HUMAN RIGHTS IN GREECE: A SNAPSHOT OF THE CRADLE OF DEMOCRACY

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COMMISSIONERS

PAGE

Hon. Christopher H. Smith, Co-Chairman 1
Hon. Benjamin L. Cardin, Commissioner 18

WITNESSES

Dimitris Moschopoulos, Counselor, Greek Ministry of Foreign Affairs 3
Maria Telalian, Legal Advisor, Greek Ministry of Foreign Affairs 8
Adamantia Pollis, Ph.D., Professor Emerita, New School University 22
Vassilios Tsirbas, Senior Counsel, European Centre for Law and Justice 24
Panayote Dimitras, Founding Member, Greek Helsinki Monitor and Minority Rights Group 29

APPENDICES

Prepared Statement of Hon. Ben Nighthorse Campbell, Chairman 41
Prepared Submission of Hon. Christopher H. Smith, Reprinted from the *Congressional Record*, Wednesday, March 21, 2001 42
Letter to His Excellency Konstandinos Simitis, Prime Minister, the Hellenic Republic, Athens, Greece, from Members of the Commission on Security and Cooperation in Europe 44
Letters to His Excellency George A. Papandreou, Ministry of Foreign Affairs, Athens, Greece, from Members of the Commission on Security and Cooperation in Europe 47
Prepared Submission of Vassilios Tsirbas 49
Materials Submitted for the Record by Panayote Dimitras:
- Conclusions and Recommendations of the U.N. Committee Against Torture 54
- Concluding Observations of the U.N. Committee on the Elimination of Racial Discrimination 56
- Concluding Observations of the U.N. Committee on the Rights of the Child 59

HUMAN RIGHTS IN GREECE: A SNAPSHOT OF THE CRADLE OF DEMOCRACY

THURSDAY, JUNE 20, 2002

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The Commission met in Room 334, Cannon House Office Building, Washington, DC, at 10:00 a.m., Hon. Christopher H. Smith, Co-Chairman, presiding.

Commissioners present: Hon. Christopher H. Smith, Co-Chairman; and Hon. Benjamin L. Cardin, Commissioner.

Witnesses: Maria Telalian, Legal Advisor, Greek Ministry of Foreign Affairs; Dimitris Moschopoulos, Counselor, Greek Ministry of Foreign Affairs; Vassilios Tsirbas, Senior Counsel, European Centre for Law and Justice; Adamantia Pollis, Ph.D., Professor Emeritus, New School University; and Panayote Dimitras, Founding Member, Spokesman, Greek Helsinki Monitor and Minority Rights.

HON. CHRISTOPHER H. SMITH, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. SMITH. This Commission hearing will come to order. Good morning to everyone.

First, I want to apologize to our distinguished witnesses for rearranging the schedule. I chair the Veterans' Affairs Committee, and this morning we had a commemoration for the man who literally wrote the GI Bill, which is our educational bill for our veterans, back in the 1940s—1943 or 1944. The author of this measure is deceased, and the American Legion and the others who helped propel that bill into existence organized a ceremony at the Mayflower Hotel where that historic piece of legislation was written.

It is just something that I would say to my Greek friends: you ought to look at this kind of legislation. It is a bill—matter of fact, as Chairman of the House Veterans' Affairs Committee, I just recently increased it nearly 46 percent, wherein if a person enlists in our military, spends 3 years in the military, he or she gets a college benefit. Now that benefit will rise to $35,500, which is the equivalent in the United States of a 4-year public college for a commuting student. We estimate that about twenty million men and women have received their college education under this program. It has led to an explosion in growth of state colleges and what we call community colleges in America. It has helped people who otherwise were precluded from getting their college education.

So that's why we are running late. I was participating in this commemoration. So I thank you for your patience in the change of schedule.

Let me just say to all of you, the evolution of the Greek State from a suppressed territory under the Ottomans to a cohesive, modern success of today is a great story of democratic success. When Greece began her struggle for freedom more than 180 years ago, few gave the freedom fighters much of a chance for success.

The United States has had a special relationship with the Hellenic Republic. During times of famine and war, her citizens often came to the United States for protection and a brighter hope for the future. We shared the struggles against Nazism and communism. Today, we struggle together against the secret agents of terror that wish to destroy democratic societies.

This friendship provides the groundwork for this hearing in which the Helsinki Commission seeks to explore various issues of mutual concern. Reports on the human rights climate in today's Greece paints a sobering picture, particularly with respect to the obstacles frequently faced by members of ethnic and religious minority communities.

As with all Commission hearings, today's hearing is being held against the backdrop of the considerable body of specific human rights commitments Greece has freely accepted as an OSCE participating State.

I welcome the fact that Greek officials in recent years have increasingly acknowledged and, most important, have taken actions to address persistent human rights problems. The participation of officials from Athens in today's proceedings underscores this refreshing new approach. Movement on long-standing concerns, including repeal of discriminatory provisions of the citizenship law and the removal of religious affiliation from the national identity card, is indeed positive change consistent with OSCE commitments.

Still, concerns remain with respect to ethnic minority rights, religious liberty, freedom of the media and the very serious issue of human trafficking. Individuals who are members of minority communities in Greece frequently face severe restrictions on their right to freedom of cultural expression, violations of their freedom of association, and other forms of harassment and discrimination, including limits on their ability to hold title to their property.

While Greece is the most homogeneous country in the Balkans, affected communities include ethnic Turks, Albanians and Macedonians, and also Roma. We have received disturbing accounts of pervasive discrimination against Roma in employment, housing, education and access to social services, including health care. With a very high illiteracy rate, this segment of Greek society is particularly vulnerable to abuse by local officials, including reports of the Roma being denied registration for voting or identity cards, that in turn prevents them from gaining access to government-provided services. Particularly alarming are incidents such as forced eviction and the bulldozing of their makeshift housing in many cities, including Athens.

As for freedom of religion, Greece has a mixed record. The good news is that 2 years ago, Greece removed the notation of one's religion from the national identity card. We congratulate the reformers for that very important and courageous step.

However, I would note as especially onerous the so-called anti-proselytism provisions of Greek law, and urge repeal of these laws to ensure the freedom of all individuals in Greece to profess and practice their belief as they see fit.

I am similarly concerned over the burdensome requirements imposed on minority religious communities in Greece to obtain special permits issued by "competent ecclesiastical authorities" and the Ministry of National Education and Religious Affairs for the establishment or operation of churches, and places of worship. A basic OSCE tenet is the obligation of the state to protect, without discrimination or subordination, the right of individuals belonging to minority religions or beliefs.

Greece continues to be one of the few countries within the European Union that has consistently brought criminal defamation suits against journalists. When journalists face potential prison sentences for their reporting, the marketplace of ideas and the free flow of information suffer. For these reasons, Members of the Helsinki Commission have long campaigned for the repeal of such repressive laws. Not to mention the fact that criminal defamation is in contradiction with Article 10 of the European Convention on Human Rights, to which all EU members, including Greece, are bound by law.

Human trafficking remains a tremendous problem in Greece, with an estimated 40,000 women and girls being trafficked into Greece every year. The Department of State's "Trafficking in Persons" report, released on June 5, 2002, placed Greece in what is known as the Tier 3 level, showing that there has not been significant effort made to meet the minimum anti-trafficking standards.

The Greek Government has introduced serious anti-trafficking legislation, however. We look forward to the ensuing debate and eventual implementation of a law to combat this modern form of slavery.

We do have a very distinguished panel of witnesses, most of whom have come to Washington from Greece. We appreciate having the benefit of the information that each of you will bring before the Commission today.

At this point, I would like to introduce our first panel. I want, first, to give special thanks to the Embassy of Greece, especially Vassilios Costas, for the gracious cooperation in arranging for government participant for this hearing. Despite today's arrival of Greece's new Ambassador to the United States, the Greek Foreign Ministry has again graciously provided two representatives for our first panel, both of whom have traveled here from Europe specifically for this hearing. We are very grateful for that.

The first participant that I will introduce to you today is Maria Telalian, Legal Advisor of the Special Legal Department of the Ministry of Foreign Affairs and Dimitris Moschopoulos.

Again, I welcome both of you to this hearing. Please proceed.

DIMITRIS MOSCHOPOULOS, COUNSELOR, GREEK MINISTRY OF FOREIGN AFFAIRS

Mr. MOSCHOPOULOS. Thank you, Mr. Chairman.

My name is Dimitris Moschopoulos. As you see the name looks more forbidding than it sounds. I am here in my capacity as OSCE expert. The last 4 years or so, I was the head of the OSCE section at the Foreign Ministry in Athens before my recent appointment as consul general of Greece in Stuttgart. So I am here due to my expertise in OSCE matters. In fact, I am glad to recognize here old friends from the OSCE sitting in front of me.

It is a pleasure. Here also I wanted to introduce my colleague, Mrs. Maria Telalian. She is the legal advisor at the Foreign Ministry. She has a long involvement with human rights issues, but also with other

issues within the ministry. She has what we regard as a very precious and valuable expertise and experience in the matters that we are going to be discussing here.

It is a pleasure to be here and to be given an opportunity to discuss human rights in Greece in this very august body. My colleague and I will do our best to make this hearing a useful one and beneficial to everybody involved, although it is very unfortunate that we were not given enough time to prepare for it.

We found out about this meeting only last week—the end, in fact, of last week. We have managed to put together some notes here and there. But we are glad to be here and we will be doing our best.

I must also say that we were, kind of, taken aback by the tone of the hearing announcement that was circulated and was put on the Internet too. You will agree, Mr. Chairman, that the tone is rather sarcastic and biased and one-sided. It appears to adopt all the accusations leveled at Greece.

Mr. Chairman, in the letter you wrote to the Greek Ambassador, requesting a Greek presence here, the presence of a representative from the Greek Government, you were very nice to say that Greece has many friends on the Commission. We know that, and we are grateful for that. We consider you, Mr. Chairman, a friend of Greece.

It is obvious, though, that the drafters of the hearing announcement were not experiencing any feelings of deep friendship toward Greece. As we will see in a moment when I comment on a few things on the announcement that will be the beginning of my presentation.

I also wanted to note that Greece is the only Western democracy that has been the subject of such a hearing. I looked on the Internet. I looked through all the records of the Commission. There has been no hearing focusing on any other Western democracy.

Mr. Chairman, Greece is not only the cradle of democracy, as is noted in the hearing announcement, but it is also a full member of the family of democratic states, and a good member. We are an open society based on the fundamental values of democracy, pluralism and the rule of law.

The Greek Constitution is a modern one. It combines the traditional values and beliefs of the majority of the Greek people with a progressive and liberal—I use this word in the European sense of the word—with a progressive and liberal outlook. It guarantees the full respect for and protection of the human rights and fundamental freedoms of all people living in the country whatever their nationality or ethnic origin, whatever their religious, philosophic or political ideas.

Greece's record of respect for human rights is a good one. We want our country, the country that we are so proud of for its long history and outstanding contribution to humanity's scientific and cultural development, we want this country to be at the forefront of progress today as well.

The desire of ours is not only because of the concern we have for the international image of the country, but also we want our country to be at the forefront of progress out of concern for the country itself and for the people, citizens and non-citizens alike, with whom we share the country.

Greece has ratified the most important international documents relating to human rights. It is also specifically party to the European Convention on Human Rights, and therefore individuals have the right

and the possibility to lodge a complaint with the European Court of Human Rights if they are not satisfied with the Greek national legal procedures.

The implementation of our international obligations is overall very good. There are a number of independent state agencies or bodies whose aim it is to protect human rights and to monitor their implementation in Greece. The most important of them are the following:

The Office of the Ombudsman, the citizen's attorney, as we call it in—this would be the translation of the expression we use in Greece. It began its work in September 1998 and it has proven to be very successful. It has four sections and deals with four main categories of topics: human rights, relations between state and public, quality of life, health and social welfare.

Another body is the National Commission on Human Rights, composed of representatives of NGOs, political parties, bar associations, independent state agencies, trade unions, academics, government officials, and supreme court justices. Its main aims are the research and promotion of human rights, the preparation of reports and proposals, monitoring of compliance of the Greek legal order with international human rights standards, etc.

Then there is the Authority for the Protection of Personal Data, which is mandated to regulate the collection and processing of sensitive personal data, such as those concerning race, ethnic origin, political opinions, religious beliefs, etc.

Another body is the National Radio and Television Council, which, *inter alia*, oversees the implementation of legislative and other provisions against racism, xenophobia and incitement to hatred in the field of electronic media.

Then another body is the Prime Minister's Office for the Quality of Life, particularly active in matters concerning the protection and promotion of the rights of Roma.

Besides those bodies, and there are some others of lesser importance that I am not enumerating here, a very important role in the field of human rights is being played by nongovernmental organizations in Greece. The Greek Government values their role and their contribution. They have become an indispensable part of democratic life.

As is natural, and as should be natural, the main targets of criticism of such human rights watchdogs are government agencies and persons acting on behalf of the government.

Now, there are some aspects to the implementation of our human rights obligations that have to be seen against the peculiar background that is the Greek reality. Greece is, as you noted, Mr. Chairman, a remarkably homogeneous country, the most homogeneous one in the Balkans. Another fact is that more than 95 percent of the Greek population identifies itself as Christian, and specifically as Greek Orthodox. History—and by history one must understand not just the sequence of events, but mainly the perception of such sequence and the moral and ideological conclusions drawn from it—history, then, has led the majority of the Greek people to equate being Greek to being Christian, Greek Orthodox. It is useful to know this environment in which the Greek Government is called upon to implement its human rights obligations.

Now, I mentioned majorities. However, we are all aware, and in the Greek Government we are aware that talk about human rights becomes meaningful only when it concerns the rights of minorities, not of

majorities. Most of Greek society has a good record of respecting and protecting the human rights of those who find themselves in the minority, whether they constitute an organized minority, such as the Muslim minority in Thrace, or whether they are individuals claiming to belong to what they perceive as ethnic minorities. We respect that.

Some rare negative incidents of xenophobic behavior do not change, but indeed serve to emphasize, the fundamental fact that racism and xenophobia have no place in Greek society, in Greek political life. It is quite remarkable that in a Europe where political parties with explicit xenophobic platforms become increasingly popular, Greece, a country that in the last decade experienced both a tremendous influx of immigrants, mostly illegal ones, and a dramatic increase of its unemployment rate, remains an island of sanity in which xenophobic rhetoric has no appeal to the voters and therefore can find no place in public life.

No political party in Greece includes xenophobic elements, implicit or explicit, in its program. The only public massive manifestations in Greece related to immigrants have been those in expression of sympathy and support for them, for the immigrants, sometimes as a reaction to the rare incidents of hostility to them expressed by isolated individuals.

Furthermore, there have been countless cases of foreign nationals being brought to the country illegally and abandoned—literally dumped in the border zones where they are received and they are offered support and assistance by the local population and authorities alike.

I wish to assure the members of the Commission, and everybody concerned, that the Greek Government and the Greek society are well aware of the reality prevailing in the country. We see the challenges before us. Still, we feel comfortable that we can deal with them, and we are dealing with them properly. Human rights are an important element of the government's policy, both domestic and foreign.

Now, I wanted to make a few comments, as I promised, on the hearing announcement, and that would be the lead to my presentation of some items mentioned here. The remainder will be covered by my colleague, Mrs. Telalian.

Uprooting of Greek Roma from areas around Athens in a beautification effort in vie of the upcoming Olympic Games; I am puzzled and mystified by statements like this. Criticisms and accusations are made about the living conditions of Roma. Now, when the Greek Government tries to do something about it, the government gets criticized again. Relocation is called uprooting. Putting an end to squalid, totally unacceptable camps is called beautification. Here in the States, you have a term, "gentrification," for the changing of old decrepit neighborhoods and the transformation of them into new modern ones. Is gentrification criticized the way beautification is criticized in this hearing announcement?

It should be noted also that the areas from which Roma are to be relocated are private or public lands illegally occupied. Everything is done concerning the relocation in consultation with, and with the consent of, the Roma involved. The result of such resettlement will be vastly improved living conditions for them.

Resettlement in view of the Olympics is inscribed in the general plan that aims at permanent housing for all Roma by the year 2004. The relocation is conducted in three phases. Phase one is renting houses or apartments for them by the local authorities, and the government will

be supporting the rents of those places. Then, phase two, resettlement in prefabricated houses, until finally, as phase three, permanent housing is secured for them within town plans—either existing town plans or extended new plans.

Our position on Roma is that we consider the Greek Roma a vulnerable social group within Greek society, a group that needs special care and attention. That has been recognized by the government, which has created an interministerial committee dealing exclusively with Roma issues.

That committee works in cooperation with all interested parties, such as the municipalities and the representatives of the Roma for the implementation of the newly adopted, comprehensive, national action plan.

The announcement also talks about minorities and says that other ethnic and religious minorities face discrimination. As I mentioned before, that is not the case. We have the Muslim minority in Thrace, and it has been established by a treaty that we respect and implement meticulously. Sometimes we are criticized for the meticulous implementation of our treaty obligations. That is the case here.

The Lausanne Treaty speaks of a Muslim minority. We stick to the language of the Lausanne Treaty. The position according to which every Muslim is *ipso facto* Turkish and can belong to no other minority is a dubious extrapolation of policies enforced in other countries, policies that can have no place in a democratic society, certainly not in Greek society. Efforts to apply such policies in Thrace ignore the realities prevailing in the region. Of course, they constitute a violation of the rights of the other Muslim groups in the region, namely the Roma and the Pomaks who live there, and they have the right to self-definition.

Beyond the Muslim minority, the government respects the right of every person to feel and to state that they belong to any ethnic or other minority they please. Some Greek citizens state that they identify themselves as ethnic Macedonians. It is their right and one that is fully respected in Greece.

Now, I wanted to say few, very few words on the freedom of the media because it is one of the most outrageous accusations against Greece. The announcement of this hearing says that the Freedom House recently ranked Greece last in media freedom among free countries.

Mr. Chairman, I hold in my hands, to repeat the famous phrase echoed in these chambers, I hold in my hands the Freedom House report. Indeed, Greece is placed in the second category. The first category is free, 1–15. The second category is free, 16–30. Greece is in the second category, I think wrongly. We should be in the first category. Nevertheless, still, we are in the second category, along with the United States, the United Kingdom, Austria, France, Italy, Japan, Israel, Ireland, etc. We are in the same category.

I still question the placing of Greece. I do not know what criteria prevailed that put the United States, for instance, in this second category. But I question the criteria that have led the drafters of this report to place Greece in the second category, because the main criterion is the fact that in Greece defamation is still considered a criminal offense. The drafters of the announcement of this hearing are very careful, and it shows how contentious this announcement is, they are very careful to say that they talk of a pattern of criminal defamation lawsuits against journalists, some being sentenced to prison for their reporting. Still, the announcement doesn't say, because it could not say,

that journalists actually end up in prison. No journalist in Greece is in prison. No journalist in Greece is afraid of ending up in prison. There is no fear among Greek journalists.

Those who accuse Greece about the treatment of journalists base themselves only on theoretical constructions and do not take into account reality. It is true that on paper, journalists are sometimes sentenced to prison for offenses that in other countries are dealt with in civil procedures. In fact, though, most journalists receiving jail terms in first instances for offenses committed through the media usually end up being acquitted on appeal. In the very few cases in which jail terms are maintained even on appeal, they can easily be bought off for usually very small amounts of money. The end result is that the penalties actually imposed by courts in Greece for offenses committed through the media are much smaller than those incurred in other countries for the same offenses.

To put it bluntly, Mr. Chairman, it costs much less, and not only in terms of money, to commit offenses through the media in Greece than in other countries. This is a *modus vivendi* that has developed in practice and it leaves everybody involved happy—journalists, publishers, politicians, public figures.

Should we change this state of things? I believe, if it ain't broke, do not fix it. It ain't broke.

The government must always act in consultation with those directly, immediately involved; that is, in this case, in consultation with journalists. And, in Greece, journalists do not want the current state of things to change. We have other priorities in Greece that we can change. There are some things that can improve in Greece, including if you want, in the field of the media. I think maybe the quality should improve before the freedom of media should be touched upon. But freedom of the media is as much absolute in Greece as can be in human undertakings.

I think that I would leave it here as far as my introduction is concerned. My colleague will cover some of the other issues that you have put on what we would assume is the agenda. I put it that way because we cannot really understand, it is not clear exactly what the agenda is. I apologize for taking maybe longer time than you have expected and I had expected. I apologize for it.

I thank you very much, Mr. Chairman. Thank you.

Maria Telalian.

MARIA TELALIAN, LEGAL ADVISOR,
GREEK MINISTRY OF FOREIGN AFFAIRS

Ms. TELALIAN. Thank you, Mr. Chairman.

My name is Maria Telalian and I am a legal adviser at the legal service of the Greek Foreign Ministry.

I have been dealing with human rights questions, among other things, for some years now, and I have also participated in the drafting of the OSCE documents from the Copenhagen Meeting on the Human Dimension and so on.

