

NATIONAL MINORITIES IN EUROPE AND THE CASE OF GREECE: DOES THE MACEDONIAN MINORITY HAVE RIGHTS IN THE HELENIC REPUBLIC?

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Abstract. *In the 20th century, most European nations formed their national states. Yet, given the fact that Europe is populated by many ethnicities, there is no national state that does not include an ethnic or religious minority within its territory. The development of human right guarantees at the global and European levels has contributed to the development of minority rights and their guarantees. Many legal documents in Europe guarantee the fundamental rights of minorities but the most important legal act is the Council of Europe's Framework Convention for the Protection of National Minorities (1995). Despite being one of the most developed countries in South-eastern Europe and ratifying the CoE Framework Convention and other human rights legal documents, Greece has a hostile approach towards national minorities, especially towards the Macedonian ethnical minority. The first part of the paper analyzes the rights of national minorities in European legal documents: the CoE Framework Convention and the European Convention on Human Rights (1950), and their significance for minority rights. The analysis also covers the position of minority rights in the law of the European Union. The second part of the paper focuses on the position and rights of the Macedonian national minority in Greece. While the reviewed legal documents show the European organizations' commitments to guaranteeing minority rights, the research in this paper proves the Greek state's violation of minority rights and, particularly, its antagonistic approach towards Macedonian minority rights.*

Key words: *minorities, minority rights, Europe, Greece, Macedonian minority.*

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1. MINORITY RIGHTS IN THE EUROPEAN LAW

The global development of international protection of human rights, which was mostly initiated by the United Nations and the legal acts created by this organization, contributed to the progressive development of human rights' protection at the European level. The Council of Europe, as a European organization composed of almost all countries in Europe, is probably the most important organization when it comes to the human rights' protection. The European Convention on Human Rights (ECHR, 1950) and the European Court of Human Rights, whose judgments are based on the ECHR provisions, created an effective mechanism for international protection of human rights. When it comes to minority rights, there is also a specialized legal act created by the Council of Europe, called the CoE "Framework Convention for the Protection of National Minorities" (1995), but the ECHR also covers some aspects of minority rights. The European Charter for Regional or Minority Languages (1992)¹ is also worth mentioning, as it focuses on linguistic minority rights. The EU institutions are also interested in protecting human rights within its member states. The next subsections provide a brief analysis of the relevant provisions of the CoE Framework Convention, an overview of the ECHR and its importance for minority rights, and an overview of the protection of minority rights at the EU law level.

1.1. Framework Convention for the Protection of National Minorities

The CoE Framework Convention for the Protection of National Minorities (1995)² is a legal act created by an Ad Hoc Committee for the Protection of National Minorities, which was operating under the authority of the Committee of Ministers. It was adopted by the Committee in 1994 and opened for signatures in February 1995. It is designated as "framework" convention, which means that its provisions do not stipulate strict obligations for the states. The provisions are general, and every state has the freedom to choose the actions it will take, to guarantee the principles that are part of the Convention (Benoit-Rohmer, Klebes, 2005:98). Unlike the European Convention of Human Rights (ECHR), the CoE Framework Convention for the Protection of National Minorities (FCNM) does not prescribe an effective machinery which will guarantee the inviolability of its provisions. Under the Framework Convention, the Committee of Ministers is obliged to monitor the implementation of the Convention (Article 24 §1); in this task, it is assisted by an advisory committee (Article 26 §1 of the FCNM).

The Framework Convention comprises the preamble and 32 articles, which are divided into five sections. Section 1 contains the Convention's general provisions, provided in three articles. The most important section of the Convention is Section 2, which includes 16 articles (Articles 4-19). This part of the Convention stipulates that states shall guarantee all national minority rights: the right of equality before the law and equal protection of the law, without discrimination (Article 4); religious, linguistic, tradition and cultural heritage rights and protection of ethnic, cultural, linguistic and religious identity (Article 5-6); freedom of peaceful assembly, freedom of association, freedom of expression, freedom of thought, conscience, and religion (Article 7); linguistic rights, including freedom to hold

