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Discrimination in Greek law which affects ethnic Macedonians

Written question No 530 to the Committee of Ministers
presented by Mr Lambert

The Civil War in Greece witnessed the plight of thousands of political refugees, both ethnic Macedonian and others, including Greeks. At least 28,000 child refugees, mostly ethnic Macedonians, were also evacuated from areas of heavy fighting and relocated in countries like Yugoslavia, Czechoslovakia, Poland, Hungary, Bulgaria and Romania. The Greek State then proceeded to confiscate the properties of these exiles as well as strip them of their Greek citizenship. Moreover the relatives of these citizens who had been suspected of opposing the Greek government during the Civil War also had their citizenship taken away, arbitrarily and without due process. A series of Decrees and other enactments followed regulating the government's actions. A 1962 Decree (4234) reinforced past legal enactments pertaining to the confiscation of properties of political exiles and denying them a right of return.

It was not until 1982 that the Greek State enacted a law permitting repatriation and the return of Greek citizenship for these individuals. However, this law was not introduced without some inherent prejudices. Relevantly, leading up to the 1982 law for repatriation, the Greek authorities were attentive to the possibility of seeing thousands of ethnic Macedonians return. Hence, motivating their suggestion that 40,000 people (ethnic Macedonians) living in various Eastern European countries did not constitute an issue that concerned Greece and the principle of free repatriation could not be accepted or applied by Greece.

This was (and remains) an emblematic attitude of the Greek State and culminated with Ministerial Decree number 106841, which announced the relevant passages to the stipulations of Law no. 400/76, providing that;

“Free to return to Greece are all Greeks by genus, who during the Civil War of 1946-1949 and because of it have fled abroad as political refugees, in spite that the Greek citizenship has been taken away from them.”

Similarly, Law no. 1540 was subsequently introduced making provision for the return of confiscated properties to political emigrants, read political refugees. The wording used in the legislation was again unjustly circumspect. It defines political emigrants for whom the law shall have application limited to those who are “Greeks by genus”.

The term ‘Greeks by genus’ is a term used by Greek authorities for all those who identify themselves as being ethnic Greek. Hence, ethnic Macedonians who are also political refugees and have had their Greek citizenship rescinded and/or properties confiscated are excluded from enjoying the rights granted under these laws, therefore severely questioning the very standing of the laws based on grounds of equity and fairness. Moreover, the construction of the wording as relating to these laws is not benign, it has the clear intent to discriminate against all those who belong to the category of people classified as political refugees and who are not “Greeks by genus”. Given that ethnic Macedonians predominantly make-up this category

of people, it is indisputable that they have been the ones targeted by this exclusivist definition and the ones to have suffered the most.

Minority Rights Group Greece report referred to earlier confirms that there are many cases of Macedonian political refugees "who could not come to Greece for a short visit even when an important family matter", such as terminal illness, funeral, wedding and other, was involved. Not unless these ethnic Macedonian political refugees are prepared to abandon their Macedonian consciousness and identity do they stand a chance of exercising their right of return to their birthplace as proclaimed under the laws. However, how does one deny who they are? As the MRG Greece mission itself concluded, these political refugees "have a Macedonian national identity which they are not willing to renounce." Consequently, this exposes the discriminatory substance of the laws in question by enabling the continual refusal of entry to Greece of ethnic Macedonian political emigrants and/or return of their properties, based on a rejection of a Macedonian identity by the Greek State.

This discrimination has also been noted by the European Commission Against Racism and Intolerance (ECRI). In the Third Report on Greece (8 July 2004), 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."

Given that one of the founding principles of the Council of Europe is non-discrimination, does the Committee of Ministers think that Greek authorities should review these laws, with a view to ending the discrimination resulting from them?

Signed:

LAMBERT Geert, Belgium, SOC

Attached documents:

- I. Law 106841 of 1982 (English translation)
- II. Excerpt of Law 11540 of 1985 (English translation)

I. Law 106841 of 1982

English translation:

“THE JOINT DECISION OF THE GREEK MINISTRIES OF INTERNAL AFFAIRS AND PUBLIC ORDER

Athens 29 December 1982

Topic: Free repatriation and restoration of Greek Citizenship to political refugees.

Keeping in mind:

The provisions of Law 400/76 “Concerning the Ministerial Council and Ministries” as amended by Law 1266/1982 and with in the framework of the Greek government’s policy on national reconciliation and compassion

WE HAVE DECIDED:

...can return to Greece all **Greeks by genus** who left Greece during the Civil War of 1946-1949 and because of which went abroad as political refugees, even if they have lost their Greek citizenship...

(Signed)

THE MINISTERS OF INTERNAL AFFAIRS AND PUBLIC ORDER
George Yennimatas, John Skoularikis

II. Excerpts of Law 1540 of 1985

English translation:

Article 1- Definition and Implementation

Paragraph 1

This law considers as political refugees the **Greeks by genus**, who due to the civil war immigrated abroad after 1.1.1945 or were imprisoned or sent in exile.

Paragraph 2

The law's provisions are implemented:

Section 1....

Section 2....

Section 3....

Section 4

For the landed property that came to the State's possession or for which the State has received additional price after it has retained seller rights according to Law 1323/1949, due to the fact that the seller was deprived from the right to buy back the property he/she had sold for violations of the Articles 1,2,3 and 5 of the 3rd Petition or lost Greek citizenship according to the provisions of the 27th Petition or fled to a foreign country to organize the civil war.

Article 2- Return of property-Beneficiaries

Paragraph 1

Property stated in the previous article are returned to the beneficiaries political refugees that reside in Greece or repatriate and have or regain or receive Greek citizenship. The return is not hindered if the property was devolved to a Local Government Organization (LGO) by possession or occupancy. If the property was devolved to an LGO by ownership, it can be returned only with the LGO's consent. The return is not hindered if the property has received forestal status. In such a case, provisions of Article 75, Paragraph 1,2 and 3 of Law 998/1979 are also implemented

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Paragraph 4

If the political refugee deceased, return beneficiaries are, to the extent that they are heir- at-law and to the percentage of their hereditary share, the spouse, children, parents and from the other heirs only the ones that are political refugees and reside in Greece or repatriate. In case that a lot of the above individuals found hereditary rights, the Civil Code provisions for hereditary succession are to be implemented.