

# Report

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## Greece

### **IHF Focus: Freedom of expression and the media; protection of ethnic minorities; statelessness; conscientious objection; freedom of religion; protection of immigrants.**

Greek authorities continued their discriminatory policy against ethnic and religious minorities. The Macedonian minority remained unrecognized and its activists faced criminal proceedings. The same problems continued to confront the Turkish minority of Western Thrace, officially recognized only as a religious Muslim minority, although significant developments took place concerning article 19 of the Greek Citizenship Code and the stateless. The Roma continued to fall victim to the most flagrant discrimination in all spheres of life and often whole communities were forcefully relocated.

Members of several religious minorities faced severe pressure and authorities attempted to hinder their activities through judicial proceedings and other forms of harassment, despite clear signals against such actions coming from the European Commission of Human Rights and the European Court of Human Rights.

The media resorted to hate speech, regarding both ethnic and religious minorities, which was often supported by the authorities themselves.

On the positive side, the Greek government adopted a long overdue law on alternative civilian service and, in the last days of 1997, introduced decrees to legalize tens of thousands of illegal immigrants, most of them Albanians. However, the provisions included in each case have slowed down the process of implementing them.

### *Freedom of Expression and the Media*

Freedom of the press continued to be restricted on occasion through politically motivated trials against newspapers and journalists. Some were charged with "espionage" - charges used for the first time in decades - others with defamation for criticizing authorities.

- ☛ On 26 June, District Attorney Mantagiozidis recommended that "espionage" charges be filed against George Harvalias and Noni Karagianni, both journalists with the daily *Eleftheros Typos*, for publishing confidential information on Greek-Macedonian relations, leaked from the Greek Ministry of Foreign Affairs.
- ☛ On 21 July, two journalists of the newspaper *Niki* were sentenced to 33 months in prison each for "aggravated defamation" of Minister of Justice Evangelos Yanopoulos. The journalists had criticized his activities as a minister and had raised doubts about the participation of Yanopoulos in the Greek Resistance movement

during World War II. According to the Greek constitution, defamation charges could not be raised unless it could be proved by the person affected, with clear evidence, that the article was written with actual knowledge of its untruthfulness by the reporter. This was not the case in the *Niki* proceedings.

### *Protection of Minorities*

#### The Macedonian Minority

The Macedonian minority remained unrecognized by the Greek government and consequently faced various forms of harassment and discrimination. Ethnic Macedonian associations and particularly the "Rainbow" political party, continued to face difficulties. Established in September 1995, "Rainbow" was attacked by local Greek extremists, including the mayor of Florina, and hindered from operating freely.

- On 14 October, Vasilis Romas, Costas Tasopoulos, Petros Vasiliadis and Pavlos Voskopoulos faced trial in Florina in their capacity as leaders of the "Rainbow" party, accused of "causing and inciting mutual hatred among the citizens" (article 192 of the penal code) because they had hung up a sign with Slavic text outside their office in Florina. The court decided to postpone the trial until September 1998. The case dated back to 1995 when, on 13-14 September, the "Rainbow" office in Florina was attacked by a mob of people, led by the mayor of Florina.
- Judicial proceedings against "Rainbow" party leader Traianos Pasois were pending in 1997 on charges of "disseminating false information" (article 191 of the penal code) for having in his possession two wall calendars which "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." However, there was no evidence in the indictment that the language in the calendars amounted to an incitement to, or advocacy of, violence. Also, according to the charges, the calendars "featured photographs of pure Greek towns and areas, under or next to which were captions written in a foreign idiom." Pasois had been found in possession of the calendars when crossing the Macedonian/Greek border at the checkpoint at Niki, Florina, on 17 February 1996.
- In April, the European Commission of Human Rights in its report to the European Court of Human Rights stated that the refusal to register an association called the "Home of Macedonian Culture" had not been examined in a fair manner by Greek courts; that the subsequent refusal amounted to an unjustified interference with the applicants' rights to freedom of conscience, expression and association; and that the applicants had been discriminated against in the enjoyment of the above-mentioned rights because of their ethnic origin, their association with a national minority and their beliefs and national conscience. The Commission concluded,

unanimously, that there had been a violation of article 11 of the European Convention. The European Court hearing and verdict are expected in 1998.

