

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Greece.

APPENDIX

ECRI wishes to point out that the analysis contained in its second report on Greece, is dated 10 December 1999, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of Greece to engage in a process of confidential dialogue with ECRI on its draft text on Greece and a number of his comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the national liaison officer expressly requested that the following observations on the part of the authorities of Greece be reproduced as an appendix to ECRI's report.

OBSERVATIONS PROVIDED BY THE AUTHORITIES OF GREECE CONCERNING ECRI'S REPORT ON GREECE

A) General remarks

The Greek authorities wish to express their full support to ECRI's valuable contribution to combating racism and intolerance in Europe. In carrying out its mandate, ECRI is expected to adopt a co-operative and promotional approach, based on mutual understanding, confidence, objectivity and sincere dialogue with the States involved.

In terms of the Explanatory Note on the Procedure for the Process of Confidential Dialogue, the liaison officer of the Greek Government is invited to point out "any possible factual errors" that might be contained in the draft report on Greece. Such a task becomes extremely difficult in the case of the present draft considering the scarcity of facts contained in it. Generalizations and conclusions abound in the text but in most cases no facts are adduced to support them. In other instances such conclusions are clearly based on isolated incidents, which are improperly (and unfairly) treated as the norm and not as the exception, indeed the aberration, that they actually are. This is the case especially when it comes to describing attitudes of the Greek society as a whole. For every negative incident mentioned or alluded to in the report there are hundreds of positive examples that remain unaccounted for.

Indeed, to refer in particular to the attitudes of the public toward immigrants in Greece, it should be pointed out that the very few and isolated instances of hostile behaviour by individuals outside the mainstream of society have sparked the spontaneous reaction of the public as a whole and the unequivocal condemnation by the Government and all the political parties. No political party in Greece includes xenophobic elements, implicit or explicit, in its program. It is a quite remarkable fact that, in a continent where parties with explicit xenophobic platforms become increasingly popular, Greece - a country that has 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. The only public manifestations in Greece related to immigrants have been those in expression of sympathy and support for them, mainly as a reaction to the rare

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

The authors of the ECRI report before us seem to ignore all that reality and talk instead, without substantiating their aphorisms, of "a significant amount of anti-foreigner sentiment" in Greece and of the Greek society's refusal to acknowledge its multicultural character.

The Greek authorities wish to assure the members of the Commission, as well as 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, but we feel comfortable that we can deal with them, and we are not threatened by them. What we are not keen to do is adhere to preconceived and ideological notions as to the character of our society.

The policies of the Greek Government in the fields falling in the purview of the ECRI, as indeed in all fields, are determined by its understanding of the needs of the persons who live in the country - without distinction as to the persons' nationality, ethnic origin, religion or even the legality of their presence in Greece – and do not stem from any theoretical/ideological position as to the compositional character of the Greek society. And of course they do not imply adherence by the Greek Government to the notion of a multicultural character of the Greek society. This notion, repeatedly mentioned in the report, has in our view not been sufficiently analyzed in all its political and legal implications, and therefore cannot be resorted to lightly.

In light of the above, the Greek authorities wish to assure the Commission that they take due note of the Committee's recommendations in their continuous efforts to contribute to the pan-European struggle against racism and intolerance.

B) Specific remarks

In this section, we list some indicative examples of unsubstantiated or misleading statements in the report, as well as provide additional information on certain points and correct small errors:

There are a number of paragraphs whose introductory or conclusive sentences are not borne out by the main body of the paragraph, that is by the evidence presented in it. For example, in the introductory sentences in paras 33, 34, 43 and the concluding sentences in para 39, 41, the qualifying formulas used in the report, on our request (we had proposed "There are several cases of" or "There are reports about - . . .", for the sake of the fairness of the report) are still producing a generalized effect not supported by the invoked evidence.

Concerning the political representation of the Muslim minority in Thrace, it is curious to note that the complaint is registered, in para 9, that it is difficult for members of the

minority to be elected prefects or prefectural councillors, but no place is found to report the fact that three members of the minority sit in Parliament. Failure to report this fact seems to constitute a case of an error of omission being as grave as an error of commission.

It is not accurate to say, as the report does in para 20, that there is no legislation in Greece prohibiting discrimination in employment. Law 1414/84 provides for gender equality in employment covering the whole spectrum of labor relations. In addition, Ministerial Decree 33605/15.6.99 has set up employment projects within the framework of the European Program of Combating Exclusion from the Labor Market. It should also be noted that Presidential Decrees 358/97 and 359/97 establish full equality of rights in employment between Greek citizens and all foreign nationals legally working in Greece, i.e., holders of green cards without racial or other discrimination.

In para 21, the statement to the effect that "non Orthodox religious - notably other Christian - groups" encounter problems "in obtaining building permits and opening places of worship" is totally unfounded. In fact, in the period 1994-1998 all 84 applications for opening houses of worship were approved (84 licences granted). In 1999, 19 such licenses were issued. Today, 18 applications are pending, the delay being due to the recent introduction of a new requirement, namely that the applicants should produce a certificate that the building of the proposed place of worship meets certain safety standards. Furthermore, we note that nobody is currently prosecuted on grounds of proselytism. The decisions of the European Court of Human Rights referred to in the report concern cases of the past, which are now all officially closed in the Council of Europe. In view of the above, the conclusion of the Committee that "considerable efforts are still needed to fully guarantee freedom of religion, to minority religious groups" in Greece does not reflect reality.

In para 24, the wording used to indicate a certain group of Greek citizens, both in the title and in the main body, betrays a certain *parti pris* on the part of the drafters in a matter of known controversy. A more neutral language is used in para, 5 and could be used here as well: "Greek citizens who identify themselves as Macedonians".

In para 40, it should be noted that the teaching of the Albanian language as extra-curricular activity in public schools, which is presented in the report as being the intention of the Greek authorities, was already introduced three years ago by the Ministry of Education. Three thousand Albanian youths participate in the activity, called "Intercultural Education Program".

In para 44, the authors of the report take the view that the right of the Muslim minority to establish, manage and control charitable foundations is restricted or compromised. That is not the case. Law 1091/80 provides for the free election of the boards of such foundations. In terms of the same legislation, the foundations, as indeed all such institutions in Greece, must declare all the property owned by them. The election is delayed until such time as this requirement is fulfilled.

Concerning the appointment of muftis, treated in the same paragraph, it would be useful to clarify that the Muslim community is involved in the appointment process, since it is

the minority that selects and submits to the Minister for Education and Religious Affairs a list of three candidates, out of whom the Minister makes the final appointment.