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Working Session 6

Tolerance and non-discrimination I, 2 October 2008

Statement by the Delegation of the Republic of Macedonia

Mr. Moderator,

Although, today's sub- theme has been devoted to Sustainable Policies on Roma and Sinti Integration, the Macedonian delegation will submit its written contribution regarding this topic and I would like to pronounce myself on a particularly important issue to us.

Let me present the views of the Government of the Republic of Macedonia on the topic which is continuing to be discussed today, namely Tolerance and non-discrimination with some reflections on the Fundamental freedoms, having in mind their inter-relation. It will be done by touching upon the facts which were presented by the two NGO's "Macedonian minority in Greece" and "Home of Macedonian culture" and the written statement submitted by the Greek delegation in exercising their right of reply.

Macedonian authorities have expressed their concern regarding the status of the Macedonian minority in Greece and their right to freedom of assembly and association and freedom of movement on a number of occasions. These particular issues have been raised in the letter of the Prime Minister Nikola Gruevski, addressed to the Secretary General of the OSCE, Mr. Brichambaut, last August, which, inter alia, refer to the compliance with the OSCE commitments regarding property rights and restitution of property of Macedonian refugees who fled from Greece during the Civil War in 1946-1949.

Before going into more precise presentation of our views, the need is felt to distinguish too different aspects in relation to the cases presented by the Macedonian NGO's from Greece. Firstly, that some basic human rights have not been respected by the Greek authorities which could not be justified by their denial to recognize certain minority as such and secondly, that persistent denial to recognize existence of minorities in a country is an anachronistic behavior and not in conformity with the demands of a contemporary democratic society. To voice once again what has been said at the opening session of HDIM by the High Commissioner on National Minorities, it is almost impossible to have homogenous societies in this contemporary world and the question that has to be dealt with is how to bring in conformity national policies with the existing cultural diversities, on one side, and with international standards, accepted commitments by the OSCE Participating States and relevant Recommendations by the HCNM on the other, such as

Recommendation No 1 and 3 of the Oslo Recommendations and the Recommendation on access to media.

The complains that were heard by the Macedonian minority NGO's from Greece did not refer in all their statements to particular minority rights, but rather to basic human rights enshrined in the European Convention on Human Rights, Greece is a party to since long ago, such as the right to freedom of association and freedom of assembly. Therefore, there is no need of the Greek State to establish a corresponding obligation deriving from eventual recognition of a certain group as minority in order to respect their rights to freedom of assembly and association. In addition, the two judgments of the European Court of Human Rights against Greece found violation of article 11 of the European Convention on Human Rights (freedom of assembly and association). Namely, the judgments in the case Sidiropoulos v. Greece of 10 July 1998, regarding refusal of the Greek courts to register the association "Home of Macedonian Culture", suspected of undermining the country's territorial integrity and the case of Ouranio Toxo and others v. Greece (judgment of 20 October 2005) are indirectly a confirmation by a relevant international body of non compliance to the OSCE commitments regarding the freedom of assembly and association. Despite the fact that the Committee of Ministers closed its supervision of the execution of the case Sidiropoulos v. Greece in 2000 (Final Resolution DH (2000) 99) on the basis that Greek authorities have adopted measures to prevent new similar violations, unfortunately it has not resulted, so far, in registration of the association "Home of Macedonian Culture". The Court in its judgment has stated that the aims of the association appear to be perfectly clear and legitimate-to preserve and develop traditions and folk culture of Florina region-and in conformity with the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Section IV) of the 29 June 1990 and the Charter of Paris for a New Europe of 21 November 1990-which Greece has signed. It is regretful to see now that the Greek delegation has presented argumentation in defending their position similar to the one rejected by the European Court as groundless when considering the case.

The European Commission against Racism and Intolerance (ECRI) is another international and independent body to be seized by the matter. Namely, in its third country-by-country report on Greece it has expressed concerns regarding the respect for the right to freedom of movement and the discriminatory attitude of the Greek authorities regarding denial to return to country of ones origin for persons identified as Macedonians. Separate chapter called "Distinction between non-citizens of Greek origin and other non-citizens" is devoted to the discrimination faced by non-citizens not of Greek origin in the process of repatriation and restoration of Greek Citizenship. The recommendations issued by ECRI to ameliorate the existing situation and eliminate the discrimination in this regard have not been implemented so far by the Geek authorities.

It is worth mentioning that recently the same issue has been raised by the Parliamentary Assembly of the Council of Europe in a form of a written question No. 530 put forward by Mr. Lambert, Belgium Parliamentarian to the

Committee of Ministers. In his question, Mr. Lambert asks whether the Greek authorities should review pieces of their national legislation which consist discriminatory provisions with the aim of ending the discrimination resulting from them. It refers to the regulation of 1982 on the repatriation and restoration of Greek Citizenship to political refugees and their Law No. 1540 of 1985 consisting, inter alia, provisions that define which persons are considered as political refugees. Unfortunately, the Committee of Ministers has not reached consensus yet on the reply to this question.

The above mentioned is just an illustration that the problems facing persons who want to identify as Macedonians and identify with the Macedonian culture and language deserve and indeed attract international attention, especially in light of the persistent resistance on behalf of the authorities concerned to face with the facts and act accordingly and in conformity with internationally accepted commitments. We would like to see that the numerous appeals have given results and the authorities will rectify the problems that occur in everyday life of these people. Here, we stand ready to provide assistance in every possible way.

In a constructive spirit, we recommend ODIHR to assess the current situation in our neighboring country in terms of looking at existing legislation and administrative and judicial practice and identify if any discriminatory regulations or practice which is not in compliance with OSCE commitments exist. We rely on the expertise that could be provided by the ODIHR Human Rights Department on Freedom of association, Freedom of assembly and Freedom of expression, as well as on the Legal Support Unit. Furthermore, we recommend the Representative of the Freedom of Media to consider pronouncing himself on the concerns raised by the minorities in Greece. The clarification of the situation could certainly further promote democratic stability in the region and contribute to the development of good neighborly relations.

In light of the upcoming Chairmanship, we rest assured in the readiness of Greece to demonstrate its commitment to the OSCE principles and values.

In view of the theme Tolerance and Non-discrimination, Macedonian delegation wonders why a substantial reflection has been made upon "the use of the term Macedonia or Macedonian" in parts of the written reply of the Greek delegation, since it is not a subject of discussion at HDIM. Furthermore, this delegation considers this practice to be counterproductive to the negotiation talks held under the UN auspices, regarding the open issue between the two countries.

Thank you for the attention.