Having said this, I would like to underline that I am aware of the very important role that your Commission has played all these years concerning the monitoring and the implementation of the OSCE standards. I have read with great attention some of the reports that you have drafted concerning the human rights situations in certain OSCE countries as well as your comments therein.

However, I might say that I was surprised by the very long list of items that you have included in your present agenda, as was also stressed by my colleague earlier, given the fact that Greece is a EU member state and I would like to underline that democracy and the rule of law is a basic prerequisite for this membership.

On the other hand, I would like to stress that in reading the titles of the items included in your agenda, I have the impression that some of them are even predetermined by your Commission, as for example, the questions relating to minorities and, in particular, the naming of minorities in Greece and this, without a prior exchange of views with our Government.

Mr. Chairman, I am quite pleased to be here and share with you some information that might be necessary to you in order to evaluate the human rights situation in my country, and I am ready to elaborate on some of the items of the agenda.

First, I would like to stress that Greece is not only a party to the major human rights conventions but she also cooperates closely with the respective treaty bodies entrusted with monitoring the implementation of the relevant human rights standards.

I feel that it is important for you to know that in the year 2001, we had the opportunity to submit several national reports before these international quasi-judicial or political monitoring organs, which describe the legislative measures taken by Greece in the field of human rights, as well as her policy on these issues. I would like to say that the conclusions of these treaty bodies, namely the Committee on the Elimination of Racial Discrimination (CERD), the Committee against Torture, and the Committee on the Rights of the Child were very encouraging regarding the human rights situation in my country. I believe that you might be interested in the conclusions drawn by CERD, which were issued on March 22, 2001. After examining the Greek report, this Committee welcomed the measures taken by the Greek State, aiming at promoting effective equality among individuals, with particular attention, "... to Roma people, migrant workers, refugees, and asylum seekers, and the minority population in western Thrace."

I would also like to stress that Greece fully implements and executes the decisions of the European Court of Human Rights, and in this respect I want to inform you that a special interministerial commission has been established, which monitors the implementation of all the judgments of the European Court concerning Greece.

In this respect, I would also like to mention the recent visit of the Commissioner for Human Rights of the Council of Europe, Mr. Alvaro Gil-Robles, which took place only a few days ago.

Mr. Gil-Robles had a thorough discussion with the competent Greek authorities on the human rights situation in Greece, and, of course, he raised concerns regarding some of these issues. However, the Commissioner underlined that such problems exist in all democratic European countries. He expressed his satisfaction for the whole range of measures adopted by the Greek Government for the improvement of the human rights situation in Greece. He also emphasized that Greece is a sound democracy. Mr. Chairman, looking at your agenda items, I noticed that you attach great importance to the question of minorities. I understand that you are concerned about the recent explosion of ethnic conflicts. We believe that democracy, the rule of law, as well as respect for human dignity, human rights and the rights of minorities are im-

portant elements for the peace and stability of all countries, and in particular of European countries. You are very familiar with this principle which is taken from the Copenhagen Document of 1990, and my government is very much attached to it.

For this reason Greece respects ethnic, cultural and linguistic diversity. Everyone who resides on Greek territory is free to manifest his or her religion, to maintain his or her culture and speak his or her own language. There are many groups, Mr. Chairman, that freely speak a second language, and these persons are totally integrated into the Greek society. Similarly, as my colleague also mentioned, every individual is free to identify himself or herself as having a different ethnic or national origin, and no disadvantage results from such self-identification.

Mr. Chairman, I want to stress that the only officially recognized minority in Greece is the Muslim minority of Thrace. My colleague mentioned the legal framework for the protection of this minority, which is the Lausanne Treaty of 1923. I believe that you are aware of the historical context within which this treaty was concluded.

In 1996, you held another briefing on this question and Professor Coufoudakis, who participated then in his individual capacity, gave you the historical context of the above treaty, as well as of the compulsory exchange of populations between Greece and Turkey in 1923, with the exception of the Muslims in Greek Thrace (86,000 persons) and, on the other side, of the Greek Orthodox living in Istanbul and in the islands of Imvros and Tenedos (120,000 persons). Today, the Muslim minority in Greek Thrace exceeds the number of 98,000, whereas the Greek Orthodox minority in Istanbul has dwindled to 2,000 individuals.

I do not intend to go back to this historical background, but I would like to underline that the Treaty of Lausanne is based strictly on the principle of reciprocity. It is also based on the element of religion as regards the identification of the Muslim minority.

Indeed, this minority is not composed of one ethnic group. It is composed of three distinct ethnic groups: those of Turkish origin (50 percent), the Pomaks (35 percent) and Romas (15 percent). The Muslim minority enjoys full equality, and a whole range of positive measures have been adopted by the Greek State in order to prevent and further promote the religious, cultural and linguistic identity of that minority, in order to achieve full equality with the majority.

If you are interested in the specific measures that the Greek Government has taken recently in the area of education, we are willing to submit to you a detailed report containing information on these issues. I would only like to say that in the last 3 years, the Muslim students who attend secondary education have considerably increased, which indicates that the new educational measures have already produced positive results.

Special quotas are also provided for the admission of Muslim minority students to Greek universities and technical institutions, without having to go through the national examination process that it is foreseen for other Greek students.

Mr. Chairman, the Greek Government has decided to follow a different approach from that followed in the context of the old minority treaty system. It follows the principle according to which the treatment of minorities forms an integral part of the international protection of human rights. I believe that you are quite familiar with this principle in

the context of the OSCE. The same principle is also adopted in the context of the European Framework Convention for the protection of national minorities.

This means that the Greek State is interested in the human rights aspect of the protection of the Muslim minority. For this reason, the Government has resisted the collective identification of the whole Muslim minority as Turkish. The reason for this is, first of all, the composition of the minority itself, and the conviction that there are political aims behind this assertion that do not contribute to the peaceful coexistence of the various groups.

It should be stated, however, that while previously there were difficulties in using the term "Turk" in titles of a union or an organization, recently the Supreme Court overturned a decision of a court of appeal stating that such a use is not illegal in itself unless the organization's activities are against the public order or national security.

It ordered subsequently the appellate court to review the case. Mr. Chairman, I would like to touch upon some other issues that you have raised in your agenda. First, I would like to say a few words on the question of freedom of religion. I believe that the questions that you raised regarding proselytism should be further clarified. It is true that according to the Greek Constitution proselytism is forbidden. But it is not forbidden in favor of any religion, even the Orthodox religion.

I would like to underline that this issue, and more specifically, the law concerning proselytism, was brought before the European Court of Human Rights [ECHR]. However, the Court, although it condemned Greece for unjustified enforcement of the said law, underlined that it is in the legitimate interest of the state to prosecute improper proselytism. So, the European Court made the distinction between proper and improper proselytism. It is exactly this approach that has been followed by Greek courts.

However, I might say that after this judgment (the Kokkinakis judgment of 1993 as well the Larissis judgment of 1998), there are no cases which have been reported where Greece was found in violation of the ECHR for implementing the law on proselytism. I repeat. We do not have cases today where people are convicted on the basis of that specific provision.

The second issue that you raised in the context of freedom of religion was the question of the permit for building or operating places of worship. This is true. There is a law that dates from 1938 and 1939. According to this law, the Minister of Education may grant authorization or permission for the operation of houses of prayer.

I would like, however, to underline that the power of the Minister of Education to grant or refuse the authorization requested is not discretionary, and he is under a duty to grant such authorization if he has found that the requirements set up by the Greek law have been fulfilled. This is exactly what the European Court of Human Rights underlined in the Manoussakis case.

Mr. SMITH. If you could continue, both Mr. Cardin and I have do have a vote on the House floor. We will be back within 5–8 minutes.

Ms. TELALIAN. OK.

Mr. SMITH. Chad, if you wouldn't mind taking over the Chairmanship?

Mr. GORE. Yes, ma'am?

Ms. TELALIAN. I am sorry, I thought there was an interruption.

Mr. GORE. I just want to take this moment to point out that when the Chairman returns, we are going to want to move directly into questions. So if you could, sort of...

Ms. TELALIAN. Yes.

Mr. GORE. ... gear your statement to conclude about then, I would appreciate it.

Ms. TELALIAN. I am going to wrap up, Mr. Chairman.

So the European Court of Human Rights, in a judgment in the Manoussakis case, examined whether the law of 1938 and of 1939 are consistent with Article 9 of the European Convention on Human Rights concerning freedom of religion. The court ruled that these provisions are consistent with freedom of religion only in so far as, they are intended to allow the minister to verify whether the formal conditions laid down in the law are satisfied.

So this is the legal background for granting a permit. At the same time, I would like to say that the authorities usually grant such permits. For your information, only in the last 5 years—I'm not sure you are listening to me—

Mr. GORE. I am listening.

Ms. TELALIAN. Yes, OK.

Ninety-four permits for the operation of places of prayer have been granted. From this number, it is obvious that the authorities do not deny granting such authorization once, of course, the conditions of the law, as I said earlier, are satisfied, and insofar, Mr. Chairman, as the respective religion is a known religion, according to the requirement placed by the Greek Constitution, and most particularly by Article 13, paragraph 2 of it.

Now I would like to touch upon the question of criminal defamation and insult laws that you raised earlier. In a recent memorandum that you have issued on this issue, you have expressed your opinion on defamation laws and the difference between these laws and insult laws. You have also suggested that these laws should be repealed to the extent that they provide for criminal sanctions to punish offenders.

However, I might say that when I read this report, I noticed that you mentioned that these laws were being used in communist countries and anti-democratic regimes to target, most of the time, political opponents or to punish criticism of government policies or public officials. I would like to say that this is not the case in my country where we do not have an oppressive government. It is true that we have criminal code provisions on defamation, but I would like to underline that these provisions are very seldom being used against journalists. They have almost fallen into misuse.

More specifically, as regards the Greek media, I would like to underline something that was already said by my colleague. The Greek media are very outspoken. The Greek press, even those journals with a big circulation, contain critical articles against government officials and other public officials. Nevertheless, no criminal charges have been used to prevent this criticism, which is tolerated, however sharp it may be.

I would also like to mention that some laws have been repealed. For instance, in 1994, a law was repealed, a special criminal provision that referred to the press as such. This was done at the request of the journalists themselves. The present defamation laws are also to be found in the German penal code and also in the French penal code, which means

that Greece is not the only European country that has in its penal code provisions on defamation. But what is really important is, as I said earlier, that this law is very seldom being used against journalists.

Another point that I would like to make is the case law of the Greek courts concerning the role of the media and of journalists. I would like to stress that the courts have underlined that the interest derived from the freedom and the social mission of the press is a justified interest in the sense of the relevant provisions of the Greek penal code. All these consist in the satisfaction of the need of the people to be informed on all important questions and also on events concerning persons who enter the social life, even if this information is given by means of sharp criticism and negative characterizations.

I would also like to stress that all the allegations that a number of journalists have been imprisoned on the basis of defamation laws are false. To the best of my knowledge, in those cases where a journalist has been charged, this was not done on the basis of defamation laws but on the basis of other provisions of the Greek penal code.

Mr. Chairman, I would also like, very briefly, to touch upon the question of trafficking. It is true that this is a very alarming phenomenon. Actually, it is a worldwide phenomenon. We know that we have had a sharp increase during the last years in the trafficking in human beings in Greece, especially after the dissolution of the former Eastern Bloc. Our country has become a country of destination and transit for women trafficked for purposes of commercial sexual exploitation.

We are also aware that the legislative framework is not adequate to face up to these problems, which are also social and moral problems.

For these reasons, the Greek authorities decided recently to take swift and drastic action in the direction of eliminating and preventing this phenomenon.

At the same time, it was decided to provide effective protection to the victims of this evil. First, I would like to say that the new legislative documents on organized crime and immigration contain provisions that take care of these problems. At the same time, they enhance prosecutors' ability to charge traffickers.

The new immigration law, for example, allows the women who press charges against traffickers to remain in the country legally, setting aside their previous convictions. You can find this information in the report of the State Department, which basically refers to these legislative amendments.

Another issue that I should emphasize is that many trafficked women who were deported were brought back into the country out of humanitarian considerations. At the same time, the Minister of Public Order has organized seminars for training officials to identify trafficked women.

Last April, an interministerial committee was set up to establish a separate police task force on trafficking. This committee also prepared a new draft law on trafficking. I would like to say that this law incorporates the principles included in the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children.

The draft law contains some very important provisions. According to these provisions, slave trading is incorporated within the list of organized crimes. Slave trade is also added to the list of crimes for money laundering.

Severe sentences are foreseen for the violators, irrespective of the place where these offenses took place. The law also provides for child pornography and contains a series of articles concerning the protection of minors.

At the same time, Greece is cooperating with other neighboring countries bilaterally and multilaterally to eradicate the scourge of trafficking in women. Some information can be provided to you if you are interested in the international cooperation in the context of EU and of other international organizations.

Those are my comments for the time being. Thank you, Mr. Chairman.

Mr. SMITH. I appreciate that very much.

First, just let me respond briefly on the tone that Mr. Moschopoulos has registered his complaint. Again, I reviewed and re-reviewed again the announcements for this hearing.

"Human Rights in Greece: A Snapshot of the Cradle of Democracy. Topics will include—" it then goes through the topics. It highlights the issue of trafficking, on which you have just concluded. I mean, also—so I think it is absolutely in keeping with what I believe is this Commission's primary responsibility.

I've been on the Commission for 22 years. Raising human rights issues with friend or foe is always inconvenient. Nobody likes to talk about it. When people do, it is always a manner of trying to talk about nuances or to put it in a better light than it perhaps ought to be. Friends do not let friends commit human rights abuses. When my nation—when the United States of America commits an atrocity or does something that is wrong, I take second place to no one in raising that issue and doing it as aggressively as I possibly can.

This Commission is a bipartisan body. The beliefs and feelings about human rights are shared with equal fervor on both sides of the aisle. Ben Cardin is indefatigable in his fight for human rights and has been a champion, as Steny Hoyer has, as Members on the Republican side as well.

We do not have hearings like this just to hear ourselves talk. It is because legitimate issues have been raised to us by our own investigations, by our own United States Department of State and by very interested and highly motivated and very credible human rights organizations, like Freedom House, that raise these issues.

On the issue of human trafficking, I am the one who wrote the legislation that has been the source of so much aggravation on the part of countries, the Victims of Trafficking and Violence Protection Act 2000. I was the prime sponsor. When we were going through and putting in the section that deals with naming countries, there were people within our own State Department that said, "No names. Do not touch that. Do not do that. Do not name names. Talk generically about it because we will incur the wrath diplomatically of especially our friends when we start putting on paper a qualitative and quantitative analysis of what is happening in every individual country."

Greece is a Tier 3 country. That is unfortunate, but the facts are there. You can dispute this, and I would invite you if you have other numbers: about 40,000 women are held against their will.

Yesterday we had a day-long hearing on trafficking of human persons to talk about the report that this legislation has triggered. It becomes even more serious next year because non-humanitarian, non-trade foreign assistance becomes subjected to sanctions for those countries that are on Tier 3. So this is something that we are taking very seriously.

So yesterday we spent time going over that. There are countries that are very angry with us. South Korea, for example, was very angry last year that they were Tier 3. They are now Tier 1. They have enacted significant legislation. They still have problems, but they are trying at least.

Places like Serbia, the former Yugoslavia, or Yugoslavia, raided 400 plus brothels where women had been trafficked and freed many of those women, most of whom were trafficked women. They are now designated as a Tier 2 country.

I am encouraged that Greece is looking at enacting a new law. Hopefully, the sooner the better. However, regarding naming those countries: I've met so many of these women who have been trafficked. I raise the issue at every OSCE Parliamentary Assembly session since the one in St. Petersburg, in Russia and was met with not just disbelief, but almost derision, when we had the bilaterals with a number of countries about the existence of this issue.

I was told by one delegate, who will remain nameless, who said, "They are just prostitutes." Frankly, I wanted to go over and wring his neck for having such insensitivity to women in general—women who have been abused so horrifically, in particular—whether or not they are there by their own design, which is not all that frequent. Very often, with a women who is a prostitute, if you find out what her life history is, it has been a series of sorrows. But we are talking about women who have been enslaved.

Greece has a problem with that. I make no apology to the Government of Greece, or anyone else, that those facts landed you on that Tier 3. I hope to God you change it, for the sake of the women. The sooner the better.

You know, the whole idea of providing protection for the women, I hope—and I believe you are moving in that direction as well, to treat them as victims and not as equal perpetrators of crime as the traffickers. These women have been literally raped. Again, yesterday, after spending hours dealing with the report and the State Department, which has done, I think, a credible job on this report, it just, again, reiterates to me, and Members of the Commission, just how important this is.

So again, if the tone of our announcement, and we did put special emphasis on the trafficking issue, offends you, offend us. Frankly, I do not care. What I care about are trafficked women. I do not care what their origin, country of origin or whatever is, they need to be protected and the sooner the better. So I raised that.

When we talk about religious freedom, you just mentioned proselytizing and the law. Just because it is supposedly against all religions, that does not make it any better, in my humble view. You know, to deter and to crimp human rights when it comes to free speech and proselytizing certainly falls under that rubric. It seems to me to be a violation of an ability to speak as one would want to speak about his or her religion. If it means on a street corner or in a church or a house church, then so be it. There ought to be more freedom, not less.

Then finally, the point about the tone—Greece is the first Western country to be the subject of a Commission hearing. That is not true. We have had hearings on France, Germany, Belgium. I have had seven hearings on Northern Ireland and the United Kingdom, and their policing problems. I even raised it at one of our Parliamentary Assembly meetings, much to the chagrin of our friends from the United Kingdom. Seven hearings, not all of them in this Commission, but we had a couple of them in this Commission, talking about the IUC and its ongoing collusion in human rights violations.

So I raise that to underscore the point: friends do not let friends commit human rights abuses. Greece certainly has offered the world, especially going back into antiquity, a model for democracy and freedom that has been replicated here and in so many other places. But when human rights abuses are committed, when they are systematic and part of a government policy—as in the case of the Roma, they must be addressed.

I have looked at several articles that we have on the Roma, including one by the National Human Rights Commission that says, "The Roma are the most underprivileged and marginalized social group in Greece, a victim of everyday and recurring racial discrimination."

It is pointing out—and this is from the Greek Helsinki Monitor group—and maybe you want to respond to this—"the government regularly launches impressive multimillion-euro programs to help the Roma integrate into Greek society, which they seem to aim at appeasing critics more than anything else. Very little has been done to alleviate the burden of Roma in Greece."

Now, maybe that is true, maybe that is not. But that is from another credible organization that is talking about deeds, not just announcements and things that are flashy and appear to be doing something.

So, I raise those couple of issues. You've answered many of them in your statement—or spoke to those issues. On trafficking, shut the traffickers down. We have begun prosecutions here in the United States. We are a destination country. We put in our legislation, life imprisonment; 20 years to life imprisonment for those who harbor, transport, or are in any way involved in the stream of exploiting these women. You know, and underage girls, minor girls, under 14, it is life. 20 years for those under the age of 18, and for those who by force, fraud or coercion have been put into that horrific situation of being slaves and raped every day. So perhaps you want to respond on the trafficking concerns.

Again, we have had hearings on other West European countries. I spent 2 hours meeting with French officials, in-country, when we had the OSCE Parliamentary Assembly in Paris last year. The particular issue in that instance was the growing intolerance on the part of the French Government *vis-à-vis* religious freedom, and the listing of cults—you put a group on a cult list, and suddenly that group becomes marginalized and illegal. I met with Madame Picard of the French Parliament, who wrote the French law, and after the second hour became very disillusioned about what the genesis of that law was. It is not to keep out terrorists and other illegal type of operations. Mainstream organizations that just have a different view *vis-à-vis* religion can be marginalized and put out under that law.

So we have done that with other countries, believe me.

If we have a problem, I want to know about it. I remember my early bilateral meetings with the Russians. Steny Hoyer and I used to sit there with Dennis DeConcini and other Members, and Ben Cardin. We would say, "Give us a list of what you find that is wrong. We want a mirror and a backdrop to look at our own faults."

But getting back to the bottom line, Roma—that issue that I just raised and certainly this issue of trafficking and proselytism. I do not think that was a good answer, to say it applies to everybody. To say everyone's gagged doesn't—you know, maybe the Orthodox want to proselytize. Maybe they do not. But they should have that freedom to.

Mr. MOSCHOPOULOS. Thank you. Mr. Chairman, if I may, I totally share your indignation at trafficking. Totally. I was in St. Petersburg when you made that famous speech at the Parliamentary Assembly. Although I was a staff member and not a parliamentarian, I was the first one to applaud.

You remember the applause you received, and it was a wonderful speech. Your position on the matter is something I have always admired. I admire the passion with which you speak about it now.

I share with you the view totally that no state interest is above the human rights of one single individual, be it the interest of Greece or the United States or any country in the world. No state interest is above the human rights of a single individual, especially somebody in the position of a young girl, being abducted literally from her country, in Eastern Europe, usually, and being brought to slavery in the West.

I totally agree with you. When I talked about the tone of the announcement, I did not mention at all the part about trafficking. I had in mind the other aspects, about the beautification effort and the Roma, etc.

