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REPORT ON GREECE TO THE 1998 OSCE IMPLEMENTATION MEETING

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Minority rights

Introduction

Greece formally recognizes only one "religious" minority, the "Muslims" of Thrace whose fundamental rights are formally guaranteed by the 1923 Treaty of Lausanne. (Ethno)national minorities of Turks and Macedonians are denied recognition. Minorities that are not officially recognized have often suffered restrictions to their freedom of expression and association. The Greek constitution gives the Eastern Orthodox church the status of an official religion, relegating other religions to a disadvantaged status. Constitutional amendments introduced with a first parliamentary vote in 1998 did not affect this privileged status of the Eastern Orthodox Church.

In recent years, the Greek government has signed a number of international documents providing guarantees to minorities. The ICCPR was ratified in early 1997 while in late 1997 the Framework Convention for the Protection of National Minorities was signed: it has yet to be sent to Parliament for ratification though. Moreover, **Greek Helsinki Monitor (GHM)** has repeatedly noticed that government decisions to implement either improvements of minority rights or at least the respect of international human rights norms are met with resistance by middle level state agencies which function as a "shadow state" and often undermine government policy. Unfortunately, the government has yet to show the necessary political will to neutralize such resistance.

Turkish Minority

Greece denies its right to self-identification: the vast majority of its members identify themselves as Turks, irrespective of their Turkish, Pomak, Roma or other origin. Identifying the minority or its establishments as "Turkish" is considered illegal and may lead to prosecution. "Turkish" associations have been dissolved. In

1987, the Supreme Court irrevocably dissolved the "Union of Turkish Teachers of Western Thrace" and the "Union of Turkish Youth of Komotini." **On 6 November 1998, the Komotini Appeals Court reviews the "Turkish Union of Xanthi"'s appeal against its dissolution.** In July 1998, primary school teacher **Rasim Hint** was suspended for one year because, in 1996, he called the Xanthi school he worked in "Turkish" rather than "Minority." For the same reason, Hint was subjected to punitive transfers from the city of Xanthi to distant mountain villages between 1996-1998.

Article 19 of the citizenship law, used arbitrarily to deprive non-ethnic Greeks of their citizenship if they had settled abroad, was abolished in June 1998. Since its introduction, in 1955, and according to government figures, 60,000 Greek citizens, mostly ethnic Turks, had been deprived of their citizenship. **As many as 1,000 of such former Greek citizens still live in Greece as stateless (Deputy Foreign Minister Yannis Kranidiotis gave GHM an estimate of 500, on 27 October 1998).** They had been denied their rights under the 1954 U.N. Convention Relating to the Status of Stateless Persons ratified by Greece in 1975. In January 1998, after sustained pressure by GHM and other NGOs as well as minority representatives, the state finally gave some 150 such stateless persons identity documents which allowed them to enjoy many other rights and also to travel abroad. However, in August and September 1998, the government refused again to issue such documents to other stateless, in direct breach of the law. Moreover, the abolition of article 19 was not retroactive: so these stateless did not get their citizenship back, although the revocation was illegal in first place as they had not settled abroad. **They are probably the only residents of a traditional democratic country rendered stateless by their own country.**

A 1990 law gave the state the right to appoint the muftis, against the will of the minority. Currently, there are two muftis in Xanthi and Komotini - one appointed and one elected. The elected muftis have been repeatedly convicted for "pretense of authority" for merely using the title of mufti in written statements. The Xanthi one, **Mehmet Emin Aga**, has accumulated 79 months of prison in 7 trials, of which 57 months in 5 recent trials (16 months on 11 December 1997, 14 months on 25 February 1998, 6 months on 29 April, 7 months on 28 May, 14 months on 24 June); two more trials are scheduled for late 1998. He has served 6 months and bought off the other sentences. These convictions are a violation of religious freedom and freedom of expression. In November 1996, **UN Special Rapporteur Abdelfattah Amor stated:**

"As for the special provisions concerning Muslims and, more particularly, muftis and waqfs, the Special Rapporteur recalls article 6, paragraph (g), of the 1981 [UN] 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 (...). 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. (...) 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. (...) 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."

