

## **Minority Rights in Greece**

by the Greek Helsinki Monitor, September 1999

### **Part I: Introduction**

1. Greece signed the Framework Convention for the Protection of National Minorities (hereinafter referred to as the Convention) in Strasbourg on September 22, 1997. The Convention has not been ratified yet. Protection of minority rights is now guaranteed by the International Pact on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the European Convention for the Protection of Human Rights and Fundamental Freedoms and other international treaties. Ratified international instruments take precedence over other Greek law as per Article 28.1a of the constitution (“The generally recognized rules of international law, as well as international conventions as of the time they are sanctioned by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law.”). Otherwise, the only constitutional provision that implicitly refers to minority rights is Article 5.2 on non-discrimination (“All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs. Exceptions shall be permitted only in cases provided by international law).

2. Greece is a unitary state. “The official ideology of the Greek State has been built almost exclusively around the concept of a single nation, with a common creed and language. This incontrovertible fact is reflected in, amongst other things, all the constitutions by which the country has been governed in its 160-year history, including the one currently in force” (Stavros, 1996:117). Thus, the Greek state has been acknowledging the existence of only one, religious in character, minority, that of the Muslims of Thrace whose rights have been guaranteed by the 1923 Treaty of Lausanne. No other minority is acknowledged. The Greek state argues that it fully respects the rights of the Muslim minority, implicitly accepting though past discrimination: “The basic guiding principles of the policy followed by Greek Governments in recent years, vis-a-vis the handling of minority issues have been those of moderation and consensus. This is especially true since 1991, when the Government solemnly reaffirmed the principles of “isonomia” i.e. *equality before the Law* and “isopoliteia”, *equality of civil rights*, in the relation between Christians and Moslems. These views are also shared by Non-Governmental Organizations which closely follow developments in the minorities field. The whole issue is being handled as belonging to domestic affairs” (<http://www.mfa.gr/foreign/musminen.htm>). It need be noted, however, that there is no genuine NGO that shares that view of the government.

3. Reality is different though. “Minorities existing today in Greece (...) [fall into] two main categories: first, those bearing one major distinctive feature (religion, language, cultural ties) and second, those which are more complex in character, namely presenting more than one major difference with regard to the rest of the population (the majority). In the first category we may clearly include Catholics, Protestants, Jehovah’s Witnesses (all religious minorities) and the Arvanites [and the Vlachs] (linguistic minorit[ies]). In the second category we may include all those who are traditionally linked with ethnic origins other than the predominant Hellenic origin: Muslim Turcophones, Pomaks, Gypsies, Slavophones and Jews.” The quote comes from a study by Professor Christos Rozakis, currently vice-president of the European Court of Human Rights and at the time of its publication Deputy Foreign Minister (Rozakis, 1996:101 –we have added the Vlachs whom the author omitted in that paragraph but clearly identified elsewhere in the study, in p. 99). “The category of minorities existing in Greece today are easily discernible, mainly though their collective activities, their distinctive presence in some parts of the country, or even the presentation of their claims before public and other competent for a. What is not easily discernible is the exact number of members belonging to each one of them. This phenomenon is due to the fact that, unlike the 1951 census, more recent censuses have not addressed issue of national/ethnic origin, language and religion. (...) It may be assumed that this attitude of not including questions in recent censuses about even the linguistic and religious preferences of the population is consistent with a more general policy to discourage discussion on issues concerning ethnic, linguistic, or religious differences in Greek society” (Rozakis, 1996:98).

4. The state has recently revised downwards its estimate of the Muslim minority, based on the 1991

census, to 98,000 from a previous estimate of 120,000; it also claims that “50% of the minority are of Turkish origin, 35% are Pomaks (an indigenous population that speaks a Slavic dialect and espoused Islam during Ottoman rule) and 15% are Roma” (<http://www.mfa.gr/foreign/musminen.htm>). Our own estimates, based on the same census, are slightly lower, while the breakdown is also slightly different. There are 90,000 Muslims, of whom some 50,000 have Turkish as a mother tongue, 30,000 Pomak and 10,000 Romanes. Nevertheless, the very large majority of all Muslims, including Pomaks and Roma, have today a Turkish national identity. Greek authorities were promoting a Turkish identity in the early 1950s: they banned the use of the attribute Muslim and imposed instead the attribute Turkish as well as Turkish-language education to all Muslims. This policy contributed significantly to the assimilation of most Pomaks and Gypsies by the Turkish dominant element in the Muslim minority. However, since the 1980s, not only have Greek authorities been denying the Turkish identity but they have also often persecuted and prosecuted it. This has led to the creation of a climate of mutual suspicion and recrimination, between the minority and the state. It is indicative that, when in the 1990s, Greek authorities attempted to acknowledge the multi-ethnic character of the minority and to promote the Pomak identity, promising substantial rewards to those who would assume such identity, they were met with the hostility of most Pomaks who felt, correctly, that it was an effort of “divide and rule.”

5. Whereas, concerning the Muslims, the controversy relates to the character and the identity of the minority, when dealing with the Macedonians, there is a near unanimity in denying the very existence of any such minority, and supporting the persecution if not the prosecution of such claims. The matter is certainly more complex here, as the majority of the Greek citizens who grew up in what is usually called “Slavophone” or “bilingual” families have today a Greek national identity, as a result of either conscientious choice or coercion of their ancestors, in the first half of the twentieth century. A second group is made up of those who seem to reject any national identity (Greek or Macedonian) but have distinct ethnic identity, which they may call “indigenous” –*dopia-*, Slavomacedonian, or Macedonian. The smallest group is made up of those who have a clear Macedonian national identity and consider themselves as part of the same nation with the dominant one in the neighboring Republic of Macedonia. A crucial element of that controversy is the very name Macedonian, as it is also used by a much more numerous group of people with a Greek national identity to indicate their regional identity: it is this controversy that has also led, under Greek pressure, to the international recognition of the state of Macedonia with the provisional name of “Former Yugoslav Republic of Macedonia” (FYROM). Local authorities have acknowledge the presence of some 100,000 “Slavophones,” while researchers have given twice as high as estimate (200,000). However, those with a Macedonian national identity can be estimated to between 10,000-30,000. Indeed, the political party “Rainbow” which was created in 1994 and has campaigned for the recognition of a national Macedonian minority, received 7,300 votes in 1994 and 5,000 in 1999, two elections it contested alone: these figures correspond to some 7,000-10,000 citizens of all (not just voting) ages. One can estimate that besides this “hard core” there may be other citizens voting for mainstream parties that also espouse this identity, hence the above estimate.

6. The combined figures for those with a non-Greek national identity indicate that they do not exceed 1% of the 11 million population. Besides that, there are some numerous groups of Roma, Arvanites/Arberor, Vlachs/Aromanians and few Meglenopromanians, and a small number of Jews. No one among them proclaims nowadays a non-Greek national identity: whereas a few among them have what can be described as a corresponding ethnic identity, along the national Greek one, the vast majority are fully assimilated, not even maintaining (for the non-Roma) their mother tongue. The Greek state has acknowledged the presence of some 300,000 Roma (independent estimates put them at 350,000), while researchers estimate the number of those who grew up in Arvanite or Vlach families to 200,000 for either group. Jew are estimated at 5,000. There are also traditional populations of Jehovah’s Witnesses (estimated with all family members at 70,000), Catholics (est. 50,000 of which some 5,000 of Eastern Rite), and Protestants (est. 25,000). The Old Calendarists are far more numerous but no estimates are available, and they differ only in the fact that they belong to an administratively non-recognized Orthodox Church (the officially recognized one is New Calendarist). The most numerous group though is that of the usually recently arrived (during the 1990s), mostly illegal immigrants, estimated even by state authorities to around 700,000 people, of which some 220,000 were in 1999 in the process of being legalized. So, among the residents of Greece, 7% have a non-Greek national identity and another 7% have a Greek national identity but also an ethno linguistic and/or religious specificity.

7. Greece, like all other Balkan countries, has traditionally followed assimilatory policies and/or has discriminated against its citizens with a minority religious, ethnonational or ethnolinguistic identity. This despite the fact that almost all international treaties since Greek independence in 1830 included clauses for the

protection of its minorities. The (Balkan or World) wars of this century, along with the resulting bilateral agreements with Bulgaria and Turkey to exchange the respective minority populations, contributed to the substantial cleansing of the current territory of the Greek state from most of its non-Greek populations, just as the territory of the other states of the peninsula was cleansed from the corresponding minority populations. Some 106,000 Muslims were left in Thrace (North-Eastern Greece) in exchange for some 110,000 Greeks who were left in Istanbul and two islands, on the basis of the 1923 Treaty of Lausanne, which had called for the exchange of all other Muslims of Greece with Orthodox Christians of Turkey. The 1928 census acknowledged the presence of some 82,000 Slavomacedonians, who at the time were perceived (and sometimes perceived themselves) as Bulgarians. It also mentioned 20,000 Aromanians, for whom Romanian-funded schools were allowed to function but were widely snubbed by the community. As well as 63,000 Sephardic and 9,000 Greek Jews (mostly annihilated by Nazi Germany). Plus 31,000 Armenians (most went to Armenia after 1946). Also 19,000 Muslim Chams (they fled to Albania in the end of the Second World War to avoid collective persecution for the collaboration of many of their leaders with the occupation forces). Finally 28,000 Catholics and 30,000 others, which led to a –vastly underestimated- 6% of the population officially acknowledged as not being Orthodox Greeks (Mavrogordatos, 1983:227).

8. The issue of minorities has remained very sensitive in Greece, as –if not more than- elsewhere in the Balkans. Acknowledging the presence of Turks, let alone Macedonians, in the country is widely perceived as a near-treason, and may lead to castigation, persecution or even prosecution of those who make such arguments. It is characteristic that even most of the –mere handful of- scholars like who mention the presence of such minorities feel compelled to use the terms “Turcophones” or “Slavophones” rather than Turks or Macedonians (Rozakis, *op.cit.* and Kourtovik, 1997 –the latter is a human rights activist and has even been the lawyer of many minority activists). Or, they call Greece’s neighbor “state of Skopje” (London School of Economics Professor Nikos Mouzelis in “The pluses and minuses of Greek democracy” –“To Vima” 15/8/1999). Just as almost all media, politicians and intellectuals have constantly been referring to the “Albanophones” of Kosovo, even if the Belgrade regime, including Milosevic himself, calls them “Albanians.” In fact, when foreigners use any one of those three “inappropriate terms” they are frequently “corrected” or “edited” –with the use of quotation marks- in the television translation, the newspaper story, or even the scholarly publication. This happens almost always with the term Macedonia and Macedonians, near always with the Turkish minority and frequently with the Kosovo or Macedonia’s Albanians.

9. This sensitivity became evident in late July 1999, when, suddenly and for the first time in its modern history, there was a debate on the possible modernization of the country’s minority and citizenship policies. Under the impetus of Foreign Minister George Papandreou, a renowned supporter of multiculturalism, public opinion was informed that Greece was finally moving towards the application of the internationally-accepted norms for national minorities. In repeated interviews (Papandreou, 1999a,b&c), Papandreou said that the country had nothing to fear from the right to self-identification of its minority citizens: “If a Greek citizen feels that he belongs to some ethnic group, international treaties allow this. And Greece is a country that respects international agreements. (...) No one challenges the fact that there are [in Greece] many Muslims of Turkish origin. Of course, the [Lausanne] treaties refer to Muslims. If the borders are not challenged, it concerns me little if someone calls himself a Turk, a Bulgarian or a Pomak. (...) Whoever feels he has such a [Macedonian] origin, Greece has nothing to fear from it and I want to stress this is not just my thought. It is a well-established practice that allows the integration of minorities throughout Europe, as well as in other countries like Canada, Australia, and the USA. Such an attitude defuses whatever problems might have existed, allows the real blossoming of democratic institutions, as well as gives these people the feeling that they too are citizens of this country.” At the same time, the Ministry of the Interior leaked to the media a plan to radically change the citizenship policy, so as to allow immigrants, after some years or residence, to qualify for it, without excluding, as was the case until now, those from neighboring countries or of a Muslim faith. Even the thorny issue of allowing the return of ethnic Macedonian political refugees, who fled as a result of the civil war in the late 1940s and banned from Greece since then, was to be finally settled. Coincidentally, a few days before the Papandreou statements, a public appeal for the recognition of a Macedonian and a Turkish minority, the unconditional ratification by Parliament of the Council of Europe’s Framework Convention for the Protection of National Minorities, and the respect of these minorities’ rights was made by the three Turkish minority deputies in the Greek Parliament, three Macedonian, seven Turkish and three human rights NGOs (including GHM and MRG-G which initiated the appeal).

10. The reaction to these three cases showed how, in Greece but probably everywhere else in the Balkans,

public opinion but also opinion leaders consider such policies inapplicable or undesirable. First, there was a near unanimous verbally violent reaction to the appeal, enriched with xenophobic and other hate speech and even some defamatory personal attacks against the signatories. Papandreou aptly called these reactions “harsh, an indication of fear and panic.” His statements, as well as the coverage of the attempts to change the citizenship policy, were also met with similar harsh reactions. The reputed as authoritative morning dailies, in their editorials, called the Minister’s statements “a lapse” (pro-opposition “Kathimerini” 30/7) and an attitude of “submissiveness” (pro-government “To Vima” 30/7). The latter elaborated further: “There could not be even one Greek citizen, however conciliatory, ready to even discuss the presence or racial [*sic*] minorities. The Greek people is one and indivisible. With various religious beliefs that do not however affect the unity of the total population. The government should immediately rectify a lapse, even involuntary, that gestures obvious and less obvious dangers.” While a column by Stavros Lygeros on “The sorcerer’s apprentices” in “Kathimerini” added that “George Papandreou is expressing a whole attitude that seems to prevail in the Simitis government circles. The view that minorities should be recognized, as well as the view that citizenship should be granted to the economic migrants, stems from the same attitude. Basically it is a naive, but nationally dangerous attempt to apply half-baked ideology. With parochial fanaticism they are trying to apply the model of the multicultural society in a national state. Yet Greece is not a country that was created by immigrants, like the United States and Australia, nor is it a former empire, like Britain, which incorporated some of its former subjects. After all, these countries don’t recognize minorities. Greece is the country of an historic nation, which lives in a region full of ethnic prejudice and disputes and which has to face direct threats. That’s why it can’t afford to have sorcerer’s apprentices at the helm.” Many leading politicians called for Papandreou’s resignation while there were even voices which called him a “minister of Ecevit [Turkish PM] and Clinton” [President of the US which is supposed to mastermind the stirring up of minority problems in the Balkans so as to subsequently then exploit them as it did in Kosovo]. Closing the debate, Papandreou gave an accurate albeit optimistic description of the situation: “Greece has gained a new self-confidence and has nothing to fear. The intensity of the opinions expressed is unrelated to the country’s official policy; it rather reflects the perception of society and political parties on minority issues. I am thus glad that a fertile debate on this issue has started.” As it will be abundantly shown in this report, this old-fashioned and intolerant perception dominates the daily practice which then runs counter to the, new, official policy.

11. Max van der Stoep, OSCE High Commissioner on National Minorities, contributed to the debate on 23 August 1999 with the following substantial and meaningful statement (<http://www.osce.org/inst/hcnm/news/stat-hcnm-99.htm>). “In the last few weeks, a number of requests have reached me to give my opinion on the ongoing discussion in Greece regarding the question of national minorities. In that light I should like to make the following comments. On 28 June 1990, the then Government of Greece, led by Mr. Constantine Mitsotakis, together with the governments of the other states participating in the OSCE, agreed to the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE. The Copenhagen Document commits governments i.a. to provide persons belonging to national minorities the right freely to express, preserve and develop (individually as well as in community with other members of their group) their ethnic, cultural, linguistic and religious identity and to maintain and develop their culture in all its aspects, to profess and practice their religion, and to establish and maintain organizations or associations. The discussion in Greece during the last few weeks on the subject of national minorities gives me the impression that there is a certain confusion about the commitments contained in the Copenhagen Document. Some comments give the impression that the recognition in the Copenhagen Document of the right of persons belonging to national minorities freely to express, preserve and develop their ethnic, cultural, linguistic and religious identity is tantamount to recognizing the right of self-determination of persons belonging to national minorities. In reality, however, these are two completely different concepts. The right of self-determination relates to the status of territory. In this relation paragraph 38 of the Copenhagen Document makes it clear that none of the commitments mentioned in the Copenhagen Document may be interpreted as implying any right to engage in any activity or any action in contravention of the principle of territorial integrity of States. This means for instance that a State with a population which has predominantly the same ethnicity as that of an ethnic minority in another State will never be able to refer to the commitments contained in the Copenhagen Document as a justification for territorial claims against the State which has such a minority living on its territory. The Copenhagen Document makes it clear that the principle of respect for territorial integrity prevails. Similarly, an ethnic minority will not be able to interpret the commitments of the Copenhagen Document as a justification for efforts to secede. In other words: the right of persons belonging to national minorities to express, preserve and develop their identity is to be exercised within the existing boundaries of the

State. Paragraph 35 of the Copenhagen Document does refer to the formula of territorial autonomy “as one of the possible means” to create conditions for promotion of the identity of persons belonging to national minorities. However, territorial autonomy is mentioned as an option, not as a right or an obligation. A second misunderstanding is that in order to acquire or enjoy the rights mentioned in the Copenhagen Document a minority will have to be formally recognized by the State. The Copenhagen Document makes it clear that this is not necessary. Paragraph 31 states: “persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law.” The same principles of non-discrimination and equality before the law apply pursuant to Article 14 of the European Convention on Human Rights. However, when an association of persons belonging to a national minority wants to acquire legal personality for purposes of enjoying one of their enumerated rights, Greek law obliges them to be registered. But the requirements for registration cannot be different from those for associations not composed of persons belonging to national minorities. To require otherwise would constitute a violation of the principle of non-discrimination. Nor can registration be refused because of the mere fact that it is an association of persons belonging to a national minority; this would be a violation of the commitments of the Copenhagen Document as well as a violation of Article 11 of the European Convention on Human Rights and Article 12 of the Greek Constitution regarding the freedom of association. On the other hand, Article 105 of the Greek Civil Code opens a possibility to dissolve any association with aims different from those laid down in its memorandum of association or if its object (or actions) proves to be contrary to the law. Finally, there seems to be confusion about the relationship between the Treaty of Lausanne of 1923 and the Copenhagen Document. The Treaty of Lausanne (Article 45) deals with the religious rights of the “Muslim minority” in Greece. But that does not mean that the Copenhagen Document has no relevance for persons belonging to the Muslim minority in Greece. Within the wider religious group, there are smaller groups with an ethnic or linguistic identity of their own, such as Turks, Roma and Pomaks to which the provisions of the Copenhagen Document do apply.”

## **Part II: On the Framework Convention for the Protection of national Minorities**

### **Article 1**

**The protection of national minorities and of the rights and freedoms of persons belonging to these minorities forms an integral part of the international protection of human rights and as such falls within the scope of international cooperation.**

Regarding the protection of the rights of minorities and of persons belonging to minorities, Greece cooperates with international organizations of which it is a member: United Nations, European Union, Council of Europe, OSCE, ILO and UNESCO. Greece is a contracting party to the following treaties which deal with protection of minorities:

International Covenant on Civil and Political Rights (ratified in 1997)

International Covenant on Economic, Social and Cultural Rights (ratified in 1985)

International Convention on the Elimination of All Forms of Race Discrimination (ratified in 1970)

Convention on the Prevention and Repression of the Crime of Genocide (ratified in 1954)

Convention on the Rights of the Child (ratified in 1992)

Convention on the Elimination of All Forms of Discrimination of Women (ratified in 1983)

Convention concerning Discrimination in Respect of Employment and Occupation (No. 111, ILO) (ratified in 1984)

European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified in 1974)

European Convention on Torture and Inhuman and Degrading Treatment (ratified in 1993)

European Social Charter (ratified in 1984)

Framework Convention for the Protection of National Minorities (signed in 1997, ratification announced for late 1999)

European Charter of Regional or Minority Languages (not signed nor ratified).

## Article 2

**The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighborliness, friendly relations and co-operation between States.**

Application is irrelevant as Greece has not ratified the Convention. On the prevailing spirit, which is characterized by widespread absence of understanding and tolerance, see Part I.

The rights of minorities in Greece as well as of the Greek minorities in neighboring countries depend to a large extent on the relations between Greece and the states that can be considered “kin” to its minorities or host Greek minorities. “It is not surprising that the latter school [of thought, respecting the Muslim minority’s Turkish character] flourishes in the rare periods of *rapprochement* between the two countries and when enlightened Greek governments understand that the interests of the country are really best served by a full-fledged protection of its minorities and a well balanced policy towards them” (Rozakis, 1996:105). This was last achieved in the 1950s for the Turkish minority.

Another indicative case is that of the Greek minority in Albania. Greek-Albanian tensions had led to the lowest level of protection of this minority’s rights in the mid-1990s; very warm bilateral relations in the late 1990s, on the other hand, have brought state harassment of and discrimination against the minority to an end, and facilitated the participation of some of its members and of its political party in the government.

## Article 3

**Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.**

Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

There is no formal legal definition of national minority or simply minority in Greece. However, Greek laws use the terms *omogenis* (designating national or ethnic Greeks) *allogenis* (for non-national or non-ethnic Greeks). “In 1981, the Council of State, being the highest administrative court in Greece, issued a noteworthy decision (...) [in which it] considered that an *allogenis* is a person who is born of non-ethnic Greek parents and has demonstrated a lack of Greek national conscience, not having been assimilated to the Greek nation, which is composed of all those who are tied together by common historical traditions, aspirations and ideals” (Stavros, 1996:119).

Such *allogenis* Greek citizens could, among other things, have been stripped of their citizenship if they settled abroad, on the basis of Article 19 of the Citizenship Code (the article was abolished in 1998). While *omogenis* who were citizens of other countries could acquire Greek citizenship, on the basis of Article 6 of the same Code, very swiftly, unlike other non-ethnic Greek applicants. This distinction has been used by many to argue that in fact, contrary to official policy, Greece does recognize the existence of ethnic if not national minorities on its territory. Whereas the bulk of the 60,000 people who lost their citizenship under Article 19 -between 1955 and its abolition in 1998 (data provided by then Minister of Interior Alekos Papadopoulos, “Avghi” 24/1/1998)- have belonged to the “Muslim minority,” this article is known to have been applied also to Macedonians, Jews, and Aromanians, implicitly acknowledging the at least ethnic minority status of the

respective groups.

Otherwise, Greek authorities state that there exists only one minority, the Muslims, protected by the Treaty of Lausanne. They intend to apply the Convention only to that minority. The bulk of this minority lives in Thrace (Northeastern Greece); some live in the Dodecanese islands (Southeastern Greece), annexed in 1947, while a few others have recently migrated to other areas. It is noteworthy that the Supreme Court ruled with decisions 738/1967 and 1723/1980 that the provisions of the Treaty do not apply to the Muslims of the Dodecanese, but they apply to Muslims living elsewhere in Greece, including in Athens, in an obvious violation of Article 14 of the ECHR (Skordas, 1997:171-8).

Other linguistic or ethnic groups not officially considered national minorities are the Roma, the Arvanites, the Vlachs (spread around the country), the Macedonian-speakers (throughout Macedonia in Northern Greece) including the ethnic and national Macedonians (mostly in Western Macedonia), and the small number of Jews (living mostly in Greater Athens). There are of course numerous foreign immigrants (two thirds of them are Albanians) who are spread around the country. For more on these groups see Part I.

The National Statistical Service has been carrying out censuses every ten years and has not included any questions allowing to count such minorities since 1951, neither does it plan to include them in the next census of 2001.

Given official Greek policy, and the general situation described in Part I, persons belonging to the Macedonian and the Turkish national minorities do not have the right to freely choose to be treated as such, and many disadvantages may result from such choice or from the exercise of the rights which are connected to that choice. Moreover, in many cases, they cannot exercise these rights and enjoy the related freedoms in community with others.