As for trafficking, I agree with you. We welcome all criticism that we can receive from our friends because, like I said in my presentation, we want our country to be at the forefront of progress and prosperity for all, not just for the international image of the country, but because we want to live in a country that we are proud of for its achievements today. We want to be sharing a country with everybody who lives there, be it a Greek citizen or a foreigner. We want to live in a decent country that respects everybody's human rights. There is no equivocation about that, no doubt about that. I agree with you.

I just wanted to say one thing about the Roma. We understand. I have in various fora expressed the view of the Greek Government that a lot is to be done about improving the living conditions of Roma in Greece. A lot is to be done. What I take exception to is to say that nothing is done, when the Greek Government is deploying great efforts, both in terms of manpower and finances, to improve the fate, the living conditions, of Roma.

You said—you quoted from a publication by the Greek Helsinki Monitor, that whatever is done is aimed at appeasing critics. That is a very unfair and biased statement, as you can see. I mean, if we do something to improve somebody's lot, the criticism we get is that we do it just to be seen as doing it.

We should be judged, and the Greek Government should be judged, by the results of its actions. By all the indications of its will to do something. I think that any unbiased observer today would see that the Greek Government has the will and is doing its best to improve the living conditions of Roma. That is what I would take exception to. If an organization is credible or not, whether it is credible or not, depends on whether what it says stands to the comparison with the facts.

As for Greece being the only Western democracy as the subject of such a hearing, I looked through the Internet—on the web site of the Commission—something like 7 years back. I even searched for, say, a country. I searched for France, and there was nothing on France. Nothing like the human rights situation in France. Not only did I not see something passively, I could not find it when I actively looked. Probably there was—France was invited to witness when you were doing the report on freedom of religion, or something like that, but as a country report, human rights in France, I have not seen it.

I stand to be corrected if your staff can show me dates and reports on specific countries. I stand to be corrected. OK. But I reported and I acted on what I found on the Internet.

I do not know if my colleague wants to say a few more things. Thank you.

Mr. SMITH. Mr. Cardin?

Did you want to respond?

Ms. TELALIAN. Just a few words on the questions that were put.

I share totally your sensitivity as regards the need to combat and eradicate human trafficking, this is the reason I said that the government is taking swift and drastic measures to eradicate this scourge. There are actually a lot of measures today including the setting up of committees who are really looking at these problems, not only by drafting laws in order to eradicate this phenomenon, but also by trying to prevent it from reappearing in the Greek society.

I repeat, I share completely your concern.

However, given the geographical position of Greece, and its extended border areas, it's very difficult for the authorities. It is also a question of financial resources, to prevent traffickers from entering into the Greek territory. We believe, however, that the new legislation and sensitization of the society will help to swiftly eradicate this scourge, which, as I said, is a worldwide phenomenon, and not only a Greek one.

On the other question concerning proselytism, I totally agree with you that you cannot prevent anybody from expressing his religious convictions. This would be against not only freedom of religion, but freedom of expression as well.

What I meant is that the law on proselytism talks about coercion. It is coercion that is forbidden, not freedom of expression, or freedom to express one's own belief. This is also forbidden in other European countries. Actually in the European legal order, coercion is not allowed. This is the reason the European Court of Human Rights made the distinction between good and bad proselytism.

Second, the law concerning proselytism has not been applied recently, which means that the Greek authorities are very careful as regards the implementation of the above provisions, and they take care that the conditions of the law are being satisfied. I do not know any recent case where a person has been convicted on the basis of the law on proselytism. Thank you.

HON. BENJAMIN L. CARDIN, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. CARDIN. Let me thank both of our witnesses. I want just to express my appreciation to Chairman Smith, not just for conducting this hearing, but for his commitment to scrutinizing every country in OSCE

in its human rights records, including the United States. He has been a consistent champion of human rights issues, and has been willing to raise these issues in every country.

The interesting point is that our Chairman understands that all of us, every country, can do a better job. There is not a country in OSCE that could not do a better job on human rights issues.

I really applaud your leadership, and thank you for this opportunity.

Greece is a close friend of the United States. We thank you very much for the importance of our relationship. We think it has been mutually beneficial. It has been helpful both to Greece and the United States.

I come from a community in which—we have a very close relationship in Baltimore, between Greece and my state of Maryland, that has been fostered in large part by a lot of Greek-Americans who live in my community and have done, I think, a great job in helping both of our countries. So I've come here to this hearing to express our appreciation to the relationship between our two countries.

Four years ago, the Helsinki Commission had a delegation that visited Greece, Turkey, and Cyprus. We did that to try to promote a better relationship between two of our allies, Greece and Turkey, and to try to move forward the peace process and resolving the conflicts in Cyprus. I think it was a useful visit.

I remember in my discussions at that time in Greece, talking about a recently-passed law that dealt with identification cards in Greece that listed a person's religion. I think all of us in the OSCE States found it to be wrong. I know that has not been implemented, and has been changed, and the religion has been taken off the identification cards, and I applaud you for doing that. But at the time, I remember the discussions I had with Greek leaders, political leaders, who were telling me about the problem that the Greek political leaders were having with the Greek church, and the impact that the Orthodox Church had on a lot of the policies that were being considered by the Greek parliamentarians.

We are finding in all of the OSCE states a rise of anti-Semitism. We are finding that this is a common problem developing in almost every one of the OSCE states. Our Chairman, Chairman Smith, will be offering a resolution on anti-Semitism at the Parliamentary Assembly meeting in Berlin. I call that to your attention because I would welcome your delegation's interest in the U.S. delegation's resolution on this issue.

As a friend, I need to point out some concerns that I have had about some of your government leaders, I think, making it more difficult on anti-Semitism, because some of the statements they have made about the Holocaust and about genocide and about the current situation in the Middle East. I raise that because we sense the seeds of growth of anti-Semitism in Greece and in other OSCE states. I welcome your comments as to how you see this issue currently in Greece, and what all of us can do to combat the potential rise of anti-Semitism.

Ms. TELALIAN. Well, I think, fortunately enough, the Greek people do not have anti-Semitic feelings, and I can give you my word for that. Of course, Greeks have a position as regards the Middle East question, but this does not amount to anti-Semitism. If there are such cases, they are isolated cases as there are everywhere in Europe. I believe, however, that Greece is a country where we haven't seen any of the events which, unfortunately, took place in other European countries recently.

I was reading the other day *Time* magazine, and I noticed with alarm that there are democratic European countries where anti-Semitic feelings have been on the rise. This is not the case with Greece. We haven't seen organized movements manifesting anti-Semitism.

In addition, I would like to say that the Greek Government last year during the World Conference Against Racism in Durban, South Africa, played a very important role regarding the inclusion of the term "Holocaust" and the notion of anti-Semitism within the declaration which was produced in the conference concerning the fight against racism. Indeed, even during the EU meetings, in which I was present, Greece played a leading role in trying to have these words included, because we believe that it is important to have this kind of document in the fight against this scourge.

So I repeat, there are not these kinds of sentiments among the Greek people. Greeks are very tolerant.

Mr. CARDIN. That's the sentiment that I got 4 years ago when I visited the Jewish community in Greece, and we had the opportunity to meet with some of the Jewish leaders.

Let me be specific. There was a statement attributed to the speaker of the assembly about the actions in the Middle East by the Israeli Government, equivalent to genocide against the Palestinian people, that appeared to potentially fuel those who want to bring up and use religion and anti-Semitism as part of the campaign. I take it from your comments that you do not see that connection or you do not see that as prevalent action within Greece. I would be just interested in your assessment as to whether there are political leaders in the country that are trying to use the circumstances in the Middle East to fuel anti-Semitism.

Ms. TELALIAN. WELL, my answer would be that I don't see such a risk, and there are not political leaders in Greece with extreme-right-wing ideologies or who move along this trace. I believe that if some words have been spoken it is for political exploitation rather than for ideological reasons.

So, again, I do not see any risk or any danger concerning the rise of anti-Semitism in Greece, which has never been a problem in Greece. I repeat, we are the only European country that has no such organized movements.

Mr. MOSCHOPOULOS. May I add a couple of things to your question?

There is no political profit to be made from anti-Semitic statements in Greece. There is no audience that would be moved by anti-Semitic statements by any political leaders. So when you said earlier that you heard political leaders using anti-Semitic language, the strongest—the sharpest wording was the one you quoted by the speaker of the house. But most people, including, I must submit, myself, would not consider that an anti-Semitic statement. It is a sharp rebuke of the Israeli policies.

Accusations about genocide have been made rather often recently, like we spoke about genocide in Rwanda, in Africa and in various other countries—genocide in Kosovo. It is the same when talking about genocide in Palestine and should not take any anti-Semitic connotation.

Now, the sharp debate over the recent events in the Middle East has fueled some statements here and there that border on anti- Semitism. There have been very few such statements in Greece. I have not seen any coming from political leaders. I have in mind a specific columnist in a newspaper who said things that I found repulsive and I used to read his column, but that is an aberration. Political leaders have not made, to my knowledge—and I follow Greek press every day even though I am not now physically in Greece—there have been no anti-Semitic

statements by any political leaders because there is no political profit to be made by anti-Semitism in Greece. There is no anti-Semitic sentiment that would be exploited for political expediency in Greece.

Thank you.

Mr. CARDIN. I thank you for that response.

I would just point out there are certain words that are rather sensitive, including the use of genocide. I understand your response. I would just encourage people to try to exercise as much restraint in the language that they use.

The circumstances in the Middle East are very difficult. I think all of us would like to see the violence ended in that region, and I would just encourage those of us who have positions of responsibility to be sensitive to the use of certain words, including genocide.

Mr. SMITH. Thank you very much, Mr. Moschopoulos and Ms. Telalian, for your statements, and I think it was a good exchange. Hopefully, we will meet again and talk again and dialogue and even debate again.

I do want to underscore how important it is—and I know you agree with this—to look at human rights issues. We want to be truth-tellers and only truth-tellers and it becomes inconvenient many times, I have to admit, and especially with some folks within our own State Department, regardless of which administration, would rather put an asterisk or put human rights as a footnote. When you talk about human rights, I happen to believe it ought to be right in the center of everything we do.

So I thank you for testifying and for joining us today.

Mr. MOSCHOPOULOS. Thank you, Mr. Chairman. We both thank you very much for the opportunity you gave us, and I think it was a very useful and beneficial exchange for us as well. Thank you.

Ms. TELALIAN. Thank you.

Mr. SMITH. I would like to invite our second panel to the witness table. Professor Adamantia Pollis, a Professor Emeritus in the Department of Political Science of the Graduate School of Political and Social Science at New School University in New York. She received her A.B. in economics from Hunter College, an M.A. in economics from Johns Hopkins University and her Ph.D. in political science from Johns Hopkins as well.

Her current research focuses on completing a definitive study of Greek nationalism, Greece's highest courts and justice, the human rights movement and ethnicity in the Balkans.

Next we will hear from Vassilios Tsirbas, who is Executive Director and Senior Counsel for the European Centre for Law and Justice in Strausberg and Senior Counsel for a liberal arts university in Greece. He attended the law school at the University of Athens, studied the tradition of Christian thought at Trinity Divinity School and received his L.L.M. from the law school of the University of Chicago.

His current professional focus is on litigation on behalf of religious freedom cases.

Finally, we will hear from Panayote Dimitras, who is founding member and spokesman for the Greek Helsinki Monitor and Minority Rights Group, Greece. He is Director of the Center for Documentation and Information of Minorities in Southeast Europe. He also serves as a visiting professor at Central European University in Budapest. He received his B.A. in economics from the Athens School of Economics and Business in 1975, and M.P.A. in 1977 and Ph.D. in 1979 in political, economy and government from Harvard University.

Ms. Pollis, if you could begin.

DR. ADAMANTIA POLLIS, PH.D., PROFESSOR EMERITUS, NEW SCHOOL UNIVERSITY

Dr. POLLIS. Thank you very much.

It is a great honor to be here and I feel, which I am not going to do, like spending half of my time at least responding to what the government representatives said.

But I would also just like to make one correction to what you said. My main focus of research and publication has been theories of human rights, ethnicity and nationalism with a specialization on Greece itself.

Well, I had agreed that I would say something about terrorism in Greece because I am sure that the United States is very concerned about the 2004 Olympics, and fearful that there will be terrorism. But before I discuss terrorism, I think it is crucial to consider, in general terms, the question of human rights. Most of it I will leave to my colleagues.

Like many other modern nation states, Greece is what is called an ethnic nation. In other words, the legitimacy of its sovereignty is grounded on the fact that the state embodies and speaks for ethnic Greeks. This is in contrast to civic nations, such as the United States, where, in principle, at least, national identity is rooted in citizenship and in acceptance of the institutions, principles and values of a nation.

It should be noted that in the Balkans and in other regions, ethnic nations are the norm: Serbia, Croatia, Slovenia and Romania, among others. In Greece, as in other ethnic nations, the only authentic Greeks have been those who possess the necessary markers: assumption of primordial lineage or continuity from antiquity, language, religion and culture. Hence, all minorities, religious, ethnic, linguistic, have encountered administrative and legal obstacles in addition to social and economic discrimination in the exercise of their rights.

Ever since the collapse of the Greek military junta and the adoption of the new Constitution in 1975, Greece has been a democratic state that implements individual, civil and political rights. But this has not been the case for minorities.

As was discussed in the earlier panel, proselytism is forbidden and can lead to arrest, and I understand there have been some recent arrests, except, of course, which was not mentioned, the mandatory teaching of Orthodoxy in schools. In fact, there was a case where there was an attempt made to reduce the number of hours per week by one hour and the Greek court ruled that was unconstitutional. It has nothing to do with the constitution. Obviously, as you know, teaching Orthodoxy in school, as far as I am concerned, is proselytism.

The establishment of a non-Orthodox house of worship necessitates a permit from the Ministry of Education and Religious Affairs, which—again this was not mentioned—in turn, asks the local bishop. Needless to say, such permits have been routinely rejected until very recently. Greece, in fact, has been condemned numerous times by the European Court of Human Rights for violations of minority rights to freedom of religion and culture.

In recent years, I must say, in part because of Greece's full membership in the European Union, and in part because of the ideological stance of Greece's current political leadership, there is evidence of a gradual shift toward a civic nation dramatized, as was already stated, by the

abolition of religious affiliation from identity cards. Measures, however—and there have been more than what I mention—which have been strongly attacked by the Archbishop of Greece, Christodoulos, and right-wing nationalists.

It is in this context of Greece's historically and exclusive ethnic nation that the terrorist organization in Greece should be analyzed and understood. Like the other terrorist groups in Western Europe—Bader-Meinhof in Germany, Action Direct in France, and the Red Brigades in Italy—Greece's November 17's roots were in the student movement, except that in Greece it was almost a decade later since Greece was under military rule, with U.S. support, from 1967 to 1974. Its name, November 17, derives from the date in 1973 when the students occupied the Polytechnic Institute in Athens to protest military rule.

By contrast to other comparable movements in Western Europe, November 17 has been very nationalistic, reflecting its commitment to ethnic nationalism. In fact, all its targets, beginning with the first in 1975, namely the assassination of Robert Wells, the CIA's station chief in Athens, have been those deemed to be responsible for the underdevelopment and exploitation of Greece. Its targets have been twofold: foreign powers, such as the United States, Great Britain and Turkish diplomats, particularly at a time when a Greek-Turkish rapprochement seems imminent, and, stemming from its Marxist-Leninist ideologies, banks, wealthy entrepreneurs, Greek or foreign, whom it considers as oppressing ordinary people and workers.

Terrorism is the indiscriminate use of acts of violence committed either against an entire population or a particular sector, designed to intimidate into submission. In view of this definition, November 17 cannot be described as a revolutionary organization engaged in terrorism, despite its repeated listing by the State Department as a terrorist organization. It has never bombed a shopping center, a public square, a restaurant or tourists, despite the United States' periodic travel advisories.

It has engaged in terrorist acts against specific, concrete, narrow targets. Individual assassinations have been November 17's principal tactic, but particularly beginning in the late 1980s it has engaged in bombings and rocket attacks against foreign banks, tax offices and Greek and foreign enterprises, none of them involving mass carnage. In more recent years, it appears to have become somewhat more careless and occasionally there have been a few unintended casualties of bystanders.

It is noteworthy that the overwhelming majority of its attacks have been aimed at Greeks, not foreigners. In more than 25 years of its existence, November 17 has undergone cycles of activism. There have been periodic lulls followed by heightened activity, the most extensive having been in 1990.

The latest attack, after a period of inactivity, was the assassination in Athens of Stephan Saunders, the British military attaché in June 2000. Since then, November 17 has been inactive. It is impossible to judge whether it has disappeared or whether it is undergoing another period of quiescence. There has been no action, nor have there been any of their proclamations that usually, but not always, have accompanied a terrorist act, which either justifies the act and/or attacks governmental policy and critiques the prevailing socioeconomic order.

In marked contrast to the other West European leftist revolutionary groups, no member of November 17 has ever been apprehended, nor is there information on its membership. Perhaps one reason for its suc-

cess in maintaining secrecy is that, by contrast to the other European terrorist groups, it at no time embarked on the strategy of mounting a guerrilla movement.

Nevertheless, there have been persistent rumors over the decades that November 17 has linkages with the current ruling party, PASOK. It is conceivable that some members of the anti-junta PAK, the precursor to PASOK, may have joined November 17, as may have members of other opposition groups, such as Democratic Defense. Both groups had engaged in bomb-throwing against the junta and its American supporters, which at the time were viewed as heroic acts.

In January 2000, a Greek newspaper published a list of 124 PASOK members compiled by a retired general who he claimed were associated with November 17. Furthermore, it was contended that the former conservative prime minister, Konstantine Karamanlis, had a copy of the list. At the same time, a former CIA chief claimed that the Greek Government knows the members of November 17. Karamanlis, it should be noted, the ex-prime minister, vehemently denied the existence of any such list.

Significantly, no political leader of any party, to my knowledge from the right to the left or any other newspaper has given credence to this claim, thereby reinforcing the general belief that the list is fraudulent.

Neither anti-terrorism acts enacted by the Greek Government, nor agreements for cooperation with U.S. intelligence authorities and somewhat later with the British, has succeeded in identifying or capturing any members of November 17. Moreover, there is no evidence whatsoever that it has any connection to any other terrorist group.

Let me just interject something here; a few days ago, there was, in the port of Piraeus, a rocket bomb at the offices of an MP in Greece. From what I understand, the group who claimed responsibility for this is not November 17. It is some group nobody ever heard of before.

Now let me conclude by saying that if November 17 remains consistent with its ideological parameters, it is unlikely that it will pose any threat to the Olympic Games in 2004. Not only does it not have a history of engaging in terror acts against a general population, Greek or foreign, but it may well view this event as an affirmation of Greek nationalism.

Thank you.

Mr. SMITH. Dr. Pollis, thank you very much.

Mr. Tsirbas?

VASSILIOS TSIRBAS, SENIOR COUNSEL, EUROPEAN CENTRE FOR LAW AND JUSTICE

Mr. TSIRBAS. Thank you, Mr. Chairman.

Just before I give a more detailed explanation as to the issue of religious freedom in Greece, I will just summarize at the beginning the three points of reference or the three areas where I believe the Greek State is dragging its feet toward a better or even full enjoyment of religious freedom.

These three are, first, the current legislation pertaining to the foundation of temples and the opening of churches of other religions. To an extent this is a point applicable even to the state church, as well, but I am here before you to speak really on behalf of the other religions and churches in Greece.

With this is associated the constant semi-prosecutorial engagement of the Orthodox bishops in almost every case of legal action against the citizens of other Christian and religious orientation. This, in turn, is becoming a form of irreversible harassment of the Greek citizens of other Christian and religious orientations by the ecclesiastical authorities and also by the state prosecutorial authorities and police authorities. The last two, many times, serve as an extension of the ecclesiastical authorities and of their respective reports to them, against Greek citizens of other religious traditions.

This takes place on the part of the authorities by either engaging the so-called, if I may use the expression, "dissenters," to endless judicial proceedings—we heard just before in the former panel that recently we do not have any convictions. We have, however, endless judicial proceedings. This is a form of irreversible harassment that needs to be noted.

Or there is the disturbing and cancelling on the spot the religious activities of the various groups, non-Orthodox groups, as the state authorities decide to exhaust either the discretionary authority or even act in violation of it. I will explain, of course, with specific cases later.

The second point is, the aberration of the system of religious education offered by the state in the public and private schools. I speak of the aberration; I am not getting into the broader topic of whether Greece should or not have religious education. But I am speaking and I am noting before you, the aberration of the system and I will also substantiate this claim, as well.

Thirdly, the language employed by the state agencies, and duplication of it by the media, in dealing with citizens of other Christian and religious traditions, characterizing them as heretics on the basis, of course, of their doctrinal identity, opposed to the "orthodox teaching" of the Orthodox Church.

So these are the three major areas that I would like to present to you this morning. Being a lawyer and a litigator, I cannot avoid but cite before you examples from my personal engagement with certain cases even very recently.

