

CSCE SECRETARIAT
Department for Conference Services

CSCE Communication No. 35
Vienna, 14 November 1994

To the CSCE Delegations

Letter of the CSCE High Commissioner on National Minorities to the Acting Minister for Foreign Affairs of the Republic of Albania

The attached letter of the CSCE High Commissioner on National Minorities to the Acting Minister for Foreign Affairs of the Republic of Albania, dated 2 November 1994, containing conclusions and recommendations as well as the letter of reply, dated 9 November 1994, from the Acting Minister of Foreign Affairs of Albania is circulated at the request of the High Commissioner on National Minorities.

C S C E
High Commissioner
on National Minorities

His Excellency
Mr Arian STAROVA
Acting Minister for Foreign Affairs
of the Republic of Albania
TIRANA
Republic of Albania

Reference :
No 2959/94/L

The Hague
2 November 1994

Dear Mr Starova,

May I first of all express my great appreciation for the efforts your Government has undertaken both during my mission to Albania on 17 - 23 October and on earlier visits, to help me in my efforts to acquire a thorough knowledge of the minority problems in your country. President Berisha, Prime Minister Meksi and several other members of the Government as well as regional and local officials provided detailed information concerning policies vis-a-vis the Greek minority living in your country. We were completely free to speak with any member of that minority we wanted to meet, while all the conversations with non-official members of the minority community were held in private without any Government officials present. All the necessary assistance was provided to us regarding accommodation and transport.

As you know, I was accompanied on my mission by two outstanding experts on minority rights, Professor Asbjörn Eide, Director of the Norwegian Institute of Human Rights, Member Rapporteur of the UN Subcommission on Prevention of Discrimination and Protection of Minorities and Special Rapporteur of that Subcommission on Peaceful and Constructive Solutions of situations involving Minorities, and Sir John Thomson, former British Ambassador to the United Nations and Chairman of the London Minority Rights Group. They participated in all the meetings which I had during this mission and provided me with valuable comments and advice. The conclusions and recommendations contained in this letter reflect their views as well as mine.

When our mission was received by President Berisha on 21 October, he quoted studies which he felt showed convincingly that an Albanian minority does exist in Greece, noting that it is a generally accepted view that the existence of a minority is a matter of facts to be investigated and did not depend on the legislation or recognition of that minority by the home government. He stated that a study by me on the question of the existence and the fate of this minority *(footnote: In this connection I recall a paragraph in my letter of 10 September 1993 to Foreign Minister Serrequi: When referring to concerns of the Greek Government about the position of the Greek minority in Albania, President Berisha has repeatedly expressed his concern about the position of the Albanian minority in Greece. When I was in Athens, on 24 August 1993, consulting the Greek Government on its views regarding the position of the Greek minority in Albania, I mentioned this concern. The position of the Greek Government is, however, that, though there are Albanian migrant workers in Greece, there is no Albanian minority as such.)* in parallel to my mission to Albania, was needed. When I raised this matter with Greek Foreign Minister Papoulias on 24 October, he stated that before the second world war people of Albanian origin, the Chams, were living in an area of Northwestern Greece, in the prefecture of Thesprotia, called Chameria by the Albanians. After the war, the Chams, having collaborated extensively with the occupation forces, chose to follow the retreating occupation army and sought refuge in Albania. By escaping to Albania, they evaded

being prosecuted for war crimes committed during the occupation of Greece. Mr Papoulias wondered why President Berisha raised the question of the Albanian minority in Greece, because he considered that since the departure of the Chams, such a minority did not exist anymore. It could therefore in his view serve no purpose to undertake such a study.

The mission has studied with special interest article 44 of the draft Constitution which will be submitted to the citizens of Albania on 6 November. It reads as follows :

"Members of a national minority have the right to exercise the basic human rights and freedoms in full equality before the law. They have the right to express, preserve and develop freely their ethnic, cultural, religious and linguistic identity; to learn and to be taught in their mother tongue as well as to join organizations and associations that defend their interest and identity."