Conversely, Greek authorities often tend to impose a Pomak identity on members of the "Muslim minority" that live in traditional Pomak villages, while denying them the right to choose to be treated as Turks. In the mid-1990s, there have been reported, among other things, some incidents of elected commune presidents or mere residents of Pomak villages insisting on their Turkish identity in the presence of visiting state dignitaries who called them Pomaks and considered the Pomaks' attitude disrespectful if not provocative. In the late 1990s, state dignitaries tend to visit only the handful of Pomak villages whose population is willing to call themselves Pomak.

Individual and associations calling themselves Macedonian or Turkish (and in one case Armonian) have been repeatedly the objects of persecution, disciplinary action, prosecution, prison sentences, non-registration and dissolution.

Two Macedonian activists, Christos Sideropoulos and Tasos Boulis, were convicted in Athens, on 1/4/1993, of "disseminating false information and attempting to incite citizens to commit acts of violence upon each other" (Article 191 of the Penal Code) for having declared in an interview to the weekly magazine "Ena" (issue of March 1992) that they feel Macedonian and that there is a Macedonian minority in Greece. They were sentenced to five months in prison and 100,000 drs. (then about \$440) fine and were set free on appeal. The appeal court in Athens, on 28/1/1994, dropped the charges because an amnesty clause in law 2172/16-12-1993 prescribed all crimes by the press still pending at the penal or civil courts.

Christos Sideropoulos participated in the CSCE meeting in Copenhagen in 1990 and reported there about human rights violations against ethnic Macedonians in Greece, referring to himself as "Macedonian". In 1994, he was charged with violating article 191.1 of the Greek Criminal Code for "disseminating false information, which can cause disruption of the international relations of Greece. Greek Helsinki Monitor observed the trial of Christos Sideropoulos and concluded that there were significant contradictions with the indictment and the newspaper article on which it was said to be based. GHM also noted that the prosecution was actually based on a document classified as secret by the Greek Foreign Ministry and which was not made available to the defendant. This fact, according to Greek Helsinki Monitor, watered down the attempts of the Greek government to distance itself from the prosecution by claiming that it was an act of the independent judiciary, the opinions of which were not necessarily identical with those of the government. Moreover, the prosecution against Sideropoulos should have been legally inadmissible because Article 6 of the Greek Penal Code states that a Greek citizen can be prosecuted for a criminal act committed in a foreign country only if this act is punishable under the laws of that country, or there is "an application from the government of the country

wherein the misdemeanor was committed". In addition, Sideropoulos' right to legal defense was curtailed due to the denial of lawyers in Florina to take up his defense. Eventually, in 1995, the charges were dropped as inadmissible on the basis of Article 6.

The "Home of Macedonian Civilization" first filed for registration in April 1990. The request was rejected by the Multi-Member First Instance Court of Florina (73/296/26/1990); the Court of Appeals of Salonica (1558/1990); and the Supreme Court (795/1994). The European Court of Human Rights (case of Sideropoulos et al.), on 10/7/1998, convicted Greece for the violation of freedom of association (Article 11 of the relevant European Convention). The most important argument of the Court decision was its position towards the Greek courts' and state's view that the Home of Macedonian Civilization was not allowed to be established as its founding members did not aim simply at a cultural activity but at supporting the view that there is a Macedonian minority. The latter's alleged "non-existence" was "documented" by the Greek courts and state with evidence full of "scholarly" quotes even from texts dating from the Nazi occupation period: "a guide to Salonica written by German historians and archaeologists during the last world war states that..." Such minority was considered by the courts "ethnologically non-existent and historically repulsive." In countering such arguments, the European Court mentioned the binding character for Greece of the OSCE documents which the country has signed and which have usually been considered merely declaratory and without any legal value. The Court stated that the aims of the Home were "clear and legitimate" and added: "Even supposing that the founders of an association like the one in the instant case assert a minority consciousness, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Section IV) of 29 June 1990 and the Charter of Paris for a New Europe of 21 November 1990 – which Greece has signed – allow them to form associations to protect their cultural and spiritual heritage." The "Home of Macedonian Civilization"'s registration was subsequently pending before the courts by mid-1999.

Two Turkish activists, the late Sadik Ahmet –independent deputy of the Greek Parliament (between June 1989- November 1989 and April 1990-September 1993)- and Ibrahim Serif (subsequently elected mufti of Komotini in 1990) were convicted on 25/1/1990, for "causing and inciting citizens to commit acts of violence upon each other and disturbing the peace through disharmony among them" (Article 192 of the Penal Code). In October 1989, while campaigning for parliament along with Ismail Molla who was subsequently elected deputy and thus had immunity from prosecution, they had distributed leaflets that spoke of "Turks," "Turkish Muslims," and the "Turkish Muslim minority of Western Thrace."<sup>1</sup> They were sentenced to 18 months in prison each, with an almost unprecedented adjoining court decision to deny the possibility of to buy out the sentence or be set free pending appeal. They were thus imprisoned from January to March 1990. On 30/3/1990, the Court of Appeals of Patras upheld the verdict, reduced the sentences to 15 months for Ahmet and 10 months for Serif, convertible into fines: they paid and walked free. On 15/2/1991, the Supreme Court rejected their appeal. The court ruled that, "In this manner the appellants had deliberately attempted to describe as 'Turks' the Greek Muslims of Southern Rodopi....moreover, they knew that there was no Turkish minority in Western Thrace...."<sup>2</sup> Ahmet then applied to the European Commission of Human Rights, which declared his case partially admissible in 1994. In April 1995, the commission in its Article 31 report declared that Greece had violated Ahmet's right of free expression under Article 10 of the European Convention on Human Rights and forwarded the case to the European Court of Human Rights. On November 15, 1996, however, the court dismissed the case because Ahmet had not exhausted domestic legal remedies (i.e. had not argued that his case was a violation of freedom of expression before the Greek courts).<sup>3</sup>

In the 17 November 1989 issue of "Güven", Sadik Ahmet published an article alleging discrimination against and repression of the minority, which he called Turkish. The prosecution engaged against him was held up because of his parliamentary immunity between April 1990 and September 1993. He was indicted for causing and inciting citizens to commit acts of violence upon each other and disturbing the peace through disharmony among them. On 14 April 1994, charges were dropped because they were prescribed by a 1993 amnesty law

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<sup>1</sup>European Commission of Human Rights, Application No. 18877/91, *Sadik Ahmet against Greece, Report of the Commission*, April 4, 1995, p. 11.

<sup>2</sup>European Court of Human Rights, *Case of Ahmet Sadik v. Greece* (46/1995/552/638), Strasbourg, 15 November 1996, Internet edition, p. 11.

<sup>3</sup>"Case of Ahmet Sadik v. Greece," *Greek Helsinki Monitor, Press Release*, July 13, 1998. Greece has been convicted ten times by the European Court of Human Rights for violating the rights of minorities living within Greece, including those of Jehovah's Witnesses, Catholics, Protestants, and Macedonians.

for crimes perpetrated by the press.

On 22 November 1989, Sadik Ahmet distributed a tract alleging discrimination against and repression of the minority which he called Turkish. The prosecution engaged against him was held up because of his parliamentary immunity between April 1990 and September 1993: he was indicted for causing and inciting citizens to commit acts of violence upon each other and disturbing the peace through disharmony among them. On 14 April 1994, charges were dropped because they were prescribed by a 1993 amnesty law for crimes perpetrated by the press.

Between 1996-1998, Mr. Rashim Hid, a teacher at a minority primary school, was the object of a punitive transfer decision of the state-appointed secretary general of the region from the city of Xanthi to a mountain region of Rodopi for using the term "Turkish school" in a teachers' meeting; an administrative investigation was launched at the same time. In July 1998, after its conclusion, he was suspended for one year.

The "Union of Turkish Teachers of Western Thrace" (founded in 1936) was dissolved in November 1987 after the Supreme Court decision 1729/1987 affirmed the relevant Court of Appeals of Thrace decision 159/1986. The court held that the word "Turkish" referred to citizens of Turkey and could not be used to describe citizens of Greece, and that the use of the word "Turkish" to describe Greek Muslims endangered public order.

The "Union of Turkish Youth of Komotini" (founded in 1938) was dissolved in November 1987 after the Supreme Court decision 1730/1987 affirmed the relevant Court of Appeals of Thrace decision 160/1986. Again, the court held that the word "Turkish" referred to citizens of Turkey and could not be used to describe citizens of Greece, and that the use of the word "Turkish" to describe Greek Muslims endangered public order.

In June 1997, twelve ethnic Turkish teachers were given a suspended sentence of eight months, pending appeal, because they signed a union document that included the name of the dissolved "Union of Turkish Teachers of Western Thrace." They had been indicted under Articles 188 ("participating in an association the aims of which are contrary to criminal provisions") and 192 ("inciting citizens to commit acts of violence upon each other") of the Greek Penal Code.

On 23 April 1999, the Appeals Court of Thrace confirmed a 1986 First Instance Court verdict to dissolve the Turkish Union of Xanthi (founded in 1946) because "it created confusion on (...) the citizenship of its members whether they are Muslims with Greek citizenship or Turks in nationality and citizenship (...) and that a Greek association serves the aims of a foreign state that is the prevalence of Turkish ideals."

Sotiris Bletsas, member of the Society for Aroumanian (Vlach) Culture, was indicted because in 1995 he had allegedly distributed a publication of the European Union's Bureau for Lesser Used Languages (in which Sotiris Bletsas is the Greek "observer") which mentioned the minority languages in Greece. The prosecution for dissemination of false information (article 191 of the Penal Code) was triggered by charges pressed by ND deputy Eugene Haitidis and the prosecution's witnesses include the leadership of the Panhellenic Union of Vlach Associations. The case has not reached the courts yet.

#### **Article 4**

**1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.**

**2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.**

**3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.**

There are Greek laws that prohibit and penalize acts of discrimination. Prohibition of discrimination is

enshrined first of all in the Constitution (Article 5, paragraph 2). In addition, prohibition of discrimination and equality before the law are set out in the International Convention on the Elimination of All Forms of Race Discrimination and in the Convention which is binding and has precedence over the law.

Moreover, in 1995, a measure of affirmative action has been introduced, instituting a 0.5% university quota for students from the "Muslim minority." Minority youth has yet to make full use of these opportunities (only one third were filled up in 1997-98). But, some, sensitive, university departments have been exempted from granting such a quota.

In spite of that, discrimination is commonplace in Greece, for all national, ethnic or religious minorities. Many such cases have been mentioned elsewhere in this report. Here a few additional ones will be listed.

Article 16.2 of the Constitution states: "Education constitutes a basic mission for the State and shall aim at the moral, intellectual, professional and physical training of Greeks, the development of national and religious consciousness and at their formation as free and responsible citizens." It has been argued that this Article, just like almost all related laws, "encourage the assimilation of persons of non-Greek ethnic background" (Stavros, 1996:120). One consequence has been that, in the primary schools, non-Orthodox Greeks could not be hired, although in recent years a settlement has been reached.

Article 21.4 of the Constitution stipulates: "The acquisition of a home by the homeless or those inadequately sheltered shall constitute an object of special State care." The state has indeed and for decades provided this care to all homeless who were not Roma. For the latter, there has never been any such policy and, as a result, some 150,000 of them live in tent settlements with usually horrible conditions.

In 1999, the leaders of two minority Christian Churches confirmed the general negative climate against minority religions in Greece. "Legally, religious freedom is secure here," Antonis Koulouris, Secretary-General of the Greek Evangelical (Reformed) Church, told ENI [ENI (03.03.1999) / HRWF (06.03.1999) Website <http://www.hrwf.net>]. "But the attitude persists that citizens have a duty to be Orthodox, and that belonging to other denominations is unpatriotic and heretical." Furthermore, the Roman Catholic Archbishop of Athens, Nikolaos Foscolos, told ENI that his Church had no "official contacts" with Orthodoxy, even though its members maintained the same national traditions and had contributed significantly to neo-Hellenic culture. Among areas of "practical discrimination", the Archbishop listed Greece's armed forces, where being Orthodox was the "first requirement" for officers. "Orthodoxy is the Church of the state, so non-Orthodox are considered incompletely Greek," Archbishop Foscolos told ENI. "Although the constitution guarantees citizens the same juridical status regardless of creed, religious discrimination exists." Later, on the occasion of public opposition by nationalist and Orthodox Christian Church circles to a possible visit of the Pope to Greece to celebrate the Millennium, Archbishop Foscolos declared: "Since 1989, an anti-Catholic and anti-Pope spirit has been growing in Greece. Do not forget statements a few years ago by a Minister and Orthodox Bishops that the Pope is a war criminal. Official statements never opposed by any official government or Church authorities. (...) There is certainly a situation of oppression of Catholics in Greece. Here the principle that dominated in the medieval West, *cujus regio egius religio*, ie whoever owns the country also owns the religion, applies. For many people, Greek means Orthodox and it looks strange if someone is Greek without being Orthodox. Such mentality is nourished by both the state and the Orthodox Church. When a Catholic goes to register his child in the municipal registry, usually the employee writes Christian Orthodox without even asking. If he is told 'but I am a Catholic' he answers 'what do you mean? We will write Christian Orthodox.' We usually have to insist ..." ("Eleftherotyia" 31/8/1999). In recent year, an administrative decision had ruled that fire fighters must be Orthodox.

In the 1996 electoral campaign, political parties or politicians admitted past and perhaps current discrimination at the expense of the "Muslim minority." The Coalition issued a statement of their Central Committee on foreign policy, where it dealt with the minority in the context of fighting nationalism. There, it demanded the recognition of the right to ethnic self-determination for the minority in Western Thrace. The Coalition's electoral campaign in the area was based, among others, on this position. It gave that party its highest national percentage in the Rodopi prefecture and won a seat in the new parliament for its local candidate, Mr. Mustafa, a member of the minority -the first ever for a party of the non-socialist left. Second, the Communist Party (KKE)'s honorary president, Mr. Florakis, explained how his party raised the question during the term of an all-party government in 1990, how the problem was acknowledged by all party leaders, and how some things have changed since then, though not enough. Third, former leader of New Democracy and Prime Minister in

the period 1990-1993, Mr. Mitsotakis, referred to the abolition of discriminatory measures during his term of office and promised equality before the law for all.

Article 19 of the Greek Citizenship Code (Law 3370 of 1955) was an obvious case of discrimination. It provided that: "A person of non-Greek ethnic origin leaving Greece without the intention of returning may be declared as having lost Greek citizenship. 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 citizenship if both their parents or the surviving parent have lost it as well. The Minister of the Interior decides on these matters with the concurring opinion of the Citizenship Council." Article 19 was abolished by a parliamentary voice vote on 11 June 1998, with no retroactive effect, i.e. no right for past "victims" of that article to claim back their citizenship. When announcing the government's decision to abolish Article 19, on 23/1/1998, Minister of the Interior Alekos Papadopoulos stated that, since its introduction in 1955, 60,000 Greek citizens had lost their citizenship in application of that article; the large majority were members of the minority in Thrace.

As noted, the repeal of Article 19 did not have retroactive force. Those who have remained stateless within Greece (estimates vary between 300-1,000) or abroad (some 1,400 in Turkey and an unknown number elsewhere) and those who adopted the nationality of another country after losing Greek citizenship and having left Greece (the vast majority) have no immediate right under Greek law to regain Greek nationality. Stateless individuals have had difficulty receiving social services like health care and education and —until December 1997—were even denied the protection of the 1954 U.N. Convention Relating to the Status of Stateless Persons, which Greece ratified in 1975. As a result of pressure from NGOs and minority deputies and organizations, around one hundred ethnic Turks made stateless under Article 19 have received identity documents from Greek authorities in accordance with the 1954 Stateless Convention. In August 1998, then Foreign Minister Theodore Pangalos stated that within a year most or all of the stateless living in Greece would be offered Greek citizenship; this promise was repeated in subsequent months by then Alternate and Deputy Foreign Ministers George Papandreou and (the late) Yannis Kranidiotis. However, to date the government has taken no steps to carry out this promise. The Greek government must grant citizenship immediately to these few hundred residents (a legal obligation under Article 32 of the 1954 U.N. Convention which Greece has been disregarding) and consider additional means to redress the injustice.

Another category of Muslims was born stateless. Their ancestors moved from Bulgaria and were supposed to be Roma. Christian Roma and most Muslim Roma whose ancestors were born in Greece were granted citizenship in the 1970's (most Roma had been stateless until then). But these Roma (self-identified Turks) were forced by police to acquire expensive alien's residence permits valid only for one year: on them police authorities mentioned they were of "undefined" citizenship and of Turkish nationality (ie ethnicity). The police department of Komotini refused in 1999 to give an identity document (an obligation under the relevant UN Convention) to one of them, Mr. Durgut Sezgin, when our NGOs pointed out to him the possibility. Mr. Sezgin has been receiving threats by local police not to insist on acquiring such a document. What is more, eight months after his application and only after the Ombudsman stepped in, the police alleged that the reference to an undefined citizenship was a mistake that had supposedly being repeated for years. They claimed that Mr. Sezgin had Bulgarian citizenship, and asked him to prove that he is not Bulgarian in order to consider him a stateless person. Authorities have no document showing that Mr. Sezgin, who was born in Greece and never left it, has Bulgarian citizenship. They base their argument on birth certificates (in Greek) that his parents were made to sign, as most illiterate, Turkish-speaking Muslims do lest they run into trouble with local powerful authorities. Many Roma in Komotini and other places in Greece assimilated into the Turkish minority are being refused citizenship rights, and even the status of stateless according to the UN Convention. Mr. Sezgin is one of them. The attitude of the police towards him is typical for most of the cases. Taking advantage of the highly bureaucratic procedures, or simply denying a reasonable excuse, the lower administration blatantly violates the law and refuses to provide people like Mr. Sezgin with the necessary documents. Thus these people are officially considered non-existent and have no access to rights and benefits that are given to all other citizens. Once again, Greece is obligated not only to acknowledge the status of stateless of these people, but also grant them citizenship, in the framework of Article 32 of the UN Convention.

## **Article 5**

**1.The Parties undertake to promote the conditions necessary for persons belonging to national**

**minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**

**2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation or persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

“With one dubious exception, Greek laws appear to encourage the assimilation of persons of non-Greek ethnic background. (...) Although direct religious discrimination is not easily tolerated by the majority of the Greek courts, most notably the Council of State, there exists a number of laws which fail to take into account religious diversity. (...) The only exception to the policy of linguistic uniformity has again been dictated by foreign policy considerations. (...) It emerges clearly (...) that the enjoyment of several constitutional rights can vary depending on ethnic origin, religion and language ” (Stavros, 1996: 120-3). “The preceding analysis has indicated the rudimentary character of the protection of minorities in Greece, with the exception, of course of the Muslim Turcophones. (...) The degree of homogeneity of its society, the composition of the latter and its rather limited exposure to alien elements (...) have contributed to the creation of a low degree of tolerance and of a high degree of fear of external threats” (Rozakis, 1996:109).

Consequently, there is no policy to promote diversity and minority cultures; nor any substantial subsidies granted to minority associations. On the contrary, national Greek cultural associations in areas inhabited by non-ethnic Greeks tend to be lavishly subsidized.

Since 1996, the government has launched a program for the integration of the Roma which has though not amounted to much by mid-1999, as most tent-dwelling Roma still live in horrible camps. On 3/11/1999, in response to a MRG-G related presentation in an OSCE Implementation Review meeting, the Greek delegation described very well the situation: “This is in response to the statement by the NGO Minority Rights Group – Greece on the situation of Roma in Greece. I wish to state in all honesty that I cannot, and will not attempt to, justify the unjustifiable. Even allowing for some degree of exaggeration in the picture painted by the NGO in its statement, we do recognize that the situation of the Roma in Greece is still far from satisfactory. It is indeed unacceptable. And in our efforts to remedy the situation we have a long way to go. The Greek Government has repeatedly expressed its will to take all appropriate measures to improve the state of Roma and bring their standard of living at the same level as that of other Greek citizens. What has been hindering the efforts by the central Government is the persistent mentality of prejudice at the level of local administration and some members of the police. Of particular concern, and of course more difficult to control by the central Government, are some elected local authorities. Five years ago, in an effort to decentralize the program aiming at the improvement of the situation of Roma in the country, a City Municipality Network for Gypsy Citizens was created in Greece, with the participation of some 33 cities and municipalities. However, the system of allowing the local government to deal with the question has been found to be really ineffective. Recognizing that, the Government introduced in 1996 a Program of Social Integration of Greek Gypsies, in terms of which the central Government would exercise more control over the way the program is implemented at the local level. It is also hoped that the recently established office of Ombudsman in Greece will prove helpful, especially in fighting cases of discrimination and incidents of police brutality against Roma. I would also add that Greece takes seriously Recommendation III, on Racism and Xenophobia against Roma and Sinti, by the European Commission against Racism and Intolerance.”

Greece has what is widely considered as state religion. Its Constitution is proclaimed: “In the name of the Holy and Consubstantial and Indivisible Trinity.” Relations between the Church and the state; relations between the state church and the other Orthodox Churches; as well as even the authorized version of the “Holy Scripture” are defined by Article 3: “The prevailing religion in Greece is that of the Eastern Orthodox Church of Christ. The Orthodox Church of Greece, acknowledging our Lord Jesus Christ as its head, is inseparably united in doctrine with the Great Church of Christ in Constantinople and with every other Church of Christ of the same doctrine, observing unwaveringly, as they do, the holy apostolic and synodal canons and sacred traditions. It is autocephalous and is administered by the Holy Synod of serving Bishops and the Permanent Holy Synod originating thereof and assembled as specified by the Statutory Charter of the Church in compliance with the provisions of the Patriarchal Tome of June 29, 1850 and the Synodal Act of September 4, 1928. 2. The

ecclesiastical regime existing in certain districts of the State shall not be deemed contrary to the provisions of the preceding paragraph. 3. The text of the Holy Scripture shall be maintained unaltered. Official translation of the text into any other form of language, without prior sanction by the Autocephalous Church of Greece and the Great Church of Christ in Constantinople, is prohibited.”

Article 13 defines religious freedom: “1. Freedom of religious conscience is inviolable. The enjoyment of civil rights and liberties does not depend on the individual's religious beliefs. 2. All known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law. The practice of rites of worship is not allowed to offend public order or the good usages. Proselytism is prohibited. 3. The ministers of all known religions shall be subject to the same supervision by the State and to the same obligations toward it as those of the prevailing religion. 4. No person shall be exempt from discharging his obligations to the State or may refuse to comply with the laws by reason of his religious convictions. 5. No oath shall be imposed or administered except as specified by law and in the form determined by law.”

While these provisions do not automatically discriminate in favor of the officially recognized Orthodox Church, the related legislation and even more everyday practice does (see below).

## Article 6

**1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and cooperation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.**

**2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural linguistic or religious identity.**

**As mentioned before, there is an absence of any spirit of tolerance, respect and understanding of minorities by majorities as well as of intercultural dialog between the majority and the minorities or even among most minorities. Although acts of violence against minorities are rare, there is widespread hostility towards them by almost all, state and private, media, as well as, especially for national minorities, most intellectuals and politicians. The state has taken no protective action; nor has it included any presentation of them in the schoolbooks. Moreover, even in the universities, there is almost complete absence of any reference to minorities. While state-sponsored think tanks and even some supposedly human rights NGOs have produced negative if not hostile studies on them.**

Extensive documentation of the negative stereotypes and hate speech in the media towards national, ethnic, and religious minorities for the period 1994-1998 is available in “Balkan Neighbours” (Issues 1-8, 1995-1999, published by ACCESS, Sofia) and Mariana Lenkova, ed. “‘Hate Speech’ in the Balkans” (Athens:ETEPE, 1998). Comprehensive coverage of the very hostile reaction of Greek media to the appeal for minority rights and the Foreign Minister’s related positive declarations, already highlighted in Part I.10, can be found in a published article by Nafsika Papanikolatos “Minorities: Sacrificial Lamb at Greek Democracy's Silver Jubilee” (29/7/1999, AIM Athens, <http://www.greekhelsinki.gr/english/articles/aim29-7-99.html>).

