



## **A brief review of ECRI's third report on Greece by the Australian Macedonian Human Rights Committee Inc.**

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On 8 June 2004, the European Commission against Racism and Intolerance (ECRI) released its third report on Greece. The report is dated as covering the situation in Greece up to December 5, 2003. The findings of the report cannot be ignored, for ECRI was established by the Council of Europe and is an "independent human rights monitoring body specialised in questions relating to racism and intolerance." Moreover it is "composed of independent and impartial members, who are appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, anti-Semitism and intolerance." The ECRI report does constitute a significant development in the struggle for human rights within Greece. The Council of Europe is increasingly becoming an authoritative and persuasive institution within Europe, especially given this ability to stigmatise member states as being 'human rights violators'.

In ECRI's previous report on Greece, it recommended that Greece sign and ratify a number of international conventions, charters and laws relating to the elimination of various forms of discrimination. Yet to quote the latest report: "ECRI regrets that since the adoption of the second report on Greece, no progress has been made with the signature or ratification of the aforementioned instruments, contrary to what had been announced regarding certain instruments at the time ECRI's report was prepared." In other words Greece is flagrantly avoiding its obligations.

As to the response made by the Greek authorities that the absence of ratification or signature to these international legal instruments, "does not mean that Greek law fails to uphold the rights guaranteed by these instruments"; ECRI logically responded by stating that "...such being the case, there should be nothing to prevent Greece from accepting the obligations provided for by these instruments, and that their ratification would demonstrate the determination of Greece to press ahead in fighting racism and intolerance."

The facts in any case, demonstrate that Greek law contains a number of discriminatory inadequacies. For example in point 60 of its report, ECRI "notes that in a number of spheres Greek law draws a distinction between non-citizens of Greek origin and non-citizens of another origin. This difference generally takes the form of a privileged status for persons of Greek origin." ECRI backs up this assertion by citing the fact that "in 1982 a regulation permitted the return to Greece of people having fled the country during the 1946-1949 Civil War, together with their families. However, this regulation applied solely to persons 'of Greek origin', thus excluding persons of non-Greek and particularly of Macedonian origin who had nonetheless left Greece under the same conditions."

In this connection ECRI stressed that “the authorities took a first positive step on the path of reconciliation by opening their borders for a few days during the summer of 2003 to persons of Macedonian origin compelled to leave Greece in the Civil War when most were only children.” However there were major problems even in this instance, for ECRI here went on to state that it “nevertheless deplores the fact that persons holding a passport in which the name of their birthplace in Greece was indicated in the Macedonian and not the Greek form, were refused entry to Greek territory.” ECRI failed to mention that this of course dates back to Greek laws enacted in 1926, which in a form of symbolic ethnic cleansing, stated that all non-Greek place names as well as peoples names were to be ‘Hellenised’.

When one is discussing issues of discrimination, it is important to note, as ECRI does, that it is not just a question of what is stated in the laws. Questions to do with their observance and with the educating of the general citizenry to respect said laws, must also be tackled. Thus in its second report, ECRI “encouraged the authorities to ensure that all groups in Greece, Macedonians and Turks included, could exercise their rights to freedom of association and freedom of expression in accordance with international legal standards.” ECRI also noted that such demands have been made by representatives of the Macedonian community within Greece itself.

Unfortunately ECRI still found, that “even today, persons wishing to express their Macedonian, Turkish or other identity incur the hostility of the population. They are targets of prejudices and stereotypes, and sometimes face discrimination, especially in the labour market.” It is no use having laws that nobody respects! Thus in point 20 of its recommendations ECRI deemed “it necessary [for Greece] to pursue and intensify human rights training provided to police, prosecutors and judges. These officials should also be given an appreciation of problems of racism, cultural diversity, and the need to verify, on each occasion, whether or not an offence has a racist character in order to take appropriate action.”

It is this lack of education that results in cases like the *Sideropoulos and others v Greece*, July 10, 1998. On this date the European Court of Human Rights, as ECRI notes, “found that the refusal to register the association ‘Home of Macedonian Civilisation’ constitutes an interference with the freedom of association as guaranteed by Article 11 of the European Convention on Human Rights. ECRI deplores the fact, five years after the decision of the European Court of Human Rights, this association has still not been registered despite the repeated applications made by its members.”

Taking all of the above into account, it is not surprising that ECRI made the following telling conclusions in its final recommendations;

“84. ECRI encourages the Greek authorities to take further steps toward the recognition of the freedom of association and expression of members of the Macedonian and Turkish communities living in Greece. It welcomes the gesture of reconciliation made by the Greek authorities towards the ethnic Macedonian refugees from the civil war, and strongly encourages them to proceed further in this direction in a non-discriminatory way.

85. ECRI also recommends that the Greek authorities closely examine the allegations of discrimination and intolerant act against Macedonians, Turks and others, and, if appropriate, take measures to punish such acts.