It is the view of our mission that if this article is fully implemented in letter and spirit at all levels of Government, it could, together with the implementation of the CSCE Copenhagen Document to which President Berisha had pledged himself and his Government, provide a solid basis for the well being of the Greek minority. In this respect, we also should like to underline the importance of dialogue. The office of national minorities is obviously in the best position to play a key role here, also in the sense that it can help to establish contacts with representatives of various Government offices.

We note with satisfaction that persons both of Greek and of Albanian nationality we spoke with in the South of Albania have stated, without exception, that at the local level and in individual contacts, there was no evidence of interethnic tensions. People are living harmoniously together and clearly want to continue to do so. A considerable number of mixed marriages has taken place. When I visited the South in June 1994, some members of the Greek minority complained that, as the result of the arrest and subsequent trial of 6 members of the Greek minority organization Omonia and of the temporary detainment for interrogation of a number of members of the Greek minority after the Peshkepi incident in April, they felt a sort of psychological pressure. However, the mission has not received concrete evidence indicating that this process of investigation and interrogation has continued after June, or that new arrests have been made on charges similar to those against the Omonia members presently in prison. It is my impression, therefore, that fears of a gradual exodus of members of the Greek minority to Greece because of the general political climate in Albania do not seem to be justified. The main reason for the decision of members of the Greek minority to try to move to Greece seems to be an economic one. The wages are attractive and the standard of living in Greece is much higher than in Albania.

The contacts with members of the Greek minority left no doubt about the high importance which Greek speaking parents attach to the education of their children through the Greek medium. It is clear that this issue has top priority for them. Our mission should like to make a number of comments on this question.

Concerning the educational policies in villages which are predominantly Greek we have noted that on the basis of Instruction No 17 of 1991 and Decision No 396 and Instruction 14 of 1994 Greek language education is being provided in grades I - IV,

with the exception of Albanian language and Albanian reading. In grades V - VIII, apart from Albanian language and reading, the following subjects are taught in Albanian : history and geography of Albania, knowledge of the Albanian constitutional system, mathematics, physics and chemistry. All the other subjects are being taught in Greek. Even though there are some who would prefer an increase of the number of subjects taught in the Greek language, we got the impression that this arrangement is, on the whole, considered as acceptable by members of the Greek minority, most of whom do realize that it is of benefit for their children that, apart from being taught in their mother tongue, they also acquire a sufficient knowledge of the majority language of the country of which they are citizens.

The mission was informed that in a number of schools in predominantly Greek villages the number of pupils has dropped considerably. This can partially be explained by the emigration of families to Greece. But the mission also noted that quite a number of parents, while continuing to live in Albania themselves, send their children to schools in Greece after they have completed the first four grades. However, as far as we could ascertain, the departure of these children was not due to any differential between schools taught in the Albanian medium and in the Greek medium, though it may have been marginally due to the geographical distribution of the latter. In this respect, we also have noted that Greek medium schools in Albania have profited from practical assistance received from Greece.

The educational situation is more complicated in areas where persons of Greek nationality, even though not in a majority, do constitute a substantial minority. We are referring especially to the three towns in the south, Saranda, Delvina and Gjirokastra. Instruction No 17, 1991, authorised local authorities in these towns to open Greek language classes where the subjects were to be taught in Greek language in grades I - VIII, except for Albanian language and Albanian reading. Greek classes were consequently opened or reopened in Delvina and Saranda (and in the villages of Metoq, Ksamil, Bistrice, and SMT), while the authorities in Gjirokastra decided in 1992 to open such a class for the school year 1993-1994.

In 1993, Instruction 17 of 1991 was replaced by Instruction 19, which required authorization of the Ministry of Education for new Greek classes. Such an authorization was in practice not given. Consequently, no new grade I classes, based on the use of Greek as language of instruction, were opened while those which had already been opened were allowed to continue. This change of policy led to protests by Greek parents.