But a few words of clarification. When Greece was organized as a modern state right after the revolution of 1821, it faced a twofold challenge, and we need to be aware of that because it, kind of, influences what we experience today.

First, of course, the challenge was for the new state to achieve viable statehood through the necessary establishment of all the institutions that the modern state had to have to exist and operate properly. But at the same time, another challenge for the new state was to incorporate, and thus preserve, one institution that predated the Greek State, and that was the Orthodox Church. The church was the "prevailing" religion of the new people and it had to be protected. Every issue related to religious freedom in Greece needs to be seen in that light.

The special religious and cultural identity of the Greek State, as we heard from the former panel, still holds strong and has found its political expression best in the invocation of the Greek Constitution: "In the name of the Holy and the Consubstantial and Indivisible Trinity." You have to be a theologian really to know that what we have here is nothing else but the much revered and, yet, peculiar to the Orthodox Church's doctrinal teaching understanding of the Trinity, and it is what the Greek Constitution encompasses.

The Greek State expresses its piety and deep-rooted appreciation toward the Orthodox Church, furthermore, in a number of ways, all engraved in the Greek Constitution, like the one placing, literally, the Greek State at the service of the Orthodox Church as the guardian of the "... text of the Holy Scriptures," so that this text would remain "unaltered," prohibiting, thus, any "... official translation ..."—any other official translation is prohibited—" ... 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," i.e., modern-day Istanbul.

Please note that this constitutional provision places the Greek State not just at the service of the Greek Orthodox Church or else the national church, but really by reference to the Great Church of Christ in Constantinople, at the service of the global mission of the Orthodox Church Universal.

However, this distinctive expression of the historic debt of the Greek State toward the Orthodox Church and the Greek State's commitment to the mission of that church is often standing in opposition to the advancement and the enjoyment of the rights of citizens who represent other Christian and religious traditions or religious orientations. It is not accidental that the major body of decisions in the European Court of Human Rights, dealing with religious freedom issues, have to do with Greece. Greece has been found repeatedly in violation of the provisions of the European Convention on Human Rights.

But at the same time, I have to recognize and—I mean, that is the fact of the matter, that indeed we observe a gradual improvement and a deepening of sensitivity with the state agencies and the way they treat religious freedom in Greece as a form of compliance with the decisions and the jurisprudence of the European Court.

However, the issue of the scope of religious freedom that Greek citizens enjoy persists, and indeed it is a problem. Greece needs, finally and decisively, to deal with it. Many times, it seems and appears reluctant to do so on its own initiative.

This morning, this very morning, I had to postpone a trial. I actually arranged it so a colleague of mine went to southern Greece in a court in Peloponnese to ask for the postponement of the trial of a pentecostal believer who, according to the accusation facing him, runs, illegally, a radio station. Now, it is the second time that this man has been asked to appear before the court. It just happens that the report was brought before the prosecutorial authorities by the local Orthodox bishop. It is also quite the coincidence that this man heads a local congregation where, according to their own beliefs, every now and then the believers have to go out in the streets of that city in southern Peloponnese in order to distribute pamphlets, to speak about the faith. Every time, within half an hour, the police has taken them into custody only to be released later.

A month ago, during the Easter celebration—or the week of Easter—a group of young students from the Greek Evangelical Church decided, as a gesture of aligning themselves with the sensitivity many people share for the protection of the ecosystem in Greece and the need to keep clean the beautiful places we have in Greece, to distribute plastic bags somewhere in northern Greece where the cars would stop to pay the tolls. The young students, like many other groups, distributing any kind of products alongside the tolls of the highway, decided themselves to do that.

Within half an hour, the police—on an unconfirmed report, as later we found out—rounded them up, took them to the local police station. For $2^1/_2$ hours they were interrogated, because the police felt that they were posing a threat to security.

Last December, I was, again, in southern Greece defending 14 Pentecostals who were accused of proselytism, forgery, and illegal operation of a church.

And here, I would stop and very briefly give you the story, because this is a very interesting story. At the same time it taxes the problem with the current legislation, because the current legislation apart from all the academic, I guess, conversation that we can have here poses a series of practical problems. When even as a simple opinion, the local Orthodox bishop has to be informed and issue actually such an opinion pertaining to the opening of a new church of a different denomination than from his own, you know that creates a lot of problems.

That was what created that last trial of last December. Fourteen people, plus the 15th person was the municipal employee, were accused of proselytism. Their only crime was that they gathered together in that rural area in Greece, a small kind of rural community of not too many people. They signed a document, a petition that was, in turn, submitted before the state authorities asking for permission to operate a church.

Well, as I just explained, the ministry official handed the information and the names of all these people who had signed the petition to the local Orthodox bishop. The local Orthodox bishop, in turn, gave these names to the local priest.

Just imagine, a small rural community within the culture pressing for uniformity. Suddenly within that small rural community the local priest has in his hands the 14 signatures of the "dissenters" of that small rural community.

When he had the opportunity, he misused the information available to him. When one old lady went to him—and it happened that this lady was one of the people who had signed the petition—to ask for a baptism certificate to have her pension, of course, the priest had the name. Immediately, of course, he confronted her. Then, we had a very interesting story that, of course, one could write even a book about it, how this lady who was found to be illiterate—she did not know how to read and write—she signed a statement that the local priest prepared, basically saying that she had been manipulated.

Of course, he took her by the hand, they went to the local police station, and then they filed a report to the local prosecutorial authority. Of course, the prosecutorial authority immediately enacted legal action against these people.

When this lady, of course, came before the prosecutor, she shared the truth, but it didn't make any difference. As a matter of fact, on the language—and this is why I speak of the language as being one issue—on the language of the subpoena, the court, representing the Greek Government, is describing these 14 people as heretics because they reject the teachings of the Orthodox Church. When I confronted the court for that, they basically told me that "This is our church."

I am bringing all these practical issues before you because I just want to tell you that there are other forms of harassment apart from having real convictions. Of course, the accusation could not stand. All of them were acquitted. That is only one of the many cases.

But let me finish here with that story, because really there is no end to it. I have now here another subpoena, again, for proselytism of a member of the Seventh-day Adventist Church, and it is very interesting to read the language again in that subpoena, where it speaks of "unsubstantiated reports." So how can you bring a person before a court on unsubstantiated reports?

Now, the one thing brings the other. Let me mention to you another case, 2 years ago, in Thessaloniki. Sixteen churches, the whole spectrum of the non-Orthodox religious organizations and churches of Thessaloniki, were brought before the court. I had the honor to defend 10 out of these 16. One man, being a pastor of a local Pentecostal church, it was the second time for him within that same year that he had to appear before court to prove that he was innocent, that he wasn't operating illegally.

But as I said, I want to end, speaking of the religious education and the language, since the one thing is associated with the other. Very recently we had the case of the military academy in Greece. They announced that they were accepting petitions from high school graduates who wanted to study and become military officers. One of the requirements was not to belong to religious heresies.

So what is a heresy? I would just read for you from the official here religious textbook of the third grade junior high school that is being distributed to every public and private school by the Greek State.

So what are the heresies? Just very briefly, because I leave for last the best of it. It says here, "A list of the main heresies that act in Greece: Apostolic Church of Pentecost, Apostolic Church of God, Church of God of the Pentecost." And just continues, "Seventh-day Adventist Church, Jehovah's Witnesses, Mormons."

So a child that belongs to a family of such a religious background and comes to the third grade has to take an exemption not to attend the class; but the rest of his fellow students are reading this, and I am sure that doesn't go unnoticed.

But what is more interesting, from the same book, I will just read you just a few excerpts as to how they treat this whole issue of "heresy."

Please, note that in the American constitutional tradition, the term "cult" does not mean really much. It is more of a neutral term. You use it pretty much for everybody. In Greece you cannot. Cult is something bad. You grow up and you know that if you are part of a cult, then you are under a lot of suspicion, you are not a genuine and good Greek. This term is being used again and again for all those people who are not Orthodox.

I read therefore from this textbook: "In our country, some churches that are well known for their proselytizing activities are the Apostolic Church of Pentecost, the Seventh-day Adventist Church and the Free Apostolic Church of Pentecost."

Another one: "However, many questions arise as to the suspicious socio-political role of these neo-Protestant groups, especially as their activities are under attack for alleged lack of accountability in their financial dealings." What is this?

Continuing: "Reports regarding the proselytizing activities in the Orthodox former communist countries are numerous and well-supported by the evidence."

Now, that's a school textbook. It goes even further:

"The same is also true for Latin American, where the neo- Protestant denominations undermine the fight of the theologians of liberation." So we take also a stance on that.

But let me jump into the last one. This is one of the two selected readings that this book—and I can just give it, it is all in Greek, it is all Greek to you, but I think it is very interesting to have it.

It says, one of the two readings, selected readings at the end of this chapter: "In the 1960s, the U.S. intelligence services, having realized how useful a religion serving their purposes would be, launched a campaign aiming at the conquest of certain nations and civilizations which had as its first victim Latin America, and as its last, the Orthodox countries of the former communist bloc.

"Hence, all the Protestant sects of North America, Eastern philosophers and cults of the worst kind—for example, Mormons, etc.—were recruited in the service of the CIA. Their representatives were sent out to the whole world, each with a different assignment, but all of them with the common goal to confuse these nations in their religious and cultural identity.

"Everything started with the 1968 Rockefeller report, where the American intelligence services stated that the Roman Catholic Church of Latin America "did not favor North American interests.

"The activities of the theologians of liberation had brought the USA to an awkward position. The military dictatorships that had the support of the United States were in a precarious position and could not be firmly established. Therefore, the scheme was set in motion, and the results so far have been impressive."

Now we know who is behind the revival in Latin America, yes?

"During the last 20 years, about 35 million Latin Americans have fallen prey to about 500 Protestant cults that operate in that continent with the financial support of the USA. In Mexico, 20 percent of the population has been influenced by these cults. In Brazil, more than 1,400 radio stations are in service of heretic propaganda. The number of the church buildings in the same country exceeds 5,600. Just within 1990, the United States sent to Latin America 130,000 students as 'missionaries'."

That's another term of preference that the media and the church and the state authorities are using. When you are labeled missionary, you are done.

"The president of Campaign for Christ"—maybe this is similar to or part, I guess, of Campus Crusade, I do not know Campaign for Christ—"as this scheme of conquest is referred to by its participants, believes that by the year 2000, half of the population of Latin America will have been converted."

The end result of this? The father with whom I was speaking and who gave me this religious school textbook told me that this coming year his son is about to attend this class. He is going to ask for an exemption. Why?

Thank you.

Mr. SMITH. Mr. Tsirbas, thank you very much for your testimony.

Dr. Dimitras?

PANAYOTE DIMITRAS, FOUNDING MEMBER, GREEK HELSINKI MONITOR AND MINORITY RIGHTS GROUP

Dr. DIMITRAS. Thank you, Mr. Chairman.

I feel very lucky that at your invitation I prepared a general background paper, because if I were to address all the issues necessary, it would take very long. I will try in my time to highlight some points in ways that will include some comments on the presentations made by the representatives of the Greek Government.

They did mention at the beginning how important it was for Greece, and it was indeed, that we recently—that is the late 1990s—acquired some independent authorities on human rights. One was the Ombudsman, the other one is a National Commission for Human Rights.

Well, since I do not think that they would challenge the credibility of these authorities, as you notice that they have a tendency to challenge the credibility of NGOs, I would quote what the Greek Ombudsman has said. I think this phrase says it all: "Human rights violations by the administration can be codified with the words #arbitrariness, indifference, bias, impunity. The administration often shows its worst face when dealing with members of minority groups, and in the administration prevails a feeling of impunity."

Against this background we have to try to understand the problems of Greece, whether it's human rights in general or specific issues, including inability to face terrorist threats.

Only last week, Professor Panousis, who is one of the leading criminologists and an adviser to the government on so many fora, felt necessary to repeat that in Greece there is anomy—and he explained, no rules of the game—and, paraphrasing the zero tolerance, he said there is zero guilt; meaning, when there's a problem, no one is in charge, no one is responsible so that he be held accountable, and therefore there is impunity.

You did hear from the Greek representatives that recently we had the visit of the Commissioner for Human Rights of the Council of Europe, Mr. Alvaro Gil-Robles, to say the full name. I do not know if he said, because he probably said it in meetings with them, what he was quoted here, but I know what he said to the media, which is in the public domain. He felt necessary to add to the fact that every country has human rights problems, that in some cases—and, of course, he meant Greece—"there is a reluctance to cooperate to help record the situation" and then he invited Greece to find the ability to recognize its human rights problems and start working toward their solutions. These are interviews published in the media.

A couple of years ago, one minister, an academic with an NGO background and no political background, was able to persuade the government to remove the reference to religion in the identity cards, Professor Stathopoulos—and because of that he is no longer a minister, by the way. He did say when he was faced with refusal by some of his colleagues to accept the criticism by the Council of Europe on human rights problems that these people are not used to criticism and self-criticism. That is a general problem we have in Greece.

The National Commission for Human Rights, in its first report, stressed that there is a tendency for the state to view NGO and intergovernmental organization reports as, "undermining the nation," and to treat them with either "secrecy or scorn." He advised the Greek authorities, when they write state reports or respond to criticism, that they should not be confined to banalities or exaggerated promises.

You did hear here references to the recommendations by the U.N. bodies CERD, CAT and CRC mentioned. The Greek Government told you that they are very encouraging. I would recommend that you read them. In fact, I would request that you append them to the text, so I will not read them to you, because you will see that, yes, indeed the phrase you heard from Ms. Telalian is there.

Everybody does stress, as it should stress, policy developments. But even CERD after welcoming the policy development, there is a lot of recommendations about respect to self-identification of minorities while the committee of CAT has a lot of recommendations, even more about the problems of ill treatment in Greece. If you take the recommendations by the Committee for the Rights of the Child, there are 19 pages, 85 paragraphs. The secretariat told me that except for Mozambique and another country, they have not felt the need to have such a long text in the CRC since its inception.

You will see from further quotes that Mr. Gil-Robles did say some other things as well.

This, by the way, does not mean that there has not been recent progress. The fact that we do have these two institutions that we can quote now is progress. It happened when the Simitis government came, and many of us had high hopes that things will improve forever and not for a little while.

The main problem, as you already know, is that Greece formally rejects that it is a multicultural society.

This is a text from Greece to the Council of Europe when the Council of Europe invited Greece to acknowledge its multicultural character.

"Greece considers that the concept of multiculturalism is not scientifically very sound," or to quote from a front-page comment in the English-language *Kathimerini*, which is inserted in the *International Herald Tribune*, last week, "the concept of multicultural society may be suitable for countries like the United States, Canada or Australia, which are young democracies, but not for Europe." You heard what that means in practice from Professor Pollis. Well, what it means also is that those Muslims of Thrace that want to be respected as Turks—and how many they are, you can know it not through estimates, but through a census, but the census does not have these questions—are not allowed to create Turkish associations and to be recognized, that part of the minority, as Turkish.

How strong that part is? Well, you can read the reports on Greece of the Parliamentary Assembly of the Council of Europe, the EU's Euromosaic Project, and the U.N. Special Rapporteur on Religious Intolerance. They will tell you that the large majority of the members of the Muslim minority, whether they have roots, Turkish, Pomak, Gypsy, Gagauz or whatever, they have now a Turkish identity. This, in fact, is also written in the text of a former minister and vice president of the European Court of Human Rights, Professor Christos Rozakis. The quotes are in my text.

Also, the Macedonians: I wish Greece could indeed, in everyday life, respect what the diplomats said here, because they don't respect it. The right of Macedonians to express themselves is usually said in front of critical panels. Otherwise, last year, you may remember, in the OSCE, those people (Macedonian activists) who were there, or the year before, were treated as foreign agents by the Greek Government representative.

But the best test for that is freedom of association, because Turks want to have Turkish associations, Macedonians want to have Macedonian associations.

You heard here that Greece is implementing the European Court of Human Rights' decisions. Well, it is not, as far as the Rom of Macedonian Civilization. Four years ago, Greece was convicted. The Rom can still

not register. Local lawyers refuse to take up the case. The local courts refuse to appoint lawyers. Only recently, the Ombudsman stepped in—because the Ombudsman is virtual Greece in a way and the rest is real Greece—the Ombudsman is trying indeed to convince the government to help solve the problem. Meanwhile, another association, Rousalii, near Salonica, was refused registration a year ago.

Incidentally, you will not read these stories in the State Department's annual report, because the usually rather comprehensive report on this issue, which is taboo for Greece, is adopting a line to say the least possible so as not to be very unpleasant to the Greek Government. This, despite formal criticism that the Macedonian's organization have made to them. For 2 consecutive years, that part of the State Department report has nothing to do with human rights reporting.

In that report you would read, however, that the Turkish Women of Rhodopi Association was not allowed to be created by the court. You will read too that although the Supreme Court did say that the Turkish Union of Xanthi should not be dissolved, the Greek diplomat here did not tell you the rest of the story; that when the matter went back to the local court, the local court, once again, dissolved the Turkish Union of Xanthi. This case judged for 16 years in court.

You heard about religious issues here, so I will skip that, but I will stay on anti-Semitism. I will let you judge from two facts or three what is the situation in Greece. In an opinion poll published by the state television last fall, after the September 11 events, 43 percent of the Greeks believed that awful rumor that came from the Arab countries that 4,000 Jews working in the World Trade Center were forewarned, and thus escaped death. Of the Greeks, 43 percent believe this is a fact; 30 percent of the Greeks believe that this is not a fact. You call it whatever you want. Two months ago, some Palestinians spread in the Arab media propaganda—by the way, both exist in the *Time* Magazine issue mentioned before—that Israelis were allegedly trafficking organs of dead Palestinians and performing medical experiments on Arab prisoners. Athens News Agency, the state news agency, republished this report. Then it was reprinted uncritically in two of the largest newspapers in Greece, *Eleftherotypia* and *Nea,* and on the front page as a huge title in *Apogevmatini*.

Of course, there were reactions by the Israeli Embassy. If you see how they were reported, it did not have exactly the same space as the first one had.

Nevertheless, the very fact that such extreme, horrible anti-Semitic views get this coverage shows that in Greece what they have is a problem of mainstreaming of racism. This is why the European Union's European Monitoring Centre on Racism and Xenophobia published this year a report about racism and diversity in the media in the 15 European countries. In Greece it says, "Greek media show little sensitivity toward cultural difference, and tend to stigmatize and discriminate against minorities."

We do have legislation against all that. I would not say it is comprehensive. I would not say it is very good. But it is there, and if we use it, things might have been better. It is law 927 of 1979 with a couple of amendments since.

There has not been—and Greece has reported about that to the Council of Europe recently—one case where anyone, since 1979, was convicted for racial hatred in the media. Recently, this law became even

easier to be used, with the prosecutors being able to step in *ex officio*—that's a year ago. They have not intervened in any case. Our organization has started six cases with complaints for racism against Roma, against Jews, against migrants. The mainstream media, most of them, will not even report about them. Up to now, those cases are shelved when they are sent to the prosecutor.

Freedom of expression: first, I would like to say that if one reads carefully the Freedom House report, they will see that among the countries scoring between 16 and 30—in America you get 18 or 20—but there is no other Western country that gets 30. With 31 you are not considered free. So Greece scores on both this one and the other one on democracy in general, as a borderline free country.

The issue of a criminal prosecution in defamation cases is not the only one. The fact that you can be prosecuted when you reveal in the press the confidential document is another problem. The fact that in the end you may not end up in prison, as you have heard on religious issues, too, does not mean that you do not get harassed by spending time in court and having to pay for lawyers, expensive ones, because sometimes you may end up in one, second and third case.

Very seldom used, I heard. I regret but I hope that the person who said it has not looked at the files.

We have a large number of cases. When we reported, until last year, we had about one or two or three per month of well-known media being convicted for criminal defamation. If we were to dig into that, we would find many cases, because also simple individuals are convicted. The criminal law is for everybody, but it is bad for everybody. I mean in advanced democracies, this issue of libel is settled in the civil courts, not the penal ones.

It is true, the Greek journalists prefer the penal system, because they will get away—first of all, the newspapers pay, usually for them when they come from major papers. They will get away with, sure, money to pay. Then if they lose a civil suit in the court, in the civil court, then it is a multimillion drachma result. This is why journalists want to abolish that civil procedure and keep the criminal one so that, in a way, freely exaggerate, to put it mildly.

However, these are not the issues which are a priority in Greece. Mr. Gil-Robles said very pertinently at the end of his visit that there are two priorities, and I am quoting, "The unacceptable detention condition of deportees, and the nonliving conditions"—and he called them nonliving because they do not even have water—"of the Roma," that he visited. None of the persons who represented Greece in this or any other forum has ever gone to visit these Roma in Asproprgos, in the Olympic Stadium, in Sparta that he is talking about and saying how marvelously the projects are being carried out. Just last week, in Athens, we had the meeting of the Euro-Mediterranean Human Rights Network. There is a statement from 45 NGOs, including Human Rights Watch, Amnesty International, International Helsinki Federation, the International Federation of the League of Human Rights, Article 19 and the Euro-Mediterranean Network, and the World Organization Against Torture that deplores the situation of the detainees, and the fact that thousands of them are foreigners, who are documented or undocumented, and they end up, sometimes not without any reason, being arrested and

having to be prosecuted and perhaps eventually deported—I'm not going to challenge that part at this moment—they are not informed about their rights, although the rules exist.