Perhaps the most indicative case of both hostility and violence against minorities in recent years was the attack against and eventual sacking of the offices of the Macedonian minority party “Rainbow” in 1995. The perpetrators had not been brought to justice by mid-1999, unlike the “Rainbow” leaders who did face trial for the public use of their mother tongue. It is noteworthy that the witnesses of the prosecution included the local leaders of all five main Greek parties at the time (PASOK, ND, Political Spring, KKE, and Coalition); as well as leaders of professional associations (lawyers, merchants, priests, taxi drivers). Most of them, in their pre-trial depositions characterized the defendants as “paid agents of Skopjan propaganda”, “anti-Greeks”, etc. “Rainbow” opened an office on 6/9/1995 in Florina, with a sign mentioning “Rainbow - Florina Committee” in both Greek and Macedonian. On the evening and night of 13 (and early hours of 14)/9/1995, the office was attacked and eventually sacked by a ‘mob’, led by the mayor of Florina. Before the sacking, police acting on the prosecutor’s order removed the sign, while the prosecutor announced the indictment of the Rainbow

leaders for having incited discord among citizens through the use of the Macedonian language in their sign. Neither political party, nor any media condemned the sacking of the party offices. On the contrary extreme right nationalistic papers like “Stohos and Chrysi Avgghi,” whose members reportedly took part in the sacking, praised it. And the use of the bilingual sign was condemned by all mainstream political parties and other social groups: the local PASOK -socialist governing party- organization even initiated a court procedure, later withdrawn as it appeared that many signatures on it had been put without the knowledge of those concerned. The indictment said: “Vasilis Romas, Costas Tasopoulos, Petros Vasiliadis, and Pavlos Voskopoulos are responsible for, having acted jointly and in public, in any way having caused and incited mutual hatred among the citizens, so that common peace was disturbed on September 6, 1995 in Florina. Specifically, in the aforementioned place and time, as legally representing the party with the name “Rainbow” (“Ouranio Toxo”), the four defendants hanged a sign in that party’s office - in N. Hasou and St. Dragoumi streets. Among other words written therein, there were the words “Lerinski Komitet” written in a Slavic linguistic idiom. These words, in combination with the fact that they were written in a foreign language, in the specific Slavic linguistic idiom, provoked and incited discord among the area’s citizens. The latter justifiably, besides other things, identify these words with an old terrorist organization of Slavic-speaking alien nationals which was active in the area and which, with genocide crimes, pillages and depredations against the indigenous Greek population, attempted the annihilation of the Greek element and the annexation of the greater area of the age-long Greek Macedonia to a neighboring country, which at the time was Greece’s enemy.” On 15/9/1998, the defendants were eventually acquitted, partly because the trial attracted international attention. A comprehensive file of the prosecution can be found in GHM & MRG-G “Greece Against Its Macedonian Minority: The ‘Rainbow Trial’” (Athens: ETEPE, 1998). Charges pressed in 1995 by “Rainbow” leaders against suspected perpetrators of the sacking of the offices had not led to anyone’s prosecution by mid-1999.

On 11/6/1999, the private “Mega Channel” censored its mandatory pre-electoral program with presentations by small parties, by removing the “Rainbow” presentation (while keeping all other ones including the one made by the extreme-right “National Front”). The National Radio and Television Council did not take the prescribed by law sanction, while no one condemned this act of censorship.

## Article 7

**The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.**

Article 12 of the Constitution guarantees freedom of association: “1. Greeks shall have the right to form non-profit associations and unions, in compliance with the law, which, however, may never subject the exercise of this right to prior permission. 2. An association may not be dissolved for violation of the law or of a substantial provision of its statutes, except by court judgment. 3. The provisions of the preceding paragraph shall apply, as the case may be, to unions of persons not constituting an association.” Article 105 of the Civil Code though allows the dissolution of associations if it diverts from its aims or if its aims or its functioning have become illegal, immoral, or violating public order.

While reviewing Article 3 above the refusal of registration of the “Home of Macedonian Civilization” and the dissolution of the “Union of Turkish Teachers of Western Thrace,” the “Union of Turkish Youth of Komotini,” and the “Turkish Union of Xanthi” have been mentioned: the Turkish associations were dissolved according to Article 105 for endangering public order.

In October 1998 a First Instance Court in Komotini refused the registration of the “Association of Religious Clergymen of Western Thrace Holy Mosques” because of the name “Western Thrace,” which “could be interpreted as malign and intentional challenge of the Greekness of Thrace.” This was done despite the fact that there were other registered associations that included in their title that name, which has also been commonly used as a geographical term in Greece, including in official state documents.

In December 1997, the Three-Member Appeals Court of Athens (decision 10493) upheld the 1996 First

Instance Court ruling that the Greek Center for Applied Philosophy (KEFE) belonging to the Church of Scientology should be disbanded. KEFE was first dissolved officially because it had carried out business activities which were different from the goals cited in its statutes and which were illegal, given its status as an association; because the aims pursued by the church were alien to the nature and the substance of the human being as a free person; and because these aims were alien to the morals and customs of the Greek people. The court also accepted the public prosecutor's argument that the association had engaged in proselytism and spying and that the Church of Greece and the Panhellenic Parents' Union -which had asked for the dissolution- had a legal right to intervene to protect Greek Orthodox culture and religion. GHM and MRG-G concluded, among other things, that the prosecutor had failed to produce sufficient evidence on any other charges than some minor irregularities regarding financial issues, which could have given grounds only for fines.

## Article 8

**The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.**

We reproduce here a UN the report on religious freedom in Greece, which describes very accurately the situation (UNITED NATIONS Distr. GENERAL A/51/542/Add.1 7 November 1996 prepared by Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights, pursuant to General Assembly resolution 50/183 of 22 December 1995). We have appended in [...] developments following the publication of this report.

The Special Rapporteur on religious intolerance, acting within the terms of his mandate, visited Greece from 18 to 25 June 1996 at the invitation of the Greek Government. During his stay, the Special Rapporteur visited Athens (18-22 June and 25 June) and Alexandroupolis (22-24 June) in order to meet with official representatives (of, inter alia, the Ministries of Foreign Affairs, Education and Worship, the Interior, Public Administration and Decentralization, Justice and Defence, as well as the Prefect of Evros). He also met with religious and political leaders representing religious minorities, ecclesiastical authorities of the Orthodox Church, prominent individuals and representatives of non-governmental organizations, including Greek Helsinki Monitor, Minority Rights Group[-Greece], SOS Racisme, the Marangopoulos Foundation for Human Rights, the Ligue hellénique pour les droits de l'homme and Helsinki Citizens Group. He also visited places of worship. The Special Rapporteur wishes to thank the Greek authorities for their invitation. He also extends his appreciation to the various prominent representatives he met during his visit, in particular, those from non-governmental organizations. During his stay, the Special Rapporteur focused in particular on legislation in the field of tolerance and non-discrimination based on religion or belief, on the implementation of this legislation and on the policy in force.

(...) Article 13 of the Greek Constitution of 1975 guarantees religious freedom, which implies freedom of belief or freedom of religious conscience (para. 1) and freedom of worship or of the practice of rites of worship (para. 2). Freedom of belief is guaranteed to all, whereas freedom of worship, although protected by the Constitution, may be subject to certain limitations arising in particular from the status of "known religion" and from the manner in which proselytism is viewed. (a) The concept of "known religion" Article 13, paragraph 2, of the Constitution provides that freedom of worship is reserved for "known" religions. This concept of "known" religion raises a number of questions because, although the concept is not defined in the Constitution, this provision relating to it limits religious freedom. This limitation appears to be inconsistent with article 1, paragraph 3, of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which provides that "Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others." Indeed, article 13, paragraph 2, of the Constitution explicitly imposes such legal limitations (in respect of public order and morals) and applies them to all known religions. According to Greek legal practice and information supplied by the authorities, a "known" religion must have no secret dogmas and must not involve worship in secret. In the opinion of the Ministry of Justice, it must be a religion to which any person may adhere and it must be sufficiently transparent, so that it is possible to guard against religions that pose a threat to public order, morals and the rule of law. The absence of any

constitutional, legislative or other definition of the concept of known religion would appear to contravene the 1981 Declaration and the legal limitations envisaged therein and pose serious practical problems for religious minorities and for conscientious objection (see chap. II). Moreover, it should be noted that article 14 of the Constitution provides that the seizure of newspapers and other publications before or after circulation is allowed by order of the public prosecutor in case of an offence against the Christian religion or any other known religion. Accordingly, religions, which are not "known", are not covered by this provision.

Article 13, paragraph 2, of the Constitution provides that proselytism in general - theoretically with respect to any religion whatsoever - is prohibited. The Constitution does not define the concept of proselytism. According to the Ministry of Justice, this prohibition applies to proselytism of a negative sort, and not to the dissemination of religious beliefs, which supposedly makes it possible to safeguard religious freedom from any dangerous religion. The Special Rapporteur notes that proselytism is itself inherent in religion, which explains its legal status in international instruments and in the 1981 Declaration. However, proselytism is punishable under two "Necessity Acts", Act No. 1363/1938 and Act No. 1672/1939 promulgated during the dictatorship of General Metaxas (see chap. I.B, "Legislation on proselytism,") and their impact on religion in general and on religious minorities is of considerable concern (see chap. II).

Article 3, paragraph 1, of the Constitution states that the dominant religion in Greece is that of the Eastern Orthodox Church of Christ. The legal meaning of the term "dominant" is that the Orthodox faith is the official religion of Greece. This status is particularly evident in the preamble to the Constitution, the religious oath taken by the President of the Republic and members of Parliament and the inviolability of the Holy Scriptures. The preamble to the Constitution begins with the following incantatory religious declaration: "In the name of the Holy and Consubstantial and Indivisible Trinity". Article 33, paragraph 2, of the Constitution provides that, before taking up his duties, the President of the Republic must take the following oath before Parliament: "I do swear in the name of the Holy and Consubstantial and Indivisible Trinity to uphold the Constitution and the laws ...". Article 59, paragraph 1, of the Constitution requires that members of Parliament, before taking up their duties, must take an oath, in the Parliament Chamber in a public meeting, to the Holy and Consubstantial and Indivisible Trinity. Heterodox members of Parliament who adhere to a different religion take the same oath, adapted to their own dogma or religion. No such provision applies to the oath of the President of the Republic, which means that only an Orthodox individual may occupy that high office. Article 3, paragraph 3, of the Constitution provides that the text of the Holy Scriptures is inalterable. The official translation of the text into another form, without prior approval of the Autocephalous Church of Greece and the Great Church of Christ in Constantinople, is prohibited. The Special Rapporteur notes that, although a State religion does not in itself run counter to any international instruments, it might ultimately do so to the extent that it justified or introduced discrimination against other religions.

Pursuant to Necessity Act No. 1672/1939 (which superseded Necessity Act No. 1363/1938), a government permit issued by the Ministry of National Education and Worship is required for the construction or establishment of non-Orthodox places of worship. However, such approval in turn requires - not to mention, inter alia, a request by at least fifty families - authorization by the local Orthodox metropolitan. Any church or place for religious assembly built and operated without authorization is liable to be closed and put under seal and those responsible for the "illegal" installation may be prosecuted, imprisoned and required to pay a substantial fine. According to information from non-governmental sources, these acts have made the regime governing the practice of any "heterodox" worship more rigid and at times almost arbitrary. Furthermore, the involvement of the Greek Orthodox Church - by virtue of its prerogative in the authorization process to issue an opinion having legal standing - in practice often appears to create serious impediments to the exercise of religious freedom by minorities.

Pursuant to Necessity Act No. 1672/1939, proselytism is a criminal offence. It is defined as any direct or indirect attempt to influence or alter the religious beliefs of others, in particular by fraudulent means or with promises of any type of material or moral gain. The practice of proselytism is subject to severe penalties: these include imprisonment, fines, police surveillance and the expulsion of foreigners. The Acts, which date from the dictatorship of General Metaxas but are still in force, were originally intended to safeguard the provisions of the 1911 Constitution prohibiting proselytism against the Orthodox Church. However, the 1975 Constitution does not draw such a distinction and protects all religions from proselytism. Therefore, according to some representatives, the Necessity Acts should be deemed outdated. A number of representatives of non-governmental organizations consider them to be manifestly contrary to the Constitution. The Special

Rapporteur reiterates his remarks concerning proselytism and notes that in practice the religious freedom of minorities is severely undermined, given the manner in which proselytism is viewed.

Act No. 1899/1986 (art. 3, para. 1, subpara. 12) provides that identity cards must indicate the religion of the bearer. Unless a declaration to that effect is made, the identity card is not issued. On 6 April 1993, the Greek Parliament adopted a new law on the matter obliging citizens to declare their religious affiliation on their identity cards. A draft amendment making the reference to religion optional on personal identity documents was withdrawn. According to the Ministry of the Interior, Public Administration and Decentralization, the indication of religion on identity cards has no legal force and the notion of citizenship alone is paramount. The reference to religion apparently reflects a religious tradition and satisfies the demands of the Greek Orthodox Church. According to the Ministry of Justice, what is involved is the right to declare one's religion in accordance with international law. The religious identification of citizens would, for instance, be necessary in matters of inheritance or of funeral rites. The representatives of the Orthodox Church echoed the latter argument and said that they favored an optional indication of religion on identity cards. All non-governmental representatives were opposed to any indication of religion on identity cards because it might become a basic source of discrimination and intolerance based on religion or belief. They underscored the unconstitutionality of the existing law and its incompatibility with international law. Attention was drawn in particular to the resolution of the European Parliament on the compulsory mention of religion on Greek identity cards: "... C. whereas the compulsory mention of religion on identity documents violates the fundamental freedoms of the individual as set out in the Universal Declaration of Human Rights and the European Convention on Human Rights, "... E. recalling that freedom of opinion and religious freedom are part of the foundations of a constitutional State and are the exclusive province of human conscience, 1. Calls on the Greek Government to amend the current legal provisions once and for all to abolish any mention, even optional, of religion on new Greek identity cards and not to bow to pressure from the Orthodox hierarchy ...; 2. Considers that the role which religion has played or still plays in any society, however important it may be and without value judgments, in no way justifies the requirement to mention religion on an identity card."

Greek law does not make provision for civilian service for conscientious objectors in place of military service. The Greek State instituted, in 1977, by Act No. 731, an exceptional obligation to military service for a period of time double that of armed obligatory military service for those refusing to bear arms due to religious beliefs. In 1988, article 1, paragraph 2, of Act No. 1763, provided that those refusing to bear arms due to their religious or ideological beliefs were obliged to serve full or partial military duty double in length to that which, in each case, was required from the category in which they belonged. In article 5, paragraph 3 of the same Act, it was also provided that those who would serve, due to a court conviction for refusal to serve even their unarmed military service, a term of imprisonment equal in duration to the term of military service owed by them, in each case, were discharged from the call to enlist after their release from prison. Based on the provisions mentioned above, the conscientious objectors capable of serving are obliged to perform military service. Those refusing to serve are referred to the military court with the charge of disobedience (art. 70 of the Military Penal Code). This charge is punishable by penalties ranging from six months imprisonment to the death penalty, depending on the situation in the country (war, general mobilization, peace, etc.). Act No. 1763 also exempts religious ministers of the so-called "known religions" from military service. There is an ongoing debate on the constitutionality of introducing alternative civilian service. Jurists who consider that alternative civilian service is contrary to the Constitution believe that, since the Constitution guarantees that all Greeks are equal before the law (art. 4, para. 1) and requires its citizens to contribute to the defense of their country (art. 4, para. 6), permitting certain persons to perform civilian service would be tantamount to treating two groups of citizens unequally. Another objection drawn from the Constitution rests on article 13, paragraph 4: "No person shall be exempt from discharging his obligations to the State nor may he refuse to comply with the law by reason of his religious convictions". Other jurists and non-governmental representatives cite instead article 13, paragraph 1, which provides that "freedom of religious conscience is inviolable. Enjoyment of individual and civil rights does not depend on the individual's religious beliefs". Some argue that alternative civilian service could also make a contribution to the country's defense. Others favor alternative civilian service because article 2, paragraph 1, stipulates that "it is the primary obligation of the State to respect and protect the value of the human being"; and article 5, paragraph 1, states that "all persons shall have the right to develop their personality freely...". According to the Ministry of Defense, the Greek Government is today dealing with conscientious objectors with extreme sensitivity, despite the fact that the constitutional framework does not allow any room for change

of the existing legal framework. In 1988, a draft law proposal for unarmed or social service was submitted to the Parliament. The provisions of this draft were, however, adjudged by the Central Law Preparatory Committee to be directly in conflict with article 4, paragraph 6, and article 13, paragraph 4, of the Constitution. Thus that draft law proposal did not, finally, reach the voting stage. In 1991, the Ministry of Defense decided to draw up a new draft law proposal for unarmed or social (civilian) service. For this reason, the Ministry requested the opinion of the Legal Council of the State on the question: "Is the adoption of the institution of social (civilian) service for those refusing to bear arms and to serve even unarmed service in the Armed Forces due to their religious beliefs or reasons of conscience in accordance with the Constitution?". The Legal Council met on 10 October 1991 and issued opinion No. 669/90 in which it was unanimous in stating that the Constitution, as regards the reasons for institution of unarmed or social duty, was definitive, and superseded customary law. This is because, on the one hand, the provision of article 13, paragraph 4, does not allow for religious objections and, on the other, article 4, paragraph 6, does not allow for objections of an ideological or moral character. It is thus clear that the quest for a constitutional justification for conscientious objectors in the provisions of article 4, paragraph 6, of the Constitution is fruitless. Not only does it pre-empt any other constitutional justification basis, but it also brings out very emphatically this important provision as an immovable constitutional obstacle to the acceptance of religious objections and the erosion of the character and content of the military obligation. Therefore, based on the above-mentioned facts and justification, the Legal Council of the State was unanimous in its opinion that the adoption by law of the social (civilian) service would be contrary to the Constitution. Furthermore, according to the Ministry of Defence, special measures are applied in favour of conscientious objectors as regards both the serving of a sentence and the place of detention. According to the Ministry of Justice and the Ministry of Foreign Affairs, the Greek State, despite the provisions of the Constitution relating to defence, has modified its stand by adopting a law providing for unarmed alternative service with certain privileges favouring conscientious objectors. Nevertheless, the conscientious objectors - in this instance, the Jehovah's Witnesses - have refused to wear uniforms, salute the flag or accept the period specified for performing alternative service. The Ministry of Defence claims that the Jehovah's Witnesses, by asking to be exempted from national service, were asking to receive treatment, which would discriminate against other Greek citizens. The authorities maintain that the Jehovah's Witnesses must, as Greek citizens, respect the law in force and bear in mind the particular position of Greece, a small State that must protect its territorial integrity. According to the Ministry of Justice, the Jehovah's Witnesses are being prosecuted not for their beliefs but for having violated the law. The Ministry of Foreign Affairs indicated that the authorities were ready to make concessions provided they had no impact on national issues. The impact the Greek authorities seem to have in mind is any impairment of the obligation to perform national service and of the unity of the country. According to the non-governmental representatives, it is necessary for the Greek State to adopt legislation recognizing the right to conscientious objection with respect to military service in order to put an end to infringements of the religious freedom of conscientious objectors, in particular Jehovah's Witnesses, and of their human rights in general within Greek society. The well-known Exemption of Ministers of Religion Act (Act No. 1763/1988) should also be fully applied. The Special Rapporteur draws attention to resolution 1989/59 of 8 March 1989 of the Commission on Human Rights of the United Nations, reaffirmed *inter alia* in 1991 (resolution 1991/65 of 6 March 1991) and in 1993 (resolution 1993/84 of 10 March 1993), which recognizes "the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights as well as article 18 of the International Covenant on Civil and Political Rights" (para. 1) and which recommends to Member States "with a system of compulsory military service, where such provision has not already been made, that they introduce for conscientious objectors various forms of alternative service" (para. 3) which "should be in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature" (para. 4). [In 1998, Greece finally introduced an alternative service, with a punitive character and sometimes applied in a degrading way for the individuals – see Amnesty International report below.]

The relevant texts concerning the Muslim minority of Western Thrace are, first, the 1923 Treaty of Lausanne which, *inter alia*, guaranteed freedom of religion, equality before the law, the right to establish and control any charitable, religious and social institutions and any schools and full protection for religious establishments and, second, the Constitution in article 5, paragraph 2 (protection of life and freedom without, in particular, any distinction on grounds of religious belief) and article 4, paragraph 1 (equality before the law). The Special Rapporteur studied the legislation relating to muftis, waqfs and education. (a) Legislation concerning muftis. Greek legislation originally provided for a procedure for electing muftis in accordance with article 11 of the

Treaty of Athens of 1913; the relevant provision of the Treaty subsequently became part of Greek domestic legislation by virtue of Act No. 3345/1920, adopted by Greece in 1920. According to the Greek authorities, these provisions have not, however, been put into effect, in particular as a result of exchanges of Greek and Turkish populations in 1922 and the conclusion of a new agreement, the Treaty of Peace signed at Lausanne in 1923. The decree of 25 December 1990 subsequently abolished the legal procedure for the election of muftis, in favour of a nomination procedure. Under that decree, a committee chaired by the prefect, and composed of men of religion and eminent Greek Muslim citizens, is responsible for proposing to the Minister of Education and Worship a list of qualified persons (who must, in particular, be holders of a university degree from a school of advanced Islamic studies, whether Greek or foreign, or persons who have performed functions as an imam for at least 10 years and who have distinguished themselves by their morality and theological competence). The Minister chooses a mufti on the basis of the personal qualifications of the candidate. The mufti is finally appointed by a presidential decree adopted on the proposal of the Minister of Education. The mufti may be relieved of his functions by presidential decree, on the request of the Minister of Education, in the following cases only: (i) In the case of final sentences for a crime or offence as provided for in article 22 of the State Civil Service Code; (ii) In the case of deprivation of civil rights, for whatever reason; (iii) In the case of illness preventing him from performing his functions, professional incompetence, dishonourable conduct or conduct incompatible with his rank and functions. The Muslim minority of Thrace appears to be divided with regard to the procedure for the choice of muftis. Some Muslims consider that the 1990 decree interferes in the choice by the Muslim community of its religious representatives and interpret it as leading to appointment by the authorities; they call, instead, for an election by indirect universal suffrage involving prominent Muslims and Muslim officials (about 200 to 300 people). They recall the legislation concerning the election of muftis that preceded the decree, and also refer to tradition and practice, in particular the election of Mr. Mehmet Emin Aga and Mr. Ibrahim Serif as muftis in mosques at Xanthi and Komotini on 17 August and 24 December 1991; these elections took place despite the opposition of the Greek State, which had appointed two other muftis. Another group of Muslims, and the authorities, point out that, in countries where Islam is the dominant religion (for example Egypt, Saudi Arabia and Turkey), it is common practice for the head of the religious hierarchy to be appointed by the State. Moreover, in Greece, since muftis have judicial functions which extend to family law and the law of succession to appoint them through an election would jeopardize fulfillment of the provision in the Constitution (art. 8) stating that judges shall be appointed in accordance with the law; it would also compromise the principle of the independence of judges, both individually and in the exercise of their office, since it would create a situation of political patronage. This dispute over the procedure for selecting muftis has repercussions in the religious field which are prejudicial to the entire Muslim minority of Thrace. It seems to be one of the factors preventing any serious approach to the problem of the Thracian Muslims.

Alongside the mufti who is appointed in accordance with the decree of 25 December 1990, there is a committee which administers the property (waqfs) belonging to religious communities and charitable institutions within its district. According to information provided, Act No. 3345/1920 provided that the members of that committee were to be chosen through elections held within the Muslim community. This provision was abolished under the dictatorship and replaced by a procedure, which is still in force, for appointing the members of the committee. The Muslim minority of Thrace is once again divided over the legislation concerning the waqfs; the arguments put forward on each side correspond to those put forward in the context of the legislation concerning the muftis. The disagreements also have practical implications for the Muslim minority in the religious field.

In addition to the provisions of the Treaty of Lausanne, which provide that, Thracian Muslims shall be taught their own language and the Islamic religion, the Greek Government adopted a new law in October 1995. The provisions of the new law aim at upgrading the quality of the education afforded to Muslim Greek citizens in order to make it equal to that of all other Greek citizens. More precisely, economic and career incentives are offered to Christian teachers who are stationed in minority schools and at the same time efforts are made to improve the qualifications of Muslim teachers. Furthermore, English language courses are being introduced at the primary school level, and graduates of the Physical Education Teachers Training College will henceforth teach physical education. Article 2 of the new law constitutes the keystone of this effort. Under this article, Muslim high school graduates are afforded preferential terms of admission to universities and technical institutes (affirmative action) as was the case before for other classes of Greek citizens (children of immigrants and repatriates). A quota and special examinations for admission to universities have been fixed in order to raise the educational level of the minority and to facilitate its integration in the social fabric of the country.