The beginning of the school year 1994-1995 brought a new development. Decision No 396 and Instruction No 14 were issued, which, even though not constituting a return to the arrangements promulgated in 1991, have to be considered as an effort to meet the wishes of the Greek community in Albania. Two possibilities were opened to pupils belonging to the Greek minority. They could either be transported by bus, provided free of charge, to Greek-language schools in some neighbouring villages (located from 4 to 10 kilometres from the place where they live), or have the option of two hours weekly in the Greek language in the first grade classes of the public schools in the three towns. We were informed that consideration is presently being given to the possibility of increasing the number of hours in higher classes.

The mission has come to the conclusion that, in principle, by Decision No 396 and Instruction No 14, the requirements regarding educational rights of persons belonging to national minorities laid down in the 1990 CSCE Copenhagen Document and other international standards have been met. Persons belonging to the Greek ethnic minority have been given adequate opportunity for instruction of their mother tongue, and for persons who live in the preponderantly Greek villages or are willing to make use of the free bus transport to the schools in those villages, they have also been given the opportunity to have instruction in their mother tongue in a number of subjects from grade I to grade VIII. In this way, assimilation is actively prevented and pluralism is protected, while it is legitimate under international instruments to pursue a policy of integration into the common society.

Only one aspect of possible conflict with the Copenhagen Document can be observed. In paragraph 32 of that Document it is stated that "to belong to a national minority is a matter of a person's individual choice, and no disadvantage may arise from the exercise of such a choice". The issue is of practical significance in the present context for children of mixed marriages. It would conform better with the principles of the Copenhagen Document if such parents could freely decide, at the time of the child's entrance in the school, that the child should be allowed to attend the Greek language schools in the villages (or the two hour optional Greek classes in the towns), even if the child of mixed marriage had been registered as Albanian at birth. We hope that such a step could be taken.

Notwithstanding our conclusion that, broadly speaking, the educational system now chosen does comply with the international standards, including those of the Copenhagen Document, our mission is of the opinion that there can be room for some improvements. In making some recommendations in this regard, we feel confident that these could be made in the framework of the general educational policy Albania has chosen. At the same time, it is our view that the implementation of these recommendations could go a long way to ensure that the remaining differences on this issue between the Government and all the people of Greek nationality in the south could be resolved. We attach even more importance to this because we were struck by the fact that more education through the Greek medium was the number one request and often the only request of the members of the Greek minority whom we met.

As far as the system of school buses is concerned, we are aware that in other CSCE states this system is frequently used. However, we noted that quite a number of parents were reluctant to send children below the age of ten unaccompanied in buses to neighbouring villages. Improvements of the bus transport system (not requiring the children to go to and to return to one assembly point, but arranging a number of stops both in going to and returning from the schools; asking teachers who also have to travel from Saranda, Delvina and Gjirokastra to neighbouring villages to accompany the children during the journey) could be helpful, and we recommend this.

Considering the optional classes in the Greek language, we already commented above on the question of children from mixed marriages. Another point which struck us was that quite a number of parents we met criticised the fact that, by choosing the optional Greek language class, the pupils concerned, because of overlapping timetables, would not be able to have classes in a foreign language (English or French), like the other

children. The Minister of Education explained to us that psychologists dealing with the pedagogy of primary school children had advised against instruction simultaneously in three languages (Greek, Albanian and English or French). However, taking into consideration the fact that children of parents of Greek nationality have Greek as their mother tongue and would not have to learn it as a new language, we suggest that it might be left to the parents to decide whether or not their children will have instruction in two or in three languages.

The optional classes in the Greek language as foreseen in Decision 396 and Instruction No 14 can only be opened if there is a minimum of 32 applications. As this might reduce the chances of starting such classes, we suggest that this number be lowered, for instance to twenty.

In concluding our analysis of language and education for persons belonging to minorities, we should like to underline the importance we attach to the assurance of the Albanian Government that in the near future legislation will be introduced which will open the opportunity to establish private schools in Albania, provided that the curriculum will be in accordance with the standards of the general Albanian education system. In this context, parents of the Greek minority would therefore have the opportunity to start private schools. We also noted that Albania maintains its promise to open two Greek secondary schools, one in the district of Gjirokastra and one in the district of Saranda, provided that the necessary number of pupils is guaranteed. Finally, we consider as an important step forward the opening, on October 1st, 1993, of a new branch of Gjirokastra University, providing four-year courses to prepare teachers in the Greek language.

