In response to the call for a report on the implementation of the present resolution (A/RES/74/165 of 18 December 2019) including information on activities undertaken by Member States, the Office of the High Commissioner for Human Rights, the Special Rapporteur, relevant United Nations entities and other relevant stakeholders to enhance the implementation of the Declaration and to ensure the realization of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

Eliminating ethnic, linguistic, and religious discrimination of the Macedonian minority in Albania, Bulgaria, and Greece to ensure the successful implementation of UN Resolution A/RES/74/165

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Introduction

The United Nations General Assembly Resolution A/RES/74/165 of 18 December 2019 emphasized the need for "reinforced efforts to realize the rights of persons belonging to national or ethnic, religious and linguistic minorities, by addressing economic and social conditions and marginalization, and to further end any type of discrimination against them. By addressing multiple, aggravated, and intersecting forms of discrimination,[1] the Resolution "(r)ecommends that States continue to reflect on current and emerging challenges facing persons belonging to national or ethnic, religious, and linguistic minorities, including the rise in persecution on religious and ethnic grounds and increasing levels of hate crimes and hate speech targeting, among others, persons belonging to national or ethnic, religious and linguistic minorities".[2] Indeed, Macedonians fall under these categories as they have been systematically, institutionally, and coercively oppressed.

This submission will draw attention to the current systemic and coercive policies of the Greek and Bulgarian governments that limit the rights and freedoms of Macedonians as an ethnic and linguistic minority, as well as the policies of Albanian governments and their unwillingness to recognize ethnic Macedonian communities outside the communist era "minority zones." Background concerning the institutional discrimination against Macedonians in Greece and Bulgaria as provided herein, followed by a discussion of the issues related to Macedonians as ethnic, linguistic, and religious minorities in their home countries. Most importantly, recommendations are provided for the elimination of ethnic, linguistic, and religious discrimination in Greece, Bulgaria, and Albania, of the Macedonian minority in order to ensure the successful implication of the UN Resolution A/RES/74/165.

Background

In this submission we refer to the people of the geographical region of Macedonia, acknowledging that the definition of 'peoples' is uncertain and that the notion of peoples' rights could lead to a dangerous proliferation of claims, undermining settled borders,

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[1] Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. (n.d.). Retrieved March 16, 2021, from https://undocs.org/en/A/RES/74/165. p. 2

[2] Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. (n.d.). Retrieved March 16, 2021, from https://undocs.org/en/A/RES/74/165 p. 3

national sovereignty, and international peace and security. For the purposes of this report, 'people' is defined as a group of individual human beings who enjoy some or all of the following common features: a common historical tradition; racial or ethnic identity; cultural homogeneity; linguistic unity; religious or ideological affinity; territorial connection; common economic life.[3]

Throughout this report, we will refer to the Republic of Macedonia by the name determined by an overwhelming majority of its citizens by referendum in 1991, thereby giving voice and agency to the Macedonian people. The Prespa Agreement between Macedonia and Greece that changed the name of the country was not widely supported in Macedonia with poor referendum turnout, and on what many Macedonians consider to be unjust and invalid terms.

The type of discrimination that Macedonians face at the hands of Greece and Bulgaria is institutional discrimination. This refers to the unjust and discriminatory mistreatment of an individual or individuals by society and its institutions as a whole, through unequal intentional or unintentional bias or selection, which is disparate to individuals making a conscious choice to discriminate. Such discrimination stems from systemic stereotypical beliefs that are held by the vast majority in a living society where discrimination is the norm.[4] It is usually present in the operating procedures, policies, laws, or objectives of institutions.

In this report, institutional discrimination will be used to define the discrimination that Macedonians face from the state governments of Bulgaria, Greece, and Albania. Macedonia has never filed a legal case against any state related to minority rights and all the victories have been at the European Court of Human Rights by individuals or organizations that affiliate as Macedonian. Greece and Bulgaria have failed to implement the numerous European Court of Human Rights judgements against their states to date. Institutional discrimination evidently prevails considering the government, judicial processes, and legislative processes of these two states fail to support their Macedonian minorities.

Macedonians as an Ethnic Minority

[3] UNESCO INTERNATIONAL MEETING OF EXPERTS ON FURTHER STUDY ON THE CONCEPT OF THE RIGHTS OF PEOPLES FINAL REPORT AND RECOMMENDATIONS. (Paris, UNESCO, 1989). Retrieved March 30, 2020, from UNESCO Rights of Peoples Report

[4] Aronson, E., Wilson, T. D., & Akert, R. M. (2010). Social Psychology (7th edition). New York: Pearson.