It will be noted that Greece has not ratified the International Covenant on Civil and Political Rights. The Covenant is particularly important since article 18 guarantees the promotion and protection of freedom of religion and belief, which are also protected by the basic case law of the United Nations Human Rights Committee. The Greek Government is said to have initiated a project for the ratification of the Covenant. According to the non-governmental representatives, difficulties have emerged, in particular with regard to the articles concerning minorities. The Ministry of Justice stated that the Commission responsible for administration and decentralization had expressed a favourable opinion concerning ratification and that the subsequent stages of the procedure were pending. [The ICCPR was subsequently ratified in 1997].

Another point to be emphasized is the establishment of a commission for revision of the Constitution. The constitutional provisions concerning religious freedom, affecting, in particular, the participation of the Greek Orthodox Church in the organization of powers and its relationship with minority beliefs and forms of worship do not seem to be the subject of any revision. In 1996, following a meeting with the Greek Orthodox authorities, the representatives of the Commission apparently stated that they had no reason to amend the constitutional articles relating to religious matters.[Indeed, the 1998 amendments did not affect the provisions concerning religious freedom].

The Special Rapporteur has analyzed both the situation of the religious minorities and that of the dominant Orthodox Church (the religion of about 95 per cent of the population). During his visit, the Special Rapporteur gathered some figures relating to the religious minorities. Only estimates could be compiled (see table below) since, according to the Greek authorities, the State has no official statistics on religious minorities. According to the non-governmental representatives, the State's figures have not included the religious factor since 1951.

|  |                              |
|--|------------------------------|
| Religious minorities                       |                              |
| Estimated figures                          |                              |
| Christian minorities                       |                              |
| Catholics                                  | - about 50,000               |
| Greek Catholics                            | - about 40,000               |
| settled foreign Catholics                  | - about 80,000               |
| Polish refugee Catholics                   | - about 45,000               |
| refugee Filipino Catholics                 |                              |
| Protestants                                | - about 20,000               |
| Orthodox Christians of<br>the Old Calendar | - about 700,000 to 1 million |
| Jehovah's Witnesses                        | - about 70,000               |
| Jewish minority                            | - about 4,000                |
| Muslim minority                            | - about 120,000              |

The Special Rapporteur looked into the question of the Catholic and Protestant minorities and the Jehovah's Witnesses. The Catholic religion is seen as a known religion. There is no special law recognizing that it possesses legal personality under public law. The third London Protocol (1830) dealt in the first place with the position of the Roman Catholic Church in Greece. Under that Protocol, France, which had provided protection for Catholics during the Ottoman domination, relinquished that role in the liberated Greek territories to the future sovereign of the emerging State and, in addition, it was provided that the Roman Catholic Church would be able to manifest its belief freely and publicly; that its property would be guaranteed; that its bishops would retain the totality of their functions and would enjoy the rights and privileges they had enjoyed under the patronage of the kings of France; and that the property which had belonged to former French missions or French establishments would be recognized and respected. Protocol No. 33 (1830), which followed, provided

that the privileges enjoyed by the Catholics could not impose obligations on the Hellenic Government, which might be prejudicial to the dominant religion. After the ratification of the Treaty of Sèvres (1923), on the protection of minorities in Greece, the prevailing opinion in Greek doctrine and judicial practice is that the London Protocol ceased to be in force. That interpretation is said to give rise to problems for the Catholic Church, in particular with respect to the official recognition of prelates, the creation of new dioceses, and so forth. Last, the See of Athens, dating from 1850, is not officially recognized and neither is the Archbishop, despite the fact that the Catholic Church is a known religion in Greece.

On the subject of places of worship, in addition to the problem of legal recognition mentioned above, the Catholic Church is said to encounter numerous difficulties in obtaining building permits by reason of the Necessity Acts. In fact, the Orthodox Church is said to block or delay the procedure by exerting pressure on the Ministry of Education and Worship. For example, at Aspra Spitia, for the church of St. Joseph, serving the Catholic workforce of the Péchiney factory, the local Metropolitan is said to have demanded of the Catholic Archbishopric in 1980 that Greek Uniate Catholics should never use the church. Following the refusal of the Catholic authority, the entire procedure for the building of the church was halted. Construction plans had to be amended and submitted to the Commission on the Construction of Orthodox Churches. It was only possible to make a start on building work one year later. The Ministry of Justice stated that the opinion of the local Metropolitan was not binding on the Ministry of Education and Worship and recalled the established practice of the Council of State in that connection.

Posters are occasionally put up on the facades of Catholic churches by extremist Orthodox organizations. These posters include such forms of wording as: "Zionism, Papism, Turkey, Free Masonry make war on martyred Serbia. Greece alone offers resistance and sympathizes with the struggling Serbs"; "Communism is vanishing in the Orthodox States, in eastern Europe, the Vampire of Rome (the Pope) is preparing to gorge himself". Religious objects are sometimes the targets of vandalism. For example, the statue of Christ in the courtyard of the Cathedral of St. Denis in Athens was decapitated in February 1996.

On the subject of religious education within the school system, the private schools of the Catholic Church (12 Catholic schools with some 10,000 pupils, mainly of the Orthodox faith, and fewer than 1,000 Catholic pupils) teach the Catholic religion to pupils of that faith. In the State schools in the islands of Siros and Tinos, where 85 per cent of Greek Catholics live, Catholic teaching is also provided by priests or lay people. Problems are said to arise sometimes in connection with the creation of posts for Catholic teachers.

Foreign religious personnel who do not come from the European Union reportedly also occasionally encounter obstacles in connection with entry visas and the renewal of residence permits.

Except for the problems referred to above, the situation of the Catholic Church in the religious sphere is said to be satisfactory, in particular with respect to their religious publications and processions.

According to the representatives of the Catholic Church, a Greek Orthodox education, focusing exclusively on the Orthodox religion and the Greek nation, has in fact come into existence to the detriment of the religious minorities. For that reason, it has come to be generally believed that only Orthodox Christians are truly Greek. Thus the Catholic Church and its spiritual head, the Pope, are allegedly portrayed in a negative light in school textbooks, particularly history books. Those textbooks are seen as being, as it were, permeated by Orthodox thinking. Nevertheless, according to non-governmental observers, appreciable progress has recently been made, in particular through the publication of textbooks on the history of religions and their philosophy, which incorporate fairly satisfactory chapters on non-Orthodox religions.

According to information from non-governmental sources, Greeks of the Catholic faith are not, in practice, accepted for careers in the army, the police and other sensitive areas of the administration, including diplomacy. Some Catholics reportedly conceal their faith in order to have access to such posts. The Ministry of the Interior, Administration and Decentralization stated that entry to the administration was subject, *inter alia*, to the requirement of Greek citizenship and not to a religious criterion. The Ministry specified that the law precluded any discriminatory treatment and that in practice such behavior was penalized. The Ministry of Defense emphasized, on the one hand, that there was no legal obstacle to the admission of religious minorities, including Catholics, to the army, and, on the other hand, that no distinction of a religious nature was made within the structures of the army or under military law.

The non-governmental representatives consider that the religious minorities are subjected to a general climate of

intolerance in the form of insidious and psychological pressures related to the problems outlined above. Another point concerns the mention of religion on identity cards, which is unanimously rejected as being a source of discrimination. The situation is said to be due to the preponderant influence of the Orthodox Church, principally its authorities, which are said to use religion as a tool to manipulate the people and the politicians to the detriment of religious minorities and to do so in order to affirm and safeguard their power and their status as the dominant religion. This intolerance on the part of the Orthodox Church is reportedly echoed by the media, tolerated, or even utilized, by politicians for electoral ends and relayed by certain administrative officials; it exerts pressure on the justice system and is exacerbated, in particular, on the occasion of external events such as the fall of communism in Eastern Europe and the Balkans and the war in the former Yugoslavia (as the majority of the population of these countries is of the Orthodox faith, any action by the Catholic Church is interpreted by the Greek Orthodox Church as an attempt at conversion; the Vatican is also accused of cooperating with Muslims against the Orthodox Serbs in the former Yugoslavia). According to the governmental delegates, the State and its legislation, while recognizing the dominant, but not overwhelming, role of the Orthodox Church, which represents the religion of the majority of the population for historical, national and traditional reasons, are said to provide a climate of religious freedom, notwithstanding isolated cases of intolerance or discrimination, in particular in the administration. According to the Ministry of Justice, the problems indicated by the representatives of the religious minorities are exaggerated and their claims are attributable to a pattern of behavior, or even a complex, characteristic of any minority which feels it has to assert and organize itself to confront the majority. The representatives of the Orthodox Church put a similar line of argument forward.

There is no legislative text concerning the Protestant faiths. They are legal entities whose institutions are considered as belonging to the domain of private law. The question of the legal personality of the Evangelical Church has been raised in the past. In 1961, the Justice of the Peace of Katerini ruled that that Church constituted a legal entity under private law. The court of first instance of Katerini and the court of appeal of Thessaloniki decided, however, that the Evangelical Church had no legal personality. Finally, the Court of Cassation recognized the Evangelical Church as possessing legal personality under private law.

However, difficulties sometimes arise in respect, on the one hand, of the exemption of ministers of religion from military service and, on the other, places of worship. With regard to ministers of religion, there have been reports of ministers of the Seventh Day Adventist Church being denied exemption by the Ministry of Defense because the Orthodox Church refuses to classify that Church as a known religion. Following legal proceedings, the Council of State or the Supreme Court, depending on the case, has confirmed the Seventh Day Adventist Church as a known religion and therefore entitled to have its clergymen excused from military service. However, according to the Ministry of Defence, these proceedings have to be instituted in every case, inasmuch as the court decisions recognizing the Church as a known religion have no effect in respect of third parties.

With regard to places of worship, applications by Protestant churches for building permits are said sometimes to be blocked because the Ministry of Education and Worship in practice follows the negative opinion of the Orthodox Church. It is claimed that the only way to get permission to build a place of worship is to institute legal proceedings and obtain a decision from the Council of State, which is costly in terms of both time and money. With respect to applications for building permits for places of worship, Protestants are reportedly in the same position as Catholics. Recently, however, the Ministry of Education and Worship seems to have become more open-minded and to have authorized the construction of a Pentecostal Church despite the objection of the local Metropolitan. [Indeed, in the late 1990s, the Ministry of Education almost invariably has been granting such permissions.]

With regard to religious education within the school system, Protestants apparently do not ask to have Protestant religious courses introduced, but choose instead to be excused from the Orthodox courses and to conduct religious education at home.

Foreign non-European religious personnel reportedly sometimes have difficulty renewing their residence permits.

According to the Constitution and the Necessity Acts, proselytism is forbidden and is punishable, as demonstrated by the case of the Athens three and that of the three evangelist Air Force officers at Volos. Three evangelists, an American named Stephens, a Greek named Macris and an Englishman named Williams were

sentenced in 1984 to three and a half years in prison for proselytism. The sentence was set aside on appeal in 1986 on grounds of insufficient evidence rather than on grounds of religious freedom. Three evangelist Air Force officers were convicted of proselytism following a complaint filed by the Orthodox chaplain, who accused them of endangering the unity of the nation (see the Special Rapporteur's communication of 9 October 1992 and the Greek authorities' reply of 12 February 1993 (E/CN.4/1994/79) and the supplementary reply of 8 August 1994 (E/CN.4/1995/91/Add.1)). [The ECHR has condemned Greece in February 1998 for having unjustly convicted the latter three Protestants for proselytism of civilians. In the case of *Larissis and Others vs. Greece* the ECHR held inter alia that there had been a violation of Article 9 in respect of measures taken against them for proselytising civilians.]

Aside from the aforementioned problems, the situation of Protestant religions in the religious sphere does not seem to be difficult, particularly with respect to religious publications, inasmuch as some of these Churches, including the Seventh Day Adventists, appear to have chosen to keep a low profile within Greek society.

The situation of Protestants appears to be identical to that of the Catholics. The Protestant representatives add, moreover, that they are subjected to the proselytism of the Orthodox Church, which permeates the school system.

The observations made in the part relating to Catholics are equally pertinent here, particularly with regard to the overwhelming role of the Orthodox Church and the responsibility of politicians.

According to the decisions of the Council of State, Jehovah's Witnesses are a known religion. However, the civil courts often take the opposite view on this subject. There are also difficulties in the context of national service, from which Jehovah's Witness ministers are supposed to be exempt. Reportedly, the Ministry of Education and Worship follows the position taken by the Orthodox Church and states that the Jehovah's Witnesses are not a known religion; the Ministry of Defense, which accordingly decides to call up Jehovah's Witness ministers, echoes this thinking. The latter challenge that decision in the courts and the Council of State confirms its earlier decisions recognizing the Jehovah's Witnesses as a known religion. However, the Administration does not draw any conclusions from these decisions and requires that the question be resolved each time in the courts. So legal proceedings have to be instituted in each case. Moreover, in the meantime, Jehovah's Witness ministers are detained for refusing to do their military service (for example, the case of Anastasios Tasos Georgiadis, Special Rapporteur's communication of 9 October 1992 (E/CN.4/1993/62); and petitions Nos. 19233/91 and 19234/91, Dimitris Tsirus and Timotheos Kouloumpas versus Greece; report of the European Commission of Human Rights of 7 March 1996). [In 1997, the European Court of Human Rights ruled, in both cases, that Greece had violated the religious freedom of these three Jehovah's Witnesses' ministers, because it had refused to exempt them from military service.]

With regard to applications for building permits for places of worship, the Jehovah's Witnesses encounter difficulties similar to those described in the case of Catholics and Protestants. Since they are denied permission or do not hear from the Ministry of Education and Worship due to the opposition of the Orthodox Church, the Jehovah's Witnesses resort to renting rooms which are used for religious ceremonies and finally as places of worship. However, in accordance with the Necessity Acts, the police seals off these unauthorized places of worship and the courts convict the persons in charge of them. 86. Several cases reveal disturbing situations which the European Commission of Human Rights has described as violations of religious freedom (petition No. 18748/91, Titos Manoussakis and others versus Greece, report of the European Commission of Human Rights of 25 May 1995; petition No. 23238/94, Zizis Pentidis, Dimitrios Katharios and Anastassios Stagopoulos versus Greece, report of the Commission of 27 February 1996) and have been the subject of communications from the Special Rapporteur (case of the Jehovah's Witness congregation of Gazi, in Heraklion, Crete; case of the head of the Jehovah's Witness congregation in Alexandroupolis, Special Rapporteur's communication of 3 November 1994, report E/CN.4/1995/91). [On 26/9/1996, the European Court of Human Rights published its judgment on the case of Manoussakis and Others v. Greece. In it, Greece was convicted of breaching Article 9 of the Convention (on religious freedom), and the applicants were awarded DRS 4 million (USD 16,500) for costs and expenses. The four applicants, Titos Manoussakis, Constantinos Makridakis, Kyriakos Baxevanis and Vassilios Hadjakis, all Jehovah's Witnesses, had on 28 June 1983 applied to the Ministry of Education and Religious Affairs for permission to use a room Manoussakis had rented in Heraklion (Crete) as a place of worship. The Ministry had informed the applicants six times between November 1983 and December 1984 that "it was not yet in a position to take a decision because it had not received all the necessary information from the other departments concerned." In fact, the applicants had received no answer by the time of the European

Court's judgment 13 years later. On 3 March 1986, the Heraklion public prosecutor initiated criminal proceedings against the applicants under laws 1363/1938 and 1672/1939, for having established and operated a place of worship for religious meetings and ceremonies without authorization from the recognized ecclesiastical (i.e., the Orthodox Church) authorities and the Ministry of Education. The applicants were first acquitted but then in February 1990 each sentenced on appeal to three months' imprisonment, convertible to a pecuniary penalty and a fine of DRS 20,000 (USD 830). The Supreme Court dismissed the applicants' appeal. In August 1991, they appealed to the European Court of Human Rights. On 20 September 1993, the police sealed up the room used as a place of worship by the applicants. In its defense, the Greek government referred to the Orthodox Church's position as a national religion, accused Jehovah's Witnesses of proselytism and of using illegal means to spread their religion. The European Court severely criticized Greek legislation for "allowing far-reaching interference by the political, administrative and ecclesiastical authorities with the exercise of religious freedom" and for allowing the Minister of Education the possibility to "defer his reply indefinitely or to refuse his authorization without explanation." The Court noted that in practice these laws had helped the state "to impose rigid or indeed prohibitive conditions on the practice of religious beliefs by certain non-orthodox movements" and adds that there is "a clear tendency on the part of the administrative and ecclesiastical authorities to use these provisions to restrict the activities of faiths outside the Orthodox Church."]

In certain localities there is discrimination against Jehovah's Witnesses in the cemeteries. For example, in the local cemetery at Xanthi, a wall was built in order to separate the graves of the Jehovah's Witnesses from those of persons of other denominations. The metropolitan bishop is said to have demanded that the wall be built and the mayor acceded to the demand. The wall was eventually torn down in 1994 but the maintenance staff apparently does not tend to the graves of Jehovah's Witnesses.

Thousands of Jehovah's Witnesses are said to have been arrested and to have served long prison sentences for proselytism. There are numerous examples of these violations of religious freedom, in particular the case of Kokkinakis, a Jehovah's Witness who was exiled six times, arrested more than 60 times and served five years in various prisons for proselytism (Special Rapporteur's communication of 9 October 1992, E/CN.4/1994/79; case of Kokkinakis versus Greece - 3/1992/348/421 - decision, European Court of Human Rights).

With regard to conscientious objection, aside from the observations already made in chapters I and II, according to reports from non-governmental sources, the figures regarding the number of Jehovah's Witnesses in prison as of 1 June 1996 are as follows: Kassandra Agricultural Prison 58; Kassavetia-Volos Agricultural Prison 46; Avlona Military Prison 85; Sindos Military Prison 164; Total number of objectors 353. Total of sentences imposed 1,147 years. Total of sentences served 296 years. According to the Ministries of Justice and Defence, special efforts have been made with regard to Jehovah's Witness conscientious objectors, on two levels. Serving of sentence: the sentences imposed upon the objectors are carried out in the military prisons. At the same time, efforts are made to have them transferred to the Kassandra agricultural prison, where one real day of imprisonment counts, in the best case, for two, depending on the type of work carried out by every detainee. New places of detention: in a spirit of sensitivity, due to the extraordinary nature of the detainees of this category, it was decided on the one hand that they would be separated from other categories of detainees, and, on the other, that they would all be gathered and detained together, in a single prison. For this reason a special addition to the Military Prison of Salonica was established at Sindos with all facilities. The conditions of detention are reportedly satisfactory and Jehovah's Witnesses are said to be able to attend to their devotions.

As far as religious education is concerned, students are excused from the Orthodox religious course. However, non-governmental sources report that in several schools there are almost daily religious sermons hostile to the faith of the Jehovah's Witnesses and this is said to create psychological trauma among young Jehovah's Witness children.

The account of the situation of the Catholics and Protestants applies to the Jehovah's Witnesses as well, but their situation seems to be worse. Apart from the information given above concerning religious education, non-governmental representatives have reported that Jehovah's Witness children who refuse to take part in events contrary to their religious beliefs, including national holidays and public parades organized in the schools, have been punished and even expelled. For example, in petition No. 21787/93, Elias, Maria and Victoria Valsamis versus Greece, report of the European Commission of Human Rights, the Commission found that there had been a violation of religious freedom in the case of a Jehovah's Witness pupil suspended from school for a day by the principal because she had not participated in the school parade to mark the national holiday. Subsequently, in 1996, the Court found only that the applicants did not have an effective remedy before a

national authority in order to raise the complaints they later submitted at Strasbourg; and that there has consequently been a breach of Article 13 of the Convention taken together with Article 2 of Protocol No. 1 and Article 9 of the Convention (Judgment 74/1995/580/666)

At times, young Jehovah's Witnesses are allegedly victims of incidents of religious intolerance, such as verbal insults and physical attacks, by Orthodox pupils influenced by their teachers.

Lastly, it seems that school textbooks continue to disseminate a negative image of the Jehovah's Witnesses, despite the efforts made in the case of other religions.

The forms of discrimination described in the case of Catholics and Protestants apply to the Jehovah's Witnesses as well (see, in particular, the cases of Pilaftoglou, Tzenos and Nomidis, whose applications for teaching permits were rejected on the ground that they were Jehovah's Witnesses - Special Rapporteur's communications, E/CN.4/1994/79 and E/CN.4/1995/91).

The observations contained in the sections on Catholics and Protestants are relevant here. We should add that the situation seems more acute in the case of the Jehovah's Witnesses, probably because of their religious militancy, as opposed to the low profile maintained by the other religious minorities. Its manifestations, unique to the Jehovah's Witnesses, are, in particular, proselytism, conscientious objection and refusal to participate in events contrary to their religious beliefs. Such religious militancy competes directly with the interests of the dominant Church and indirectly calls into question the legislative and political system of the Greek State.

In Greece, the legal status of the Jewish religion is guaranteed by a number of laws (L.2456/1920, L.F.367/1945, L.1675/1951, O.R. of 25 June 1951, D-L 01/106 9). Under a presidential decree, a Jewish community can be founded in towns where more than five Jewish families reside. Such communities are legal entities under public law and are administered by an Assembly and Council, which are elected by their members. All Jewish the "Central Jewish Coordination and Consultation Council" represent communities in Greece, elected for three years by a general assembly composed of their special representatives.

Each religious community includes a rabbi proposed by his community and appointed by presidential decree. There is also a council of rabbis, which acts as a religious tribunal. The Civil Code (1946) revoked its civil jurisdiction but the council continues to exercise competence over Jews who are not Greek citizens and to pronounce the spiritual dissolution of marriages for which the civil court has granted a divorce.

The representatives of the Jewish community have declared that they have freedom of action in religious matters without interference by the State and that they have sufficient places of worship and Hebrew schools. They mentioned some minor problems, which, in their view, are linked to the intolerance of certain poorly educated Orthodox priests. It seems, however, that these incidents are resolved through interfaith dialogue.

The representatives of the Jewish community have cited both sporadic cases of intolerance by teachers and the occasional anti-Semitic content of school textbooks. However, political leaders have apparently assured the Jewish community that the school textbooks will be corrected.

The main problem facing the Jewish community is the fact that religion must be mentioned on identity cards, which is perceived as a potential source of discrimination as borne out by the Jewish experience throughout history. The legislation concerning identity cards is considered contrary to the Greek Constitution and to international instruments.

Unlike that of the Catholic and Protestant minorities and the Jehovah's Witnesses, the situation of the Jewish community seems to be eminently satisfactory. [the Rapporteur here ignored the widespread latent anti-Semitism, that becomes vocal in cases like the 1999 NATO strikes against FR Yugoslavia or the attacks against Jehovah's Witnesses, as well as some incidents of anti-Semitic violence]

The Muslim minority of Thrace, whose population could not be ascertained but is probably around 120,000 persons, is composed largely of people of Turkish origin but also of Pomaks and Tziganes. The common denominator among these three groups is the Muslim religion and Greek citizenship.