When they want to make asylum applications, which is usually when they enter Greece and they want to apply for that, the forms are not provided. Sometimes they're given false information. For example, recently, as a report by Norwegian Helsinki Committee about Chechens, they are told, "You cannot get asylum in Greece, so just sign a paper to go home to Grozny." I have the reports here if you're interested.

They are often tried in five-minute trials, which end up with prison sentences, without the benefit of legal counsel, sometimes without the benefit of adequate translation. When the representative lawyers for NGOs are asking for the copy of their files, we have even recently in writing—the text is here—been refused, because it will impede police's effort to deport those people. So they cannot appeal against the deportation because their files are not available. This is why Mr. Gil-Robles said, "Greece should not forget that deportees are human beings too." That is a quote.

So, I would remind you not only that the U.N. CAT last year made some very serious recommendations about Greece, but also the European Court of Human Rights convicted Greece last year for violating Article 3, which is prohibition of torture and inhuman or degrading treatment, for the detention conditions in prisons and in police stations, in two cases that are mentioned.

CAT, of course, did say something about trafficking, and I would like to say that the two laws that you have heard of do not, in fact, deal with trafficking, except in a couple of provisions—and this is why the Greek Government has promised to bring a new bill. We have seen two or three bills to date; two of them did make it to the desk of the Parliament, but they have not been discussed. The latest I heard from the person in charge of the Commission of the Ministry of Public Order in an interview, is that it is re-amended, and meanwhile, thousands of people continue to be victims, and for some of them their lives, or at least their decent lives, are lost forever.

Plus the laws or draft bills do not make up for one thing, which is—as the wife of the American ambassador who has been campaigning on this has said—"We do not have centers to host those ladies if we rescue them from the people who are exploiting them." This is very important, especially where we are going to have a new law, if you are not going to be safely somewhere, they may end up either back from where they came from, or sometimes under the earth.

I would like to say now on the Roma situation, the text that you're referring to, Mr. Chairman, in fact, says that the government projects, programs, for Roma end up giving the impression they are for window dressing. That is an unfair criticism, you were told.

Well, the first program started in 1996, 6 years ago. If you read it, it was good enough to more or less solve the problems of Roma. Six years later, the National Commission for Human Rights has an extensive report that speaks about the horrible living condition of the Roma—about how the Olympic Games are used as an opportunity to evict Roma and how municipalities do that; how Roma do not have any access to education; and how Roma—half of them—are not even registered as citizens, and therefore have no rights whatsoever—they do not even exist for the state—and how the Greek media and the Greek State, sometimes, and the Greek police, do a racial profiling against the Roma,

accusing all of them for what some of them are doing. I would say one more thing: There is one expression here that our organization has never used. We found it too strong. It is used by the National Commission for Human Rights. It said, "The Gypsies are condemned to live in conditions of apartheid." Now the government has not, by the way, commented on this report of the National Human Rights Commission, unless you call a comment that for 2 years this commission, which is an advisory body to the prime minister, does not have an office, does not have a secretariat, does not have a budget. It has two people who are being hired. As it says in its first report, when they want to buy a pen, they have to go and ask the prime minister's office. If it has done the work—and you can read the reports on many issues, and they are very good—it's because its members, academics, the Ombudsman, who is a member, and others have devoted their personal time to do that.

But this work is very little known in Greece, and most importantly not followed, because I will conclude by saying one of the documents of the National Commission for Human Rights recently in an annual report, advised Greece not to repeat its very strange way of reporting to the U.N. bodies. Because Greece sent a report to the Committee Against Torture of the U.N. last January. Apparently, since I have the report in front of me, the comments of the National Commission for Human Rights for the draft report were not even followed. Not even when it told Greece, "Please do not misrepresent us; we are not a National Commission for Human Rights, where only NGOs vote." That was in the Greek State's report. It is totally false, and it remained there as it was deposited in the U.N.

As for the Ombudsman, its own reports show that only a small fraction of his recommendations are followed. If you take the most delicate part of human rights and minorities, the small fraction is getting smaller and smaller. But it has worked, because it was able to get its budget early on, and it is the only true independent credible authority that is continuing, although, now, they too are understaffed because every Greek turns to the Ombudsman, because that is the only hope they have, and many things have changed, usually against the will of the administration.

Thank you.

Mr. SMITH. Dr. Dimitras, thank you very much for your testimony.

I thank all of you for your very extensive testimonies, which have laid out, unfortunately, a very disturbing picture.

I think your rebuttal—and I would invite the government witnesses to elaborate if they would, because we do have some written questions we would like to submit to the Government of Greece, in that while no journalist may be languishing in jail or in detention at this point, the judicial proceedings like those of targeted religious groups, constitutes, especially when there is a pattern, a harassment that chills and deters people from practicing their faith, or in the case of a journalist in writing or broadcasting what he or she might see fit as well.

So, those things do curb or crimp, human rights expression.

I think your emphasis, Dr. Dimitras, on the June 15, 2002 statement by the 45 human rights organizations is a very important one.

You know, all nations in Europe it seems, and there are significant portions of Americans, have turned xenophobic regarding asylum seekers and refugees. I happen to fall in the other camp of being more open and believe very definitely we need to—when people are escaping tyr-

anny or trying to find a safe haven, that a country defines itself by how it treats the most vulnerable and the most at-risk populations, and very often that is asylum seekers and refugees, and not providing sufficient translators and competent legal counsel, five-minute trials, or proceedings as you indicated truly are unacceptable, and we will ask the government. I mean, they can do it now if they would like, or get back to us. The previous panel, perhaps could have commented—I should have perhaps asked it earlier—about that joint statement, communique, 45 human rights organizations.

Your statement, which I did quote from earlier, from the national human rights commission regarding the Roma is a devastating statement about the current situation on the ground in Greece *vis-á-vis* the Roma. I did read—one of the portions that caught my eye when I read it earlier, the racist practices against those Roma who attempt to get educated—there are two kinds. "Open attempts to exclude Gypsy children by mobilizing the society, parents, students and teachers; and, B, by their passive exclusion within the classroom by marginalization," and it goes on from there.

These are very serious statements. Certainly, the national human rights commission has, I think, some real credibility.

I think the NGOs do. You know, the NGOs have hit the United States many times. My own daughter worked as an intern with Amnesty International when it was a policing mandate. I looked at the recommendations that were being made, and they seemed to comport with reality. So if it is criticism, it is criticism. That's the way it goes. We need to reform that.

So when Amnesty and these other organizations speak, we should be listening. I mean, they have no other agenda other than to speak for the vulnerable and the disenfranchised and at times the defenseless.

So I thank all of you. I really do not have any questions.

Mr. Gore, do you?

Mr. GORE. I just have one question in particular. We talk about—actually I have a couple of questions—we talk about the Lausanne Treaty, and it is, sort of, a benchmark. The question I have for this panel is, at what point did it stop being a badge of protection for minorities, and become an excuse for the state to use it against minorities? Because that is what it appears to be at this point. I think Dr. Pollis probably would be the person I would turn to for that.

Dr. POLLIS. I am not quite clear on what you said. The Lausanne Treaty only applied to Muslims, so even at the time it did not protect any other minorities. In addition, and I am not an expert on this, but the Treaty of Lausanne guaranteed, sort of, religious rights to Muslims that were not exchanged or did not have to go to Turkey. That does not mean, however—and it is not in the Treaty of Lausanne—that other rights are protected.

I have seen in the past, government statements where questions have been raised about the rights of—well, that was pointed out—people who are now identified as Turks. The Greek Government says they are not Turks, they are Muslims and their religious rights are protected by the Treaty of Lausanne. But it is like almost, "So what. What does that mean in terms of other rights?"

Actually, you may remember this. There was a case recently of—but that wasn't a Muslim—of somebody who passed an exam and was highly qualified as an accountant. The government service refused to employ

him because he was a religious minority. Now, that kind of employment discrimination clearly is not guaranteed by the Treaty of Lausanne.

Dr. DIMITRAS. There are two documents that were referred to which explain why, in fact, the Treaty of Lausanne cannot be used really against minorities. Although, it is true that it has been used as an excuse by the Greek Government to refuse the right of Turks to identify themselves as such.

The one is Professor Rozakis' same study quoted here, where he says why the treaty is not actually superseded but supplemented by OSCE and other treaties. The second one is, when we had an issue back in 1999 the High Commissioner on National Minorities of the OSCE, Mr. Van der Stoel, issued a statement which, again, aimed—and he did that in accordance with the Greek Foreign Ministry, as I am positioned to know—aimed at explaining why people can be Turks and that does not violate the Lausanne Treaty.

This text, very carefully written by Mr. Van der Stoel, I think, in addition to the legal expertise of Mr. Rozakis, say that the Lausanne Treaty cannot be used against minority rights.

But it has been used. It has been used only for that reason. Most important for them, however, is that even the characteristics that exist in the Lausanne Treaty, which guarantee education—of course, guarantee a good education—guarantee freedom of religion have not been observed on and off by Greece.

Although, it is true, as Greece tries to remember, there is another part to the treaty, that this treaty has been totally made a mockery of by Turkey, and the counterpart of the Greek minority in Istanbul, more or less do not exist or exist in a few thousands.

I must say that, in Greece until recently, we had a tendency, even by academics, to consider that this treaty had reciprocal value, which means that there were many, including the chair of the Graduate Program on Minority Studies at the University of Pantheon just a few weeks ago, who said that we have to apply that way and send the Turks back to Turkey.

This kind of argument can still be heard not by official government, but by many people. It shows that there is a total misunderstanding of all those treaties in Greece, because mostly we do not talk about them, most people in Greece do not even know what the U.N. bodies or the OSCE bodies have said about Greece.

This "mostly," by the way, includes also most of the Turks in the minority. Because I would say that the fact that we are fighting for minority rights does not mean that minorities are angels and majorities are devils. You find both of them in both groups, including in Greece.

Mr. GORE. Yes, ma'am?

Dr. POLLIS. Listening to Panayote reminded me of something that is a little bit tangential, but not. The person he named, Christos Rozakis, who is now—if he is still there—a judge in the European Court of Human Rights, but a number of years ago he was in the Greek Parliament—oh, no, he was deputy foreign minister, I think—it does not matter—deputy foreign minister. He was attacked in the Greek legislature for not being a true Greek.

Why? Because his heritage was partly Jewish. Speaking of anti-Semitism, that became a big issue. As I understood it, rather than wait for more repercussions on him, he decided to resign, and he ended up in the European Court.

But I find that very illustrative of this still remaining basic assumption in Greece that if you are not an authentic Greek, you cannot further Greek national interests. That which was said about multiculturalism, forget it. He or his parents were converts to Orthodoxy.

Mr. GORE. I'd like to ask about another ethnic group that I do not think gets very much attention, the Chams. They had a unique experience with the effect in their expulsion in the 1940s, their inability to return to Greece to get their rightful claim to property restored. I would like to know what if any of the three of you think about that situation, and if you see anything that can be done to rectify it.

Dr. DIMITRAS. Very little is known about the real problem of the Chams for a very simple reason: They have never turned to nongovernmental organizations with their case. Secondly, very often their case has been promoted by the Albanian authorities at times where there is a crisis between Greece and Albania, and forgotten at times where there are good relations between Greece and Albania.

I have to say that I have very little knowledge about the extent of the problem, although, for the rest of the audience, just to say that this is a group forced to leave Greece to avoid being cleansed at the end of World War II, because some of its members—perhaps a large number of its members, it does not really matter—were perceived or were really—it does not really matter; and I say it does not really matter, because that is a case of collective guilt—cooperating with the occupying authorities, which as you will see in the study of, let us say, Professor Mavrogordatos, they did as so many other minorities, including the Bulgarian/Macedonians,—or as the Britons did in France, for example—because those minorities were discriminated against before World War II by the majorities and they thought that in the new order, at the time, they would find their chance.

Now, we all know that many large populations, including many millions of Germans, were cleansed at the end of World War II under various arguments.

There is generally a way that the international community has dealt with this issue in recent years trying to overcome the past. I would say that there is a reluctance to sit down and look at the specific problem, the real one, which is perhaps compensation for properties. I do not think that they want to come back. Well, many have come as migrants, if they've been allowed.

But certainly it has been written in the Greek press and has not been disclaimed by authorities that one reason that Greece's relations with Albania keep a kind of leftovers of the war situation, like a state of war, is to avoid some of these issues to be taken to court.

All this I say with a lot of care, because, as I say, this dossier, we do not know very well. Unlike the dossier of the Macedonians who have been expelled from Greece that we are very well aware of: they cannot return, they cannot get their properties, etc. The Chams dossier has never been presented in the appropriate way to look like a human rights issue and not a nationalist issue.

Thank you.

Mr. GORE. Well, along a similar line, between 1955 and 1998, the Greek Government stripped approximately 60,000 Greek citizens of their citizenship under a law that permitted ethnic minorities to lose their citizenship simply for going abroad.

Since that law has been changed, have those people had their citizenship restored?

Dr. DIMITRAS. Certainly not. The law did not allow for those people who had lost it to regain their citizenship.

After we fought very hard, it became a consensus in Greece, at least at the level of declarations, that those who are in Greece still and had lived all their lives as stateless—and there are a few hundred people—would be given citizenship because nobody wants to have stateless people.

I have to say that Greece did not give them, those people, the citizenship the way they gave it to Greeks who came from the civil war, which is automatically. They asked them to apply as if they were recent migrants. It has dragged the applications, and only a little less than half of them have been given the citizenship.

Every year you read in the local press, because they are all in the so-called Muslim minority in Thrace, when the ministers of the government go there, they are asked locally what about them, and all those ministers of interior and defense—these are who went there recently—say "Yes, we should resolve this issue."

But the fact of the matter is that it has not been resolved, because some people keep dragging their feet. Just as every year they promise that they are going to finally elect the councils of Muslims who keep hold of the religious foundations, the *wafqs*. They hear it every year, especially if it is an election year, but nothing has happened the last 2 or 3 years.

Just as, finally, Greece has to regulate the issue of the *muftis,* because it has been convicted by the European Court for denying those who have been elected as *muftis* by part of the minority the right to be *muftis*, and the issue has to be solved. Promises, we hear from time to time.

I must say, the minority itself is not very cooperative on this issue, but certainly it has not been solved either. These are statements that you hear often, but again, implementation is close to zero.

Mr. GORE. Well, I think after 3 hours, it is about time to draw this hearing to a close. We will give—yes, Mr. Tsirbas?

Mr. TSIRBAS. Although this is not my field of expertise, if I could schematically present to you that the whole field of human rights has two dimensions, the vertical and the horizontal. I am more engaged with the vertical dimension of the enjoyment of human rights within a state, Greece, or any other country. All these issues of minorities, though, I would guess probably put them under the category of the horizontal dimension of treating human rights.

I just want to note before your honorable Commission that we need to realize that this conversation and these issues do not take place in a vacuum. That neighborhood, the geographical area of the Balkans, has been a volatile one.

Every issue concerning the minorities somehow, whether we like it or not, is identified or associated with statehood. I am sure that you are aware of that, but if you go around the various museums of the various neighboring countries to Greece, you would find special sections dedicated to the lost parts of their homeland, which in many ways coincides with parts of Greek territory.

So in a sense one could draw the analogy between what probably you could experience, for example, with the state of Texas. I am sure you know that there are associations and there are claims on the part of

people of Mexican descent or even Mexicans who feel that this territory belongs to them. Even some people have written books underlining the threat—the upcoming threat for the territorial integrity of the United States.

So my humble note before you is that everything, when it comes to these issues, needs to be put in this broader socio-political and historical context that in many ways influences and has to influence every state's attitude toward minorities in that specific area.

Mr. GORE. Well, on that note, I thank you all.

This hearing is closed.

[Whereupon, at 3:58 p.m., the hearing was adjourned.]

APPENDICES

PREPARED STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Today's hearing provides a timely opportunity to review human rights developments in Greece as well as implementation of other commitments undertaken by the Hellenic Republic as an original participating State of the 55-nation Organization for Security and Cooperation in Europe (OSCE), including those on combating terrorism. Greece led Europe in the number of anti-American attacks in 1999: there were 20 terrorist attacks against American targets in 12 months, and 52 anti-American protests in that period. All this before 9/11. And not one–not one–arrest was made. Over the past 25 years the terrorist organization 17 November has killed 23 people including a CIA Athens station chief and several other Americans. It has also fired mortars on the Athens branches of major multinational corporations (Proctor Gamble, American Express, BP, Alico, Nationalen Nederlanden, IBM, Citibank, McDonald's, General Motors, Chase Manhattan Bank, Midland Bank, and Banque National de Paris). To date not a single member of the organization has been arrested. By the grim standards of modern terrorism, some might be tempted to dismiss 17 November as a modest threat. It should have been put out of business long ago. But it has reportedly recruited new, younger assassins and greatly expanded its range of weapons and explosives. Its success has encouraged copycat activities, with more than 100 bombings in Athens in 2000 by a plethora of groups.

Despite scores of attacks—many with eyewitnesses—there have been no arrests. No suspects have even been identified. Many Western countries have faced radical leftists, but Greece stands out for its inability to make meaningful progress in combating domestic terrorists.

Few Greeks believe police failure is an accident. Repeatedly, key information about investigations is leaked to the tabloid newspapers. In the fall of 2001, six months of hard work by some of Scotland Yard's best investigators—sent to Greece after the murder of the British defense attaché in June—was exposed in two Athens dailies. Time and again, witnesses who have given police "secret" testimony have received threatening phone calls or seen their cars firebombed by way of warning. Now, as a former Olympian, I am concerned about the possibility of terrorism recurring in Athens during the 2004 Summer Olympic Games and raised these concerns last year in meetings with Greek officials. I urge the Government of Greece to make demonstrable progress in rooting out domestic terrorist groups, including 17 November, that have operated for decades with impunity.

**PREPARED SUBMISSION OF
HON CHRISTOPHER H. SMITH, CO-CHAIRMAN,
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE**

**REPRINTED FROM *THE CONGRESSIONAL RECORD,*
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WEDNESDAY, MARCH 21, 2001**

CELEBRATING GREEK INDEPENDENCE DAY

Madam Speaker, 180 years ago the Greek people rose against the Ottoman Empire to free themselves from oppression and to reestablish not only a free and independent state, but a country that would eventually regain her ancient status as a democracy. In congratulating the people of Greece on the anniversary of their revolution, I join in recognizing the distinction earned by Greece as the birthplace of democracy and her special relationship with the United States in our fight together against Nazism, communism and other aggression in the last century alone. Yes, democrats around the world should recognize and celebrate this day together with Greece to reaffirm our common democratic heritage. Yet, Mr. Speaker, while the ancient Greeks forged the notion of democracy, and many Greeks of the last century fought to regain democracy, careful analyses of the political and basic human freedoms climate in today's Greece paint a sobering picture of how fundamental and precious freedoms are treated. Taking a look at the issues which have been raised in the Organization for Security and Cooperation in Europe (OSCE) Human Dimension Review Meetings and will be considered over the next week at the United Nations Committee on the Elimination of All Forms of Racial Discrimination (CERD), a few of the most critical human dimension concerns about contemporary Greece affect the freedom of expression, the freedom of religious belief and practice, and protection from discrimination. Legal restrictions on free speech remain on the books, and those convicted have typically been allowed to pay a fine instead of going to jail. In recent years, though, Greek journalists and others have been imprisoned based on statements made in the press. This was noted in the most recent Country Report on Human Rights Practices prepared by the Department of State. The International Press Institute has also criticized the frequent criminal charges against journalists in cases of libel and defamation. Religious freedom for everyone living in Greece is not guaranteed by the Greek Constitution and is violated by other laws which are often used against adherents of minority or non-traditional faiths. Especially onerous are the provisions of Greek law which prohibit the freedom of religious These statutes have a chilling impact on religious liberty in the Hellenic Republic and are inconsistent with numerous OSCE commitments which, among other things, commit Greece to take effective measures to prevent and eliminate religious discrimination against individuals or communities; allow religious organizations to prepare and distribute religious materials; ensure the right to freedom of expression and the right to change one's religion or belief and freedom to manifest one's religion or belief. Over the last 10 years, the European Court of Human Rights has issued more than a dozen judgments against Greece for violating

Article 9 (pertaining to Freedom of Thought, Conscience and Religion) of the European Convention on Human Rights. One positive development was the decision made last summer to remove from the state-issued national identity cards the notation of one's religious affiliation. In May 2000, Minister of Justice Professor Mihalis Stathopoulos publicly recognized that this practice violated Greece's own Law on the Protection of Personal Data passed in 1997. The decision followed a binding ruling made by the relevant Independent Authority which asked the state to remove religion as well as other personal data (fingerprints, citizenship, spouse's name, and profession) from the identity cards. This has long been a pending human rights concern and an issue raised in a hearing on religious freedom held by the Commission on Security and Cooperation in Europe (which I co-chair) in September 1996. I am pleased to note that Greece has acknowledged in its most recent report to the UN CERD that the problems faced by the Roma community (which has been a part of Greek society for more than 400 years), migrant workers and refugees are "at the core of the concern of the authorities." The recognition that issues which need attention is always the first step necessary to addressing the problem. The Commission has received many reports regarding the Roma community in Greece, including disturbing accounts of pervasive discrimination in employment, housing, education, and access to social services, including health care. With a very high illiteracy rate, this segment of Greek society is particularly vulnerable to abuse by local officials, including reports of Roma being denied registration for voting or identity cards that in turn prevents them from gaining access to government-provided services. Particularly alarming are incidents such as the forced eviction of an estimated 100 families by order of the mayor of Ano Liossia and the bulldozing of their makeshift housing in July of 2000. Similar incidents have occurred in recent years in Agia Paraskevi, Kriti, Trikala, Nea Koi, and Evosmos. Our Founding Fathers relied heavily on the political and philosophical experience of the ancient Greeks, and Thomas Jefferson even called ancient Greece "the light which led ourselves out of Gothic darkness." As an ally and a fellow participating State of the OSCE, we have the right and obligation to encourage implementation of the commitments our respective governments have made with full consensus. I have appreciated very much and applaud the willingness of the Government of Greece to maintain a dialogue on human dimension matters within the OSCE. We must continue our striving together to ensure that all citizens enjoy their fundamental human rights and freedoms without distinction.