Ethnic Macedonians are indigenous to geographic Macedonia which encompasses the present-day Republic of Macedonia and parts of Greece, Bulgaria, and Albania. Macedonians trace their history to the land on which they live, and this connection is significant to informing them of their rich culture and identity back to the times of Philip of Macedon, Alexander the Great, and the Roman and Byzantium Empires. For over five centuries up to the beginning of the twentieth century, Macedonia was occupied by the Ottoman Empire. This was followed by the Balkan Wars when Macedonia was partitioned between Greece, Bulgaria, Serbia in 1913, and later a portion ceded to Albania. As a result of the partition of ancestral lands, the creation of borders of modern states, and the exchange of populations, Macedonians with a common identity, language, traditions, cultural, and social ties, became subsumed into the populations of Greece, Bulgaria, Albania and then the newly constituted federated states of Yugoslavia.

The ethnic Macedonian populations of Greece and Bulgaria have long endured genocidal, ethnic cleansing, and assimilation policies and laws that deny their very existence. In promoting a homogenous national identity, Greece suppresses all aspects of Macedonian identity, culture, and language. Several members of the Macedonian minority have faced trial for speaking the Macedonian language. Macedonian towns and villages have been renamed throughout. Additionally, the surnames of all Macedonians were also changed to Greek-sounding names. Moreover, Greece's official response to the 2009 European Commission Against Racism and Intolerance (ECRI) report stated that Greece does not have an obligation to recognize a Macedonian minority and that it does not grant rights to it that are guaranteed by human rights treaties, as the minority does not exist.[5]

On the other hand, Bulgaria claims the culture and language of Macedonians as their own (i.e., Bulgarian) and thereby curbs the rights of ethnic Macedonians. These discriminatory policies, together with the impact of traumatic and turbulent periods of modern history, such as the Greek Civil War (1948-1952), have their intended effect of profoundly disempowering the Macedonian minorities, considered unworthy of being given freedom of expression even in respect of their own identity, much less their right to self-determination (either individually or collectively). This year marks the 73rd anniversary since the mass exodus of Macedonian children refugees from Greece – to date, many of them have not been able to return to Greece and reclaim their private properties.

[5] European Commission Against Racism and Intolerance, *ECRI REPORT ON GREECE (Fourth Monitoring Cycle)* (Strasbourg: Council of Europe, 2009), 62.

Upon the dissolution of Yugoslavia in the early 1990s, the Macedonian republic that formed part of Yugoslavia proclaimed its independence as the Republic of Macedonia. In the almost three decades since then, Macedonians have been impacted heavily by the continued denial of their cultural and ethnic identity by its neighbors. Greece and Bulgaria not only deny the rights of the Macedonian minorities within their borders but also contest the legitimacy of the Macedonian state and the basis of the identity and heritage of the Macedonian people in attempts to justify their own discriminatory policies of minorities. This is evidenced by their domestic laws openly denying the existence of the Macedonian identity and thereby the right to self-determination. Moreover, there has been prolonged impetus by these states for Macedonia to enter into bilateral agreements (Prespa Agreement, Bulgaria Friendship Agreement) that ebb away at the right to identity and self-determination of the Macedonian people within the sovereign state of Macedonia, with some present arrangements expressly in consideration for privileges such as membership of NATO and the European Union.

Both Bulgaria and Greece are parties to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and other similar instruments under international law. Both of these states are contravening the rights that ethnic Macedonian minorities should be enjoying under these international covenants, including the right to self-determination, which is a *jus cogens* (fundamental) norm to be respected by all states. The right to self-determination does not necessarily mean that there is a right to independence or secession of those minorities within those states, as stated in the Canadian Supreme Court's judgment in *Reference Re Secession of Quebec*. However, there is an expectation under international law that there will be internal structures in place to protect the minorities from discrimination on an institutional level and to enable them to partake in cultural and political activities. In the case of ethnic Macedonians in Bulgaria and Greece, there are no internal institutional structures that uphold the right of Macedonians to self-determination, including ethnic and linguistic rights. It is therefore imperative that institutional change take place to obviate the last resort need for remedial self-determination (change in boundaries/territory).

The UN Report of the Independent Expert on Minority Issues' 2011 mission to Bulgaria states that:

> "Ethnic Macedonians consider it of crucial importance that their ethnic identity and distinctiveness be officially recognized. Community representatives strongly dispute census findings reflecting very low and declining numbers of Macedonians and claim that the true population is many times higher. The Macedonian language is not recognized or taught in schools and Macedonians

> are not represented on the National Council for Cooperation on Ethnic and Integration Issues."[6]

Indeed, this encapsulates the Macedonian minority's struggle and denial of self-agency and self-determination. This will be further highlighted in regard to Macedonians as a linguistic minority.