The division within the Muslim minority over the procedure for the selection of the muftis (see above) seems to have a serious impact on the smooth conduct of religious affairs. In practice, following an election by a show of hands held in the mosques in 1991 by some of the Muslims, Mr. Mehmet Emin Aga in Xanthi and Mr. Ibrahim Serif in Komotini are acting as muftis for the Muslim community (for a summary of the Aga case, see the

Special Rapporteur's communication, E/CN.4/1992/52). However, they are not recognized by the Greek authorities, who appointed two other muftis pursuant to the 1990 decree. Moreover, Mr. Aga and Mr. Serif were convicted of the offence of usurping the title and, in particular, of signing illegal documents. Mr. Aga was sentenced to 10 months in prison; he was imprisoned and then released for health reasons before his term was over upon payment of a fine. This situation was not without its consequences within the Muslim community, which has been deeply divided by these events, as evidenced by attendance at places of worship and participation in the celebration of religious holidays. Thus, it seems that relations between the appointed muftis and a significant portion of the Muslim minority are very limited and that very few congregants are present to hear their sermons. At times, the muftis are even prevented from entering the mosques. Hence, the rules concerning the procedure for the appointment of muftis are of paramount importance. [see the complete file on Aga's trials after the report; Mr. Serif was convicted in October 1996 to six months in jail which he bought off, and his appeal was heard by the European Court of Human Rights in early 1999]

Religious rites, practices and holidays and, in particular, the Ramadan fast, seem to take place freely and with the participation of theologians from the Arab countries and Turkey. However, the entry of religious leaders from Turkey, invited by the unofficial muftis without consulting the Greek authorities, was apparently blocked by Greece (see Special Rapporteur's communication, E/CN.4/1995/91).

Concerning religious education, two Koranic schools have been functioning in Komotini and Echinós since 1949 and 1956, respectively. They provide religious training to children wishing to pursue higher-level studies in religious schools or to become khatibs or imams. Those Muslims who are in favour of electing the muftis are also in favour of being able to choose the teachers who offer the religion courses; for example, choosing them could be a prerogative of the elected mufti.

In the matter of places of worship, the Muslim community reportedly has at least 300 mosques in Thrace, but not one in Athens. According to the Ministry of Foreign Affairs, the ratio of mosques to the Muslim population is higher in Thrace than the ratio of Orthodox churches to the Orthodox population. In addition, the authorities claim that no obstacle is raised to the construction or renovation of mosques. [The case of an extension to the Kimmeria mosque presented below bely the authorities' claim]

The authorities and some non-governmental representatives have acknowledged that incidents (arson, criminal acts) have been directed against places of worship, for instance in Alexandroupolis (for a report on that situation see the Special Rapporteur's communication, E/CN.4/1995/91). The Ministry of Foreign Affairs emphasized that fanatics committed these acts and moreover they have been isolated and sporadic. The State reportedly redressed matters by paying for repairs and renovations (see the reply of Greece of 23 May 1995, E/CN.4/1996/95). Some non-governmental organizations also felt that these manifestations of intolerance were the result of isolated provocations by extremists and should not be over-dramatized. The same applies to cases in which cemeteries were desecrated.

With regard to the waqfs, apart from the views set out in the section on legislation (chap. I), the Special Rapporteur notes that in practice there is a difference of opinion within the Muslim community and vis-à-vis the authorities concerning the procedure for selecting members of the committee for the administration of the waqfs. During the Special Rapporteur's visit, protest demonstrations demanding that the members of the committee should be elected reportedly took place, during which the miserable condition of the waqfs was denounced.

Turkish, being the only minority language to possess a written form (Pomak and Roma do not), [this assertion is incorrect and reflects Greek government views: there is a world-wide written form for Romanes and Pomak being a dialect of Bulgarian has a written form] is taught in over 240 minority schools (primary and secondary schools and lycées) in Thrace to a total of 11,000 Muslim students. Their education is the responsibility of a large number of teachers (770), of whom more than 250 are graduates of the Special Teachers' Training College in Thessaloniki who perfect their knowledge of the Turkish language at this college, which has been operating for over a quarter of a century. It must be noted, however, that according to the authorities, owing to the exclusive teaching in a minority language, the imperfect knowledge of Greek on the part of many minority students constitutes a very serious obstacle to their social and professional integration. The Muslim minority's level of education is thus apparently very low, which prompted the new law of October 1995 intended to facilitate access to higher education by Muslim

The situation described and the comments made in the sections relating to [employment of] Christian minorities

are equally relevant to the Muslims in Thrace.

The status of the Muslim minority in Thrace appears essentially to be both a political and a religious issue, in which politics often makes a tool of religion. This has a real impact on religious affairs, as evidenced by the serious problems relating to the methods of appointing muftis or members of the committee for the administration of the waqfs and teachers of religion. The political relations between Greece and Turkey seem to be an essential factor in these problems. Most of the non-governmental observers stressed the fact that Greek-Turkish relations held the Muslim minority in Thrace hostage. Each State is apparently in part responsible for the unsatisfactory status of the Muslims in Thrace, with Turkey considering them more as a political pawn and Greece not paying sufficient heed to the views of this community that has clearly been living marginally and has been the butt of long-standing intolerance. Greece continues to link their treatment to that of the Greek minority and the Orthodox Patriarchate of Constantinople, both of which have reportedly been subjected to intolerance and discrimination (see the Special Rapporteur's communications on Turkey, E/CN.4/1995/91 and E/CN.4/1996/95).

As a case in point, the Muslims who favor the method of appointing muftis that was established in 1990 - and there do not seem to be too many of them - reportedly are being or have been subjected to pressure from Turkey, which actively favors the unofficial muftis, and are apparently prohibited from entering Turkey; while Turkish theologians invited by the unofficial muftis are said to be denied entry to Greece. Likewise, some of the Muslims of Turkish descent reject any identification as Greeks and claim to be Muslim Turks; while the Greek authorities, who in the past reportedly prohibited any Turkish designation of associations, do not recognize the existence of Turks in Greece but only of Greeks of Turkish descent. The status of the Muslims in Thrace therefore has both a political and a religious explanation, and religion is often an instrument of politics and the arena for intolerance and discrimination.

In addition to the information provided [above] in the parts concerning legislation and the situation of religious minorities, which reflects the comments of the representatives of religious minorities, non-governmental organizations concerned with human rights, and the authorities, the Special Rapporteur wishes to report on the views expressed by the representatives of the Greek Orthodox Church.

According to its representatives, the Eastern Orthodox Church of Christ is the dominant religion, in conformity with the Constitution, and enjoys the corresponding privileges, but this does not prevent the other religious communities from enjoying religious freedom. The relations between the Orthodox Church and the State are perceived as being necessary, in conformity with the Constitution and because of the numerical importance of Orthodox Greeks and the historical role-played by the Orthodox Church in the independence of Greece. However, the Orthodox authorities claim that the Orthodox Church is in practice at a disadvantage vis-à-vis the religious minorities. The only privilege of the Orthodox Church is said to be the remuneration of the clergy, which in fact corresponds to reimbursement by the State for expropriated ecclesiastical property. The powers of the Orthodox Church have reportedly been restricted, in particular by changes in family law and the introduction of civil marriage. The muftis of the Muslim minority, on the other hand, are said to have retained their legal functions, which encompass family law and the law of succession. Similarly, the number of signatures required for the construction of places of worship is allegedly much larger in the case of the Orthodox Church than in the case of religious minorities. Moreover, in practice the Orthodox Church is reportedly no longer asked to express an opinion on requests for the establishment of places of worship, in particular because of the decisions of the Council of State. However, the opinion of the dominant Church is said to be necessary insofar as it is allegedly in a better position to express views on the need for places of worship. The principle of religious equality is said to exist for all the religious minorities but is allegedly more limited in the case of the Orthodox Church. The Orthodox Church considers that the Jehovah's Witnesses are not a religion, but a sect, which contests the divinity of Jesus Christ and the status of the Virgin and the Saints. The Orthodox Church says it is opposed, not to the religious conscience of the Jehovah's Witnesses, but to the propaganda methods they use vis-à-vis members of the Orthodox Church. The counteraction by the Orthodox Church is said to be based on the right to react morally against those who are hostile to the moral integrity of the members of the Orthodox Church and take advantage of the poverty and low cultural level of some of those members. With regard to the failure to grant legal recognition to the Catholic archdiocese of Athens, the Orthodox authorities explain this as being necessary in order to avoid any confusion with the title of the Orthodox Archbishop. Coexistence and dialogue between Muslims and the Orthodox Church are said to be progressing in a satisfactory way, except when interfered with by Turkish nationalist propaganda originating

abroad. With regard to the indication of religion on identity cards, the Orthodox Church favors an optional mention and considers this a necessary right for spiritual reasons.

The Special Rapporteur has focused on legislation in the field of tolerance and non-discrimination based on religion or belief and on the implementation of this legislation and on the policy in force. He has analyzed both the situation of the religious minorities and that of the dominant Orthodox Church and their relations with the State. With regard to legislation, the Special Rapporteur observes that the existence of a State religion is not in itself incompatible with human rights. However, this situation, which in the case of Greece is sanctioned by the Constitution, must not be exploited at the expense of the rights of minorities and the rights linked to citizenship, which imply prohibition of discrimination among citizens on the grounds, inter alia, of considerations relating to religion or belief.

In that regard, from a constitutional point of view, although freedom of conscience is guaranteed, the Special Rapporteur notes that there are limitations on freedom of worship which are inconsistent with internationally established human rights norms. Article 13 of the Constitution limits freedom of worship to "known" religions, but the lack of any legal definition of the concept of "known religion" seems to be prejudicial; in particular, it does not seem to be in accord with the legal restrictions on religious freedom provided for in article 1, paragraph 3, of the 1981 Declaration. The Christian religious minorities are particularly affected by this situation; their legal recognition is often called in question, mainly in connection with matters relating to places of worship and conscientious objection. The Special Rapporteur recommends that the concept of a "known religion" should be defined precisely - either in the Constitution or, failing that, in legislation - in a manner consistent with the legal restrictions provided for in the 1981 Declaration; alternatively, if appropriate, the concept should be eliminated altogether.

The Special Rapporteur considers the constitutional provisions prohibiting proselytism to be inconsistent with the 1981 Declaration and stresses the need for greater respect for internationally recognized human rights norms, including freedom to convert and freedom to manifest one's religion or belief, either individually or in community with others, and in public or private, except where necessary restrictions are provided for by law. These comments also apply to the Necessity Acts concerning proselytism. Removal of the legal prohibition against proselytism is very strongly recommended. Failing this, proselytism could be defined in such a way as to leave appropriate leeway for the exercise of religious freedom.

With regard to legislation governing places of worship, the Special Rapporteur is in favor of abolishing the Necessity Acts and elaborating a new law which would dispense with the need to seek the opinion of the Orthodox Church for the construction of places of worship and would confer on the State the competence to guarantee religious freedom, limited only by such restrictions as are internationally accepted.

With regard to the legislation on identity cards, which provides for mention to be made of the holder's religion, the Special Rapporteur recalls the resolution of the European Parliament which considered this provision firstly, as a violation of the fundamental freedoms of the individual, particularly freedom of opinion and religious freedom, which are the exclusive province of the human conscience and, secondly, as a provision that should be abolished. The Special Rapporteur fully supports this resolution.

As regards the legislation governing conscientious objection, while acknowledging the efforts made by the Greek authorities, the Special Rapporteur recalls the relevant resolutions of the Commission on Human Rights and recommends the elaboration and adoption of legislation offering service of a non-combatant or civilian character, in the public interest and not of a punitive nature. In the event that a problem arises concerning constitutionality, particularly with regard to article 4, paragraphs 1 and 6, concerning the equality of all before the law and the contribution of citizens to the defense of their country, the Special Rapporteur recommends a revision of the Constitution in order to include a provision guaranteeing the right of conscientious objection.

As for the special provisions concerning Muslims and, more particularly, muftis and waqfs, the Special Rapporteur recalls article 6, paragraph (g), of the 1981 Declaration, which guarantees freedom to "train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief". The Special Rapporteur believes it necessary for the Greek authorities to comply fully and in good faith with the Treaty of Lausanne and with the country's international undertakings. He also recalls the need to refrain from interfering in the affairs of a religion, apart from the restrictions provided for in international law, and calls for respect for the traditions of each religious group within the framework of internationally recognized norms. The Special Rapporteur also emphasizes that the status of the Muslims of

Thrace, and in particular that of the muftis and waqfs, should not be subordinated to considerations concerning Turkey, and strongly urges the parties involved to comply with their international undertakings, especially the Treaty of Lausanne.

Lastly, regarding other legal issues, while noting the statements made by the Greek authorities to the effect that the International Covenant on Civil and Political Rights will be ratified as soon as possible, the Special Rapporteur believes it necessary to ensure that internal law is consistent with international law.

With regard to the revision of the Constitution, the Special Rapporteur would like to see the necessary changes introduced in that context or set out in formal texts, with assurances that they will be interpreted in a manner consistent with religious freedom.

As regards implementation of the laws and policies in force, given the complexity of the situation, the Special Rapporteur in his analysis examined successively the Christian minorities (Catholic, Protestant, Jehovah's Witnesses), Jews and Muslims and their relations with the dominant Orthodox Church and the State. In the religious sphere, the Christian minorities are facing a challenge to their legal recognition, with regard both to their places of worship and their right to conscientious objection. With regard to places of worship, the Christian minorities are encountering severe difficulties in obtaining building permits because of the negative opinions frequently expressed by the Orthodox Church, which in practice are often binding on the authorities. The Necessity Acts are invoked in order to punish anyone responsible for illegal places of worship. Moreover, places of worship and religious objects have been the targets of sporadic attacks of vandalism.

With respect to cemeteries, Jehovah's Witnesses in certain localities are victims of acts of discrimination which should be combated by the State, since the more this community is threatened, the greater the State's responsibility.

As for religious education, while Catholics benefit from religious teaching in accordance with their beliefs, they sometimes experience difficulties in securing the establishment of posts for Catholic religious teachers. The faith of the Jehovah's Witnesses is also reported to be denigrated in Orthodox religious sermons. Nevertheless, the Special Rapporteur notes with satisfaction that minorities can be excused from Orthodox religious classes.

It is alleged that foreign non-European religious personnel experience problems in renewing their residence permits. Moreover, Jehovah's Witnesses are heavily penalized for proselytism and conscientious objection, which are inherent expressions of freedom of belief. Outside the religious sphere, it is alleged that the Christian minorities are generally disadvantaged with regard to education, despite some progress (except in the case of the Jehovah's Witnesses) and face discrimination in gaining entry to the army, the police force and other sensitive administrative or teaching posts.

Furthermore, the Christian minorities face a general climate of intolerance and often-insidious attempts to marginalize them either directly or indirectly in the religious, educational, professional and other spheres.

To some extent the dominant Orthodox Church and the State both bear a definite responsibility in this respect, since the State cannot evade its responsibilities under international law on the ground that a special status has been established for the Orthodox Church, which the latter frequently makes use of.

Among the Christian minorities, the plight of the Jehovah's Witnesses seems to give the greatest cause for concern, insofar as adherents are convicted by the courts and subsequently fined or imprisoned, and also endure a degree of social ostracism which can take the form of physical or verbal aggression. This singling out of the Jehovah's Witnesses is almost certainly due to their religious militancy, which is expressed through proselytism, conscientious objection to military service and a variety of public demonstrations which call into question the interests of the dominant Church and the legislative and political system of the State. With regard to the problems related to legal recognition, places of worship, proselytism and conscientious objection, the Special Rapporteur reiterates the recommendations he made with regard to the relevant legislation.

The Special Rapporteur considers the status of the Jewish minority in the religious and other spheres to be entirely satisfactory. The Jewish community nevertheless joins with the other religious minorities in condemning the mention of religion on identity cards, which is a potential source of discrimination. The Special Rapporteur reiterates his recommendation regarding the legislation concerning identity cards.

As far as the Muslim minority in Thrace is concerned, the Special Rapporteur notes a static, unsatisfactory and prejudicial situation, especially in the religious sphere. The Muslim community in Thrace is beset with serious

tensions and restrictions regarding the appointment of muftis, administration of waqfs and religious teachers. Priority should be given to satisfying the legitimate religious needs of the Muslims of Thrace, calming the present religious tensions and finding a way to defuse the situation that is acceptable to both the Greek authorities and the representatives of the Thracian Muslims. To this end, the Special Rapporteur reiterates his previous comments and recommendations on the relevant legislation in this area. Regarding places of worship and cemeteries, the Special Rapporteur notes sporadic incidents of arson, vandalism and desecration, which seem to be mostly acts of provocation and intolerance on the part of Muslim and Christian extremists. The Special Rapporteur condemns these isolated occurrences of religious extremism and reminds the State of its duty to guarantee the protection of places of worship and other religious sites. The Special Rapporteur also encourages the removal of obstacles to the construction of mosques and notes with satisfaction the financial assistance made available for repairs and renovations.

With regard to education, the Special Rapporteur deplors the very low level of education among the Muslim minority in Thrace and welcomes the new legislation designed to make it easier for Muslim students to gain access to higher education. The Special Rapporteur hopes that this targeted policy will be extended to all levels of education including vocational training, thus ensuring that Thracian Muslims are no longer a disadvantaged and neglected group but will have the opportunity to integrate fully into Greek society and acquire true citizenship, thereby opening up new intellectual and cultural horizons.

Overall, the Special Rapporteur urges all parties concerned, official and otherwise, national and foreign, to calm rather than exacerbate religious problems, thereby ensuring that religion is not subject to political intrusion and exploitation and that constants are not affected by political variables. Such interference is detrimental to the religious rights of the Muslim community and, in a wider sense, to tolerance and efforts to stamp out discrimination based on religion and belief.

With regard to the Greek State, the Special Rapporteur wishes to make the following general recommendations: (1) The Special Rapporteur recommends that the State should involve representatives of human rights organizations and lay and religious representatives from all religious minorities and the Orthodox Church in its religious affairs policy on a consultative basis. Such cooperation should result in a coherent religious affairs policy focused on tolerance and non-discrimination in line with the revised legislation and based on the principle of respect for the rights and freedoms of each religious community, regardless of whether it is a State religion or a minority religion. (2) The State should also adopt and apply administrative, disciplinary, training and other measures in order to forestall and penalize any act of intolerance or discrimination on the part of the authorities, for example in matters having to do with access to administrative posts for members of religious minorities, permits for places of worship, respect in the school system for religious beliefs and convictions, and so forth. (3) The Special Rapporteur believes that special efforts should be made to promote and develop a culture of tolerance and human rights. The Greek authorities could play an active role in increasing awareness of the values of tolerance and non-discrimination based on religion and belief. In this respect, the Special Rapporteur is firmly convinced that lasting progress could be made chiefly through education and especially through the schools by ensuring that school curricula, school textbooks and properly trained teachers disseminate a culture that promotes tolerance in the fields of religion and belief. (4) In addition, because he noted problems of intolerance and discrimination in the fields of administration of justice and the media, the Special Rapporteur believes that it would be appropriate to make use of the Center for Human Rights program of advisory services (see E/CN.4/1995/91). Appropriate training of the personnel of the judicial system, the administration in general and the media in the areas of tolerance and non-discrimination based on religion and belief would be extremely useful. (5) The Special Rapporteur also wishes to stress the importance of establishing a permanent interfaith dialogue between religious minorities and the Orthodox Church in order to combat all forms of intolerance and religious discrimination. (6) Lastly, the Special Rapporteur reiterates the need to shield religious matters from political tensions and struggles so that religious freedom may express itself in characteristic contemplation and serenity, thereby benefiting all religious faiths, Greek society in general, religious freedom and human rights.

Note: The Special Rapporteur had no opportunity to meeting with Orthodox believers of the Old Calendar. As they refused to accept the new Gregorian calendar in 1924 and broke away from the Orthodox Church in order to create their own church, they have not been recognized and are in conflict with the official Orthodox Church.

[full text available at: [gopher://gopher.un.org/00/ga/docs/51/plenary/A51-542.EN1](http://gopher://gopher.un.org/00/ga/docs/51/plenary/A51-542.EN1)]

Follows the complete report of the prosecution of Mehmet Emin Aga. The Greek courts have been charging him for violation of Article 175 (on Pretense of Authority), Paragraph 2, of the Penal Code, solely on the basis of 33 messages he had issued to the Muslims on religious holidays which he signed as Mufti of Xanthi between 1993-1997 (see details below). To this day, he has been convicted to over 120 months in prison by the First Instance Courts, sentences reduced to some 70 months by the Appeals Courts. He has spent six months in prison and has bought off the balance, at considerable financial cost.

In February 1998, Amnesty International stated that Greece was acting in violation of international legislation which safeguards the right to freedom of expression in sentencing Mehmet Emin Aga to terms of imprisonment solely for the peaceful exercise of his right to freedom of expression (see complete reference below).

### The Dossier of the Prosecution of Mehmet Emin Aga

Charges in all cases: Violation of Article 175, paragraph 2 of the *Greek Penal Code* forbidding “*Assuming without justification the exercise of the function of a clergyman of (...) religion known in Greece.*”

Evidence in all cases: Signing as Mufti religious messages to Muslims on the respective dates.

#### Case 1:

Evidence: Messages released on five different Islamic holidays on January 11, April 19, 1993 and January 3, January 19 and February 10, 1994.

First Instance Court: June 28, 1996; Single-Member Criminal Court of Agrinio.

Outcome: Guilty verdict for two cases combined in one trial. Sentenced to 20 months in prison.

Appeals Court: April 29, 1998; Three-Member Criminal Court of Agrinio.

Outcome: Guilty verdict upheld. Sentence reduced to six months in prison. He bought off the sentence.

Supreme Court: Case pending.

#### Case 2:

Evidence: Message released on an Islamic holiday on February 17, 1993.

First Instance Court: April 12, 1994; Three-Member Criminal Court of Xanthi.

Outcome: Guilty verdict. Sentenced to 10 months in prison.

Appeals Court: January 24, 1995; Criminal Court of Larisa.

Outcome: Guilty verdict and sentence upheld. Mehmet Emin Aga spent six months in jail and bought off the remaining four months (he was released due to serious health problems).

Supreme Court: Appeal rejected.

#### Case 3:

Evidence: Messages released on eight different Islamic holidays on March 6, April 1, May 15, August 5, August 14, November 22, December 24, 1994 and January 9, 1995.

First Instance Court: May 7, 1996; Single-Member Criminal Court of Salonica.

Outcome: Guilty verdict. Sentenced to 12 months in prison.

Appeals Court: November 5, 1998; Three-Member Criminal Court of Salonica.

Outcome: Guilty verdict upheld. Sentence reduced to eight months. He bought off the sentence.

Supreme Court: Case pending.

Case 4:

Evidence: Messages released on six different Islamic holidays on August 8, May 3, November 11, November 13, December 30, 1995, and January 17, 1996.

First Instance Court: April 3, 1997; Single-Member Criminal Court of Lamia.

Outcome: Guilty verdict for two cases combined in one trial. Sentenced to 20 months in prison.

Appeals Court: February 25, 1998; Three-Member Criminal Court of Lamia.

Outcome: Guilty verdict upheld. Sentence reduced to 14 months in prison. He bought off the sentence.

Supreme Court: Case pending.

Case 5:

Evidence: Messages released on four different Islamic holidays on February 11, February 17, April 22 and July 25, 1996.

First Instance Court: November 6, 1997; Single-Member Criminal Court of Lamia.

Outcome: Guilty verdict for three cases combined in one trial. Sentenced to 22 months in prison.

Appeals Court: June 24, 1998; Three-Member Criminal Court of Lamia.

Outcome: Guilty verdict upheld. Sentence reduced to 14 months in prison. He bought off the sentence.

Supreme Court: Case pending.

Case 6:

Evidence: Messages released on four different Islamic holidays on June 28, July 25, November 8 and December 1, 1996.

First Instance Court: December 11, 1997; Single-Member Criminal Court of Lamia .

Outcome: Guilty verdict for two cases combined in one trial. Sentenced to 16 months in prison.

Appeals Court: January 27, 1999; Three-Member Criminal Court of Lamia.

Outcome: Guilty verdict upheld. Sentence reduced to 12 months in prison. He bought off the sentence.

Supreme Court: Case pending.

Case 7:

Evidence: Message released on an Islamic holiday on January 7, 1997.

First Instance Court: May 28, 1998; Single-Member Criminal Court of Lamia.

Outcome: Guilty verdict. Sentenced to seven months in prison.

Appeals Court: January 27, 1999; Three-Member Criminal Court of Lamia.

Outcome: Guilty verdict upheld. Sentence reduced to 5 months in prison. He bought off the sentence.

Supreme Court: Case pending.

Case 8:

Evidence: Messages released on two different Islamic holidays on January 30 and December 21, 1997.

First Instance Court: March 24, 1999; Single-Member Court of Seres.

Outcome: Guilty verdict. Sentenced to twelve months in prison.

Appeals Court: Case pending.