86. ECRI strongly recommends the Greek authorities to open a dialogue with the Macedonians' representatives in order to find a solution to the tensions between this group and the authorities, as well as between it and the population at large, so that co-existence with mutual respect may be achieved in everyone's interests."

### Greece's Response

The Greek state's response, which was made available alongside the ECRI report itself, begins with the usual contradictions of a government on the 'back foot'. Whilst stating in the first paragraph that it gives "full support to ECRI's valuable endeavours" and its "co-operative, transparent and sincere dialogue"; it goes on to immediately reverse this in the second paragraph by stating that ECRI's report "contains a series of generalisations and sometimes unfounded conclusions."

What are these unfounded conclusions? Further down in the second paragraph the Greek response almost states what they are: "There are no specific cases described in the report concerning violations of human rights and discriminatory behaviour [a very powerful and serious assertion which then collapses in the second half of the sentence] apart from some isolated incidents, which are far from depicting the policy of Greece." Let us say that these incidents are isolated, why the semantic games? Why not admit the wrong doing and proclaim the way in which you are going to rectify it? If the discrimination is "isolated", it does not become any less discriminatory! Moreover, the claim that there is no conscious general policy of discrimination against ethnic Macedonians is simply absurd and has been well documented by various authors and institutions. (See for example the writings of Loring Danforth, Anastasia Karakasidou, Helsinki Watch, Amnesty International, the Greek Helsinki Monitor itself and the OSCE.)

In the conclusion of the Greek government's introductory response, they state that "we think that ECRI, in carrying out its mandate, should take into consideration issues of a political nature that are under discussion, at a bilateral or other level, by the states involved, if confusion or misunderstandings are to be avoided." If this ambiguous statement is in any way meant to be connected with the name dispute talks Greece is having with the Republic of Macedonia, then it is sadly out of place. The fact that Greece refuses to recognise its Macedonian ethnic minority, has nothing to do with anything or anyone else. It is Greece's responsibility to rectify this problem and not ECRI's concern to go into the absurdities of the name dispute with the Republic of Macedonia.

The fact that Greece is still refusing to face up to its responsibilities in regard to the Macedonian minority is made clear later in its response: "The reference in the report to a 'Macedonian' minority does not correspond to existing realities in Greece and is misleading." In other words the Macedonian minority is a figment of ECRI's imagination. The Greek response goes on to state "Indeed, 2.500.000 Greeks who live in Greek Macedonia identify themselves as Macedonians (Makedones). The use of

the term 'Macedonian minority' by a small number of Greeks in Northern Greece speaking a slav idiom, usurps the name and identity of the above vast majority of Greek Macedonians. This creates serious problems to the Greek authorities as any official identification of such a group might give rise to confusion, susceptible to disrupt social peace in the area of Northern Greece."

All of this can only be described as ironic, absurd, offensive and untrue. It is simply untrue to state that there is no ethnic Macedonian minority in Greece. This minority has been studied by Western and Greek anthropologists and their plight has been reported on by various other institutions – again eg. Helsinki Watch, the OSCE and even NGOs within Greece itself such as the Greek Helsinki Monitor. Most of all however, the ethnic Macedonian minority in Greece, has a political party all its own, Rainbow (Vinozito in Macedonian) - which contests elections in Greece and has won representations in local councils all over Lerin (Florina) and Voden (Edessa). Yet there is an absurd contradiction in the above quotation which may not be immediately apparent to some: "The use of the term 'Macedonian minority' by a small number of Greeks in Northern Greece..." – is this not exactly what constitutes an "ethnic minority"!? It is also ironic that this sentence points out where this Macedonian minority resides – not in Macedonia, but in "Northern Greece". Why is this ironic? Because of course, even though Greece has had political possession of southern Macedonia since 1912/13, it never officially referred to it as Macedonia prior to 1988 – conveniently prior to the dissolution of Yugoslavia and independence of the Republic of Macedonia (which had been referring to itself as Macedonia since 1944).

One needs to here ask, that if the identity "Greek Macedonian" is so important to the "2.500.000 Greeks who live in Greek Macedonia", (notice that they live in "Greek Macedonia" unlike the Macedonian minority which lives in "Northern Greece") why did the Greek state never prior to 1988 choose to refer to this region as Macedonia? In fact the preceding official name as we have noted with irony, had been "Northern Greece". The fact is, there is much evidence to suggest that this "Greek Macedonian" identity was manufactured in the late 1980s and 1990s, precisely so that it could be used in the manner in which it is being here used. That is as a way of confusing the issue in regards to the rights of the ethnic Macedonian minority and as a way of blocking the recognition of the newly independent Republic of Macedonia. Moreover prior to the late 1980s the use of the term Macedonian as an identifier was a taboo that got one labelled a 'communist', 'traitor', and 'secessionist' etc... Yet all the same no one is preventing Greeks from using the term "Greek Macedonian", it is only ethnic Macedonians who are being suppressed. And since all Greeks are ethnic Greeks, there can be no confusion, for adding the word Macedonia to their Greek ethnicity can only be considered a further geographic corrective. Whereas for ethnic Macedonians the word Macedonian is the sole and entire basis of their identity.