Macedonians as a Linguistic Minority

Albania has allowed for instruction in Macedonian since 1945 in certain regions, in elementary education up to the fifth form. Textbooks have been issued by the state. It is expected that the right of ethnic Macedonians to learn their mother tongue will extend to other parts of Albania and that this will be extended to secondary education.[7]

In Bulgaria, the issue of the Macedonian language is highly controversial, since Bulgaria claims that Macedonians do not exist and are instead ethnic Bulgarians. In 1947, Macedonian language and history were established in schools in the Pirin region, but this did not last long as Bulgaria increased policies of assimilation. The government ended Macedonian-language education in 1948; in the early 1960s, it revoked identity cards giving the bearer's nationality as Macedonian and reissued them with the inscription of Bulgarian.

The report of the Advisory Committee on the Framework Convention for the Protection of National Minorities in 2014 noted Bulgaria's reluctance to expand the personal scope of the Framework Convention, to the Macedonians. It also highlighted that the long-term and inter-generational effects regarding the difficulties Macedonians experience in terms of their freedom of assembly and association was to create a climate of intimidation and harassment that counters convention provisions.[8]

Greece signed the Treaty of Sevres in August 1920, between the British Empire, France, Italy, and Japan, to protect minorities residing within Greece. One of Greece's obligations under this treaty was a prohibition of restrictions on the free use by any Greek national of any language and the provision of facilities for the use of any

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[6] United Nations, Report of the independent expert on minority issues, Mission to Bulgaria, HRC 2011 (New York, NY: UN General Assembly, 2014, January 6) Retrieved March 15, 2021, from https://www.ohchr.org/en/hrbodies/hrc/regularsessions/session25/documents/a-hrc-25-56_en.doc

[7] Macedonians. (2021, February 05). Retrieved March 17, 2021, from https://minorityrights.org/minorities/macedonians/

[8] Macedonians. (2021, February 05). Retrieved March 16, 2021, from https://minorityrights.org/minorities/macedonians-2/

language before the Courts, either orally or in writing (Article 7), and provision to teach languages other than Greek in public schools (Article 9). Greece signed the Treaty of Sevres, however, never ratified it. And later on, signed a separate Treaty of Lausanne. These binding obligations to Greece have not been implemented in any form, indeed all of these years later. While the EU Charter of Fundamental Human Rights has legally bound EU institutions to respect linguistic diversity and prohibits discrimination based on language due to the Treaty of Lisbon of 2009, Greece continues to exclude minorities from using and teaching their own language.[9]

The government of Greece to this day refuses to recognize the Macedonian language, calling it an 'idiom' spoken by people in the north-western area of the country. Moreover, refusing to call Macedonians by their rightful name. While many human rights bodies have strongly recommended that the Greek state take measures for the recognition and protection of Macedonian speakers, the Greek government continuously fails to ignore and acknowledge this advice.[10] Indeed, this denialist stance has also impacted the Macedonian minority's religious rights and freedoms.

Macedonians as a Religious Minority

Most ethnic Macedonians (about 70% of the country) practice Eastern Orthodox Christianity, belonging to the Macedonian Orthodox Church (MOC). In 1959, the Holy Synod of the Serbian Orthodox Church granted autonomy to the MOC in the then-Socialist Republic of Macedonia as the restoration of the historic Archbishopric of Ohrid.[11] In 1967, on the bicentennial anniversary of the abolition of the Archbishopric of Ohrid, the Macedonian Holy Synod announced its autocephaly (the status of a hierarchical Christian church whose head bishop does not report to any higher-ranking bishop) and independence from the Serbian Orthodox Church. The Serbian Holy Synod denounced the decision, calling the clergy schismatic.[12] Since then, the Macedonian Church has not been recognized by the Ecumenical Patriarchate of Constantinople or any other canonical Orthodox churches. The primate of the MOC is the Metropolitan of Skopje, Archbishop of Ohrid and Macedonia, and of Justiniana Prima.[13]

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[9] Discrimination policy on minority languages in Greece - Krste Misirkov. (2020, February - March). Retrieved March 16, 2021

[10] Macedonians. (2021, February 05). Retrieved March 16, 2021, from https://minorityrights.org/minorities/macedonians-3/

[11] The encyclopedia of Christianity, Volume 3. By Erwin Fahlbusch, Geoffrey William Bromiley. p. 381

[12] "РУССКАЯ ПРАВОСЛАВНАЯ ЦЕРКОВЬ XX ВЕК. 10 ОКТЯБРЯ". Retrieved 14 September 2014.