On the positive side, cooperation between various NGOs both in Greece and Macedonia emerged during 1997 and two meetings were held to discuss the problems of the Macedonian minority in Greece. The organizations, among other things, urged the abolition of the discriminatory provision in the 1982 law which excluded some individuals on ethnic grounds from returning to Greece; called for measures to solve property related issues; and denounced the discriminatory application of the Citizenship Code in order to deprive non-ethnic Greek citizens and their children of citizenship.

Participants at these meetings also met with harassment by Greek authorities.

In May, a round-table discussion took place near Florina, organized by the "Rainbow" party and attended by over 100 Greeks and Macedonians from Greek Macedonia. The meeting was the first of its kind to take place in this minority area. However, the participants were not allowed to hire publicly-owned meeting rooms in Florina; local hotels refused to give rooms to the guests; and Alexander Popovski, an invited representative of an association of Aegean Macedonians living in Bitola (Macedonia) was refused entry to the country. During the meeting itself, financial police controlled the taverna where it was held and fined the establishment for not having issued receipts for the drinks - a technically valid charge, but the first such control to have been carried out at that establishment.

### The Turkish Minority

A major characteristic of Greek minority policy in past decades was to consider the ethnic Turkish minority in Thrace as an instrument of Turkish interests and a potential threat to national stability and territorial integrity.

Article 19 of the Greek Citizenship Code (Law 3370 of 1955), in force still in 1997, was the principal means to progressively reduce the numerical strength of the minority by forcing many to leave Greece and making life impossible for those who stayed behind. This article constituted a unique phenomenon in the history of the modern European legal system and explicitly violated the principle of equality before the law as well as other articles of the Greek constitution and international treaties and conventions to which Greece was party. On the basis of this article, the Ministry of Internal Affairs and Public Administration could, after an arbitrary recommendation by the local administration and the police, revoke the citizenship of non-ethnic Greeks based on the argument that the person had left the country with no intention of returning. No opportunity was given to those individuals to explain their side of the story and appeals to the Council of State Court were very costly and rarely successful. In most cases the individuals were not even notified about the loss of citizenship. Almost

all article 19 cases came from the Turkish minority in Thrace.

From the time this article was passed, more than 60,000 ethnic Turks were stripped of their Greek citizenship, including an official figure of 50 persons in 1997. Most of those affected were forced to stay in Turkey or in Germany. Nevertheless, some 1,000 persons stripped of their citizenship continued to live in Greece with the status of stateless persons, without ever obtaining identity and/or travel documents with which Greece, under the UN 1954 Convention Relating to the Status of Stateless Persons, should have provided them.

Harassment of and discrimination against stateless ethnic Turks continued in 1997. They had no political and social rights and no official identity and were therefore entirely at the mercy of the local administration. They were unable to buy or sell property, have a bank account; receive a pension; have social security; register their children and have them admitted to a public school; obtain a driving license; or open a store or other business. These people also suffered from cultural stagnation and isolation from Greek society; for example, no Turkish newspapers were available in Thrace, and education in Turkish-language schools was of a low standard. The stateless individuals were totally absent from the public administration in Thrace. Minority associations were forbidden from calling themselves Turkish and freedom of movement was restricted. Inscriptions in the Turkish language were effectively forbidden. Pharmacists from this minority were not able to become members of the pharmacists' association, which restricted their right to run their businesses. The Greek government appointed their *muftis* (Islamic judges and religious leaders) and attempts by the minority population to elect the *muftis* themselves were regarded as illegal.

- Emin Aga, elected mufti of Xanthi, was convicted six times during 1996-97 for pretense of authority. All sentences were suspended pending appeal.
- The extension of Kimmeria mosque was allowed in 1996 but the works were later stopped for "building violations," which led to the arrest and conviction of the mosque's *imam* and four workers. Eventually, in mid-1997, the state allowed the completion of the works but did not allow the building of the minaret, confirming that the whole issue was politically motivated and involved religious freedom violation rather than a mere case of building violation.

On 17 December, the Greek government decided to provide stateless individuals with identity and travel documents. By early 1998, some 100 stateless people had received such documents and begun to enjoy commensurate rights to professional licences, driving licences, pensions, bank accounts etc. Ironically, this improvement was criticized by the Turkish Foreign Ministry and some members of the minority as well as by lawyers handling stateless persons' appeals, many of whom even encouraged the stateless to refuse or return these documents.

