

Summary of Points

EIN briefing to the Committee of Ministers on 22 November 2019

The following recommendations were presented at the briefing by:

- 1) Dr Mine Yildirim, Head of the Freedom of Belief Initiative, Norwegian Helsinki Committee
- 2) Ms Ramute Remezaite, Legal Consultant, European Human Rights Advocacy Centre
- 3) Mr Panayote Dimitras, Executive Director, Greek Helsinki Monitor
- 4) Ms Amrit Singh, Open Society Justice Initiative

(1) CUMHURİYETÇİ EĞİTİM VE KÜLTÜR MERKEZİ VAKFI GROUP, ZENGİN HASAN AND EYLEM GROUP v TURKEY (32093/10, 62649/10, 1448/04)

Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey

The Committee of Ministers is invited to ask the Turkish authorities to ensure that:

- A non-discriminatory process is put in place about acquisition of place of worship status and ensuing benefits;
- The status of any steps that are planned or are being taken about the implementation of this judgment are made public;
- They engage in an inclusive and open process of consultation;
- They provide a new Action Plan, laying out plans to bring about these changes.

Hasan and Eylem Zengin v. Turkey & Mansur Yalçın and Others v. Turkey

The Committee of Ministers is invited to bring the Zengin group of cases under enhanced supervision and to ask the Turkish government to:

- Continue efforts to bring the content of the lessons in line with ECHR criteria;
- Until then, immediately, implement non-discriminatory exemption.

İzzettin Doğan and Others v. Turkey

The Committee of Ministers is invited to ask the Turkish authorities to ensure that:

- Draft legislation to enable religious or belief communities to acquire legal personality;
- Ensure that principles of equality and neutrality are observed in public services and the allocation of public funds for religious services;
- Take measures to address the restrictions on the right to freedom of religion or belief of the Alevi community, including the lifting the prohibitions on the use of religious titles and recognizing the status of cemevis;

(2) RASUL JAFAROV V AZERBAIJAN and ALIYEV V AZERBAIJAN (Applications No 69981/14 and No 68762/14), parts of ILGAR MAMMADOV GROUP V AZERBAIJAN (Application No 15172/13),

General Measures:

The Committee of Ministers is invited to ask the authorities from Azerbaijan to ensure that a favourable legal and political environment is created for human rights defenders to effectively and freely exercise a right to freedom of association and to operate without any hindrance. To that end, laws and practices relating to the status and registration of NGOs and NGO grants should be reformed.

Individual Measure: Intigam Aliyev

- Request for an update on the status of the proceedings before the Supreme Court (to be concluded by 12 December 2019);
- Re-examination of his case to be conducted in a fair and transparent manner, in line with European fair trial standards;
- Travel ban lifted immediately and unconditionally;
- The Government should be required to provide the CM with copies of the instructions to the banks to release the bank accounts;
- Request the Government to confirm which ECtHR cases each payment made to Mr Aliyev relate to.

Individual measures: Rasul Jafarov

- Payment without delay of the remaining part of the compensation and interest on the late payments;
- Request the Government to provide an update on the status of the proceedings before the Supreme Court (to be concluded no later than 3 months after the receipt of the ECtHR decision, in this case, by 12 December 2019);
- Re-examination of the case shall be conducted in a fair and transparent manner, in line with European fair trial standards.

(3) SAKIR GROUP v GREECE (48475/09), and HOUSE of MACEDONIAN CIVILIZATION AND OTHERS v GREECE (1295/10),

Sakir group v Greece

The **Committee of Ministers** is invited to ask **Greece** to:

Individual measures concerning the Gjirkondi case

- Reopen the three other procedures for which the applicants alleged violations.
- Request from the **Prosecutor of the Court of Cassation** to move for the annulment in part of the acquittal judgment.
- Offer the relatives of the victim a written apology as a measure of moral compensation.

General measures

- Amend anti-racism Law 927/79 so as to implement the recommendations of **ECRI**, **UN HRCttee** and **UN CERD** to criminalize racist insults and defamation, as well as the public dissemination, public distribution, production or storage of racist material.
- Intensify its measures to strengthen the application of anti-racism provisions, including through regular mandatory pre-service and in-service training on the legal framework governing anti-discrimination and on the investigation of complaints of hate crimes, especially for police, prosecutors, the judiciary and lawyers..

- Improve data collection, including analyses by Prosecutor Offices, by nature of the charges pressed, and of the crimes for which acquittals or convictions have been issued, as well as specify if they concern first instance judgments or are final upheld on appeal.
- Cooperate with civil society organizations that file complaints for alleged racist crimes both in data collection and with making them members of related working groups or the two national commissions for human rights and against racism (Note: **GHM** is not a member in either), including by promptly providing them with related information they have on file.
- Request from the **Prosecutor of the Court of Cassation** to seek available remedies against archiving decisions or judgments that lead to non-prosecution or acquittals for manifestly evident racist crimes, as well as against the failure to invoke a racist motive when it is manifestly evident, even in convictions.
- Set a 2020 deadline for the submission of information regarding the implementation of the above recommendations, taking into consideration the anticipated **ECRI** contact visit in 2020 for the preparation of **ECRI**'s 6th cycle country monitoring report on **Greece**.

House of Macedonian Civilization

The **House of Macedonian Civilization** urges the **Committee of Ministers** to:

Join the **House of Macedonian Civilization** and the **Bekir-Ousta group of cases**

- Urge the government to seek from the **Supreme Court** the annulment of the judgment that refused its registration for a third time.
- Also recommend to the government as an alternative that **Greece** replace the court registration of associations with **ECHR**-compliant government registration authorities.

(4) EL-MASRI v NORTH MACEDONIA (39630/09)
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The Justice Initiative respectfully requests that the CoM continue to keep this case under enhanced supervision and call upon the North Macedonian authorities to conduct an effective investigation capable of leading to the identification and punishment of individuals responsible for violating Mr. El-Masri's rights.

Towards this end, the North Macedonian government should:

- Create an effective National Commission of Inquiry that can recommend criminal investigations and bring about the prosecution of those responsible for the violation of Mr. El Masri's rights under the Convention.
- Ensure that this Commission complies with international and regional best practices and possesses appropriate powers, a comprehensive mandate, independent members, and an adequate budget.
- Remove the statute of limitations with respect to claims of grave violations of the Convention including torture and ill-treatment.