[13] The encyclopedia of Christianity, Volume 3. By Erwin Fahlbusch, Geoffrey William Bromiley. p. 381

Freedom of religion is not only an individual right but is essential to community life. Religious communities often exist in the form of organized institutions, therefore religious freedom depends on safeguarding such institutions from unjustified state interference. Greece and Bulgaria are both members of the ICCPR, the Universal Declaration of Human Rights, and the ECHR, all of which impose obligations to respect religious rights and freedoms. However, both states have continually failed to uphold such obligations, as is evident that discriminatory practices against the Macedonian minority have stemmed from government policy, or rather lack thereof.

Greece's Constitution declares that the Eastern Orthodox faith is "the prevailing religion," and a formal separation between Church and state is not established.[14] As a result, the Greek Orthodox Church (GOC) has become a de-facto member of the Greek government; it receives state funding, sits in Parliament, and its clergymen are considered public servants. This gives the GOC an unfair advantage over other religions in Greece and consequently, religious minorities like the MOC thus face bureaucratic barriers when trying to freely express their religious beliefs.[15] A prime example of this is the treatment of the MOC's former religious leader, Archimandrite Nikodim Tsarknias. Archimandrite Tsarknias was a former GOC priest who was expelled in 1992 after declaring his Macedonian identity and speaking Macedonian with his parishioners. He was beaten and jailed on many occasions for speaking Macedonian and advocating for the religious rights of Macedonians. Tsarknias reports that he has been surveilled by the Greek Intelligence Agency, as well as accused and convicted by Greek Courts on false charges. He joined the MOC and built a parish in his native village, offering religious services in the Macedonian language.[16] Since its establishment in 2002, the parish has been attacked by Greek media.[17]

In comparison, Bulgaria does not claim an official religion but considers Eastern Orthodox Christianity as the "traditional religion."[18] While the Bulgarian Constitution claims that no religious practices should be restricted, religious freedoms continue to be violated. The Bulgarian Orthodox Church (BOC) does not recognize the MOC as a canonical church but rather views it as schismatic, illegitimate, and being created for

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[14] As elaborated in Article 3. See, Hellenic Parliament, The Constitution of Greece (Athens: Hellenic Parliament, 1974).
[15] United Macedonian Diaspora, Greece: Religious Freedom Abuses - The Case of the Macedonian Orthodox Christian Minority (Washington DC: United Macedonian Diaspora, 2013), 1.
[16] "<<Εκκλησία και ΕΥΠ δυο αχώριστοι φίλοι>> Συνέντευξη με τον πάτερ Νικόδημο Τσαρκνιά," Nova Zora, 02.09.2010, http://novazora.gr/arhivi/981.
[17] "<<Μακεδονική>> Ορθόδοξη Εκκλησία με έδρα την Πέλλα!-Τι ζητούν οι σκοπιανοί μέσω του παπά-Τσαρκνιά," ΕΣΤΙΑ, 11/10/2018; 1,
[18] Article 13. *See,* Bulgarian Parliament, Constitution of the Republic of Bulgaria, (Sofia: Bulgarian Parliament, 1991).

political reasons.[19] Religious freedoms are intertwined with freedoms of assembly. Restricting the assembly of Macedonians in Bulgaria undermines their internationally recognized right to assemble in religious groups, such as MOC churches.[20] Undoubtedly, this is a human rights violation that has prevailed for far too long, requiring the immediate attention and recognition of international institutions and organizations, such as the United Nations.

Recommendations

The effective implementation of affirming the human rights of ethnic, religious, and linguistic minorities under the UN Declaration requires new and more rigorous approaches to ensuring minorities, such as ethnic Macedonians across the world, are fully supported in their culture, religious identity, and language.

The following recommendations should be considered:

1. The Macedonian language must be made more accessible and available to allow Macedonian minorities and others to learn the Macedonian language. In order to ensure this, home countries such as Greece, Bulgaria, and Albania must remove any barriers that prevent the Macedonian language from being learned, especially in regions where Macedonians predominantly reside. The support of the Greek, Bulgarian and Albanian governments is thus crucial, hence, funding and grants should be prioritized for language classes. Whether that be within the schooling system, higher education institutions and universities, or extracurricular activities where relevant.