Unfortunately, these recommendations were ignored by Greece and these problems of the Turkish minority have remained in 1998 as important as they were in 1996.

Macedonian Minority

In Florina (northern Greece), where most ethnic Macedonians live, **four ethnic Macedonians were put on trial** in September 1998 for "inciting citizens to commit acts of violence." In September 1995, a mob led by the mayor had attacked and ransacked the offices of the ethnic Macedonian "**Rainbow**" party after the four men hung a sign in Greek and in Macedonian stating "Rainbow - Florina Committee." Those who attacked the offices have yet to be indicted though charges were filed by Rainbow in 1995. However, **the party was prosecuted for using the Macedonian language** on the sign in a clear violation of the right to free expression but was finally acquitted: in that trial, the political and social leadership of Florina were witnesses for **the prosecution which had based its case inter alia on articles of the ultra-nationalist weekly "Stohos."** Another "**Rainbow**" leader is awaiting trial on **19 November 1998**, with similar charges for having brought from Macedonia calendars bearing toponyms of Greek towns in Macedonian and praising the inter-war pro-Macedonian policy of the Communist party, but not advocating violence.

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 in July 1998. This, despite written commitment to the contrary by Alternate Foreign Minister George Papandreou in a letter to the International Helsinki Federation. Some were denied

entrance because their passports mentioned their birth places in Greece with their old Macedonian name only; others simply because they were in a "red list" of undesirables. One of the former cases concerned a German citizen, Anastas Parpouski, and is a clear violation of the freedom of movement of EU citizens in EU countries guaranteed by EU treaties.

In July 1998, **Greece was convicted by the European Court of Human Rights** for the violation of the freedom of association (Article 11 of the European Convention), because the Greek courts did not allow in 1990 the establishment of the "**Home of Macedonian Civilization**" (as translated in English by the European Court). The most important argument of that verdict 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 "non-existence" of that minority was argued by **the Greek courts using 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..."** **The European Court, in countering Greece's arguments, mentioned the binding character for Greece of the OSCE documents** which the country has signed but have usually been considered merely declaratory and without legal value. The Court considered the aims of the Home "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."

Religious Minorities

In September 1996, in a judgment against Greece for an Article 9 violation of the religious freedom of Jehovah's Witnesses, **the European Court of Human Rights criticized Greek legislation** for "*allowing far-reaching interference by the political, administrative and ecclesiastical authorities with the exercise of religious freedom*" and for "*imposing rigid or indeed prohibitive conditions on the practice of religious beliefs by certain non-Orthodox movements,*" concluding that there is "*a clear tendency on the part of the administrative and ecclesiastical authorities to use these provisions to restrict activities of faiths outside the Orthodox Church.*" Moreover, in November 1996, **UN Special Rapporteur Abdelfattah Amor**

"notes that there are limitations on freedom of worship which are inconsistent with internationally established human rights norms. (...) [He] considers the constitutional provisions prohibiting proselytism to be inconsistent with the 1981 [UN] 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 (...). These comments also apply to the [1938 and 1939] 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 favour 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 (...). 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 (see chap. I, B, para. 30) 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. (...) Lastly, regarding other legal issues, (...) 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."

No amendments to these laws, dating from the dictatorship of the 1930s, were since introduced; the 1998 constitutional amendments did not take into account the UN recommendations. So, Greek legislation and practice remained quite intolerant, allowing the high-handed harassment of minority religions by authorities. For example, in April 1997, the **Salonica State Security reported to the Prosecutor's Office that 32 houses of worship in Salonica operated without license**. When subsequently summoned by the Prosecutor, all of them disproved the claim providing the appropriate documents. **The houses of worship involved belonged to Evangelicals, Pentecostals, Adventists, Mormons, Catholics, and Jehovah's Witnesses**. The Ministry of Public Order has taken no disciplinary action against the officers responsible for that deliberately misleading report. **Jehovah's Witnesses** have moreover reported to GHM that their members are frequently summoned to police stations for "identity controls."