LETTER TO HIS EXCELLENCY KONSTANDINOS SIMITIS, PRIME MINISTER, THE HELLENIC REPUBLIC, ATHENS, GREECE, FROM MEMBERS OF THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

October 6, 1998

HIS EXCELLENCY KONSTANDINOS SIMITIS
Prime Minister of the Hellenic Republic, Athens, Greece

DEAR MR. PRIME MINISTER:

Following the Commission delegation's visit to Athens in January and in anticipation of the upcoming Warsaw OSCE Human Dimension Issues Meeting, we write to express our concern regarding several human rights developments in the Hellenic Republic. Regrettably, responses were not provided to the delegation's requests to meet with several high-level officials of your government.

We welcome the announcement of the Council of Ministers to abolish Article 19 of the Greek Citizenship Code and the action of Parliament on June 11 to abolish this biased law. As a point of clarification, is any further action required to repeal this article and does the Code, as we urged, provide for the timely restoration of citizenship to those adversely affected by this statute?

Mr. Prime Minister, we recently learned that the Minister of Justice has announced his intention to introduce amendments to Articles 361 and 362 of the Penal Code which would impose criminal penalties, including imprisonment, for broadcasting material judged to be insulting or defamatory. Adoption of such penalties would severely limit freedom of expression in the electronic media and, if adopted, would violate OSCE standards, specifically Para 9.1 of the 1990 Copenhagen Document. Existing provisions of the Penal Code, including Articles 141, 191, and 192, give rise to similar concerns.

Turning to the problems faced by members of certain minority faith and ethnic communities in Greece, we refer to the language of the 1989 OSCE Vienna Concluding Document (Para 13.7), which provides that the participating States will "ensure human rights and fundamental freedoms to everyone within their territory and subject to their jurisdiction, without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Especially onerous are the "anti-proselytism" provisions of Greek law, including Article 13 of the Constitution and the Metaxas-era Laws of Necessity 1363/1938 and 1672/1939 which have been used overwhelmingly against religious minorities. These statutes have a chilling impact on religious liberty in the Hellenic Republic and are inconsistent with numerous OSCE commitments, including provisions of the Vienna Document (Para. 16) and the 1990 Copenhagen Document (Para. 9). We urge repeal of these laws in order to ensure the freedom of all individuals in Greece to profess and practice their religion or belief.

We are aware of the controversy surrounding the selection of individuals to serve as Mufti in the Hellenic Republic and understand that relevant practices vary from country to country. In this regard, we

stress the importance of respecting the right of members of the Muslim community to organize themselves according to their own hierarchical and institutional structure, including in the selection, appointment, and replacement of their personnel in a manner consistent with relevant OSCE commitments. We are particularly disturbed by the lengthy prison sentences handed down against Mehmet Emin Aga for "usurping the title of Mufti." Similar charges were earlier brought against Ibram Sherif. As a Mufti is a religious official, disciplinary action in such matters, if warranted, would seem better left to the Muslim community itself.

We are also concerned by the burdensome requirements imposed on minority religious communities in Greece to obtain special permits issued by "competent ecclesiastical authorities" and the Ministry of National Education and Religious Affairs for the establishment or operation of churches, including places of worship. Reportedly, permission for the construction or repair of places of worship is often difficult or impossible to obtain despite the commitment of OSCE participating States to respect the right of religious communities to establish and maintain freely accessible places of worship or assembly. Numerous evangelical churches, including the Greek Evangelical Church of Thessaloniki, have reportedly encountered difficulties in securing so-called "House of Prayer" permits. Members of the Muslim community have similarly reported difficulty in securing permission for the repair of mosques, including the Suleymaniye Mosque on Rhodes.

While we appreciate the historic contributions of the Eastern Orthodox Church to the Hellenic Republic, the rights of individuals belonging to minority religions or beliefs must be fully respected without discrimination or subordination. In this regard, we are aware of a pending request for permission submitted by a community of the Macedonian Orthodox Church seeking to open a church building to conduct worship services in the Florina area.

As members of the Commission, we remain concerned over the proposed inclusion of religious affiliation on Greek national identity cards. The inclusion of such information on this widely used document could lead to discrimination against individuals from minority religions or beliefs. Accordingly, we urge the repeal of the 1993 identity law. In addition, we urge further action to implement the recommendations of the advisory committee on anti-Semitic references in public school textbooks.

We note the law on conscientious objectors that came into force earlier this year and understand that the authorities are instituting arrangements whereby those objectors imprisoned under the old law will be given the option of engaging in alternative civilian social service. We look forward to receiving information about the new arrangements.

While in Athens, the Commission delegation met with representatives of the Roma community who provided disturbing accounts of pervasive discrimination in employment, housing, education, and access to social services, including health care. With a very high illiteracy rate, this segment of Greek society is particularly vulnerable to abuse by local officials, including reports of Rom being denied registration for voting or identity cards that in turn prevents them from gaining access to government-provided services. Particularly alarming are incidents such as the forced eviction of an estimated 100 families by order of the

mayor of Ano Liossia and the bulldozing of their makeshift housing. Similar incidents have occurred in Agia Paraskevi, Kriti, Trikala, and Evosmos.

Other Greek citizens face severe restrictions on their rights to freedom of cultural expression, violations of their freedom of association, and other forms of harassment and discrimination, including limits on their ability to hold title to their property. Individuals in Florina, for example, were apparently prevented from registering the Macedonian Culture Center while other groups have been forced to remove signs written in the Macedonian language and faced other limits on their cultural rights. Attempts by officials in Greece to restrict or otherwise limit the use of other languages, including Macedonian, are inconsistent with numerous OSCE commitments, including the anti-discrimination language cited above. We are also disturbed by reports that Greek citizens have been prevented from registering their associations because the word "Turkish" appeared in the title. Members of the Commission delegation were also informed about many of the practical problems faced by ethnic Turkish citizens of Greece in the field of education, including severe shortages of textbooks and limited access to higher education.

In closing, Mr. Prime Minister, we respectfully urge you to consider the issues we have raised in light of the Hellenic Republic's obligations as a long-standing OSCE participating State and look forward to your reply.

Sincerely,

Christopher H. Smith, M.C.
Co-Chairman

Alfonse D'Amato, U.S.S.
Chairman

Steny H. Hoyer, M.C.
Ranking Member

John Edward Porter, M.C.

Jon Christensen, M.C.

Edward J. Markey, M.C.

Benjamin L. Cardin, M.C.

Louise McIntosh Slaughter, M.C.

LETTERS TO HIS EXCELLENCY GEORGE A. PAPANDREOU, MINISTRY OF FOREIGN AFFAIRS, ATHENS, GREECE, FROM MEMBERS OF THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

February 12, 1999

HIS EXCELLENCY GEORGE A. PAPANDREOU
Alternate Minister of Foreign Affairs, Ministry of Foreign Affairs
Athens, Greece

DEAR MR. MINISTER:

We are writing to express our concerns over one of the most marginalized and vulnerable groups in Greek society—Roma, present in Greece since the 14th century. As the Hellenic Republic is the most homogeneous country in the Balkans, it is especially important that the Greek Government renew its commitment to democracy, human rights and tolerance—central themes emphasized in your address to the Pandeion University Conference on Peace and Development last Fall.

You will recall that a Commission delegation visited Athens early last year and had an opportunity to meet with representatives of Greece's Roma community to gain a deeper insight into their concerns. Several participants noted your constructive efforts to address the hardships of this segment of society, particularly with respect to education. Despite these efforts, an estimated 80 percent of Greece's Roma community of 300,000 is illiterate.

We were disturbed to learn through a recent report issued by the European Roma Rights Center that thousands of Roma have reportedly been issued Greek National Identity Cards with the word *agrammatos* (illiterate) stamped beside the bearer's photograph. The implications of this degrading practice for the individual are significant given the importance of this document in gaining access to basic government services, securing such items as marriage certificates and voter registration, as well as housing and legal employment. In addition, this policy exposes individual Rom to potential exploitation and unscrupulous practices by local officials and others, contributing to even further marginalization.

Mr. Minister, we urge you to continue to press for the implementation of reforms aimed at improving the conditions faced by the majority of the Roma population in Greece. We further urge you to review current policy governing the issuance of identity cards to Roma with a view to the removal of the needless reference to *agrammatos* from these documents.

We appreciate your attention to this matter and look forward to hearing from you.

Sincerely,

Steny H. Hoyer, M.C.
Ranking Member - House

Christopher H. Smith, M.C.
Co-Chairman

February 19, 1999

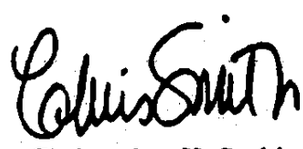
HIS EXCELLENCY GEORGE A. PAPANDREOU
Minister of Foreign Affairs, Ministry of Foreign Affairs
Athens, Greece

DEAR MR. MINISTER:

I write to express my grave concern over reports of a brutal operation against an encampment of Roma in Nea Zoi, Aspropyrgos. This attack is not an isolated incident but is part of a pattern of violence directed against the Roma community by police and local-officials in the Hellenic Republic. During the raid on the encampment the dwellings of the inhabitants were torn down by the authorities and burned. Local officials in the same region according to reports recently disconnected the water supply to the primary school adjacent to the Roma camp — a school attended by many Roma children.

Forceful assaults and evictions such as the one that occurred in Nea Zoi must be denounced. I urge a full investigation of the circumstances surrounding this troubling incident and the prosecution of those responsible for this violent act. In addition, I encourage you to consider other concrete steps to deter a repetition of such incidents in Aspropyrgos and elsewhere in the Hellenic Republic.

Sincerely,



Christopher H. Smith, M.C.
Co-Chairman

**PREPARED SUBMISSION OF
VASSILIOS TSIRBAS, SENIOR COUNSEL,
EUROPEAN CENTRE FOR LAW AND JUSTICE**

The source of this text is the textbook used for religious instruction in the 3rd grade of public Greek Junior High schools (9th grade), pp. 239-244.

Organization for the Publishing of Schoolbooks. *Ekklesia: E Nea Koinonia se Poreia* [Church: the New Society on Track]. 5th ed. Athens: Author, 2001. pp. 239-244.

48. PROTESTANTISM TODAY
A. Pluralism and Dissension

The term Protestantism refers to all the Denominations that were established based on the principles of Reformation. The Protestant Churches were established first in Europe, and then in North America by Europeans who immigrated there.

A main characteristic of Protestantism is its multiple splits into many different groups and Churches, as opposed to the Roman Catholic Church's centralization.

This is not by accident. Rather, it stems out of the Reformers' dominant belief regarding the nature of Church. Due to their desire to resist the Roman Catholic Church of the Middle Ages (which, as we saw in the last unit, was an oppressive and rigid organization, suppressing its members' freedom at all levels), they ended up at the other extreme. They rejected every authority and considered the Church to be a loosely connected community of Christians whose main purpose was to study God's Word and strengthen their religious faith. This mentality was sufficient to lead to the current condition of the Protestant world.

Some basic points of Protestant teaching and beliefs are as follows:

1. The Bible is the only source of Christian creed, and every believer can interpret it in his own way. Church Tradition is of no consequence.
2. Mankind cannot be saved by their good works, but only through God's Grace and their faith.
3. They reject the Ecumenical Councils, the saints and the Church sacraments. The only exceptions to this are some of the first Denominations that accept the Baptism and the Holy Eucharist.

Protestant Denominations can be divided into two broad categories:

A. The so-called "traditional" Denominations. These are the ones founded during Luther's lifetime, or a little later, such as the Lutheran and the Calvinist Denominations. The Lutherans are mainly in Germany, the Scandinavian countries and the United States, while the Calvinists are in the aforementioned countries as well as in Holland and Switzerland, and, in minorities, in the Czech Republic and Hungary. There are also small Lutheran and Calvinist groups scattered throughout the world. The Anglicans, who stand in-between the Lutherans and the Catholics in terms of their beliefs (their doctrines are similar to those of the Catholics but they reject the Pope's authority), are located mainly in England and the United States.

The common ground shared by these Churches is that most of them have kept many pre-Reformation elements, such as some of the sacraments and the clergy. This, combined with their substantial theological development, has enabled the Orthodox Church to converse with them on various serious theological issues.

B. The Denominations that were founded during the last two centuries. These have greatly diverged from the Reformers' original preaching.

Such Denominations are established mainly in the U.S.A. The largest of these Denominations are the Pentecostals and the Adventists. They greatly emphasize each individual believer's receiving of the Holy Spirit, as well as living a moral life.

In our country, some churches that are well known for their proselytizing activities are the "Apostolic Church of Pentecost", the "Seventh-day Adventist Church" and the "Free Apostolic Church of Pentecost".

The Neoprotestant heretic sects/cults have inundated the whole world and are trying to spread their beliefs in every possible way. They own newspapers, magazines, and radio and TV stations, which makes their efforts more effective.

However, many questions arise as to the suspicious sociopolitical role of these neoprotestant groups, especially as their activities are under attack for alleged lack of accountability in their financial dealings.

Reports regarding their proselytizing activities in the Orthodox former Communist countries are numerous and well supported by evidence. The same is also true for Latin America, where the Neoprotestant Denominations undermine the fight of the "Theologians of Liberation", while supporting in every possible way totalitarian military regimes (dictatorships) that serve the interests of the United States and large multinational companies.

B. THE PROBLEMS OF MODERN PROTESTANTISM

A main problem of modern Protestantism is secularization.

In their attempt to reach out to the world, Protestants many times ended up identifying themselves with it. Depending on each occasion:

- They turned the Church into a hall for social events.
- They presented Christianity not as a way of life, but rather as a moralistic system.
- The most progressive among them fought alongside different social movements, e.g. the feminist movement, without, however, preserving their Christian identity in their fight, which resulted in their being charged with the errors of these movements as well.

During the last few years, many of their decisions, such as the ordination of women, were carried out hastily without the necessary groundwork. This led to the further fragmentation of the Protestant Denominations.

C. Self-Correction Motions—Ecumenical Initiatives

The Protestants have recently realized that the secularization and liberalism they endorsed did not have the desired effect.

The braver among them proceed to self-scrutiny and have begun to look at things from a different angle. They initiate ecumenical summits, mainly with the Orthodox, but with the Catholics as well. New ideas and new possibilities seem to be arising in the horizon. The wealth of the Church Tradition does not seem to leave them indifferent, as in the past.

In conclusion, we need to underscore the important social work of some prominent figures in the modern Protestant world, such as Albert Schweitzer, Martin Luther King, the anti-racist South African Bishop Desmond Toutou, the President of Haiti P. Aristide, etc.

They, along with other famous Protestants, have fought and continue to fight for world peace, as well as for a world of equality, freedom, and love.

QUESTIONS

1. What is the Protestants' multiple fragmentation due to?
2. Which of the main categories of Protestant Denominations is closer to the Orthodox Church and why?
3. What are the main problems of Protestantism?

SOURCES

1. "Protestantism is always characterized by two contradictory tendencies. One the one hand, it appears radical and dangerously liberal, and on the other hand, conservative and introverted. These two tendencies leave their mark on doctrine, as well as church and moral life. Theological thought very easily and conveniently follows the different philosophical movements, and the way Protestantism is practiced in everyday life, depending on the theoretical background supporting it, is either too rigid or too liberal and progressive. In any case, one could notice both positive and negative points in both these currents. That is why Protestantism could surprise one with its doctrinal innovation, and the resources it has at its disposal, but at the same time it also gives rise to a sense of fear due to a certain secularization and rigid conservativeness. Among other things, this rigid conservativeness results in a dry moralization *or* a weakened ethicism, as no esoteric and mystic depth exist in Protestantism's corporal worship and theology."—Matsoukas, N. *Protestantism*. Thessaloniki: Pournaras Publishing, 1995. (p. 69)
2. "In the 1960's, the U.S. Intelligence Services, having realized how useful a religion serving their purposes would be, launched a campaign aiming at the "conquest" of certain nations and civilizations, which had as its first victim Latin America, and as its last, the Orthodox countries of the former Communist Block.

   Hence, all the Protestant sects of N. America, Eastern "philosophers", and cults of the worst kind (i.e. Mormons, etc.) were recruited in the service of the CIA. Their representatives were sent out to the whole world, each with a different assignment but all of them with a common goal, to confuse these nations in their religious and cultural identity.

Everything started with the 1968 Rockefeller Report, where the American Intelligence Services stated that the Roman Catholic Church of Latin America "did not favor North American interests".

The activities of the "Theologians of Liberation" had brought the U.S.A. to an awkward position.

The military dictatorships that had the support of the U.S. were in a precarious position and could not be firmly established. Therefore the scheme was set in motion and the results so far have been impressive. During the last 20 years, about 35,000,000 Latin Americans have fallen prey to about 500 Protestant cults that operate in that continent with the financial support of the U.S.A. In Mexico, 20% of the population has been influenced by these cults. In Brazil, more than 1,400 radio stations are in the service of heretic propaganda. The number of their church buildings in the same country exceeds 5,600.

Just within 1990, the U.S. sent to Latin America 130,000 students as "missionaries", and the president of "*Campaign for Christ",* as this scheme of conquest is referred to by its participants, believes that by the year 2000 half of the population of Latin America will have been converted."—"When the Religious Subculture Attacks". *Exodus to Society and Life*, Vol.13, p.29.

49. FOLLOWERS OF OTHER DENOMINATIONS AND RELIGIONS IN GREECE

A. Non Orthodox Churches and Denominations in Greece

Since the times of Frankish rule in Greece, Roman Catholics settled in various parts of our country. They founded their own communities and maintained their religious faith until now. Roman Catholics live mainly in Athens and the islands of Syros, Tinos, and Naxos.

At the same time, in Greece lives a small number of Uniates, who often proselytize for the Roman Catholic Church.

Lately, the number of Roman Catholics in Greece seems to be increasing, due to the influx of foreign workers from countries where Catholicism dominates, e.g. immigrants from Poland.

In Greece there are also many Protestant groups and Denominations. Their members consist of:

a. The descendants of German families who came to Greece during the period of Bavarian rule.
b. Greek-Americans who were proselytized in the U.S. and are moving back to Greece.
c. Individuals proselytized mainly by neoprotestant groups (e.g. Pentecostals, Adventists, etc) since the 19th century.

Another Church that exists in Greece is the much-tormented Monophysite Church of Armenia. This Church has been a spiritual mother for all her persecuted by the Turkish state believers, and is what holds Armenians together even now. The Greek Orthodox Church is in excellent terms with the Armenian Church and supports them in every way in everything they do.

B. Other Religions in Greece

In our country there are also many followers of other religions.

First, we should mention Islam. Muslims live mainly in Thrace, and only few of them live in Athens.

Their religious centers are the Mosques, which are directed by Muftis.

Another religion is that of the Jews, i.e. Judaism. Its believers are the Diaspora Jews who live in the urban centers. Their religious centers are the Synagogues, which are directed by the Rabbis, the clergy of their religion.

During the last few years the proselytizing operations of various cults, such as the Jehovah's Witnesses and the Mormons, has intensified. The Jehovah's Witnesses are very well organized with solid infrastructure and have managed to keep their members very tightly connected. They are directed by the large "Watchtower" association that is based in the U.S.A.