The context for all of this irrationality and paranoia is of course a deeply ingrained culture of ultra-nationalism (ethnicity and nationality possess one and the same meaning in Greece) and a today baseless, yet deep rooted fear by Greeks of strangers and their neighbours. Greece, by 'spitting the dummy' in its response to ECRI is laying the ground for a perpetuation of the cycle of discrimination and ever damning external criticism. That is on the basis of the Greek response, one will have to guess that the next ECRI report is going to have to be even more scathing than the current one.

The offensiveness of the above quotation comes from the use of the term “slav idiom”. This attempt to belittle the Macedonian language is in fact itself an example of Greece’s racism. That Macedonian is a language cannot be doubted, it is recognised as such in linguistic dictionaries the world over and it is taught at tertiary level in universities all over the Western world.

As for the claim that official recognition of a Macedonian minority would “disrupt social peace in the area of Northern Greece” (again “Northern Greece”, not Macedonia – why is the Greek government so shy about admitting that their Macedonian minority, logically enough lives in Macedonia?) is an absurd irony. This is because when the social peace has in recent times been disturbed, it has been when the Macedonian Rainbow party has tried to hold a Congress. These have often had to be cancelled because of threats from the public and a refusal from the authorities to do anything about these threats! A European Free Alliance (EFA) statement to the media and Greek government on December 8, 2003, points out: “We are appalled by the fact that the Congress of Rainbow was cancelled twice owing to personal threats and pressure from the extremist circles. In a fully democratic society any practices resulting with political discriminations should be despised and prosecuted. We are concerned by the fact that openly xenophobic, racist and neo-nazi organisations are legal and their ideologies are tolerated in Greece which is a member of a European Union. Such movements were involved in intimidations that occurred in the city of Edessa/Voden where the Rainbow/Vinozito party was to hold its Congress. Unfortunately, owing to threats mentioned above the party was refused any place in that town and therefore the Congress had to be cancelled.” Essentially therefore, the Greek position is that the maintenance of “social peace” is equivalent to condoning racism and the suppression of the Macedonian minority!

Concerning the Sideropoulos case the Greek response had the audacity to state that the “Greek government has taken all necessary measures to comply with its obligations under Article 53 of the Convention.” This is quite simply untrue, for the application was again last year rejected in a Greek court and this has again compelled the applicants to seek redress in a European Court.

The Greek response did not at all address the issue of discrimination against Macedonian refugees from the Greek Civil War and the discriminatory 1982 laws. One might be able to take this silence as a tacit acceptance of ECRI’s criticism on this point. However, considering the nature of the rest of the response, one would have to be overly polite to do this.

Further on, we again come across some of the often regurgitated remarks from the Greek state concerning the Macedonian minority, which may continue to amuse most of us, but for the uninitiated reader in Greek government rhetoric and propaganda, may cause some confused concern. In its response, the Greek government has attempted to evade its human rights responsibilities in relation to the Macedonian minority, somewhat impudently and incredibly, by suggesting that “there is no rule of international law that puts an obligation on States to officially recognise the existence of a minority”. In what is surely an attempt at an escape clause, they qualify this statement by adding “solely on the basis that a small number of its citizens speak a second idiom”. Hence, to clarify, by not recognising the

Macedonian minority in the first instance, they do not have any obligations under international law to recognise the Macedonian minority in the second instance!

It would not be at all surprising at this point if the discerning reader were not completely perplexed by this incongruous logic. Greece's response to the ECRI report is nothing more than an attempt at obscuring their persistent and continuing repression of its Macedonian minority. Firstly, the ECRI report is fundamentally predicated on the very issue of the denial of the Macedonian minority, therefore to label the Macedonian minority so-called "citizens [who] speak a second idiom" is being mischievous to say the least. The Macedonian minority in Greece speaks Macedonian, as mentioned previously, a literary language that is recognised internationally and can be found represented as such in any dictionary.

The essence of the protection of minorities was pretty well defined during the League of Nations period by the Permanent Court of International Justice with its Advisory Opinion on *Minority Schools in Albania Case* handed down on 6 April 1935. Essentially the Court determined that minorities have the right to full equality with the majority and to the preservation of its separate identity. The notable part of the Opinion reads as follows;

"The idea underlying the treaties for the protection of minorities is to secure for certain elements incorporated in a State, the population of which differs from them in race, language or religion, the possibility of living peaceably alongside that population and co-operating amicably with it, while at the same time preserving the characteristics which distinguish them from the majority..."