Case 9:

Evidence: Messages released on two Islamic holidays on April 11 and July 7, 1997.

First Instance Court: December 14, 1998; Single-Member Criminal Court of Larisa

Outcome: Guilty verdict. Sentenced to seven months in prison.

Appeals Court: Case pending.

Summary: Prison sentences in cases 1-7: 107 months at the First Instance level; 69 months at the Appeals level. Cases 8 and 9 are pending at the Appeals level (12 and 7 months respectively at the First Instance level).

On 8/5/1996, the Macedonian minority activist Father Nikodimos Tsarknias was acquitted in three trials, held in Edesa, in Northern Greece from the charges of "pretense of authority." Father Nikodimos Tsarknias had been convicted on 2/12/1994 for wearing the frock of an Orthodox priest although the Greek Orthodox Church had defrocked him in early 1993. The court disregarded the certificate of the Orthodox Church of Macedonia certifying Father Tsarknias had joined that Church before his defrocking, arguing that in Greece only the Church of Greece can accredit clergymen. Yet, the Greek state and court system tolerate the wearing of the Orthodox frock by clergymen of two Eastern-rite Churches which the Greek Church has never recognized: the Old Calendarists and the Greek Catholics (Uniates). Father Tsarknias had also accumulated a dozen similar convictions, most of them *in absentia*.

### The Kimmeria Mosque Case

Press Release of 1/1/1997

Topic: Spasmodic Administrative Actions on the Kimmeria, Xanthi Mosque Contribute to the Creation of Impressions of Discriminations Against the Minority

Greek Helsinki Monitor and Minority Right Group - Greece studied carefully all available information on the problem related to the construction works carried out in the mosque of Kimmeria, Xanthi. They reached the conclusion that, irrespective of the possible real motives, the spasmodic actions of the administrative agencies allow the creation of suspicions that the real problem is not the alleged building violations. On the contrary, it may seem that the aim is to (at least partially) repeal the initial license so that the mosque does not take the form desired by the Wakf Commission, probably as a result of the reaction to such construction by some extremist Greek circles. And that in practice there is unfavorable discriminatory treatment of the minority.

From the available evidence presented in details below, we stress three points that contribute to the creation of such impressions. The rare for Greece use of the *in flagrante* court procedure for an 'arbitrary construction,' when the country is full of -usually legalized- arbitrarily constructed buildings. The fact that for the building license violations the defendants were first informed during the court hearings and in fact without the required precision, something that even the court admitted and as a result postponed the trial. And the argument used *ex*

*post facto* by the Secretary General of the Region that the building license required the prior approval of the Bishop.

For that reason, our organizations:

Call upon the Courts to acquit the defendants in the trial of 3/1/1997.

Call all competent authorities, and especially the Secretary General of the Region and the Prefect, to secure the immediate continuation of the building works in the mosque, after they settle in cooperation with the interested parties the problems resulting from the possible but certainly secondary violations, without affecting the form the Wakf Commission wants to give the mosque and especially the height of the minaret: in such way the goodwill of the state which was stated to us will be confirmed and the impression that the administrative actions resulted from the reaction of extremists aiming at altering the form of the mosque will be dispelled.

Follow the facts as were ascertained by our organizations, with our related comments.

On 11/9/96, the Xanthi Urban Planning Direction (UPD) issued the 248/96 building license for “an annex to a mosque (extension of ground floor and minaret).” It is noteworthy that the related application by the Kimmeria Wakf Commission (KWC) had been submitted one and a half year before (19/4/95) and that the license was issued ten days before the elections.

One month later, on 14/10/96, the related work started. At the same time, though, from some local media and extremist Greek circles, started a reaction against the license and the height of the minaret (18 meters).

Two months after the issuing of the license, UPD ‘discovered’ that a soil technical study should have been submitted for the minaret as the mosque was near a torrent. So, it asked, through the 3095/14/11/96 letter to the KWC, the interruption of the works in the minaret above 7.5 meters before the submission and approval of that study. The first question arises here: why the state agencies had not asked for such a study during the one-and-a-half year they were deliberating on the application and, instead, granted the license?

One week later, with the 3164/22-11/96 letter, UPD informed KWC of its decision to interrupt building works “because of an ascertained violation” and gave a 30-day deadline to KWC to bring additional information so as to revise the license. The second question arises here: why wasn’t mentioned in this document or in any other related or attached document which violation(s) had been ascertained? Isn’t it irresponsible, in such a serious matter, to take a decision without the appropriate explanations?

On the following day, with a new letter (D.Y./23-11/96), UPD partly revoked the interruption of the building works and allowed some works to secure the “static strength” of the building. Third question: why UPD changed its decision within one day? Had it so superficially forgotten when sending the first letter the static strength of the building? Why moreover the second letter is not signed by the competent director, but by his political head, the prefect?

One month later, police was ordered to stop the works, arrest and take to court with the *in flagrante* procedure 23 persons present in the construction site, on 23 and 24/12/96, for “arbitrary construction with violations.” During the arrests, according to what the defendants’ lawyer told us, there was at least one case of police brutality, against Kimmeria Commune President Badak Husein, who has a related medical certificate. In the court hearings, though, it was proven that only then -specifically on 24/12/96, after the testimony of UPD director- was the KWC informed of the alleged building violations and again in very vague terms. It is for that reason that the court postponed the two cases for 3/1/97, so that concrete evidence be brought to court by the UPD employees who were reported to have ascertained the violations. Fourth question, therefore: why was the *in flagrante* procedure chosen; it may be within the limits of the law but it has hardly ever been used for arbitrary constructions, of which Greece is unfortunately full? Isn’t it unacceptable that even in court the administration could not beyond any reasonable doubt and with the necessary precision prove that there were violations, one month after they were allegedly ascertained?

In a communication with us, UPD director V. Vertsonis told us that there were violations in the construction of a basement not in the plans, a common roof and a common mezzanine (for the women’s section). But the basement concerns only the central heating facility, while for the roof and the mezzanine it was decided to have one common for the whole mosque rather than keeping the old ones and building new ones in the mosque’s

extensions. So, if these are violations, they are marginal and can be 'settled.' Certainly, till the matter reached the courts, the KWC in good faith was unaware of the specific violations they were responsible for.

In another communication with us, the Secretary General of the Eastern Macedonia and Thrace Region A. Lagos told us, in disagreement with the UPD, that the initial building license was not conforming to the law, as it lacked his approval as well as the agreements of the area's Bishop and Mufti. We have to recall here that, however strange it may sound, the Mufti's approval is not necessary. Besides, the Council of State has decided (decision 1444/28-1/1991) that the Bishop's opinion is not binding for the administration; more recently, too, in a decision against Greece (case of Manousakis 59/1995/565/651/26-9-1996), the European Court of Human Rights stipulated that the related Greek legislation is incompatible with article 9 of the European Convention of Human Rights. Anyway, A. Lagos told us that he has ordered an internal investigation on the illegalities of the license so that those responsible be held accountable. Our organizations believe that, had the problem been the negligence of the state agencies on these matters, the investigation should seek out responsibilities also for the improperly explained and spasmodic actions mentioned above which seriously compromised the state.

Finally, we are surprised by the statement of the spokesperson of the Greek Foreign Ministry K. Bikas. We hope only because he was inadequately informed, he stated (27/12/96) incorrectly that in the initial building license "the minaret of the mosque was not included;" in such a way he contributed to the creation of the impression that the real problem is the minaret and its height. We also regret the fact the media did not seek out the real facts and limited themselves to more or less similar articles which mentioned the matter as a simple and unquestionable case of arbitrary construction and -for some media- another 'provocation from Ankara:" given that on that matter, the minority appears nearly unanimously embarrassed from the actions of the administration, such attitude by the media does not help the effort of an equal under the law integration of the minority into Greek society.

Update (8/1/97)

On 3/1/97, in the two trials, the court convicted the Kimmeria imam twice to four-month prison sentences (total eight months) and 17 other minority workers to 35-day sentences each. They were all set free on appeal.

The same day, the Bishop of adjacent Komotini sent a inflammatory public letter to the Prime Minister protesting that a 16-meter minaret was to be built in Pelekiti (Rodopi) despite his disagreement based on the fact that the church in the neighboring village Amaxades had only a 12-meter bell-tower; he also called for a protest rally in Amaxades on 8/1/97, which was held without incidents. The impression that the height of the minarets is the problem though was confirmed by this action of the Bishop.

Update (September 1999)

In mid-1997, upon an oral directive, the minority was allowed to finish the works in the mosque, except for the minaret. This underscored the political nature of the stop order, especially as no "technical soil study" was requested by that oral order.

## Article 9

**1. The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.**

**2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**

**3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons**

**belonging to national minorities are granted the possibility of creating and using their own media.**

**4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

Formally, the Greek state would argue that Paragraph 1 Paragraph 1 Paragraph 1 Paragraph 1 Paragraph 1 Paragraph 1 persons belonging to national minorities have free access to the media; and that the right to impart and receive information is based on generally binding laws. It would then mention a score of publications in Turkish, published in Thrace. It may even add that the regional Thrace outlet of the national state radio has Turkish-language news bulletins and a couple of radio programs in Turkish.

Reality is as usual very different. Turkish-language media do exist but in smaller numbers. Newspapers are published at most once a week and, even those, with occasional longer breaks. State radio programs in Turkish are of cultural content and the newscasts are exact translations of the Greek newscasts. So minority community news cannot be broadcasted neither from the private Turkish language radio stations, that are not allowed to have newscasts.

References to possible human rights violations and discrimination against the minority can lead to prosecution. In 1974, Selahedin Galip was convicted for dissemination of false information (Article 191) and subsequently stripped of his citizenship (on the basis of Article 19 and then Article 20 of the Code of Citizenship).

Salih Halil, publisher of the minority newspaper "Ileri" has been repeatedly prosecuted between 1975-9. First, for having used the Turkish name of Komotini (Gumulcine) –acquitted. Then, for having published in Turkish a 1914 editorial of well-known writer Spyros Melas critical of Greek gendarmerie –convicted to seven months by both first and appeals courts. Or for having alleged injustices against minority citizens –convicted to seven months (of which he served 72 days) by first, appeals and supreme courts. Likewise, for having criticized land expropriations to create a university –convicted to three months at first instance and served 35 days until acquitted by the appeals court. Finally, for having issued a tract opposing the participation of minority shopkeepers to a strike –convicted along with communal leader Ibram Onsunoglu to seven months at first instance and acquitted by the appeals court.

Abdulhalim Dede, one time correspondent of Istanbul-based "Hurriyet," occasional publisher of the minority "Trakyanin Sesi" and owner of "Radio Isik," has also been repeatedly prosecuted between 1985-1998. First, for dissemination of false information in Hurriyet –convicted to 13 months at first instance, crime prescribed before reaching the appeals court. For satirical sketches –convicted to ten months at first instance, acquitted by the appeals court. For dissemination of false information and defamation of an ultra-nationalist activist from Thrace, through an article denouncing the "shadow state" in Thrace –acquitted for the first charge and convicted to a six-month suspended sentence for the second. For trying to install a radio antenna for "Radio Isik" in his back yard –convicted to eight months in prison. While two cases are pending for illegally operating radio stations. Over three thousand radio stations operate in Greece without licenses, several of which have also installed antennae without permission and without been prosecuted.

The late former minority parliamentarian Sadik Ahmet had been prosecuted not only for calling the minority Turkish (see section reviewing Article 3 above) but also for expressing his opinion on the minority's human rights problems. He had been collecting signatures for a petition to the Greek authorities and the international organizations – in which it was claimed that the Turkish Muslim minority was being prosecuted and oppressed – from 1 September 1985 through 9 August 1986, when he was arrested: on that day, the police stopped his car on the way back to Komotini from Alexandroupoli, found and seized the petition with 1,634 signatures, arrested him and two other Turks, held them in custody for the weekend, and charged them of disseminating false information and of forgery on the basis of the petition they had in their car. During the trial, 16 of the 19 Muslim Turk witnesses for the prosecution confirmed their signature on the petition and the problems of the minority, most of them also retracting their statements to the contrary made and signed at police stations, and claiming that the latter were the result of police harassment if not forgery. Nevertheless, the court based the forgery charge on the initial statements claiming that the retraction was the result of pressures by minority activists upon them. As for the complaints in the petitions was the result of pressures by minority activists upon

them. As for the complaints in the petition, most have been reported since in multiple NGO reports and, in any case, it is internationally accepted that, in democracies, people can freely make even false claims.

Macedonians' freedom of expression in their own language and/or about possible human rights issues has been prosecuted. The trials of Sideropoulos (sometimes with others) and of "Rainbow" have been presented above (see section on Article 3).

On 19/11/1998, Traianos Pasois was tried in Florina for "dissemination of false information" (article 191 of the Penal Code) in the Greek-Macedonian border in Niki, Florina on 17/2/1996. At that time he was a leading member of "Rainbow." According to the indictment, he was carrying "two wall calendars which he intended to circulate" and which "featured photographs of pure Greek towns and areas, under or next to which were captions written in a foreign idiom." Indeed, the names of the localities were written in Macedonian. The indictment further stated that the captions "praised clearly controversial and provocative actions and decisions by political parties, groups and organizations which took part in the civil war. [These] actions and decisions disputed the Greek character of [the province of] Macedonia, aiming at its dismemberment, secession and annexation by a neighboring state then enemy of Greece". The party implied here was the Communist Party of Greece (KKE), which was illegal during the civil war but is legal today. There was no evidence in the indictment to suggest that the calendars contained any advocacy of violence. Pasois was acquitted.

In mid-1990s, there were credible reports that postal authorities obstructed the postal distribution of Macedonian minority publications "Zora" and "Moglena".

## Article 10

**1. The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.**

**2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**

**3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.**

In the previous section, evidence has been provided on the occasional interference in the use of some minority languages in Greece. Moreover, until the 1980s, the public use of Macedonian was discouraged if not persecuted. Until the mid-1990s, the singing of Macedonian songs was suppressed by police, and even in the late 1990s, pressure is occasionally exerted against it. Even today, "at school pupils are still censored by teachers as their accent betrays them. This they cannot hide. This is the reason why at school pressure is exerted so that the language not be spoken at home" (National Center for Social Research, 1998:364).

Turkish is formally admitted in court, as the Treaty of Lausanne guarantees it. However, it is hardly ever used and when GHM & MRG-G asked the Ministry of Justice for list of accredited interpreters in Thrace in 1997, they received a decision of appointment only for the following year 1998, which indicated that there was none before. No other use of minority languages in official communications or administrative proceedings is available.

## Article 11

**1. The Parties undertake to recognize that every person belonging to a national minority has the right to use his or her surname (patronymic) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**

**2. The Parties undertake to recognize that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**

**3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavor, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

The Macedonian names of nearly all-Macedonian families were forcibly changed in the 1920's into Greek ones. Nowadays, it is in theory possible to revert to the old names, but as the example of Stoidis showed, it is practically not only difficult but also risky, hence hardly anyone is using it. On 16/8/1996, the prefect of Pella rejected the request of Nicholas Stoidis to change his last name back into Stojanov -his 'indigenous Bulgaromacedonian' -as N. Stoidis calls him- grandfather's name that was forcefully "Hellenized" in 1913. The rejection was based on three citizens' objections, which though were never given to N. Stoidis. In the meantime, Stoidis' request, though classified 'top secret' by the administration- was leaked to the media with the obvious purpose that Stoidis be harassed by those objecting to his request, which did in fact happen in both local and national media.

As for the Turks, Greek authorities in practice impose their own transliteration into Greek and then a transliteration back into any Latin scripture (in passports) that makes them very different from the way the Turkish language is written in the Latin alphabet. In theory, Turks have the option to ask for changes but they are not aware of that possibility and, when informed, are persuaded, not unjustifiably, that this will put them in trouble with the authorities.

No inscriptions in minority languages are found in either Thrace or Western Macedonia (where though inscriptions in Russian to attract potential tourists can be found). Although again in theory there is no law against them, the example of the violent reaction against such an inscription of the "Rainbow" party and the ensuing prosecution of its leaders indicates that the authorities are still discouraging the use of minority language signs or inscriptions.

Consequently there is no use of traditional local names and/or names in minority languages. On the contrary its occasional use draws the strong criticism by most media and politicians.

## **Article 12**

**1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**

**2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**

**3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

Education of the majority population about the culture, history, language and religion of national minorities has traditionally been neglected. In spite of a certain progress made during the last ten years, Greek instruction books remain largely textbooks of the Greek ethnic nation, its history, its culture, its fight for state sovereignty, always in contrary to the Turkish or Bulgarian elements. It is as though the Greek lands have not traditionally been the home of various ethnic, cultural and religious communities, especially the Bulgarian/Macedonian, Turkish and Jewish national minorities, and also the perpetually disregarded Roma. Representatives of the Jewish community in particular have been vocal on the issue and have considered as unsatisfactory the way Jewish topics are presented in Greek elementary and secondary schools. Similarly to other observers, they point out that Greek textbooks and curricula do not provide sufficient information about Jewish presence in the

history or provide such information in a distorted, and sometimes in the past anti-Semitic, manner.

The Greek state's special programs concerning the educational needs of the "Muslim minority" deal only with improving their skills in the Greek language. Greece states (<http://www.mfa.gr/foreign/musminen.htm>): "The Government also pays particular attention to the improvement of the skills of the schoolchildren in the Greek language. Two research programs are currently being applied and both have yielded positive results. The first is the "Program for the Education of Moslem Children" and has been designed by the Special Secretariat for the Education of Greeks Abroad and Multicultural Education of the Ministry of Education in collaboration with the National Kapodistrian University. Its aim is the publication of textbooks for the teaching of the Greek language to students with a different mother tongue. It is financed by the EU with 1,2 billion Drs approximately (3.896.000 USD). The second is the "Multicultural Educational Support for Student Groups in Thrace". Designed by the National Youth Foundation, it is also financed by the EU with 585.000.000 Drs (1.900.000 USD). Its aim is to facilitate the adaptation of students to the Greek educational system and alleviate the cost of education for families in need by providing free supplementary education. Another program which was successfully put into practice in August and September 1998, was the program for the support of Moslem students in secondary education particularly for first year students in the Gymnasiums and students having failed the exams. The Ministry of Education has initiated the procedure for the integration of the Special Pedagogical Academy of Thessaloniki – from which the teachers employed in the minority schools graduate - in the University Education system. To this end a Presidential Decree is under consideration which will establish a Department of Moslem, Pedagogical and Theological Studies at the Aristotelian University in Thessaloniki." It should be mentioned that the second program mentioned above has been criticized for its assimilationist character. Moreover, teaching at the Pedagogical Academy has been done in Greek and by Greek professors; combined with the fact that most of its students come from the theological secondary schools which have an insufficient and outdated curriculum, these facts explain why most Academy graduates are, according to most minority representatives, inadequate teachers (sometimes even with poor Turkish).

As mentioned before, the state has introduced affirmative action quotas to facilitate university entrance of students from the "Muslim minority." Not all places have been filled while many students have reportedly not managed to keep up with the demands of their universities.

### **Article 13**

- 1. Within the framework of their education systems, the Parties shall recognize that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**
- 2. The exercise of this right shall not entail any financial obligation for the Parties.**

Most primary and one secondary school of the "Muslim minority" are formally private. However, they are under the strict control of and largely financed by the state, so that they are de facto state schools.

### **Article 14**

- 1. The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.**
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavor to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**
- 3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

The Treaty of Lausanne guarantees education of persons belonging to the “Muslim minority”. Macedonians’ demands for teaching of and in their language were not met as neither that minority nor its language is recognized by the Greek state.

The Greek state’s position on the education of the “Muslim minority” is the following (<http://www.mfa.gr/foreign/musminen.htm>): “The State, and the Ministry of Education in particular, consider the education of the Moslem children as a matter of high priority. Concrete proof of this is the credits allotted every year for the running costs, maintenance and improvement of the minority schools. In 1998, in particular, 61.600.000 drs (approx. 200.000 USD) were spent for running costs, 289.364.000 Drs (940.000 USD) for new construction, 139.126.000 Drs (452.000 USD) for repairs and 100.000.000 (325.000 USD) for educational material of these schools. Today there are 235 primary minority schools in Thrace. Courses are taught in the Greek and Turkish language as stipulated in the 5th Part of the Lausanne Treaty of 1923 under the heading “Protection of Minorities”. The number of Moslem teachers employed in these schools is 440. More than half of them (260), are graduates of the Special Pedagogical Academy of Thessaloniki, 82 are graduates of the secondary education schools i.e. Gymnasiums and Coranic Schools, 90 are graduates of Turkish schools and 9 are Turkish nationals, appointed for a set period of time according to the provisions of exchange of teachers between Greece and Turkey contained in the 1968 Bilateral Cultural Protocol. Two minority secondary education schools operate in the cities of Xanthi and Komotini, capital cities of the respective Prefectures of Xanthi and Rodhopi, where the Muslim Minority is mainly situated. The schools are housed in buildings provided for by the Greek State. Both Greek and Turkish is used for the education of the students in these schools. Twelve Moslem Greek teachers, graduates of Turkish Universities and 7 Turkish nationals (as provided by the 1968 Bilateral Cultural Protocol) are employed. It is true that the infrastructure and capacity of these schools does not allow for the admission of the total number of students interested in pursuing their education. Thus selection by lot is being resorted to for their admission. This measure has come under criticism by part of its members. However, it must be kept in mind that for all practical purposes almost all of the candidates are finally admitted by means of a decision issued yearly by the Secretary General of the Region of Eastern Macedonia - Thrace on the basis of a recommendation by the Coordinator of Minority Education. During the current academic year 98% of the surplus applications for admission were accepted while the Authorities also agreed to include among the eligible applicants, even those who submitted their application belatedly. It must also be mentioned that in Thrace and in the remote mountainous area in Xanthi where the Pomaks live, in particular, the State has set up and is financing the operation of Greek speaking secondary education schools (Gymnasiums) in which the teaching of the lesson of religion in the Turkish language and the teaching of the Koran in Arabic have been introduced. Furthermore the State finances the commuting to the schools of those students for whom the distances are too prohibiting. During the academic year 1997-98, 60.000.000 Drs (195.000 USD) were spent for the moving of students to and from the Glafki Lyceum and the Sminthi, Echinis, Glafki and Thermae Gymnasiums of the Xanthi Prefecture. Yet another positive development in the education of the Minority is the adoption, last year, of Law 2621/1998 whereby the two Koranic Schools of Komotini and of Echinis in the Xanthi Prefecture have been recognized as equivalent to the Religious Studies Lyceums of the country. The Pedagogical Institute of the Ministry of Education is currently working on the new curriculum which is expected to be applied starting next academic year. Currently, there is a positive climate of cooperation between the MFA and the Turkish Embassy in Athens concerning the exchange of schoolbooks for the use of Moslem students in Thrace and students of the Greek Minority in Turkey. The relevant provisions are part of the 1968 Bilateral Cultural Protocol in the form of recommendations. The Turkish side submitted 19 titles for approval by the competent authority, i.e. the Pedagogical Institute of the Ministry of Education. The latter checked their content, concluding that the textbooks conform to the necessary educational standards for Primary education. This assessment puts a new positive slant on the issue of the exchange of textbooks, as books submitted by the Turkish side in the past were on the whole considered inadequate to cover the educational needs of the Minority. The last time such books were submitted was in 1992-1993. In order to make up for the lack of progress, the Greek Ministry of Education undertook the writing and publication of Turkish-language textbooks for use in the first five years of Primary School, which, according to the assessment of all the experts, fulfilled the educational and pedagogical norms. Unfortunately the distribution of these books met with the organized and guided reaction of certain circles of the Minority and were never put to use.”

Although there has been some progress recently, the level of education of the “Muslim minority” is far from satisfactory. As mentioned before, many teachers are inadequately qualified. Textbooks are outdated and the

ones mentioned above have not yet been distributed; they are certainly fewer than the ones required for a fully modernized curriculum. There is anyway shortage of teachers especially in the two secondary schools, where the ones coming from Turkey usually do not receive their visa until halfway in the school year. Failure rates (and resulting dropout rates) in the final exams of secondary school pupils are much higher among minority children than among Greek ones.