PREPARED SUBMISSION OF PANAYOTE DIMITRAS, FOUNDING MEMBER, GREEK HELSINKI MONITOR AND MINORITY RIGHTS

CONCLUSIONS AND RECOMMENDATIONS OF THE U.N. COMMITTEE AGAINST TORTURE

GREECE

1. The Committee considered the third periodic report of Greece (CAT/C/39/Add.3) at its 460th, 463rd and 469th meetings, held on 2, 3 and 8 May 2001 (CAT/C/SR.460, 463 and 469), and adopted the following conclusions and recommendations.

I. INTRODUCTION

2. The Committee welcomes the third periodic report of Greece, although it notes that the report, due in November 1997, was submitted with 2 years delay.

3. The report does not fully conform with the Committee guidelines for the preparation of State party periodic reports, by failing to include new relevant case law, or details of complaints regarding alleged acts of torture and other cruel, inhuman or degrading treatment or punishment. The Committee nevertheless wishes to express its appreciation for the additional oral information given by the State party delegation.

II. POSITIVE ASPECTS

4. The Committee particularly welcomes the following:

(a) the existing legal framework and array of institutions in place for the protection against torture and other cruel, inhuman or degrading treatment or punishment;
(b) the adoption of Act 2298/95 establishing new institutions to guarantee the rights of prisoners;
(c) the use of specially trained personnel from outside the prison service, and under the supervision of the Public Prosecutor, to intervene in cases of serious disorder in prisons;
(d) the assurances received that the Head of delegation will recommend the publication by the responsible State party authorities of the 1996 and 1997 visit reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);
(e) the State party's on-going contributions to the United Nations Voluntary Fund for the Victims of Torture;

III. SUBJECTS OF CONCERN

5. The Committee expresses the following concern that, although the domestic legislation provides a satisfactory framework for protecting human rights in general and of certain Convention rights in particular, difficulties in effective implementation remain, which may amount to a breach of the Convention:

(a) there is evidence that the police sometimes use excessive or unjustifiable force in carrying out their duties particularly when dealing with ethnic and national minorities and foreigners;

(b) the harsh conditions of detention in general and, in particular, the long-term detention of undocumented migrants and/or asylum-seekers awaiting deportation in police stations without adequate facilities;

(c) the severe overcrowding in prisons which aggravates the already sub-standard material conditions and which may contribute to inter-prisoner-violence;

(e) the lack of comprehensive training of medical personnel and law enforcement officers at all levels, on the provisions of the Convention.

IV. RECOMMENDATIONS

6. The Committee recommends that:

(a) urgent measures be taken to improve conditions of detention in police stations and prisons and that undocumented migrants and/or asylum seekers who have not been convicted of a criminal offence not be held for long periods in such institutions;

(b) such measures as are necessary to prevent overcrowding of prisons should be taken as well as continuing steps to find alternative penalties to imprisonment and to ensure their effective implementation;

(c) such measures as are necessary, including training, be taken to ensure that in the treatment of vulnerable groups, in particular foreigners, ethnic and national minorities, law enforcement officers do not resort to discriminatory practices;

(d) steps be taken to prevent and punish trafficking of women and other forms of violence against women;

(e) that steps be taken to create detention facilities for undocumented migrants and/or asylum seekers separate from prison or police institutions and urges the State party to complete its proposed new building construction for aliens as a matter of urgency;

(f) the next report of the State party, due in November 2001, be submitted in accordance with the Committee's guidelines for the preparation of periodic reports including in it, inter alia: i) requested statistics disaggregated by gender, age and nationality; ii) relevant case law, and; iii) comprehensive information relating to articles 3, 4, 12, 13 and 16 of the Convention.

CONCLUDING OBSERVATIONS OF THE U.N. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

GREECE

1. The Committee considered the twelfth, thirteenth, fourteenth and fifteenth periodic reports of Greece, submitted as one document (CERD/C/363/Add.4), at its 1455th and 1456th meetings (CERD/C/SR/1455 and CERD/C/SR/1456), held on 16 March and 19 March 2001 respectively. At its 1462nd meeting, held on 22 March 2001, it adopted the following concluding observations.

A. INTRODUCTION

2. The Committee welcomes the report submitted by the State party, and expresses its appreciation for the additional written information provided in February 2001, and the oral information provided by the delegation. It particularly appreciates the opportunity to resume a positive and constructive dialogue with the State party.

3. The Committee notes the valuable information contained in the report, prepared in accordance with the Committee's guidelines for the form and content of periodic reports, and welcomes the fact that the report addresses a number of the concerns and recommendations of the Committee's concluding observations on the eighth, ninth, tenth and eleventh periodic reports (CERD/C/210/Add.1).

B. POSITIVE ASPECTS

4. The Committee is encouraged by the self-critical approach of the State party's report, and by the commitment of the State party to the Convention on the Elimination of All Forms of Racial Discrimination.

5. The Committee notes that since the submission of its last report the State party has ratified a range of international human rights instruments, and has signed—although not yet ratified—the Council of Europe Framework Convention for the Protection of National Minorities.

6. The Committee welcomes the information provided in the report and by the delegation concerning the extent to which courts and other tribunals and administrative authorities give direct effect to the provisions of international human rights instruments in their decisions, and the attention given by courts to the case law of international judicial or quasi-judicial bodies when interpreting human rights instruments.

7. The Committee welcomes the establishment of national machinery with responsibility for overseeing the implementation of human rights, and notes in particular the diverse and pluralistic structure of the national commission on human rights established by Law 2667/1998. The Committee also notes the important role of the National Radio and Television Council, the Code of Journalistic ethics, and the draft Code of ethics for Information and Other Journalistic and Political Programmes in preventing racial discrimination and racist and xenophobic behaviour and stereotyping in the mass media.

8. The Committee welcomes the measures taken by the State party to date aimed at promoting effective equality among individuals, with particular attention to Roma people, migrant workers, refugees and asylum seekers, and the minority populations in Western Thrace.

9. The Committee notes the information provided by the State party according to which members of minority groups participate in the political life of the country at the national and municipal levels.

10. Consistent with the State party's expressed desire to integrate—rather than assimilate—minority groups into the social, economic and cultural life of the country, in a manner aimed at preserving their diverse cultures and identities, the Committee welcomes the information provided by the State party concerning the implementation of educational programmes aimed at the teaching of the Greek language to students with a different mother tongue, and the training of teachers in the teaching of Greek as a second language.

11. The Committee welcomes the information provided by the State party on the extent to which it has implemented General Recommendation XIII (42) to date, concerning training of law enforcement officials in the protection of human rights.

C. CONCERNS AND RECOMMENDATIONS

12. While noting that the report of the State party refers to the "Muslim minority of Western Thrace", and within this to Turkish, Pomak and Roma groups, and not to other ethnic groups in the country, the Committee draws the attention of the State party to its General Recommendations VIII (38) on the right of each person to self-identification and XXIV (55) concerning article 1 of the Convention in this regard.

13. The Committee encourages the State party to build upon its education programs at all levels in order to counter negative stereotypes and promote the objectives of the Convention. The Committee recommends that the State party take into account the Committee's General Recommendation XXVII (57) concerning Roma in further legal and policy initiatives.

14. The Committee encourages the State party to pursue further its dialogues with representatives of the Roma, Pomak, Albanian and other minority populations, with a view to expanding as necessary the available range of multi-lingual educational programs and policies.

15. Recalling the repeal in 1998 of Article 19 of the Citizenship Code, and mindful of the clear incompatibility of this repealed law with the Convention, the Committee recommends that the State party explore and implement appropriate remedies, including the possibility of reinstatement of citizenship, for the benefit of persons deprived of their citizenship under Article 19 in the past.

16. The Committee recommends that the next periodic report provide information on the demographic composition of the population.

17. The Committee recommends the State party to include in its next periodic report statistics on jurisprudence of cases where the relevant provisions of the Civil and Penal Code have found application.

18. The Committee recommends that the State party take further measures to increase the awareness of the principles of the Convention by law enforcement officials.

19. The Committee recommends that the Convention, the State party's report and these concluding observations be widely disseminated by the State party, including among minority populations.

20. The Committee welcomes the stated intention of the State party to make a declaration as soon as possible under Article 14 of the Convention, and encourages it to take steps in that regard.

21. The Committee recommends that the State party should ratify the amendments to article 8, paragraph 6, of the Convention which were adopted on 15 January 1992, at the 14th meeting of States parties to the Convention.

22. The Committee recommends that the State party submit its sixteenth periodic report jointly with its seventeenth periodic report due on 18 July 2003 and that it address the points raised in the present observations.

CONCLUDING OBSERVATIONS OF THE U.N. COMMITTEE ON THE RIGHTS OF THE CHILD: GREECE

1. The Committee considered the initial report of Greece (CRC/C/28/Add.17) at its 753rd to 754th meetings (see CRC/C/SR.753-754), held on 16th January 2002, and adopted At the 777th meeting, held on 1st February 2002. the following concluding observations.

A. INTRODUCTION

2. The Committee welcomes the submission of the State party´s initial report and the written replies to its list of issues (CRC/C/Q/GRE/1). The Committee regrets that the initial report was submitted 5 years late and that the State has not yet published a human rights Core document. The Committee notes that the report contained very useful information on the legislative framework relevant to the Convention's implementation within the State party, while lacking sufficient information on the effects of implementing the Convention itself. The Committee notes with regret that the report did not include a specific section on general measures of implementation, as required under the Committee's reporting guidelines (CRC/C/5). With regard to the State party's replies to the list of issues, the Committee welcomes the detailed information provided. The Committee welcomes the State party's large delegation composed of experts from several ministries that contributed to the informative dialogue that took place.

B. POSITIVE FACTORS

3. The Committee notes that the Convention forms a part of national law and takes precedence over domestic legislation.

4. The Committee welcomes the State party's recent ratification of ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

5. The Committee welcomes: the law (2646/1998) on the development of the national system of social care; the law (2716/2001) on the provision of mental health services; the law (2889/2001) on the improvement and modernisation of the national health system creating, inter-alia, a de-centralised system which may contribute to better accessibility of health care services for children, and in particular those living in remote areas; law 2920/2001 on the establishment of a body of inspectors of health and welfare services.

6. The Committee also notes the establishment of a National Observatory on the Rights of Children for the monitoring and implementation of the Convention.

7. The Committee notes, finally, efforts to raise awareness among children of their rights and to sensitise them to global issues through, inter-alia, the implementation of the "Schools as defenders of children" programme and the "children write and paint about their rights" programme.

8. The Committee notes the establishment of the Youth Parliament and of Pupils Councils.

C. FACTORS AND DIFFICULTIES IMPEDING THE IMPLEMENTATION OF THE CONVENTION

9. The Committee notes that the State party is facing new challenges with the growth of a multicultural society, including different languages, ethnic and religious backgrounds.

10. At a time of urbanisation, the Committee notes the difficulties posed, in the Convention's implementation, toward ensuring the respect of the rights of children in some isolated and rural communities.

D. PRINCIPAL SUBJECTS OF CONCERN, SUGGESTIONS AND RECOMMENDATIONS

D1. GENERAL MEASURES OF IMPLEMENTATION

LEGISLATION

11. The Committee notes the ongoing efforts by the State party to introduce relevant legislation. The Committee remains concerned that some aspects of domestic legislation are still not consistent with the principles and provisions of the Convention and that implementation of existing legislation needs to be improved.

12. The Committee recommends that the State party:

a) Harmonise legislation with the principles and provisions of the Convention.
b) Strengthen implementation of domestic legislation toward improved protection of children's rights.
c) Establish a mechanism and time frame for implementation of ILO Convention 182.
d) Proceed with ratification of the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

IMPLEMENTATION AND CO-ORDINATION

13. While noting the involvement of many ministries in the implementation of the Convention, the Committee remains concerned:

a) By the lack of a clear structure or body for the coordination of the Convention's implementation both at the national level and, via the process of de-centralisation, and at the regional level.
b) That considerable disparities exist with regard to the Convention's implementation between urban and rural areas.

14. The Committee recommends that the State party:

a) Establish a coordinating body with adequate authority and sufficient human, financial and other resources to support an effective coordination for the full implementation of the Convention.
b) Implement measures to reduce disparities in the Convention's implementation and ensure equal access to services, such as education, health, welfare and other services, for all children including those in isolated regions.

DECENTRALISATION

15. Noting the State party's progress in decentralising health services, the Committee remains concerned that many services fundamental to the Convention's implementation remain centralised in main cities.

16. The Committee recommends that the State party:

a) Strengthen the Convention's overall implementation throughout the country, giving particular attention to implementation in rural and small island communities, and among ethnic, national, cultural and other population groups including through ongoing efforts to strengthen the presence of health and education professionals in such communities.
b) Promptly implement the laws on decentralisation of health and social services.

INDEPENDENT MONITORING

17. In light of the establishment of the National Observatory on the Rights of Children and given the existence of the Ombudsman's Office and the National Human Rights Committee, the Committee is concerned that there is a lack of a clear division of labour between these bodies which may negatively affect an effective monitoring of the Convention's implementation.

18. The Committee recommends that the State party:

a) Clearly define the role of each of the above bodies and ensure that an effective monitoring of the Convention is assured, in accordance with the Paris Principles, which is easily accessible for children and which can deal with individual complaints in a child sensitive manner.
b) Proceed with its efforts to develop the work of the National Observatory on the Rights of Children including through the timely implementation of the law on the Observatory.

PLAN OF ACTION AND CHILD RIGHTS POLICY

19. While noting the existence of numerous plans of action and policies focusing on specific issues of concern to children, the Committee remains concerned at the absence of a general plan of action for children's rights and a comprehensive children's rights policy.

20. The Committee recommends that the State party urgently develop and implement a comprehensive child rights policy and plan of action.

RESOURCES FOR CHILDREN

21. The Committee is concerned that the percentage of budgetary allocations toward health and education for children are unclear and those allocated to public education appear to be low.

22. The Committee recommends that the State party clarify the budgetary allocations for social services and ensure that allocations, including particularly for education and in the light of article 4 of the Convention, are allocated to the "maximum extent of … available resources."

DATA

23. The Committee is concerned at the absence of up to date and comprehensive data with regard to implementation of the Convention and, in particular, that the data collected by individual ministries and other bodies is not integrated into a central data collection mechanism.

24. Noting the State party's existing efforts in this domain, the Committee recommends that the State party:

a) Strengthen its efforts to develop data collection systems and indicators consistent with the Convention, and covering all children up to the ages of 18 years, including an emphasis on those who are particularly vulnerable, such as child victims of abuse, neglect or ill-treatment; children with disabilities; children who are not citizens of the State party; children belonging to distinct ethnic, religious, linguistic or cultural groups; children in conflict with the law; children who work; adopted children; and children living in the streets and rural areas.
b) Ensure that data collected is disaggregated by, inter-alia, age and gender, and includes up to date information on budgetary allocations relevant to the Convention's implementation.
c) Ensure that data collected by different Ministries and other bodies is centralised and used in the formulation, evaluation and strengthening of policies and programmes for the effective implementation and monitoring of the Convention.

CO-OPERATION WITH NGOS

25. While noting the involvement of some NGOs in the preparation of the State party's initial report, the Committee remains concerned that other relevant NGOs working on human rights, including children's rights and including NGOs from distinct ethnic, religious, linguistic and cultural groups, were not involved in the process and that communication with part of the NGOs community has been insufficient.

26. The Committee recommends that the State party make every effort to further improve co-operation and co-ordination on a regular basis with NGOs and involve them in the context of the Convention's implementation, giving particular attention to NGOs working on behalf of the rights of children from distinct ethnic, religious, linguistic and cultural groups, such as the Roma.

DISSEMINATION OF THE CONVENTION

27. Acknowledging the Stat party's efforts in this regard, the Committee is concerned that knowledge and understanding of the Convention among children, professionals working with children, distinct ethnic, religious, linguistic or cultural groups and among the public in general, is still insufficient. The Committee is concerned, in addition, that the Convention has not been translated into the languages, other than Greek, read by some sectors of the population, such as the Roma language.

28. The Committee recommends that the State party:

a) Strengthen its efforts to provide training for professionals - such

as teachers, health professionals including psychological care specialists, social workers, law enforcement officials, judges, lawyers and national ministerial and local government officials with responsibility for children's rights - children, parents and the population in general, distinct ethnic, religious, linguistic or cultural groups, on the Convention and its principles and provisions and other relevant human rights instruments, in a systematic and ongoing manner.

b) Adopt measures to ensure that training and/or information campaigns reach, inter-alia, populations in rural communities and illiterate persons.

c) Ensure that translated versions of the Convention are disseminated, as needed, in the languages spoken within the State party by the distinct groups referred to under paragraph 28 (a) of these concluding observations.

D2 DEFINITION OF THE CHILD

29. Taking note of the State party's indication of an intention to change legislation and define the age of majority uniformly as 18, and noting the Special Committee that has been appointed in this regard, the Committee is concerned:

a) At inconsistencies in the definitions of a child within the State party's legislation, including that under civil law a minor is a person who has not reached age 18 while under penal law a minor is a person who has not reached 17.

b) That domestic legislation allows the drafting into the armed forces of children aged 17.

30. The Committee recommends that the State party:

a) Clarify the age of majority, with particular regard to penal law and the international practice that juvenile justice standards are extended to children up until age 18.

b) Raise, in light of the provisions of the Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict signed by the State party in September 2000, the minimum age at which persons can be conscripted into the armed forces at least to age 18.

D3. GENERAL PRINCIPLES

31. The Committee is concerned that the principles of non-discrimination (article 2 of the Convention), best interests of the child (article 3) and respect for the views of the child (article 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children.

32. The Committee recommends that the State party:

a) Appropriately integrate the general principles of the Convention, in particular the provisions of articles 2, 3 and 12, in all relevant legislation concerning children and apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on children.
b) Make use of these principles to guide planning and policy-making at every level, as well as actions taken by social, health, welfare, penal and other institutions.

NON-DISCRIMINATION

33. While noting the State party's legislation against xenophobia and hate speech, the Committee remains deeply concerned:

a) At the discrimination, including some societal discrimination and instances of xenophobia, against, inter-alia, children from distinct ethnic, religious, linguistic or cultural groups within the State party.
b) By the fact that domestic legislation does not include a prohibition of discrimination on the grounds of disability.

34. The Committee recommends that the State party:

a) Urgently strengthen its efforts to end all forms of discrimination affecting children, as provided under the Convention's article 2, including through the strengthening of implementation of anti-discrimination laws and possibilities for children, and their parents, victims of discrimination to seek recourse through the judicial system.
b) Amend domestic legislation so as to ensure a prohibition of discrimination on the grounds of disability.
c) Implement measures to ensure equal access to services, such as education and health, welfare and other social services, for all children without distinction, including children from distinct ethnic, religious, linguistic or cultural groups.
d) Introduce public awareness and sensitivity campaigns on tolerance and respect for the other.

35. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of General Comment no. 1 on article 29(1) of the Convention (aims of education).

LIFE, SURVIVAL AND DEVELOPMENT

36. The Committee is concerned:

a) At the very high rate of accidents, especially road accidents and

domestic accidents of poisoning, of which children are victims in the State party.

b) By the very poor educational and health statistics relative to children from Roma communities.

37. The Committee recommends that the State party take steps to:

a) Prevent road accidents and domestic accidents of poisoning involving children.

b) Improve respect for the rights to life, survival and development of Roma children, including through proactive efforts on the part of relevant authorities.

RESPECT FOR THE VIEWS OF THE CHILD

38. The Committee is concerned that children's opinions are insufficiently taken into consideration in the context of judicial or administrative decisions, including in the context of child custody procedures following parental separation and decisions to place a child in a state institution, foster care or other from of alternative care. The Committee is also concerned the Youth Parliament does not represent the views of a sufficiently wide spectrum of children in the State party.

39. The Committee recommends that the State party:

a) strengthen its efforts, including legislative, to ensure that children's views are heard and taken into consideration in all judicial, administrative and other decisions affecting them and in accordance with the child's age and maturity.

b) Ensure that the Youth Parliament is representative of all sectors of the State party's child population, including children from distinct ethnic, religious, linguistic or cultural groups.

D4. CIVIL RIGHTS AND FREEDOMS

RIGHT TO A NAME AND IDENTITY

40. The Committee is concerned:

a) That the right of some children, and particularly child members of some distinct ethnic, religious, linguistic and cultural groups such as the Roma, to birth registration is not respected as a result of a lack of information on birth registration procedures, a lack of legal representation for particular population groups and the lack of sufficiently decentralised services.

b) That persons who speak a language other than Greek, including refugees and asylum seekers, have difficulty in giving names to their children in their native language.

41. The Committee recommends that the State party ensure:

a) That all children are registered at birth, including through improvement of the provision of information on, and easier access

to, birth registration facilities.

b) That all children are able to be registered under, and make use of, their full original name as chosen by themselves, their parents or other legal guardian.

VIOLENCE AND ILL-TREATMENT

42. The Committee is concerned that:

a) As indicated in the State party report, about 60% of parents practice corporal punishment on children.
b) Although corporal punishment is prohibited by law in schools it is not prohibited in the family.