Various international human rights law documents exist that contain specific provisions concerned with minorities and that place obligations on states to recognise the rights of minority groups living within their borders, importantly without distinction of any kind. The International Covenant on Civil and Political Rights (ICCPR), which is a binding document of substantive and precise human rights principles states clearly under Article 27 that;

"in those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right...to enjoy their own culture, to profess and practice their own religion, or to use their own language."

Article 27 is a statement that is essential to the defence of minority identity, therefore it also reflects a 'right to an identity'. The UN Human Rights Committee determined that even though "...the rights protected...are individual rights, they depend in turn on the ability of the minority group to maintain its culture, language and religion." Accordingly, the UN Human Rights Committee has clarified under General Comment 23 that positive measures by the States are also necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture...in community with other members of the group." Greece ratified and acceded to the ICCPR on 5 August 1997.

Moreover, Article 27 has also inspired the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. This

document establishes standards to which member states of the United Nations should aspire. At the outset, Article 1 asserts that;

“States shall protect the existence and the national or ethnic...identity of minorities...and shall encourage conditions for the promotion of that identity.”

The European Convention for Protection of Human Rights and Fundamental Freedoms ensures the rights of minorities as outlined under Article 9, where “everyone has the right to freedom of thought, conscience and religion”, under Article 10, freedom of expression and under Article 11 the freedom of assembly and association. Article 14 asserts that these rights “shall be secured without discrimination on any ground such as sex, race, colour, language, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

Indeed what is instructive is that Greece has refused to ratify various instruments concerned specifically with minority rights such as the European Charter for Regional or Minority Languages or the Framework Convention for the Protection of National Minorities. The latter is an instrument that seeks to ensure the respect for the right of every person belonging to a national minority to freedom of peaceful assembly, association, expression, thought, conscience and religion, (Article 7), the right to manifest their religion, (Article 8), and to hold opinions and impart information and ideas in the minority language, (Article 9).

Another minority rights document not ratified by Greece is the UNESCO Convention Against Discrimination in Education (1960). Article 5.1(C) provides that “it is essential to recognise the right of members of national minorities to carry on their own educational activities”. Similarly in the Convention on the Rights of the Child (1989), Article 30 states that “in those states in which ethnic, religious or linguistic minorities...exist, a child belonging to such a minority...shall not be denied the right, in community with other members of his or her group” to enjoy their cultural, religious and linguistic rights as a minority. Hence, there are rules under international law concerned with the recognition and protection of minority groups. The sad fact is that Greece has consistently contravened the treaties it is a party to, and has simply refused to ratify and implement several others. Despite all this, the Greek government does not appear at all discomfited in declaring a lack of international law obligations directed towards minority groups.

The further claim that “states [ie. Greece] are in a better position to evaluate whether a certain group meets the criteria for its official recognition as a minority” is almost too ludicrous to even contemplate. The very fact that there are international instruments concerned with the protection of minority rights, which consequently institute monitoring capacities, such as ECRI, is because often states are not in the best position to judge objectively who can be recognised as a minority group. States that violate the minority group’s rights are unlikely to be affording them proper recognition.

Importantly, minority identity is an issue in which the minority itself has a right to determine under international law. The Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Co-

operation in Europe states that “to belong to a national minority is a matter of a person’s individual choice”. The right to an identity remains a key element in any overall system for the protection of minorities. Indeed the right to recognition as a minority group is not only essential but is implicit and permeates throughout the international human rights law instruments discussed. Clearly the Macedonian minority in Greece has a right to be recognised by the state as a minority under international law. Moreover, the nature of that identity is for the minority group itself to determine. What is evident, is that Greece appears to be fundamentally contravening these obligations. It is absolutely absurd that the Greek government would even attempt to wriggle out of its obligations under international law by questioning the very existence of any such obligation under international law!

The response by Greece finally acknowledges that “even in the absence of such recognition, [ie. of the existence of a minority group such as the Macedonian minority] states are under the obligation to fully respect the human rights and freedoms of these individuals, including their freedom of expression as well as the principles of equality and non-discrimination.” So, after having declared that no obligations exist under international law for people that they do not recognise as constituting a minority, they now declare that these same people are entitled to all the rights that would freely define them as a specific minority group, such as the freedom to express their Macedonian ethnicity, to be treated equally in the state of Greece as Macedonians and not to be discriminated against on the basis of their Macedonian background. This is an amazing contradiction. In any event, given this concession, it may be pertinent to ask just exactly where and how has Greece complied with this proposition?

The Greek government would be better advised to comply with all of its obligations under international law, including ratifying these international human rights norms that they have so far ignored and afford to the Macedonian minority (and others) all of the rights enumerated in these documents. In doing this, Greece would no longer have to be labelled a ‘human rights violator’.

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