On 23 January 1998, the Greek government, with a unanimous decision by the Council of Ministers, announced its intention to abolish article 19, clarifying immediately that the decision would not have retroactive

effect. By May 1998, no relevant legal action had, however, been taken.

In 1997, Greek Helsinki Monitor, Minority Rights Group-Greece and Human Rights Watch undertook a fact finding mission together in Thrace which was followed by an extensive campaign for the retroactive abolition of article 19 and for the rights resulting from the 1954 Convention to be granted to stateless persons. Greek Helsinki Monitor established an office in Thrace to help the stateless reiterate their demands and to put pressure on the local administration and the police to respect their basic human rights. On 10 December, Human Rights Day, a press conference was held by Greek Helsinki Monitor and Minority Rights Group-Greece together with other Greek NGOs at which three minority deputies and some small political parties' representatives publicized the human rights violations resulting from article 19 and the situation of the stateless in Western Thrace. They issued an appeal for the immediate abolition of article 19, for the stateless to be granted the rights due to them, and for the formal abolition of the security zone in the minority area.

At the press conference, a 20-year-old woman, Aysel Zeybek, described her last 13 years of life as a stateless person. All members of her family, living at the Echinis village near the Bulgarian border, had lost their citizenship after a trip to Turkey in 1984. Not having any legal documents, Aysel Zeybek remained unable to get an education, marry, travel, had access to no social security of any kind and no free medical services.

### The Roma Minority

Roma were frequently harassed and ill-treated by police in ways that suggested racial motivation, and brutal attacks were carried out upon Roma settlements. On several occasions, municipal authorities expelled or forcefully relocated Roma communities on the ground that they were living illegally on the site. However, ethnic Greeks also making illegal use of public ground were not expelled. Most Roma children did not attend schools because either there were none in the settlements or they were not accepted in local schools. Medical care for the Roma was substandard. In 1997, Greek Helsinki Monitor launched a Roma Office to monitor and report on such issues, and to lobby the authorities.

- The Roma community residing in the "camping" site in the municipality of Ano Liosia, at the north-western fringes of Athens, was the site of the most notorious case of racism and discrimination against the Roma. In 1996, the special police forces had raided the camping site, allegedly in search of crime suspects. In April 1997, this Roma community was forcibly transferred to another settlement, surrounded by wire fences, and their movements were strictly controlled, allegedly because of security reasons as the new settlement was situated next to a municipality parking lot for trucks. The encampment, a "model" of its kind according to the authorities, was quickly named after the prime minister, who appeared to have sanctioned the move, as the "Simitis Ghetto." Despite promises by authorities to provide decent living conditions there, including sanitary facilities, these

never materialized.

- ☛ On 17 June, a trial opened regarding the petition submitted by the mayor of Evosmos and owners of the land where 91 Roma families were living. The Roma had lived in the area since 1967, without any reaction at all on behalf of the owners. Moreover, the petition had not been distributed among the Roma in the way stipulated by law. As a result, 3,500 Roma faced being forced onto the streets because all the neighboring municipalities refused to receive them. The evictions had not, however, been carried out by May 1998.
- ☛ On 17 July, the prefecture of Eastern Attica, in collaboration with the council authorities and with a strong riot police presence, demolished the Roma settlement at Agia Paraskevi (Pefkakia area), where 28 families had lived for over 25 years. The reason given was that they have carried out illegal construction work.
- ☛ A petition calling for temporary judicial sanctions was submitted by the municipality of Kalamata against 70 Roma families, despite the fact that 60 out of the 70 families had been settled in the so-called "industrial area" for almost three years. The court in this case rejected the petition in September 1997.
- ☛ In Trikala, the municipal authority forcibly expelled 20 Roma families and destroyed their dwellings in the area of the factory "Agroviz" (belonging to the Union of Agricultural Corporations) and in the area of Pyrgos, using the municipal police. The authorities claimed that the Roma dwellings downgraded the "quality" of the whole area. It was notable that, seven to eight years earlier, more than 50 Roma families had also been expelled from the Trikala area.
- ☛ In Phinikas, near the road leading from Thessaloniki to Halkidiki, the police "re-established order" in a brutal way by destroying the dwelling of a Roma family numbering 30 persons, citing the law against illegal construction work. However, the police took no such measures against the ethnic-Greek owners of also illegal but more luxurious houses.
- ☛ On 31 October, in Zephyri in Attica, armed police officers blockaded the Roma quarters, officially looking for drug-traffickers, thus effectively making the whole community collectively responsible for alleged crimes committed by individuals and labeling all members as criminals. Such action was used increasingly in 1997, e.g., at Evosmos in Salonica.