2. The United Nations should require countries like Greece and Bulgaria to adopt participatory approaches to indigenous issues through consultation and partnerships with Macedonians, providing agency for Macedonians to be heard, and to collaborate with the government on the policies that affect their political, economic and cultural standing. Although this would be a timely process, it is crucial in order to change entrenched assimilatory and discriminatory policies, recognizing decades of historic injustices, genocide and ethnic cleansing.

[19] Русенска Митрополия, ”Изявление на Негово Високопреосвещенство Русенския Митрополит Наум,” 19/05/2018, https://bg-patriarshia.bg/news.php?id=263865.
[20] Committee for the Defence of Human Rights “Tolerantnost” and OMO- ”Ilinden”-PIRIN, the Association of Repressed Macedonians, “Annual Report On The Human Rights Situation Of The Macedonian Minority In Bulgaria And The Rights Of Bulgarian Citizens With A Macedonian Consciousness” (2019), 6.

3. In regard to national censuses, international institutions such as the United Nations who focus on safeguarding and ensuring equal human rights must call on Greece and Bulgaria to allow for Macedonian, as a heritage, language, and ethnicity, to be an option. Additionally, censuses should be made available in the Macedonian language in accordance with Eurostat procedures. The implementation of efficient census data collection methods will therefore reflect true indigenous minority population sizes.

4. In the area of domestic legislation, it is crucial that governments ratify and effectively enforce domestic laws and international agreements and conventions of which they are members. Greece must ratify the Framework Convention for the Protection of National Minorities (FCNM), and Bulgaria must implement methods for its enforcement. The Greek government should further implement the law that concerns the public education for minorities in Greece, Treaty of Sevres; it must uphold the 2009 Treaty of Lisbon, addressing discrimination based on minorities' language; it must allow for the registration of civil society organizations, especially those associated with the Macedonian community, which have otherwise vastly been denied based on their Macedonian ethnicity, language, and religious association.

5. The United Nations and its member states have an *erga omnes* obligation as members of the international community to call out those states that do not observe the accepted rights and norms under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other like instruments under international law. The international community and individual states should step up to protect the rights of ethnic Macedonians, as well as bring Bulgaria and Greece before the International Court of Justice (ICJ) and other human rights courts for breaches of fundamental rights against ethnic Macedonians and the perpetuation of institutionalized discrimination. These actions would help to remedy the lack of representation from the Republic of Macedonia.

6. In regard to the 76th session of the UN General Assembly, the Special Rapporteur on Freedom of Religion or Belief should undertake a fact-finding mission in both Greece and Bulgaria to expose the barriers preventing the Macedonian Orthodox Church minority and other religious minorities from enjoying their rights, which are fundamentally granted to all persons.

Conclusion

Macedonians in Greece, Bulgaria, and Albania, who live as ethnic, linguistic, and religious minorities, continuously experience discrimination and human rights violations, having their identity denied and questioned. This has affected their right to live freely and fully express their identity, speak in their mother tongue and practice their faith. In order to support the full protection of the right to self-determination under UN Resolution A/RES/74/165, this submission emphasized the vast challenges related to ethnicity, language, and religion that prevent Macedonians from exercising their equal human rights. Based upon this, certain measures were recommended in order to remove barriers that discriminate against Macedonians, such as support from government and international bodies. This report ultimately contends that the UN Declaration serves to protect all human and minority rights, it should thus not be any different for Macedonian minorities in Greece and Bulgaria.

Further Reading Material

To learn more about the institutional discrimination towards Macedonians in Greece, Bulgaria, and Albania, we suggest the following:

Report of the Independent Expert on Minority Issues, Gay McDougall: Mission to Bulgaria (4 - 11 July 2011)
Report of the Independent expert on minority issues, Gay McDougall: Mission to Greece (8 - 16 September 2008)
ECRI Report on Greece (fourth monitoring cycle), 2009
ECRI Report on Bulgaria (fourth monitoring cycle), 2009
Denying Ethnic Identity: The Macedonians of Greece, Human Rights Watch/Helsinki, 1994
European Court on Human Rights, Case of Macedonian Club for Ethnic Tolerance in Bulgaria and Radonov v. Bulgaria
European Court on Human Rights, Case of Yordan Ivanov and Others v. Bulgaria

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Thank you for the opportunity to make a submission to the UN Secretary General's report entitled "Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities." Should you have any questions in relation to this submission, please contact us at info@umdiaspora.org

Yours sincerely, **United Macedonian Diaspora**