both their parents and the surviving parent have lost the same. The Minister of the Interior decides in these matters with the concurrent opinion of the National Council.”

² Greek Helsinki Monitor and Minority Rights Group- Greece, “Greece’s Stateless Persons”, Report on Greece to the 1999 OSCE Implementation Meeting, 21 September 1999, <http://www.greekhelsinki.gr/english/reports/ghm-22-9-1999-stateless.html>

citizenship, the person generally learned of it by coincidence, e.g. at border controls, or when he/she applied for a new identity card/passport.

The Commissioner for Human Rights of the Council of Europe Thomas Hammarberg noted in his report following his visit to Greece on 8-10 December 2008 that in the framework of Article 19 a Greek citizen of non-Greek descent ('alloyenis') meant an individual with Greek nationality who did not 'originate from Greeks, had no Greek consciousness and did not behave as a Greek [and consequently] it may be concluded that their bond with the Greek nation is completely loose and fragile'. The Commissioner stated that it has been widely accepted that the former Article 19 of the Greek Citizenship Code was in contravention of, inter alia, Article 12, paragraph 4, of the International Covenant on Civil and Political Rights (ratified by Greece by Law 2462/1997) which provides that 'No one shall be arbitrarily deprived of the right to enter his own country', as well as to Article 3, paragraph 2, of the Fourth Protocol to the European Convention on Human Rights (this Protocol has not as yet been ratified by Greece) which provides that 'No one shall be deprived of the right to enter the territory of the State of which he is a national'.³

In the report of the Working Group on the Universal Periodic Review (A/HRC/18/13), Greece states that there is a very small number of Muslims who are stateless as a result of the deprivation of their nationality, for whom a special ID has been provided. In paragraph 50 of the report, Greece claims that concrete steps have been undertaken to restore the Greek nationality of these few stateless people. However, these stateless persons deprived of their citizenship, though remained in Greece (estimated at 200 persons) have to go through the normal naturalization process applicable to foreigners, since there is no retroactive effect in repeal of Article 19. The Commissioner for Human Rights of the Council of Europe described this process as 'long, expensive and uncertain as regards the outcome, and humiliating for persons who have wrongly lost their citizenship'.

In addendum of the report of the Working Group on the UPR (A/HRC/18/13/Add.1), Greece states that it will consider accession to the 1961 Convention on the Reduction of Statelessness in due course. Furthermore, Greece notifies that it has introduced in its domestic legislation guarantees and legislative regulations in order to reduce statelessness and facilitate the access of stateless persons to Greek citizenship. On 19 January 2011, Çetin Mandacı, Xanthi PASOK Deputy, put a motion for question on the subject of undue delay in the inspection of applications for citizenship and asked to the Minister of Internal Affairs that when the Minister was going to establish the Citizenship Council to inspect pending applications of Western Thracians who lost their Greek citizenship under Article 19. The Citizenship Council re-gathered in the first quarter of 2011 after two years delay, though the applications are still pending and there is no response given to the applicants about the citizenship process.

In the report of the Working Group, Greece has claimed that among those people who left the country on their own will, many renounced the Greek nationality and acquired a foreign nationality. According to the Greek government, '[t]he vast majority of persons deprived of their citizenship by virtue of Article 19 are already foreign citizens and reside outside the Greek territory. The general provisions of the Citizenship Code on the naturalization of foreign citizens may be applicable to them. For the denationalised persons who have remained abroad and are not willing to return, Greece stated that "according to the general principles of international law the obligation to reparation results from the commission of an internationally wrongful act by the responsible State" and added that "in the present

³ Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Greece on 8-10 December 2008, Issue reviewed: Human rights of minorities, <https://wcd.coe.int/ViewDoc.jsp?id=1409353>

case, no decision of a judicial body has ever determined the commission of an internationally wrongful act by Greece as a result of the stripping of nationality on the basis of article 19, especially since the individuals concerned do not live in the country and have already acquired a foreign citizenship”.⁴ Though, there is still a need for a satisfaction in accordance with the general principles of international human rights standards and mechanisms for the denationalised persons who have remained abroad and are not willing to return Greece, that is an immediate restoration of the nationality of those minority members and their descendants who were denationalised under the former Article 19 of the Greek Citizenship Code.

Recalling the Outcome Document of the Durban Review Conference, we urge Greece to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality, especially if such measures and legislation render a person stateless.

Recalling the Greek Constitution that withdrawal of Greek citizenship shall be permitted only in case of voluntary acquisition of another citizenship or of undertaking service contrary to national interests in a foreign country, under the conditions and procedures more specifically provided by law, we urge the Greek authorities to take steps to ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Citizenship Code for all persons concerned, although they no longer live in Greece even they have acquired citizenship of another country. In particular, Greece should genuinely speed up the process of the reinstating the citizenship of these persons by removing any obstacle, including the need for them to go through the naturalisation procedure.

Lastly, we kindly request the human rights bodies and mechanisms of the United Nations to monitor and review the human rights situation in all Member States, including Greece and establish a stronger mechanism of sanctions against Member States where human rights are violated.

⁴ Comments of the Greek Authorities on the Draft Report of the Commissioner for Human Rights of the Council of Europe following his visit to Greece, on 8-10 December 2008) in Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Following his visit to Greece on 8-10 December 2008, Issue reviewed: Human rights of minorities, <https://wcd.coe.int/ViewDoc.jsp?id=1409353>