### **Article 15**

**The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.**

As mentioned before, Macedonian-language cultural activities had been suppressed through the early 1990's and they remain in some cases still discouraged. In Thrace, the annual festivals of the city of Xanthi, whose population is about one-third Turkish, do not include even one activity by the minority, while they often invite participants from abroad. There has also been occasional harassment of Turkish minority cultural activities.

There are very few Turks employed in the public sector, and, with the exception of teachers, most with service jobs. Certainly, Roma face the largest problem of job discrimination. Not only very few are employed in the public sector but also even state licenses for their trade activities are frequently being denied.

Although, since 1996, there have been three members of parliament from the Turkish minority, and there are many Turks elected in the municipal and prefecture councils, there have been two measures introduced specifically to prevent the unhindered participation of Turks in public affairs. First, following the election of one or two independent Turkish deputies in the three elections of 1989 and 1990, a 3% nationwide threshold was introduced in late 1990. This effectively eliminated Turkish deputies from the 1993 parliament, as independent candidates exceeded or just missed the local threshold for election but were not elected as their votes were far from the nationwide 3%. Subsequently, Turkish voters started backing minority candidates of the mainstream parties that could exceed the 3% nationwide. The 3% threshold was also later introduced for the elections of the European parliament.

Since 1994 prefects in Greece are elected. Nevertheless, the related law included a gerrymandering which merged one of the two major minority prefectures, Xanthi, with adjacent Kavala and Drama; and the other prefecture, Rodopi (the Komotini area), with adjacent Alexandroupolis; lest the minority elects its own prefects or a runoff between a Greek and an independent Turkish candidates makes the choice of the Greek parties an 'impossible' one.

Moreover, the dissolution of most Turkish associations and the refusal to register a Macedonian and a Turkish ones (which discouraged the attempt of registration of other such associations) hampers the full participation of these two minorities in public life.

### **Article 16**

**The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.**

The Greek state has attempted to induce with many privileges the settlement of many of the hundreds of thousand "repatriated" Greeks (mainly from countries of the former USSR) in minority populated areas of Thrace and Western Macedonia, which has created some animosity between the "repatriated" and the minorities.

### **Article 17**

**1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.**

**2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organizations, both at the national and international levels.**

Free and peaceful contacts across frontiers may be formally guaranteed. However, most Turkish and Macedonian minority families have relatives who have been deprived of their citizenship under Articles 19 or 20 of the Code of Citizenship who are denied even the right to visit Greece. Many of them live just across the frontier in Turkey or Macedonia. In some cases, even some of the latter's descendants who were born abroad and never had Greek citizenship are denied entry, probably because they have been engaging in cultural and/or public activities of their ethnic or migrant group abroad.

After the country's civil war (1944-1949), many ethnic Macedonians left Greece along with other Greek citizens, who although of Greek origin had fought with the communist forces. A 1982 law allowed ethnic Greek refugees to return. Ethnic Macedonians still had no right to return, as of the end of 1996. Moreover, even short visits to participate, for example, in weddings or funerals were usually prohibited. Also children of Greek Macedonian refugees as well as activists involved in Macedonian issues were denied entry. Although the practice has no basis in law, there is good reason to believe that there are "black lists" which border authorities have to respect.

On 20 July 1996, a group of 29 young dancers from Canada of Macedonian origin, who were to have participated in a Macedonian cultural festival, were prohibited from entering the country at the border check-point of Niki. The authorities cited Article 6.5 of the law 1975/91 concerning immigration. This stipulates that "entry of a foreign citizen in Greek territory is prohibited in case the purpose of his visit is to undertake any labor activity or business activity or self-employed professional activity without having authorization of the consulate which granted the visa..." After considerable harassment, and following the intervention of Greek Helsinki Monitor and Minority Rights Group-Greece, the group was allowed to enter. However, they were not allowed to wear their costumes or to dance at the Meliti festival.

On the same day, Steve Pliakes, a Canadian citizen born in the village of Sklithro, Florina, was also denied entry, apparently because of his activities for the Macedonian minority abroad. His wife Lilly Pliakes, also a Canadian citizen and born in Andartico, Florina, was allowed to enter the country.

On 24 October 1996, Victor Bivell, an Australian citizen, was denied entry to Greece. He and his wife were on their honeymoon and wanted to visit the village of Victor Bivell's parents for a few days. Bivell is the manager of Pollitecon Publications (Australia), which has published or distributed books about the Macedonian minority in Greece.

In late 1996, Greek authorities eased somewhat the restrictions on entry for citizens of the Republic of Macedonia. Many of those who had Macedonian passports in which their place of birth was marked "Greece" only, without a Macedonian name for the location, were allowed to visit Greece for 20 days. Those whom Greek authorities regarded as undesirable were refused entry.

Many ethnic Macedonians who fled Greece as a result of the 1946-49 civil war were not allowed to enter Greece, even for brief visits or to attend the fiftieth anniversary reunion of their exodus, held in July 1999. This happened despite written commitment to the contrary by Alternate Foreign Minister George Papandreou in a letter to the IHF. Some were denied entrance because their passports mentioned their birthplaces in Greece with their old Macedonian name only; others simply because they were on a "red list" of undesirables.

In these minority areas, one cannot find newspapers published in Turkey or Macedonia, while at least the former can be found in Athens and in other areas of Greece. Until the late 1990's, custom officers were seizing publications in Macedonian brought in Greece by Macedonians of Greece while returning from Macedonia; and there were frequent, and occasionally humiliating, luggage and body checks in that border. The practice seems to have disappeared in the late 1990s.

On the limits to the freedom of association, see above.

### **Article 18**

- 1. The Parties shall endeavor to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighboring States, in order to ensure the protection of persons belonging to the national minorities concerned.**
- 2. Where relevant, the Parties shall take measures to encourage transfrontier cooperation.**

The status of the “Muslim minority” in Greece and the “Greek Orthodox (Rum)” minority in Turkey is defined and protected by the 1923 Treaty of Lausanne. Additionally, they have signed the 1951 and 1968 Bilateral Cultural Protocols dealing with cultural and education issues.

### Appendix A

#### Amnesty International

#### Report on COs in Greece

Greece

No satisfaction:

the failures of alternative civilian service

On 1 January 1998 Law 2510/97 on conscription, which had been passed by the Greek Parliament in June 1997, entered into force. For the first time, the law included a provision for alternative civilian service, a move which Amnesty International welcomed after years of campaigning for the release of conscientious objectors who were until then serving sentences of up to four years’ imprisonment for insubordination.

Law 2510/97 states that conscientious objector status and civilian alternative service or unarmed military service are available to conscripts declaring themselves opposed to the personal use of arms for fundamental reasons of conscience based on religious, philosophical, ideological or moral convictions (Article 18, paragraphs 1, 2 and 3). However, Amnesty International is concerned not only that some of its provisions still fall short of international standards, but also that its application remains unsatisfactory or even clearly discriminatory against conscientious objectors.

### **International Standards on Conscientious Objection**

Recommendation No. R (87) 8 of the Committee of Ministers to Member States of the Council of Europe Regarding Conscientious Objection to Compulsory Military Service of 9 April 1987 recommends that “[a]lternative service shall not be of a punitive nature. Its duration shall, in comparison to that of military service, remain within reasonable limits” (§10).

The 1987 Recommendation of the Council of Europe Committee of Minister asserts that “applications for conscientious objector status shall be made in ways and within time limits to be determined having due regard to the requirement that the procedure for the examination of an application should, as a rule, be completed

before the individual concerned is actually enlisted in the forces". However, the Recommendation also states that "the law may also provide for the possibility of applying for and obtaining conscientious objector status in cases where the requisite conditions for conscientious objection appear during military service or periods of military training after initial service".

On 11 March 1993 the European Parliament adopted a resolution on respect for human rights in the European Community. In the section on conscientious objection, it called upon Member States to guarantee that "conscientious objector status can be applied for at any time, including military service...".

*In theory: the shortcomings of Law 2510/97*

This law states that alternative civilian service (Article 19, paragraph 1) will be 18 months longer than military service. For example, a conscientious objector will be required to serve 36 months of civilian service, as opposed to 18 months of military service in the Territorial Army.

According to Article 24, paragraph 2 of the law, in case of war the dispositions established for alternative service can be suspended upon decision from the Ministry of Defence. Conscientious objectors performing alternative civilian service will then be incorporated into the compulsory unarmed military service. Although this law also recognizes the right of conscientious objectors to switch from alternative civilian service at any time to military service - the minimum length of which is six months (Article 21 paragraphs 7 and 8), it contains no specific provision for conscientious objection developed during military service. Article 18, paragraph 4 (a) states that: "*those who have carried arms for whatever length of time in the Greek or foreign armed forces or in the security forces* " cannot be considered as conscientious objectors.

Moreover, according to Article 21, paragraph 2, of the law, conscientious objectors applying for alternative civilian service have to report to undertake their [alternative] service within the time-frame of a period which is determined [as starting] from the date a convocation for alternative service is sent to them by the relevant military authorities of the Ministry of National Defence, otherwise they face being charged with insubordination. However, the period of time given to conscientious objectors to report for alternative service is not specified by the law and could therefore be open to any interpretation.

According to Paragraph 5 (d) of the same article, conscientious objectors who carry out trade unionist activities or participate in a strike during the period of their alternative service will have their right to alternative civilian service or unarmed military service revoked, and therefore, according to Paragraph 6 of the article, will have to serve the remaining part of their military obligations in the army.

Amnesty International is also concerned that the Minister of Defence decides on initial applications for conscientious objector status on the advice of a committee composed of civilian and military members (Article 20 paragraph 1). Moreover, Article 21, paragraph 3 (b) considers "those who serve an alternative civil social service [...] as quasi enlisted in the armed forces.

### **Discrimination in practice**

Amnesty International has also received reports that the application of Law 2510/97 remains unsatisfactory or clearly discriminatory against conscientious objectors. In at least 25 cases, conscientious objectors who performed civilian alternative service in health institutions throughout Greece (such as in Rethymnon, Siderokastro/Serres, Nigrita/Serres, Drama, Avlida/Evoia, Mytilini) were subjected to punitive measures which include working hours not comparable with those imposed during military service (they are obliged to work seven days a week with a total of up to 56 to 68 working hours); no right of leave and threats of punitive measures being taken against them including the revocation of their right to alternative civilian service if they refuse to comply with such hours.

Applicants are given a very short delay to gather all the documents they are requested to submit to the authorities for their recognition of conscientious objector status. For example, Dimitris Pakkidis' application for conscientious objection was rejected on the grounds that he had not respected the deadline (seven days from the time of his application on 23 March 1998, that is on 31 March 1998) given to him to produce all necessary documents to support his request. These documents include: a formal application in which they list their civil

status, usual address, education and professional qualifications and indicate the type of service they wish to perform (unarmed or alternative civilian service); a personal statement in which they express the reasons for their objection to military service; a certificate issued by the relevant police and forestry authorities (both from their place of birth and their place of residence) that they are not holding a gun or a hunting licence, nor have they ever applied to get such licences; provide a certificate issued by the relevant prosecutor's office that they were not involved in any crime related to the use of weapons, amunitions or illegal violence; a copy of their police record.

The documents also required (on a consultative basis only i.e., not submitting them is not a reason for refusal of conscientious objector status) for conscientious objectors who apply on grounds of religious beliefs include a certified copy of their identity card; a certification from the church or other relevant authority stating the candidate's religion and where possible the date of their conversion to that religion; a similar certification for the other members of his family if they follow the same religion as the applicant; certification of education from the secondary school or lyc?e where they have studied, mentioning their participation in or exemption from religious education; certificate of military status for the other male members of the applicant's family when they were exempted from enlistment in the armed forces on the grounds of their religious beliefs).

Amnesty International is concerned about reports that at least six applications brought by conscientious objectors for alternative civilian service were rejected on grounds which may have been arbitrarily discriminatory against the applicants. All are now charged with insubordination. Decisions from the Council of State are pending in at least three cases where the applicants alleged they were unable to submit their documents in time because of the lack of cooperation from the relevant authorities, which refused to provide them with the certificate requested. In another case, conscientious objector, Christos Kiourktsidis, lost his status as a result of an administrative error. When Christos Kiourktsidis reported for alternative civilian service in Avlida (Evoia) on 20 August 1998 as he was requested, he was told by a civil servant to come back four days later, as the manager of the institution was on vacation and she did not know what to do with him. However, when the manager returned from holidays the following day and saw that the conscientious objector was not on his position on the exact day of his presentation, he informed the conscription office at Serres. Christos Kiourktsidis has appealed to the Council of State against the decision revoking his status as conscientious objector, and a decision has yet to be made.

One conscientious objector, Yannis Farkonas is currently serving a 4 years and 20 days' sentence charged with draft evasion for failing to respond to military orders. He was absent at the time his call-up papers were sent to his parents' address and had not had time to prepare all the documents required for his application for alternative civilian service upon his return (four days before the deadline he had been given expired). Michail Kouvardas was also sentenced to four years' imprisonment for draft evasion on grounds that he did not report to the health commission on the appointed day.

Moreover, although the law states clearly in its Article 21, paragraph 3(d) that a monthly salary should be paid to conscientious objectors who opt for alternative civilian service when the institution is unable to offer them food and housing, there are reports that some institutions (in Iannena, Karditsa, Mytilini, Avlida/Evoia, Siderokastro/Serres, Nigrita/Serres and Kerkyra) refuse to pay the agreed monthly salary of 58,000 drachms. Housing of conscientious objectors also remains inadequate in some instances. For example, in his letter to the Ombudsman, dated 18 May 1999, conscientious objector Stergios Tselepis complained of having been obliged to stay in a 12 square meters room (shared with another conscientious objector) which contained only one bed and a small wardrobe. On 19 July 1999, twenty-two conscientious objectors who are performing alternative civilian service at the Centre for the Care of Children in Karditsa wrote to the ombudsman complaining about poor housing conditions for 6 of them who, on the grounds of economic restrictions, are housed in two dormitories (35 and 30 square meters respectively) sharing all facilities together with about 150 children suffering from serious mental illnesses.

Amnesty International's recommendations to the Greek authorities

Amnesty International is concerned about the punitive length of the alternative civilian service (18 months longer than military service). Amnesty International urges the Greek authorities to review the length of the alternative civilian service with a view to bringing it into line with international standards and recommendations.

Amnesty International considers that the right to perform alternative civilian service should never be derogated from, even in time of war or public emergency, and calls on the authorities to amend Article 24, paragraph 2 of

the law accordingly.

With regard to the time limit for registering conscientious objection (Article 21, paragraph 2), Amnesty International believes that conscientious objectors should have the right to claim conscientious objector status at any time, both up to and after entering the armed forces and calls upon the authorities to review this article of the law.

Amnesty International believes that alternative civilian service should be strictly under civilian authority, including in the examination of a candidate's application for recognition of his status as conscientious objector.

The organization therefore urges the Greek authorities to review Articles 20, paragraph 1 and 21, paragraph 3 (d) of Law 2510/97, both of which *de facto* put alternative civilian service under military authority.

Amnesty International also urges the Greek authorities to immediately and unconditionally release Michail Kourvardas and Yannis Farkonas, conscientious objectors currently serving sentences of up to four years' imprisonment. Amnesty International considers them to be prisoners of conscience.

The organization urges the Greek authorities to take all necessary steps to ensure that all discriminatory measures against conscientious objectors who opted to perform alternative civilian service are put to an immediate end.

## Appendix B

### A Report on the Roma in Greece

Co-operating Organizations

For the Rights of Tent Dwelling Roma in Greece\*

Report on Greece to the OSCE Review Conference 1999

22 September 1999

### Roma Rights

#### Overview

In November 1998, during the OSCE Implementation Meeting on Human Dimension Issues in Warsaw, the official Greek delegation, in an answer to a related presentation by Minority Rights Group - Greece, described and explained the Roma situation in Greece with remarkable candor and accuracy:

*«I wish to state in all honesty that I cannot, and will not attempt to, justify the unjustifiable. Even allowing for some degree of exaggeration in the picture painted by the NGO in its statement, we do recognize that the situation of the Roma in Greece is still far from satisfactory. It is indeed unacceptable. And in our efforts to remedy the situation we have a long way to go.*

*The Greek Government has repeatedly expressed its will to take all appropriate measures to improve the state of Roma and bring their standard of living at the same level as that of other Greek citizens. What has been hindering the efforts by the central Government is the persistent mentality of prejudice at the level of local administration and some members of the police. Of particular concern, and of course more difficult to control by the central Government, are some elected local authorities.*

*Five years ago, in an effort to decentralize the program aiming at the improvement of the situation of Roma in the country, a City Municipality Network for Gypsy Citizens was created in Greece, with the participation of some 33 cities and municipalities. However, the system of allowing the local government to deal with the question has been found to be really ineffective.*

*Recognizing that, the Government introduced in 1996 a Program of Social Integration of Greek Gypsies, in terms of which the central Government would exercise more control over the way the program is implemented at the local level.*

*It is also hoped that the recently established office of Ombudsman in Greece will prove helpful, especially in fighting cases of discrimination and incidents of police brutality against Roma.*

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\* **Drom Network for Roma Social Rights, European Roma Rights Center, Greek Delegation of Doctors of the World, Greek Helsinki Monitor and Minority Rights Group-Greece**

*I would also add that Greece takes seriously Recommendation III, on Racism and Xenophobia against Roma and Sinti, by the European Commission against Racism and Intolerance.»*

Unfortunately, the above text, only reflects the sincere will -also confirmed by the Cooperating Organizations- of the leadership and diplomats of the -not competent on the matter- Ministry of Foreign Affairs, as well as the Prime Minister's Office for the Quality of Life. On the other hand, the competent Ministries, first and foremost of which the Ministry of Interior and Public Administration have not yet shown the necessary will for the implementation of the declared policy as well as of the respect for Roma rights. Had the ambitious 1996 Program mentioned above been realized even by 50%, it would have radically changed the living conditions of the Roma of Greece. Apparently, it was confined to free-handed commissioning of programs and subsidies, of a total worth of several billion drachmas (\$1=300drs. app.).

Up to now there is no example of a destitute Roma settlement that has been relocated satisfactorily. On the contrary, numerous communities of Roma tent-dwellers were evicted or threatened with eviction, or, worse still, relocated in allegedly «model settlements» which are nothing but «models of deception of the government» by local authorities in collaboration with other public agencies. It is also characteristic that even shabby Roma camps that had been included in university research programs worth billions of drachmas were similarly faced with the ill-feeling of the local authorities, with no reaction by the government or the academic community, with only few exceptions. It must be pointed out here that the relocation of the largest Roma tent-dwelling community of Evosmos - from the river Gallikos where they have been living for a year to the former military barracks of Gonos - which will hopefully become the first real «model», has been officially decided but not yet carried out. The government, under pressure by the Cooperating Organizations and the Progressive Left Coalition political party, has been declaring since September 1998 that the construction of the infrastructure will take 3 - 4 months to complete: 12 months have gone by and construction has merely started.

It is also worth mentioning that the greatest number of evictions has taken place in Greater Athens that will host the 2004 Olympic Games: the local authorities almost always put forward the necessity to build sports facilities, when they decide to evict Roma from a site or to refuse their transferring to another area. Will the international community and the International Olympic Committee allow a «cleansing» of Athens similar to that of Mexico in 1968? Finally, what exemplifies the absence of will of competent authorities with the Roma tent-dwellers in question and the non-governmental organizations promoting solutions to their problems is the arbitrary decision of the Ministry of Interior to call off the formation of a Committee for the Problems of the Roma Tent-Dwellers. In mid-June 1999, after a meeting in this very Ministry of the parties concerned, it was decided to create such committee that would have been made up of government officials, non-governmental organizations and Roma organizations.

Moreover, the Ministry of the Interior has the task to control the legality of the local authorities' actions. It also has to introduce a legal framework binding for the local authorities. Besides, the provision of shelter to homeless Greek citizens is a constitution provision (article 21, paragraph 4): the state ought to have - but has not had for 25 years - relevant laws that ensure the implementation of this article. In spring 1999, the Cooperating Organizations in collaboration with the Coalition submitted at the Prime Minister's Office for the Quality of Life a draft bill -the end product of their long experience with settlements- for the creation of self-managed Roma settlements that would meet every requirement for the improvement of living conditions and their smooth integration in society. This proposal is already being implemented, even with considerable delay and after a lot of pressure, in the former military barracks of Gonos in Salonica. Passing this bill through Parliament would have been first in the Committee's agenda, the formation of which was canceled, in an anti-democratic way, by the Ministry of Interior.

At the same time, abuse of violence on Roma by police officers continues: even in cases when policemen have been indicted for homicide or torture, they have not been removed by their department, while Sworn Administrative Investigations and legal proceedings against them advance at a snail's pace. As far as education is concerned, few Roma of compulsory schooling age (between 6 to 15) attend school, certainly not because of their own choice, but owing to indifference, if not racist attitude of state officials. Moreover, comparative international surveys by the Doctors of the World showed that the health problems of Roma tent-dwellers in Greece are among the worst in Europe. According to the Doctors of the World, also many of the settlements that will be mentioned hereafter are worse than refugee camps in areas of Asia and Africa they have visited.

## Abandoned or Often Persecuted Destitute Roma Settlements (26)

### A. Settlements that were evicted (5)

**Evosmos (Salonica)** By a court decision, after an appeal by the local authorities and the owners of the land, in 1997 3,500 tent-dwellers were ordered to leave an area with zero infrastructure where they had been living for 30 years. After the intervention of non-governmental organizations, the state undertook to transfer them to a properly arranged area at the former military barracks of Gonos and the eviction was postponed. One year later, construction had not begun, while the adjoining municipalities issued a resolution that they would prevent such relocation even if they had to resort to violence; no authority punished them for this illegal and certainly racist action. At the same time, following action taken by the municipality of Evosmos, Roma were threatened with imprisonment, fines, as well as police violence unless they left. When neighboring municipalities turned them away, they ended up in the dried-up bed of Gallikos river after a month's wandering, in August 1998. After continuous pressure by the Cooperating Organizations, charges pressed against competent authorities, publicity in Greek and international media, repeated parliamentary questions by the Coalition and after Roma had found themselves in serious danger because of the river floods, the Prefecture of Salonica started the works at the Gonos barracks, but they have been proceeding at a very slow pace and with considerable delay. This relocation is the first one ever carried out by a Prefecture in accordance with the draft bill for the creation of self-managed settlements of the Cooperating Organizations, and is implemented under the supervision of the Prime Minister's Office for the Quality of Life in collaboration with the Cooperating Organizations.

**Ano Liossia (Attica)** In October 1996, under the pretext of a search for drugs, police burst into the Roma camp. Rumors about drug trafficking paved the way for the local authorities to evict the Roma in April 1997. 25 out of 70 families – registered or permanent residents in that municipality- were transferred to metal prefabricated houses in a near-by area. The rest of the tent-dwellers were given an ultimatum to go away. The new site is quite isolated, lacks infrastructure (the houses were never connected with a water supply or a sewage system) and has been fenced with barbed wire. The new camp is one of the misleading «models».

**Ioannina (Epiros)** In August 1999 the local authorities evicted 30 Roma families (both Greek and Albanian) from an area-lacking infrastructure, where they had lived for 7 years. The first threats of eviction started in May 1999. After an intervention of the researchers of the Ioannina University Roma Program, in which the camp had been included, the authorities withdrew and undertook to look into the possibility of relocation giving a promise, which of course they did not keep.

**Trikala - Pyrgos or Agroviz area (Thessaly)** On 29/5/1997 local authorities, in the presence of police, evicted 20 Roma families from the area of Pyrgos and Agroviz after they had been pressed upon by owners of near-by nightclubs. These Roma had again been evicted from another area in Trikala 8 years ago.

**Phoenikas (Salonica)** In May 1997 the shanties of a Roma family consisting of 30 members were knocked down by local authorities, the reasoning for this action being that they were illegal, while equally illegal luxurious non-Roma residences in the same area were left untouched.

### B. Settlements threatened with eviction (9)

**Aghia Paraskevi (Attica)** In July 1997 the municipality of Aghia Paraskevi tore down 10 out of 28 shanties belonging to Roma who had been living in the area for up to 30 years. Roma had been charged with trespassing on private property and building without a license. A few days later, the mayor attempted to destroy the rest of the shanties in the presence of the police, but failed to do so owing to the intervention of non-governmental organizations. However, the matter is pending as there are protocols of eviction already serviced to the Roma. The municipality claims that there is no available land for relocation, while the adjacent available 35 acres are

supposedly intended for the construction of a sports facility in view of the Olympics.