43. The Committee recommends that the State party:

a) Prohibit all forms of violence against children, including corporal punishment, by law in all contexts, including in the family.
b) Undertake education and awareness campaigns to inform, inter-alia, teachers, parents, medical and law enforcement personnel of the harm of violence, including corporal punishment, and the alternative, non-violent, forms of educating children

FREEDOM OF RELIGION

44. The Committee expresses its concern at reports of administrative and social pressures being placed on children from religious minorities including, for example, the requirement that a student's secondary school graduation certificate indicate, where this is the case, that the student does not practice the Greek Orthodox religion.

45. The Committee recommends that the State party ensure that a child's religious affiliation, or lack of, in no way hinders respect for the child's rights, including the right to non-discrimination and to privacy, for example in the context of information included in the school graduation certificate

ACCESS TO INFORMATION

46. The Committee is concerned that children and their families who do not speak, read or write Greek fluently, and children from some isolated regions of the State party, and from some distinct ethnic, religious, linguistic or cultural groups, do not always have adequate access to information regarding, for example, welfare or legal assistance, and information reflecting the multi-cultural nature of the State party. The Committee is also concerned that some harmful information, notably via the internet, remains easily accessible to children.

47. The Committee recommends that the State party

a) Make additional efforts to ensure that all children and their families have access to essential information regarding their rights, giving particular attention to isolated groups and those who do not communicate easily in Greek.
b) Promote the development and accessibility, including through the radio and television, of a wide variety of information, reflect-

ing the cultural diversity of the State party's population.

c) Take further steps toward the protection of children from harmful information, including on the internet.

D5. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

ASSISTANCE TO PARENTS

48. The Committee is concerned:

a) At the high percentage of persons (19.5%) estimated to be living below the poverty line and that, in this regard, the rights of some children, including to a family environment, may be violated.
b) That the system of financial "allowances", provided by the State to assist in the care of children under certain circumstances such as low family income, are not provided to children themselves but rather to mothers, irrespective of whether they are caring for their children.
c) That the amount of such financial allowances is extremely low and, in addition, that many Roma families do not receive these allowances at all.

49. In the light of article 18, the Committee recommends that the State party:

a) Strengthen its efforts to protect children's rights to a family environment, including through reducing the numbers of persons living in poverty and ensuring access for all children and parents, in need, to financial assistance giving particular attention, in this regard, to children and parents from Roma communities.
b) Amend the procedures for disbursement of family allowances to ensure that this financial support is provided to the person/s currently caring for the children intended to benefit from the allowances.
c) Consider increasing the financial support to families living in poverty to the maximum extent of available resources.

ABUSE AND NEGLECT

50. While acknowledging the many activities of the Child Health Institute in the field of child abuse and neglect and the new bill to establish the legal bystander for the child victim, the Committee remains concerned:

a) At the absence of national data on the incidence of child abuse and neglect.
b) At indications that physical, psychological, and sexual abuse are prevalent within the family and in the context of institutional care.
c) That social, medical and other service resources through which the State party can respond to abuse and neglect are primarily

limited to Athens and that even there are insufficient.

51. The Committee recommends that the State party:

a) Improve its data collection with regard to the abuse and neglect of children including sexual abuse within the family.
b) Develop and implement a national programme for the prevention and reduction of the incidence of child abuse and neglect of children within the family and within institutions, inter-alia, by conducting awareness raising campaigns and the provision of adequate support to families at risk.
c) Develop and implement an effective system for reporting and referral of cases of child abuse and neglect, appropriate measures for the protection of child victims and the provision of rehabilitative assistance and prosecution and treatment of alleged perpetrators of abuse and neglect.
d) Strengthen the capacity of social services across the country to identify and treat instances of abuse or neglect of children including for physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or sexual exploitation, in accordance with article 39 of the Convention; and take measures to prevent the criminalization and stigmatization of victims; strengthen the use of child sensitive methods of investigation and presentation of court evidence, and the availability of expert multi-disciplinary child assistance teams, including psychosocial counsellors; and ensure that domestic legislation provides adequate protection for all children, both girls and boys, from sexual and other forms of abuse.
e) Take note of the Committee's recommendations adopted on its 2000 and 2001 days of general discussion on children and violence (CRC/C/100, para. 688, and CRC/C/111, paras.701-745).

CHILD CUSTODY

52. The Committee is concerned that with regard to the separation of some Moslem parents, custody of children below a certain age is systematically awarded to mothers and custody of children above a certain age is systematically awarded to fathers, without due regard to the best interests and opinion of the child.

53. The Committee recommends that the State party ensure the full respect of the Convention in the context of child custody decisions including, inter-alia, the obligation to give due consideration to the best interests and views of the child.

ALTERNATIVE CARE

54. The Committee is concerned that:

a) Alternative care provisions for children, such as foster and institutional care, are inadequate including as a result of inadequate funding, and insufficient staffing.
b) There is a lack of systematic and effective co-ordination between

welfare services and the courts.

c) The "juvenile protection societies" are inadequately resourced to effectively fulfil their mandates.
d) That children from some groups, such as Roma and illegal immigrants, receive particularly limited protection of their rights in the context of alternative care mechanisms.

55. The Committee recommends that the State party:

a) Continue to further strengthen its ongoing efforts to improve the protection of children's rights in the context of alternative care proceedings.
b) Strengthen the effectiveness of its efforts to prevent and reduce the recourse to institutionalisation for children in need of alternative care.
c) Strengthen collaboration and co-ordination between different relevant governmental and non-governmental bodies in the context of alternative care including, as relevant, with courts.
d) Ensure that children's views are heard and taken into consideration in alternative care decisions, in accordance with the principles and provisions of the Convention.

D6. BASIC HEALTH AND WELFARE

56. The Committee is concerned that:

a) The State party's data on basic national health indicators are insufficient.
b) Weaknesses in infrastructure and problems for uninsured families may limit the realisation of children's right to health care.
c) There is a shortage of nurses and social workers, and notes the need to improve the quality of dental services, as indicated by the State party in its report.
d) Children of parents who are not covered by family social insurance policies may not have access to health care.
e) Children from certain groups, such as the Roma and some immigrant groups, have particularly poor access to health care, leading to a high level of health concerns.
f) High numbers of children smoke cigarettes and use alcohol.

57. The Committee recommends that the State party:

a) Strengthen its health infrastructure including through the recruitment of additional nurses and social workers.
b) Ensure that all children have access to health care, irrespective of the insurance situation of their parents.
c) Give particular attention to ensuring the access to health care of children from Roma communities and other economically disadvantaged groups.
d) Take steps to lower the numbers of children smoking cigarettes

and using alcohol, including through the use of information campaigns.

CHILDREN WITH DISABILITIES

58. Taking into consideration the efforts that have been made in the past 10 years and the recent involvement of children with disabilities and their families in policy making, especially in relation to the Ministry of education's special education department, and the progress made in modifying access to streets, buses, trains and some buildings for persons with disabilities, the Committee remains concerned that:

a) There is an absence of up to date national data on children with disabilities.
b) Children with disabilities face discrimination, as indicated by the State party in its report.
c) There is a shortage of qualified personnel to provide health and education support to children with disabilities.
d) Many children with disabilities in need of alternative care are institutionalised and that residential care for persons with disabilities remains of poor quality, limiting respect for children's rights and that children in some institutions experience abuse and inhuman or degrading treatment.
e) Children with disabilities are often not consulted in decisions that affect them.
f) Access facilities for persons, including children, with physical disabilities to public areas, buildings and transport remains poor and that legislation in this regard is not sufficiently enforced.

59. Noting the State party's efforts in this regard, and in the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly Resolution 48/96) tand the Committee's recommendations adopted at its General Day of Discussion on the Rights of Children with Disabilities (CRC/C/69), the Committee recommends that the State party:

a) Continue to implement programmes to improve respect for the rights of children with disabilities, and ensure that children are consulted in decisions that affect them, in accordance with their age and abilities.
b) Improve data collection on children with disabilities.
c) Take steps, including through the use of information campaigns, to end discrimination against children with disabilities.
d) Ensure that children with disabilities, in particular those children living in institutions are protected from all forms of neglect, abuse or inhuman or degrading treatment.
e) Recruit additional qualified personnel to provide, inter-alia, health and education support to children with disabilities.
f) Strengthen efforts to limit recourse to institutional solutions for children with disabilities in need of alternative care and improve the quality of residential care.

g) Continue efforts to establish adequate secondary schools for children with special needs, while also continuing to place emphasis on integrating children with disabilities into the ordinary education system where this would be in the best interests of the child, and ensure that all children with disabilities have access to secondary school education.
h) Continue and strengthen efforts to ensure the easy access of children with disabilities to public areas, buildings and transport, including pavements, schools, hospitals, train and bus facilities.
i) Strengthen the provision of training in daily living skills for children with cognitive disabilities.

ADOLESCENT HEALTH

60. The Committee is concerned that:

a) The existing plans for sex education in schools have not been fully implemented.
b) Abortions are widely used as a method of birth control.
c) There are weaknesses with family planning assistance to adolescents, and that these are related to inadequacy of staffing and obtaining suitable premises and equipment, as indicated by the State party in its report.

61. The Committee recommends that the State party:

a) Ensure the provision of relevant health information to adolescents, including through the existing plans for sex education in schools and safe birth control practices.
b) Strengthen its provision of family planning counselling and assistance, with particular regard to reproductive health, and in addition ensure that adolescents have free and confidential access to such assistance.

SOCIAL SECURITY AND WELFARE

62. While noting the bill (2646/1998) on the development of the national system of social care which will create a network of services - co-ordinated by the National Centre for Immediate Social Help - providing social care to individual families and groups of people in need of immediate attention and help; the Committee remains concerned that:

a) The National Welfare Organization, created in 1998 to co-ordinate child welfare services has not yet become fully operational.
b) There are insufficient social workers, lawyers, speech therapists, psychologists and other specialists working within the welfare system and available to support children and their families.
c) There is a lack of children's welfare services in some areas of the country, such as on the Peleponnese and Ionian islands.
d) Many children and their families from some distinct ethnic, religious, linguistic or cultural groups, such as the Roma, are not fully aware of their rights to social security and welfare and are consequently unable to claim such assistance.

63. The Committee recommends that the State party:

a) Proceed with efforts to make the National Welfare Organization fully operational.
b) Improve the availability of welfare specialists including social workers, lawyers, speech therapists, and psychologists.
c) Ensure the easy access of all children, in all parts of the country, to welfare services.
d) Strengthen the provision of information on social security and welfare benefits to children and their families in need of such assistance from distinct ethnic, religious, linguistic or cultural groups, including the Roma.

STANDARD OF LIVING

64. The Committee is concerned that:

a) Some children in the State party live in very poor conditions.
b) Children from Roma communities are particularly exposed to living conditions without adequate housing, appropriate sanitation and waste disposal or running water.

65. The Committee recommends that the State party:

a) Ensure that all children have access to adequate living conditions.
b) Give particular attention to assisting Roma families in improving the living conditions of their children.

D7. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (ARTS. 28, 29, 31)

66. Acknowledging the many activities of the State party toward improving access to education, the quality of education and in introducing multicultural teaching, the Committee remains concerned by a variety of problems that still exist, such as:

a) The closing of many rural schools, limiting the access of children from rural communities to education.
b) Reports of xenophobia among teachers and students.
c) The high overall drop out rate from school and by the very high drop out rates among rural and Roma children.
d) Reports that compulsory education requirements are not systematically enforced.
e) Difficulties in gaining access to education for some groups of children, including asylum seeking and refugee children who experience difficulties in registering themselves to attend school and obtaining education certificates;
f) The low quality of education in many schools that teach in languages other than Greek, including the use of outdated text books

and late term starting dates; the very high estimated figures for illiteracy among Roma children; the low proportions of children from distinct ethnic, religious, linguistic or cultural groups who attend secondary school and that some children, particularly from these groups are accepted in school only as auditors and not permitted to gain academic credit for this period of study.

g) The lack of sufficient space for schools, particularly in cities.

67. The Committee recommends that the State party:

a) Continue ongoing efforts to increase the proportion of the national budget spent on public education.
b) Ensure the access to education for all children in the State party, including increasing the enrolment and reducing the drop out rates, giving particular attention to children in rural communities, children from Roma and other distinct ethnic, religious, linguistic or cultural groups and to children from disadvantaged backgrounds, including through the use of information campaigns targeting parents and local authorities.
c) Ensure that legislation with regard to compulsory education is enforced, including through provision of the appropriate resources for this purpose
d) Encourage and support increases in the numbers of children from distinct ethnic, religious, linguistic or cultural groups attending secondary school.
e) Expand the practice of establishing second teachers who speak languages other than Greek to cover all relevant schools and major languages.
f) Ensure that schools have sufficient space to function effectively, including for gymnasium and sports facilities.
g) Continue and strengthen existing programmes to conduct training and information programmes for all teachers on multicultural concerns, so as to ensure the effective integration into the State party's school system of children from all distinct ethnic, religious, linguistic or cultural groups and other backgrounds.
h) Ensure that all children are able to gain full academic credit for their school attendance.
i) Implement these recommendations in the light of the Committee's general comment on article 29.1 of the Convention, on the aims of education.

D8. SPECIAL PROTECTION MEASURES REFUGEE/ASYLUM SEEKING CHILDREN

68. Noting the progress made through the 1999 presidential decree expanding the rights of asylum seekers and recent legislation allowing unaccompanied minors to apply for asylum, the Committee remains concerned by:

a) The high numbers of asylum applicants rejected upon their first

demand leading, inter-alia, to delays and detention at the State party's borders, that may affect respect for the rights of children involved.

b) The frequent occurrence of delays throughout the administrative and/or judicial processes with regard to asylum or refugee applications, including delays in family reunification, which affect children.
c) The absence of adequate public funding of legal aid assistance for asylum seekers and refugees.
d) The insufficient attention provided for the specific needs and situation of unaccompanied child refugees.
e) Reports of discrimination against asylum seekers and refugees by, inter-alia, some police, employers and teachers and which may affect children involved.
f) The detention of asylum seekers, refugees and illegal immigrants in poor conditions and for long periods without appearing before a court.
g) Limited access for asylum seeking, refugee and illegal immigrant children to education and health services.

69. The Committee recommends that the State party:

a) Consider means to reduce delays in the consideration of asylum requests and in subsequent administrative and judicial proceedings, which affect children and to avoid the detention of children.
b) Ensure that child asylum seekers or refugees, and their families, have access to legal aid assistance.
c) Develop a procedure to attend to the specific needs and situation of unaccompanied child refugees.
d) Make every effort to end practices of discrimination against child asylum seekers or refugees and their families including, where relevant, through prosecution of those responsible for such discrimination and through the use of information campaigns.
e) Where children and their families asylum seekers, refugees or illegal immigrants are detained that their conditions of detention comply with relevant international standards and with the provisions of the Convention in particular and that detentions are reviewed by a court.
f) Ensure that asylum seeking, refugee and illegal immigrant children have access to education and health services, including psychological care.
g) Ratify the 1961 Convention on the Reduction of Statelessness.

CHILD LABOUR

70. The Committee is concerned:

a) By the high numbers of children under the minimum age of labour reported to be working in the State party, particularly in rural and/or disadvantaged communities.
b) While noting the State party's provision in its report of data from

1992 to 1995, by the absence of precise up to date data on child labour practices.

71. The Committee recommends that the State party:

a) Collect and maintain up to date data on the numbers of children working.
b) Take steps to reduce the numbers of underage children working, giving particular attention to agricultural, fishing, street trade, garment manufacturing, construction and tourism industries, and giving particular attention to children from disadvantaged communities.

STREET CHILDREN

72. The Committee is concerned:

a) At the numbers of children working and/or living on the street, and the numbers of Roma children in particular.
b) At the lack of access of these children to education and health services.
c) That young children illegally in the State party are expelled from the country without a process to examine what action would be in their best interests.

73. Noting the State party's efforts in this regard, the Committee recommends that:

a) Greater efforts be made to study the causes and scope of this concern.
b) Additional efforts be made to provide a response through comprehensive social services to assist children living and/or working on the street, including innovative educational services as adapted to the situation of these children and as an alternative to the formal education system and in cooperation with NGOs.
c) Efforts be strengthened to prevent children from falling into a situation of street life and to assist children in leaving street life, with a particular focus on Roma children.

SUBSTANCE ABUSE

74. The Committee is concerned:

a) At the smoking of cannabis and the sniffing of petrol and glue by children.
b) That drug abuse rehabilitation services are available only in Athens.

75. Noting the State party's efforts in this regard, the Committee recommends that the State party:

a) Implement its primary, secondary and tertiary prevention

programmes for the prevention and combating of substance abuse throughout the country.

b) Continue to cooperate with NGOs and to work with families in the context of rehabilitation programmes

SEXUAL EXPLOITATION, TRAFFICKING AND CHILD PROSTITUTION

76. Welcoming the State party's recent bill in this regard, the Committee remains concerned:

a) At reports of the sexual exploitation of children.
b) At reports of children being trafficked into, and sometimes through, the State party for, inter-alia, sexual exploitation.
c) At the absence of available official statistics on the sexual exploitation and/or trafficking of children.
d) At the lack of protection, under the law, of boy prostitutes.

77. The Committee recommends that the State party:

a) Undertake a study on the causes and scope of sexual exploitation and trafficking of children including by gathering reliable data on its incidence.
b) With reference to the recommendations formulated in the Agenda for Action and the Global Commitment adopted at the World Congresses Against Commercial Exploitation of Children, held in 1996 and 2001, develop a National Plan of Action to address the sexual exploitation and trafficking of children covering, inter-alia, all aspects of assistance to child victims, and ensure that the plan is implemented in all regions of the country, including through the prosecution of persons responsible for such acts.
c) Ensure that in the context of any cross-border efforts to address trafficking, the best interests of the children concerned are a primary consideration.
d) Strengthen its efforts to identify and report on practices of child sexual exploitation and strengthen cooperation with NGOs working in this field.
e) Strengthen its actions to assist child victims of such abuse, including through the provision of counselling and health and social services to the victims.

JUVENILE JUSTICE

78. Noting that the State party has a system of juvenile justice special courts and that a Committee was established to look into issues of concern in the criminal justice system and a new bill relating to the care of juvenile delinquents and children at risk, the Committee remains concerned:

a) That children are protected by the juvenile justice system only up to age 17.

b) The prosecution of children for begging.
c) By the lack of respect for juvenile justice standards with regard to arrest and detention proceedings, including the occasional detention of children with adults.
d) By the proportionally high numbers of children from distinct ethnic, religious, linguistic and cultural groups involved in juvenile justice proceedings, and especially involving arrest and imprisonment.
e) That the right of children to legal representation or other appropriate assistance is not always systematically guaranteed.
f) By the high numbers of juveniles detained pre-trial, on non-felony offences, in spite of the fact that domestic legislation prohibits such detention unless the alleged crime is one that would carry a sentence of 10 years or more.
g) By delays in judicial proceedings leading to long periods of pre-trial detention.
h) That under the law children can be given a sentence of 20 years.
i) That the right of appeal is restricted to sentences of imprisonment of more than one year.
j) At the lack of a sufficient number of probation officers including, in particular, in all cities and regions of the country.

79. The Committee recommends that the State party:

a) Develop laws policies and mechanisms, for all children under 18, and provide adequate resources to ensure the full implementation of juvenile justice standards and in particular articles 37, 40 and 39 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 discussion day on the administration of juvenile justice.
b) Decriminalise begging by children while ensuring that such a change would not be exploited by adults who may exploit children to beg.
c) Conduct juvenile justice and child rights training for, inter-alia, police officers, detention officials, judges, social workers, psychologists and other personnel involved in the juvenile justice process.
d) Ensure respect for all juvenile justice standards including the rights of children during arrest and detention procedures and minimum conditions of detention and the non-restricted rights of appeal and to legal representation, free interpretation where needed and other relevant assistance.
e) Ensure that detention, including pre-trial detention, is used only as a measure of last resort, and with due consideration for the seriousness of the crime and that greater efforts be made to provide alternatives to detention.
f) Abolish provisions allowing for the imprisonment of a child for a

period of 20 years.

g) Increase the number of trained probation officers and other relevant professionals.

DISTINCT ETHNIC, RELIGIOUS, LINGUISTIC OR CULTURAL GROUPS

80. The Committee is particularly concerned by the respect for the rights of Roma children.

81. The Committee strongly recommends that the State party continue and strengthen its efforts to develop and implement policies and programmes toward improved respect for the rights of Roma children, including through cooperation with representatives of the Roma themselves and through empowerment of Roma communities.

RATIFICATION OF THE 2 OPTIONAL PROTOCOLS

82. Noting the State party's signature of the Optional protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and on the Involvement of Children in Armed Conflicts, the Committee recommends that the State party proceed with ratification of both instruments.

DISSEMINATION OF THE REPORT, WRITTEN ANSWERS, CONCLUDING OBSERVATIONS

83. The Committee is concerned that the State party's initial report has received very little dissemination within the State party, including even within Government ministries and among relevant NGOs.

84. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned non-governmental organizations.

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