In December 1997, a court, with hardly convincing evidence, violated freedom of religion by dissolving the **Church of Scientology** because of business activities inappropriate for an association; because its aims were alien to the nature and the substance of the human being as a free person; and also to the morals and customs of the Greek people; and because it had engaged in proselytism and spying.

In December 1997, too, the European Court of Human Rights convicted Greece for having denied the legal personality of a **Catholic church in Crete**. GHM welcomes the Deputy Foreign Minister's Yannis Kranidiotis statement (27 October 1998) to the organization that the government intends to introduce legislation finally granting the Catholic Church of Greece a legal status similar to those the other historical religions (Orthodox Christian, Jewish and Muslim) have always enjoyed, but recommends this be done in agreement with the Catholic Bishop's Synod.

The European Court has also condemned Greece in February 1998 for having unjustly convicted **Protestants** for proselytism of civilians. Finally, on 12 November 1998, the Court will examine the case of a **Jehovah's Witness** who was under surveillance by the Greek state in March 1993. The European Commission had granted admissibility to the case in October 1997, for an Article 8 violation of the right to respect an individual's private and family life. Here, too, GHM welcomes the Deputy Foreign Minister's Yannis Kranidiotis statement (27 October 1998) to the organization that Greece has decided for a friendly settlement of the case based on a statement satisfactory to the applicant. GHM hopes that this decision will be materialized as the applicant has subsequently confirmed the negotiations but not the agreement.

Greek Helsinki Monitor, in anticipation of the presentation of this report to the 1998 OSCE Implementation Meeting, has submitted a complimentary copy to the Greek Foreign Ministry on 29 October 1998.

WRITTEN PRESENTATION TO THE 1998 OSCE IMPLEMENTATION MEETING

Greek Helsinki Monitor (GHM) was founded in late 1992, by members of **Minority Rights Group - Greece (MRG-G)**, following the encouragement of the **International Helsinki Federation for Human Rights (IHF)**. A year later, in December 1993, the latter's General Assembly accredited it as its Greek National Committee with an observer status; in November 1994, the General Assembly elevated Greek Helsinki Monitor to full membership. In April 1998, Greek Helsinki Monitor also became member of the **International Freedom of Expression Exchange (IFEX)**.

Since 1994, GHM has worked on all national, ethnolinguistic and major religious minority communities in Greece and in the Balkans, in close cooperation with MRG-G. Its main work is the comprehensive monitoring of human rights violations in general (especially human rights related trials) in Greece and, to a lesser extent, in the Balkans. It brings them to public attention through public statements, alone or along with other NGO's. On the most recent crucial trial, GHM, along with MRG-G, published, both in Greek and in English, **Greece Against its Macedonian Minority: the Rainbow Trial (ETEPE, 1998)**.

Occasionally, GHM lobbies with governments for the solution of such problems. It has also participated and often coordinated the monitoring of Greek and Balkan media for stereotypes and hate speech. Its major related publication, along with the IHF, is "Hate Speech" in the Balkans (ETEPE, 1998).

In 1997, GHM in cooperation with MRG-G and the European Roma Rights Center started a Roma Office. The three NGOs have jointly made, in May 1998, a fact-finding mission to some 40 Roma settlements in Greece. That office has also followed cases of police violence against Roma, including offering the victims legal advice and continuous support.

In 1998, GHM along with MRG-G, the Institute on South East Europe (ISEE) of the Central European University and the Center of Documentation and Information on Minorities in Europe (CEDIME) based in Montpellier (France) launched a Balkan-wide project to create a web site to cover human rights issues in the region and include comprehensive and comparable presentations of all minorities in the region.

All the reports mentioned here, the statements (co-)issued by GHM, as well as the articles and books published by its members can be found in the web site <http://www.greekhelsinki.gr>.

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