Greek Helsinki Monitor and Medecins du Monde-Greece launched a program to visit the Roma settlements in Greater Athens, registering their inhabitants, carrying out medical examinations and inoculating young children. A special grant for the purpose was given by the Open Society Institute (Budapest). Inoculation started on 11 December, on the occasion of International Human Rights Day.

### *Freedom of Religion*

Legal guarantees for freedom of religion remained insufficient in Greece. The Greek Orthodox Church continued to enjoy a privileged status under the Greek law. The constitution guaranteed freedom of worship

only to the "known" religions which, however, were not defined. In practice, the so-called traditional religions such as the Orthodox, Catholic and Protestant Churches, Judaism, and Islam, as well as the Mormons and the Jehovah's Witnesses, have been recognized. The latter, however, achieved such recognition only after decisions in the courts.

Some religious communities continued to experience various forms of state discrimination in 1997, particularly Catholics, Protestants, Scientologists - and even Jehovah's Witnesses whose religion was by then recognized.

However, the year 1997 was marked by several decisions by the European Court of Human Rights in Strasbourg ruling against Greece on cases regarding freedom of religion and granting admissibility to further important cases.

- On 12 December, local police in Thessaloniki filed a suit against the pastor of the Greek Evangelical Church of Thessaloniki, Rev. George Goudas. His church is one of the largest and the most historically significant evangelical churches in Thessaloniki, in existence for more than a century. Authorities claimed that the pastor was operating without an official license for his church. Another 14 evangelical churches were accused of the same "crime" in 1997. The law 1363/38, on the basis of which legal proceedings were initiated, was condemned by the European Court of Human Rights on several occasions.

Proselytism was prohibited by law in Greece. The European Court of Human Rights on two occasions - most recently in February 1998 - ruled that this provision violated religious freedom.

Still, charges of proselytism were pending against Eva Androutsopoulos from Komotini for the violation of article 4 of the (Metaxas regime's) Obligatory Law 1363/1938. According to the charges, when teaching German language at a private tutorial school (*frontistirio*) in 1995, she had "proselytized by abusing the inexperience of others (...) attempting in an indirect way, that is by making frequent references during class time to Buddhism and to religious beliefs of the Orient, to introduce pupils to the religious conscience of believers in different dogmas ('heterodox'), aiming at changing the content of their religious conscience." The prosecution had been triggered by a report to the public prosecutor by the Bishop of Komotini, who also gave testimony on the case.

### The Catholic Church

Due to the privileged status of the Orthodox Church, other religious communities were relegated to a disadvantaged status. The Catholic Church, under Greek law, was not a juridical entity because Greek courts had refused to recognize it as such. This had adverse effects, for example, regarding the church's property rights.

- The Canea Catholic Church filed a complaint to the European Court of Human Rights regarding the restriction on their exercise of the

right of access to a court. The church had attempted to take legal steps to protect its property rights but the Court of Cassation (Supreme Court) had ruled that the applicant had no capacity to take legal action. The European Court of Human Rights on 16 December overruled the Greek Courts' decision and convicted Greece.

### Jehovah's Witnesses

Jehovah's Witnesses were recognized by the state only after a court proceeding. Still, this community probably faced most persecution, and several cases filed by its members were pending in the European Court of Human Rights in 1997. The Court had already in 1996 found Greece guilty of breaching European standards on freedom of religion for hindering Jehovah's Witnesses from using privately rented premises as places of worship and for school authorities forcing a pupil belonging to the Jehovah's Witnesses to be suspended from school for two days after the pupil had failed to take part in a school parade on religious grounds.

- In 1997, in two separate cases, the European Commission of Human Rights ruled that Greece had violated the religious freedom of Jehovah's Witnesses' ministers, because it had refused to exempt them from military service. It also declared admissible the case of Gabriel Tsavachidis v. Greece, in which the applicant had been placed under surveillance by the National Intelligence Service for no obvious reason.