The mission has received repeated assurances from the Albanian Government that persons belonging to the Greek nationality have opportunities of access to functions in the public service equal to that of ethnic Albanians; there is no discrimination. It was conceded that a number of persons of Greek nationality were dismissed or transferred in the armed forces, the police and in the schools, but this had happened in the framework of a general process of reorganisation which also involved the dismissal or transfer of quite a number of persons of Albanian origin.

As far as the armed forces are concerned, I was told last year that officers of Greek origin who had been dismissed were offered to return in active service provided that they would accept to be stationed wherever they were needed. Our mission was informed that no such applications had been made. According to one interlocutor belonging to the Greek minority, most of them had left for Greece.

In contacts with representatives of the Greek minority, the wish was expressed that there would be more policemen of Greek origin in the area where the Greek minority mainly lives. Even though we are aware that the Albanian authorities consider it undesirable that policemen are stationed in the locality they come from, it might be possible to increase the number of policemen in the area while continuing the policy of not stationing the policemen in locality they come from.

As far as the dismissal or transfer of teachers of Greek origin is concerned, we heard a number of complaints, i.a. that some of these events had occurred because the persons

concerned had been active in protests against Albanian educational policies. We have, however, not been able to find decisive evidence that these allegations are correct.

This brings the mission to a more general comment on the issue of discrimination. In societies where minorities live, allegations of discrimination are often made, whether real or imagined. Still, even in a situation where no discrimination is actually taking place, we observe that social peace is enhanced if mechanisms exist to address such allegations.

We therefore recommend to your Government that a national institution and a procedure be established to receive and to deal with complaints about discrimination on ethnic grounds. It could consist of a commission having representatives of the different ethnic groups, or an ombudsman for the prevention of discrimination.

It is also recommended, as also envisaged in the Copenhagen Document, paragraph 38, that Albania considers to adhere not only to relevant international instruments but also to those provisions which provide for complaints by individuals. This could consist inter alia in a declaration by Albania under the Convention on the Elimination of All Forms of Racial Discrimination, article 14, recognising the competence of the monitoring committee under that Convention, to receive communications of individuals concerning alleged discrimination on ethnic grounds.

Article 7, para 2, of the draft Constitution which will be submitted to the Albanian people on 6 November lays down the basic rule concerning the relation between the state and the church by saying : "The State guarantees the freedom of religious beliefs." In addition, Albania, when joining CSCE has committed itself, like all other CSCE states, to respect fully the basic CSCE principles and documents, including article 16 of the Concluding Document of the 1986 Vienna CSCE Meeting, which lays down some other basic principles concerning the relationship between state and church and article 32.2 and article 32.3 of the 1990 CSCE Copenhagen Document. As it requires a major effort to rebuild the religious communities after the long years of persecution during the Hoxha regime, our mission recommend to your Government to do its utmost to provide the most favourable conditions for these efforts, and in this context, also to intensify the consultation process mentioned in article 16, para 5 of the 1986 Vienna Document. We also express the hope that the process of restitution of, or compensation for property of the churches confiscated during the communist regime, will be speeded up as much as possible.

Our final recommendation refers to the role of the police in Albanian society. Experience in other CSCE states has shown that it is very useful to provide police personnel with special training regarding human rights in general, and, more specifically, regarding national legislation and international conventions and commitments relating to human rights obligations. We suggest that a similar programme be started in Albania, also in the light of the coming into force of new penal and penal procedure codes in the near future. It might be possible to receive financial assistance of other states or of international institutions for the funding of these projects.

The conclusions and recommendations we presented above were based on an intensive programme of contacts, involving more than 35 hours of talks with

Ministers, officials, some of whom were of Greek origin, elected authorities, teachers, parents and others. We also visited two Greek schools and one Albanian school. Clearly, there were many places we did not visit and people we did not see. But we are confident that no-one was prevented from talking with us and that those we saw were reasonably representative and unusually well informed. In addition, I had visited many of the same places and seen many of the same people on previous occasions, and those experiences were consistent with our present findings.