Nea Alikarnassos (Crete) Making use of a town council resolution dating from 1997 and arguing that the area was going to be reconstructed, in March 1999 the municipality set about the eviction procedure of the Roma. Protocols of eviction were serviced to 102 families and the question is pending as is an older request for basic infrastructure at the settlement. Roma relocation has not proceeded as none of the neighboring municipalities wanted tent-dwellers at their precincts. Their transfer to a former military barrack and the creation of a self-managed settlement, according to the proposal of the Cooperating Organizations with the collaboration of the Prime Minister's Office for the Quality of Life met with the stubborn opposition of the mayor who declared his intention to evict the Roma from his town. In November 1997 a violent police raid took place in the settlement after persistent rumors about drug trafficking.

Trikala - Kokinos Pyrgos area (Thessaly) Roma tent-dwellers, who camped near a Rudar settlement (Romanian-speaking people sometimes considered as Roma) on a site lacking infrastructure, in May 1998, were threatened with expulsion twice by the local authorities which, however, did not service them with protocols of eviction. The first time municipal workers, in the presence of a numerous police squad, tore down Roma tents which were put up again later.

Spata (Attica) In November 1997, there was an attempt to evict 100 Roma from an area where they had been living since 1992. The reasoning for the attempt was illegal building and was based on a court verdict in absentia. The attempt was carried out in the presence of police and was supported by the local people who did not want the settlement near a newly-built nursery school. Following NGO reactions, the eviction was suspended. The local authorities promised to look into the possibility of relocation in another area. It was proposed to transfer the Roma to an isolated site without any guarantee ensuring decent living conditions. Meanwhile the eviction is pending and Roma still live in Spata without any infrastructure.

Halandri (Attica) 13 out of 30 families of the settlement received court-ordered evictions in case judged in absentia from an area lacking any kind of infrastructure where they have been living for about 20 years. They were charged with trespassing. After strenuous negotiations with the District Attorney and the police that would enforce the decision they were granted an extension until the end of April 1999. As a result of repeated negotiations of the Cooperating Organizations, the Prime Minister's Office for the Quality of Life and the Coalition with the local authorities, it was argued that Roma would lease the site for a period of 6 -12 months until a permanent site for relocation could be found. During a parliamentary debate over the matter initiated by the Coalition, the government promised to subsidize the lease. Although the owners accepted this solution, the municipality has not yet taken action, claiming that the owners could not be located.

Aspropyrgos (Attica) In February 1999, local authorities, escorted by the police, set fire to 5 Roma lodgings of the Nea Zoe settlement in Aspropyrgos, where 100 families have been living since 1990. The operation took place in the absence of a District Attorney and without protocols of eviction; it was based only on a discriminatory decision of the Service of City Planning to pull down Roma shacks even though the whole residential area – inhabited by both Roma and non Roma - lacks town planning. The Cooperating Organizations and the Coalition M.P. Ms. Stella Alfieri pressed charges, while international organizations have protested to the Greek government for violation of international treaties and agreements binding for Greece. This, however, did not prevent the Deputy Minister of Interior Mr. Florides, in an answer to a relevant parliamentary question, from trying to justify the use of violence by the municipality, arguing that Roma had taken possession of the area illegally. A few days later, there were threats that the operation would be resumed. Pre-election promises of the municipality that living conditions in the settlement would be improved remained empty words. In the meantime, the Cooperating Organizations and the Prime Minister's Office for the Quality of Life have proposed a site for the creation of a self-managed Roma settlement of the whole precinct; it is a forest area within the limits of the adjoining municipality of Ano

Liossia. The mayor of Ano Liossia, Mr. Papademas, rejected this solution while his superior, the elected Prefect Mr. Papapetros, has shown no interest whatsoever. The excuse in this case is the alleged construction of Olympic sports facilities both in Nea Zoe and in the forest area. This incident has been the second traumatic experience for the Roma of Aspropyrgos after the violent police raid of 1996 - with machine guns and knives - in front of TV cameras which sent out the images of Roma being held at gun-point by policemen. It was these scenes that triggered the announcement of the 1996 Program.

Larissa- Neapoli area (Thessaly) In May 1998, Roma (about 50 nomad families) were threatened with eviction by the police on orders of the mayor. The majority of these Roma are citizens registered in this area and have been living in the settlement for 30 years.

Tyrnavos (Thessaly) 400 Roma families, owners of the land they live on, dwell in tents because of the authorities' refusal to include the area in the city planning scheme, in the hope to discourage their permanent settlement. There is no water or electricity supply, nor a sewage system. Roma have attempted to build lavatories or rooms in order to improve their living conditions themselves but in vain. Local authorities pulled them down and imposed high fines on Roma.

Tarsina Corinthias (Peloponese) There has been a similar attempt to coerce Roma as in Tyrnavos. Even though the 60 Roma are legitimate owners of the land, they have been living with zero infrastructure.

### C. Fully Destitute Settlements (5)

Aetoliko (Continental Greece) 600 people live in 3 settlements in the area. Two of them have water. Even though the prefecture has promised a settlement with all necessary infrastructure, there has been no progress as yet.

Patras - Kato Souli area (Peloponese) Near the rubbish dump 30 families have been living for more than 20 years without any infrastructure. The municipality refused to clear up the area for a fee and supply the camp with water. Right next to it, part of the dump that has been planted with saplings and is watered by an automatic irrigation system.

Lamia - Damaria area (Continental Greece) At the old quarry of the town, near a stream, about 100 families - 60 members of which are locally registered citizens - live in huts, surrounded by rubbish, with hardly enough water and no other infrastructure.

Komotini - Teneke Mahala (Thrace) 350 Muslim Roma families have lived for more than 70 years in tin huts. The scant public lavatories are in bad shape. The decision for their relocation in another area with the help of the Organization of Workers Housing has been pending for many years.

Halastra (Salonica) 38 Muslim Roma families have camped since 1989 on a stretch of land belonging to the municipality. These Roma have lived in the area for 35 to 40 years. Their living conditions are squalid as there are no infrastructure except for one water pump.

### D. Settlements which are somehow supported by the local authorities (4)

Kalamata (Peloponese) Apart from the former barracks of Gonos, the case of the Roma in Kalamata is the only one that apparently progressed positively towards a final solution to the housing problem of the city's Roma. In 1997 the municipality of Kalamata filed a suit against 70 Roma families in the industrial quarter of Kalamata where they had been living for about 5 years. The reasoning for the eviction was that the area was going to be reconstructed. After the reaction of an adjacent community against Roma settling there and following continued and strenuous pressing by local non-governmental organizations, a proposal for purchase of building plots in another area was adopted. The land will be bought by the Prefecture with subsidization by the Ministry of Environment. The procedure of the relocation is under way.

Argostoli Kefalonia (Ionian Islands) After they had been turned away from the beach, 11 families - about 100 people - were moved to the slaughter-house grounds, on the initiative of the local authorities. The stink of the slaughter-house and the sandy soil that absorbed the sun's heat in summer made life in the tin huts insufferable. When the municipality took over the slaughter-house, the stink was considerably reduced. At the same time the municipality has tried to improve living conditions. Nevertheless, the situation remains unpleasant. There are lavatories, two main water pumps and electricity. Regardless of the effort made on the question of temporary housing, Roma are still facing health, educational and professional problems which in some cases keep getting worse.

Sofades, Karditsa (Thessaly) 500 families – 2,500 people in all - live in a built-up area where apart from 100 detached houses there are huts and tents. The roads have been paved with asphalt, there is water, electricity, lavatories and rubbish bins. Provision has been made to let the tent-dwellers have the grounds of the rubbish dump from the year 2000 on, as soon as the dump is closed down.

Chios (Aegean Islands) In early 1997, on the mayor's initiative, 10 Roma families were allotted land by the island's ecclesiastical authorities. The local people and the Police Commissioner reacted negatively to the settlement of these Roma in the area.

#### E. «Official Ghetto» Settlements (3)

Trikala - Raxa area (Thessaly). Roma from various parts of Trikala were moved to the Raxa area with the promise that the site would function as an organized camp. In May 1998, the water was cut off without warning. Local authorities neglected to restore water supply which in all probability was cut off by local people who wanted to send Roma away. There are no lavatories or sewage system.

Patras - Makriyanni area (Peloponese) In November 1997, local authorities with the consent of 25 Roma families - registered citizens of Patras - pulled down 23 shanties and built up the settlement again after they had evicted all Roma who were not registered citizens of the area. Roma had to make do with a small plot of land which confined them considerably, even though there were lavatories and water supply. In May 1998 the settlement was full of rubbish and dead rats. A year before, 15 cases of meningitis had been reported in the settlement.

Menemeni (Salonica) A «model» settlement was put up in an area full of chemical plants and besides an oil pipeline. 24 Roma families - about 120 people - were moved with promises by the authorities that they would be offered the means for a decent living. Initially the settlement had two lavatories and water but no electricity, forcing Roma to steal power from a nearby pole. From 1996 until today there has been no improvement.

#### **Police Violence**

The case of ill-treatment of two Roma youths - arrested for attempted ice-cream theft -E. Kotropoulos and L.

Bekos, at the Mesolongi police station (5/1998) has not yet resulted in the removal of the indicted policemen from the local police station, despite the unambiguous forensic report, the charges brought by the victims, the active involvement of Greek and international non-governmental organizations with letters of protest and memos to competent authorities, even despite the District Attorney's prosecution - «for tortures and other deeds that are offensive to human dignity». The victims have repeatedly being pressed by the policemen to stop the proceedings against them. Meanwhile, the Sworn Administrative Investigation that was ordered by the police and the Ministry for Public Order has not come up with a conclusion a year after the incident, neither has a trial date been set.

In the case of the murder of Rom A. Celal by policemen in Partheni, Salonica, it took the involvement of Greek and international non-governmental organizations and charges brought by the victim's father to have a Sworn Administrative Investigation by the police and the Ministry for Public Order, as well as a forensic report. The District Attorney's office in charge announced that three policemen were being prosecuted for - among other offenses - murder, attempted murder, illegal possession and use of firearms. In this case too, the Sworn Administrative Investigation has not come up with a conclusion, as yet, neither has a trial date been set.

Finally, in November 1996 during a police round up in Viotia, Rom A. Mouratis, father of 6 children, was murdered in cold blood. While he was lying on the ground at gunpoint, Mouratis raised his head to take a look at his children who were also on the ground. This movement was considered «threatening» by a policeman who shot and killed the Rom. The officer was suspended while the Sworn Administrative Investigation was in progress. He was also indicted by the District Attorney, but he was released pending trial.

### **Education**

The percentage of illiteracy among Greek Roma remains at the same high levels - 80%, reaching 90% occasionally. From comparative data of the Doctors of the World it becomes apparent that the percentage of Roma tent-dwellers who can write and read is 6% in Athens and 60% in Montpellier, France. The 3<sup>rd</sup> Primary School of Zefyri (Attica) is an example of racist attitude: this mixed school became an exclusively Roma school as non-Roma parents transferred their children to other schools by declaring false addresses. Another discrimination is observed in Xanthi (Thrace). Minority Rights Group - Greece and Greek Helsinki Monitor have found that Muslim Roma children attend the Greek school program even though Greece is obliged, according to the Treaty of Lausanne, to offer them, just like every other Muslim, minority education; these children are not exempted from attending the morning prayer or the subject of religion and they have to parade on national holidays wearing Greek national costumes (foustanela - kind of Greek kilt).

In Greece, most Roma and almost all tent dwelling Roma speak the Romanes language. That is why it is necessary to have the Greek language taught to them as a second language at school, along with making available boosting teaching material. The Ministry of Education has no such systematic program although it has generously funded with billions of drachmas research on Roma children's education with ambiguous results. Rare exceptions are due to the initiative and will of the teachers themselves at school like the 6<sup>th</sup> Primary School of Evosmos and the 8<sup>th</sup> Primary School of Nea Zoe in Aspropyrgos. The DROM Network for the Social Rights of the Roma has experimented -with volunteers- an appropriately adapted program with Roma children of the Gallikos river (former Evosmos settlement).

### **Health**

An international survey by the Doctors of the World (ROMEUROPE Program, Medecins du Monde, Juin 1999) directly associates the odious living conditions in the settlements with the poor health of Roma tent-dwellers. The results of hepatitis tests in Nea Liossia and Aspropyrgos are significant: 99% of the population has been exposed to hepatitis A. The same percentage for Hepatitis B is 50%: 18% are carriers while the healthy remainder of 32% are adolescents aged 10 - 18, most of which go to school. These percentages do not seem high only in relation to those of the rest of the population. Comparative data from other European cities show that percentages of Roma tent-dwellers in Greece with health problems are higher (42% for the women, 32% for the men). Roma access to the health system is insignificant. The Doctors of the World have found complete lack of first aid, vaccination and medical information. Roma do not trust hospitals and First Aid Services, while they find it impossible to follow the pace and procedures in practice in these institutions (except

for cases when the doctor has created an atmosphere of trust). Only 15% of them receive benefits. Out of the 40% of Roma who have social security, only 30% are fully covered. These percentages are less than half of the equivalent average for Roma in other European cities.

First Update

## Press Release

14/9/1999

Topic: Appeal for Denunciation of Racist Statements by, and for Possible Political Isolation of, the Zefyri Mayor

The non governmental organizations Doctors of the World, DROM Network for the Roma Social Rights, European Roma Rights Center, Greek Helsinki Monitor, and Minority Rights Group-Greece call upon the Greek government, the Central Association of Local Authorities of Greece (KEDKE), the political parties and the municipal factions of Zefyri to denounce yesterday's racist statements by the Mayor Apostolos Zervas, regarding the Roma residents of the municipality of Zefyri and to politically isolate him, in case he does not retract.

Answering to the allegations by Roma earthquake victims that they are systematically ignored in the aid supply, the Mayor stated: "Gypsy stories [gyftikes/gypsy in Greek is pejorative]. Do not bother me more with the Tsiganoi. Because of them, the aid mechanism is inefficient. They have been robbing the whole world" (daily "Eleftherotypia" 14/9/1999, p. 53).

The statements are racist and constitute "group libel" of a part of the population with cultural specificities. In addition to the unimaginable suffering of all earthquake victims, Roma and non Roma alike, and to the extremely difficult situation in which they are today, these statements constitute "inhuman and degrading treatment", violating Article 3 of the European Convention on Human Rights and Fundamental Freedoms. The argument that the Roma are guilty of crimes of robbery violates the presumption of innocence of a group of citizens with specific cultural characteristics (article 6.2 combined with article 14 of the same Convention). Coming from a Mayor, such statement also contradicts article 4c of the International Convention on the Elimination of All Forms of Racial Discrimination which commits "the state parties (...) to undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination (...) among others, in order not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination."

For that reason our organizations call upon:

the Greek government and the Central Association of Local Authorities of Greece (KEDKE) to unequivocally denounce these statements and to indicate what other measures will they take to implement the aforementioned article 4c.

all municipal factions of Zefyri and all political parties, in particular those which supported the the Mayor's recent election, to denounce these statements and ask him to retract and apologize to the Roma, or else to politically isolate him.

## Appendix 1

On September 12, 1999 the same Mayor made similar statements in the daily "Avgi". We quote the relevant part, which makes even clearer the racist attitude of the Mayor towards the Roma residents of Zefyri.

"I think that we should be particularly satisfied with the mobilization of the municipality of Zefyri. We have all been working round the clock. We only faced problems with the Tsiganoi, who looted tents, made business by selling them, engaged into fights with the citizens of the municipality, walloped municipal employees and created enough problems with the aid distribution. We were forced to bring the Special Police Forces to allow us do our job."

## Appendix 2

Article 3 of the European Convention on Human Rights and Fundamental Freedoms:

No one shall be subjected to torture or inhuman or degrading treatment or punishment

Article 6.2 of the same Convention:

Everyone charged with a criminal offense shall be presumed innocent until proven guilty according to law.

Article 14 of the same Convention:

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 4c of the International Convention on the Elimination of All Forms of Racial Discrimination

States parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the United Nations Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention inter alia:

(...)

.. shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

### Second Update

Open Letter

Mr. Costas Simitis

Prime Minister of Greece

Athens, 20 September 1999

Topic: Roma (Gypsies) are Greek Citizens too...

Dear Mr. Prime Minister,

The co-operating non-governmental organizations Doctors of the World, Drom Network for Roma Social Rights, European Roma Rights Center, Greek Helsinki Monitor and Minority Rights Group-Greece were pleased to hear the following statement you made concerning the housing of the quake-stricken people:

«This is a temporary arrangement that will last a few weeks. Then there will come a second phase, with more permanent constructions, which, however, we are also going to limit as much as possible, because we do not

want to create a class of citizens that lives next to and outside society. In no way indeed does the government wish to let the matter of the quake-stricken people, people facing hardship and worse luck than the rest of us, lie over» (“Eleftherotypia” 11/9/1999, p.4).

The statement of Minister of the Interior Vaso Papandreou was also welcome:

«It is the intention of the Ministry of the Interior to have the quake-stricken people settled in tents for the next three weeks; afterwards we are going to adopt the temporary solution of prefab settlements in areas that each municipality will indicate. For this to happen, roads will have to be cut and power/water supplies must be connected so as to ensure proper living conditions for the dwellers. However, these settlements too will be of a temporary nature, as it is planned to have the quake-stricken people back in their homes within a period of three months» (“Eleftherotypia” 14/9/1999, p.50).

Equally welcome was the government’s promise that:

«Apart from the tents, the settlements will have chemical toilets, drinking water, electricity either through the public power supply or through army generators, as well as medical staff and army ambulances» (“Avgi” 10/9/1999, p.7).

We believe that these correct views, which are being implemented at a quick pace today, despite the difficulties that arise because of the usual inefficiency of the public administration, led you three years ago to announce a similar plan for the improvement of the situation of the Roma tent-dwellers in Greece.

Unfortunately, as it is evident today, only few kilometers away from the earthquake camps of Ano Liosia (just like in numerous other settlements throughout the rest of the country), Roma tent-dwellers live «next to and outside society» and continue «to face hardship and worse luck» to quote the above statement. They are «society-stricken» fellow citizens, obviously victims of extensive racism against them, which you yourself denounced in public two years ago. It is possible that you have not been informed that certain municipalities which immediately found sites for their quake-stricken citizens, only a month ago denied that there were such sites available for the socially outcast Roma.

Today the state declares and shows its ability to implement Article 21.4 of the Constitution for the housing of the homeless at a quick pace. This reinforces the impression throughout the world that the pending Roma settlement problem stems from lack of political will to fulfil your declarations in conjunction with strong racism on the part of some local authorities. Racism is unfortunately evident these days also in the attitude of certain people towards quake-stricken, until now settled, Roma that has been reported by media all over the world.

We would like to point out that, in March 1999, our organizations along with the Progressive Left Coalition political party, submitted to the Prime Minister’s Office for the Quality of Life a draft law -product of their long experience with settlements- for the creation of self- managed Roma settlements with every requirement for the improvement of their living conditions and their smooth integration into society. This proposal is already being implemented, even with considerable delay and after a lot of pressure, in the settlement of Agia Sofia Gonou (Thessaloniki). Unfortunately, the Ministry of the Interior, which is responsible for tabling such a bill in Parliament, has not looked into the matter and has arbitrarily cancelled even the formation of a Committee for the Problems of Roma Tent-Dwellers which was decided by government officials, non-governmental organizations and Roma organizations, after a meeting in the Ministry of the Interior, in mid-June 1999.

In view of the above, we hope that you will personally make sure that society-stricken Roma are treated on an equal basis as our recently quake-stricken fellow citizens and that there is no discrimination between them. Thus, in three, or even six or nine months, all these Greek citizens can have homes and the impression that the Greek state and society are indifferent, if not accessory to the marginalization of thousands of Roma will be dispelled.

We hope, therefore, that on Wednesday 22/9/1999, when the matter is again discussed at the annual OSCE Review Conference 1999 in Vienna, the government will give convincing and strictly binding answers to this request.

Yours sincerely,

The representatives of the organizations:

Doctors of the World (Yannis Boukovinas)

Drom Network for the Roma Social Rights (Thanassis Triarides)

European Roma Rights Center (Dimitrina Petrova)

Greek Helsinki Monitor (Panayote Dimitras)

Minority Rights Group-Greece (Nafsika Papanikolatos)

Profiles of the Co-operating Organizations

For the Rights of Tent Dwelling Roma in Greece

The DROM Network for Roma Social Rights was created in 1995. It is a non-governmental organization consisting exclusively of volunteers and dealing with the monitoring, defense and promotion of Roma rights. In view of this, DROM is mainly focusing on and working in three directions: 1) activism in the camps with educational and other programs, 2) monitoring of human rights violations of the Roma and 3) developmental plans and recommendations. Address: Fragini 7, Thessaloniki 54 264, tel: +30-93-7160705, +30-93-2788696.

The European Roma Rights Center (ERRC) is an international public interest law organization which monitors the human rights of Roma and provides legal defense in cases of human rights abuse. The ERRC is a cooperating member of the International Helsinki Federation for Human Rights. Address: P.O. Box 10/24, 1525 Budapest 114, Hungary, tel. (36-1) 428 2351; fax (36-1) 428 2356; website: <http://errc.org> e-mail: [100263.1130@compuserve.com](mailto:100263.1130@compuserve.com)

The Greek Delegation of Doctors of the World was founded in 1990. It is a non-governmental organization aiming at supplying humanitarian aid to populations stricken by massive disasters regardless of race, religion or any other discrimination. They have sent missions to the Caucasus, the Balkans, Latin America and, of course, Greece with programs of primary health care (vaccinations, epidemiological research for Hepatitis) for Roma tent-dwellers, migrants (Athens polyclinic) and Kurdish refugees. In 1999 they published the results of a comparative international survey they have carried out in various countries of Europe concerning Roma tent-dwellers (ROMEUROPE Program). In this survey there were recorded and comparatively presented data on the living conditions and health care of Roma tent-dwellers in France, Germany, Greece, Italy, Portugal, and Spain. Athens Office: 207 Alexandras Avenue, GR-11523 Athens, tel. 00-30-1-6440300, fax 6440310. Salonica Office: Zefxidos 4, 54622 Salonica, tel./fax: 00-30-31-278900.

Greek Helsinki Monitor (GHM), since 1993, is the Greek member of the International Helsinki Federation. In 1998, GHM became a member of the International Freedom of Expression Exchange. GHM monitors, publishes and lobbies on human rights issues in Greece and, occasionally, in the Balkans. It has participated and often coordinated the monitoring of Greek and Balkan media for stereotypes and hate speech. It has co-published «Hate Speech» in the Balkans (ETEPE, 1998) and Greece Against its Macedonian Minority: the Rainbow Trial (ETEPE, 1998). Since 1997, in cooperation with the European Roma Rights Center, it runs a Roma Office for Greece. Address : P.O. Box 51393, GR-14510 Kifisia, Greece ; tel. 30-1-3472259; fax : 30-1-8075767 ; e-mail : [office@greekhelsinki.gr](mailto:office@greekhelsinki.gr) website: <http://www.greekhelsinki.gr>

Minority Rights Group - Greece (MRG-G) was created as the Greek affiliate of Minority Rights Group International in 1992. MRG-G focused mostly on the studies of minorities, in Greece and in the Balkans. It has prepared detailed reports on ethnonational, ethnolinguistic, religious and immigrant communities, in Greece; and on the Greek minorities in Albania and Turkey. In 1998, MRG-G was one of the initiators of the «Center of Documentation and Information on Minorities in Europe – Southeast Europe» (CEDIME-SE) with a web site covering human rights issues and comprehensive and comparable presentations of all minorities in the region. Address : P.O. Box 51393, GR-14510 Kifisia, Greece ; tel. 30-1-6200120 ; fax : 30-1-8075767 ; e-mail : [nafsika@greekhelsinki.gr](mailto:nafsika@greekhelsinki.gr) website: <http://www.greekhelsinki.gr>