### The Church of Scientology

On 19 December, Greek Helsinki Monitor and Minority Rights Group-Greece, expressed their disapproval of decision 10493 (issued by the three-member Appeal Court of Athens) which upheld the 1996 ruling that the Greek Center for Applied Philosophy (KEFE, known as the Church of Scientology) should be disbanded. KEFE was dissolved in December 1996, 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.

Greek Helsinki Monitor and Minority Rights Group-Greece had concluded in December 1996, 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.

### *Conscientious Objection*



Until 1997, Greece was the only EU country which did not offer civilian service as an alternative to military service. On 15 June, the parliament adopted law 2510/97 on alternative civilian service. The law guaranteed the right to perform civilian service on the basis of fundamental reasons of conscience based on religious, philosophical, ideological or moral convictions. The law came into force in January 1998.

Although a welcome step, the law included several provisions which could be regarded as discriminatory and punitive. The length of the service was to be twice as long as that for military service (18-24 months); the conscientious objectors were not to be allowed to serve in their places of residence or in the major cities of Athens and Thessaloniki; and the provisions for alternative service could be suspended by a decision of the Ministry of Defense in a state of war. In addition, those who had already started military service could not transfer to civilian service. The law also prohibited conscientious objectors from participating in trade union activities or strikes during the period of their service - should they do so, they would have to complete their service in the army. The daily allowance to be paid to conscientious objectors was extremely low and the application process excessively bureaucratic. A special commission was to examine the belief of the applicant and the Minister of Defense would make the final decision.

### *Protection of Aliens*

In 1996, the Greek government finally set in motion measures to legalize the status of some 250-300,000 illegal Albanian immigrants and another 200,000 immigrants residing in the country. During the IHF mission to Greece in February 1997, Deputy Minister of Foreign Affairs, George Papandreou, and the Ministry of Labor assured the IHF that Albanians would soon have their status legalized. Nevertheless, by the end of September 1997, several announcements had been made and bills presented - some actually excluding Albanians and Bulgarians from legalization - and dates for the beginning of legalization postponed to an indefinite time in the future.

Finally, on 2 December, the Ministry of Labor published presidential decrees which aimed at the legalization of immigrants. Every illegal alien was given the possibility to make a simple application for legalization which automatically ensured legal status, until the end of 1998. The applicant had, among other things, to present to Greek authorities any criminal record from the country of origin. In addition, on the basis of the decrees, immigrants already having spent five years in the country would be granted a five-year residence permit, as would all their family members. Moreover, the decrees provided for a second review board for the re-examination of appeals on negative decisions; and the issuing of permits on humanitarian grounds in exceptional cases, even if the applicants would not normally fulfill all the decrees' requirements.

On the negative side, the decrees provided for a "list of undesirable individuals," but did not define criteria according to which names were

to be entered on this list. Also, they included vague and potentially abusive clauses invoking the "public interest" or "national security," which might be used to deny immigrants' permits and so might water down the legalization. Also, the decrees limited the right of immigrants to choose a place of residence and effectively tied the granting of the permit to one specific job.

Despite getting legalization underway, Greek authorities in 1997 still launched campaigns to arrest thousands of illegal Albanian immigrants.

- In the last two weeks of July, some 10,000 Albanians were deported under the pretext of curtailing the incidence of robbery in Greece, for which authorities made Albanians responsible without presenting sufficient evidence.

The Albanian Helsinki Committee and Greek Helsinki Monitor carried out a joint fact-finding mission in February to look into the situation of the Albanian immigrants in Greece. They discussed the issue with both Greek and Albanian authorities and interviewed several Albanian immigrants and Albanian inmates in the main Korydallos prison of Athens. They noted that Albanian immigrants were frequently ill-treated by the Greek police and authorities at all levels. They were discriminated against in all sectors of life, including the courts; their trials were often unfair, carried out without interpretation for the defendants, and sentences were harsher than those handed down to Greek defendants convicted of comparable crimes. Albanian children did not have any opportunity to obtain instruction in their own language. Moreover, as a result of the exaggeration of Albanian criminality in Greece, the media helped to create "Albanophobia" in the country.

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