Our mission is aware that the task of building the new Albania, after some many decades of human suffering, ruthless suppression and economic mismanagement, is an immense one. According to the World Bank, after the long years of communism, the GDP per capita in Albania is the lowest in Europe. We do realise that improvements in the educational field, but also in many other fields, are affected by serious financial and budgetary constraints. We therefore express the hope that states participating in CSCE, international organisations and NGOs will intensify their efforts, in the context of the policies of the Albanian Government and the legislation adopted by the Albanian Parliament, to help your country in its immense task of reconstruction.

In accordance with article 34 of my mandate, this report can only be transmitted to other CSCE states after your Government has been given the opportunity to make its comments on the conclusions and recommendations contained in it. I look forward with great interest to any remarks you might wish to make.

Yours sincerely,
[signature]
Max van der Stoep
CSCE High Commissioner
on National Minorities

Comm. 35/94
Tirana, November 9, 1994

Dear Mr. Max van der Stoep

Thank you for your letter dated November 2, 1994, and the efforts you have been making to reveal the truth on the situation and treatment of the Greek minority in Albania. For a more complete and closer to reality final report on your visits to Albania and Greece regarding minority issues, I would like to make some suggestions which we consider to be very significant in your report as concerns the reflection of truth.

1. We would like the report of your mission of your mission to mirror the changes of the Greek minority situation in Albania after the establishment of the democratic regime, which you expressed in your letter dated September 10, 1993, sent to minister Serreqi, page 5 last paragraph: "since the communist regime collapsed in Albania, the

Greek minority has regained a measure of freedom unknown for decades". We consider it would be necessary to refer to the rights that this minority really enjoys today in the following fields:

- Persons belonging to the Greek minority have full freedom to express themselves in the Greek language as is shown, for instance, by the existence of three Greek-language newspapers in Albania and Radio broadcasts in Greek.

- In accordance with para. 32 of the Copenhagen Document, persons belonging to the Greek minority have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity, in this context, they have the right to establish and maintain political social or cultural organizations or associations for this purpose (para 32.6) "Omonia" being one of them.

- Members of the Greek minority have ample opportunities to take part in the political life of Albania. In the elections of 1992 the Party for the Protection of Human Rights put forward candidates from the Greek minority and two deputies of this party were elected. In addition, in the Parliament there are four deputies from this minority belonging to the Democratic and Socialist Parties respectively. Statistics shows that from the Greek minority there are 13 chairmen of communes, 59 communes council members, 32 city councillors, 53 district councillors. The chairmen of the districts of Gjirokastra, Saranda and Delvina and the mayor of Saranda are of Greek origin.

2. It would be relevant to quote in the report your recommendations which have been realized up to now by the Albanian government such as the opening of the Minorities office at the Government, the legal and practical improvements that have been made in the minority education system and so on.

3. The existence of ultra nationalist Greek minority individuals who stir up speculations on the situation of the rights of the Greek minority in Albania could also be mentioned in the report.

4. The Albanian request on the rights of the Albanian minority in Greece takes into consideration those who could remain in Chameria after the expulsion of thousands of Albanians following World War II, as well as the Albanians living in other regions of Greece and the well-known Arvanites. Greece denies their presence and prohibits affirmation of their national identity in spite of the evidence provided by foreign observers, such as the Report of the Federal Union of European Nationalities - FUEN (May 25, 1994), the Report issued by the British Helsinki Human Rights Group - Oxford (May 1994), the Letter (October 1994) by the United States Department of State to the Coalition of the Albanian-American Religious, Educational, Cultural and Social Societies, etc.

May I also specify that, concerning the right of the members of a national minority to learn their mother tongue, Article 44 of the Albanian draft constitution stipulates:

"to learn or to be taught in their mother tongue ..." (and not "to learn and to be taught as quoted in your letter, page 2, paragraph 3,)

Hoping that our comments will help further complement the Report on your missions in Albania and Greece, I remain

Yours sincerely,

[signature]