¹ CoE European Charter for Regional or Minority Languages (1992), ETS- 148, 5.XI.1992, Strasbourg, <https://rm.coe.int/1680695175>

² CoE Framework Convention for the Protection of National Minorities, Council of Europe, ETS 157, Strasbourg, 1.II.1995, <https://rm.coe.int/168007cdac>

opinions and receive/impart information, access to media in minority's language, the use of minority language in private/public life, the use of one's name/surname and public display of traditional local names and other topographical indications in the minority language; equal access to education at all levels for persons belonging to national minorities, and the right to learn one's minority language (Articles 9-14); the right to establish and maintain cross-border contacts and cooperation with persons in neighbouring states sharing the same ethnic, cultural, linguistic or religious identity (Article 17-18 FCNM). Section 3 contains four articles (Articles 20-23). Article 20 envisages that the national legislation, sovereignty, and territorial integrity of the host state are inviolable, and Article 21 envisages that the national minorities have to respect those principles while exercising their minority rights. Article 23 "connects" the Framework Convention to the European Convention on Human Rights, stating that "principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood to conform to the latter provisions"(Article 23 FCNM). Section 4 (Articles 24-26) of the Framework Convention refers to monitoring the implementation of the Convention. As already noted, the CoE Committee of Ministers shall monitor the implementation of the Framework Convention by the Contracting Parties (Article 24), but, in this task, the Committee of Ministers shall be assisted by an advisory committee (Article 26). Resolution (97) 10 of the CoE Committee of Ministers (1997)³ contains the rules which determine the appointment and functioning of the "Advisory Committee on the Framework Convention for the Protection of National Minorities", which is composed of 18 independent experts, appointed by the Committee of Ministers for a term of four years (Part A.2). Section 5 (Articles 27-32) contains the final provisions, concerning the signature, ratification, entry into force and denunciation of the Convention. The Framework Convention is a very important legal act for the preservation of minority rights in Europe. Regardless of its legal nature and of the impossibility of producing strict obligations on the countries that ratified it, the Convention stipulates many important principles promoting the preservation of minority rights.

1.2. The European Convention on Human Rights and its importance for minority rights

European Convention on Human Rights (ECHR) revolutionized the protection of human rights on a supranational level. The European Court of Human Rights (ECtHR), which was established by the Convention, is a strong mechanism for the protection of human rights. Through its jurisprudence, the Court established high standards for preserving human rights, which the states who ratified the Convention are obliged to respect. The Court is an example of a supranational court that can impose obligations on the countries, and it has probably been the most important institution for human rights protection in Europe.

The main focus of the European Convention (ECHR)⁴ are the first-generation rights, also called civil and political rights. These rights are individual, unlike minority rights. Provisions of the Convention do not guarantee direct protection of minority rights. However, the prohibition of discrimination on any basis includes discrimination against minorities. The

³ Resolution (97) 10 of the Committee of Ministers of the Council of Europe (17 Sept. 1997) on the monitoring arrangements under Articles 24 to 26 of the framework Convention for the Protection of National Minorities.

⁴ CoE European Convention on Human Rights, Council of Europe, 1950. as amended by Protocols 11, 14 and 15 supplemented by Protocols 1, 4, 6, 7, 12, 13 and 16, CoE., European Court of Human Rights, Strasbourg, France.

prohibition of discrimination is envisaged in Article 14 of the Convention, under which states are obliged to provide the enjoyment of the rights and freedoms included in the Convention without discrimination on any ground, including the “association with a national minority” (Article 14 ECHR). This not a free-standing article because it refers to other rights guaranteed in the Convention. The victims of discrimination can raise these kinds of questions before the Court only if they are discriminated against in exercising the rights protected in the Convention. This limited prohibition of discrimination was “corrected” with Protocol 12 to the ECHR, which was adopted in 2000. Article 1 of Protocol 12 stipulates that every right set forth by law shall be secured without any kind of discrimination, including the discrimination of national minorities. Unlike the initial prohibition of discrimination, which refers to the rights included in the Convention, this Protocol prohibits discrimination in the enjoyment of every right that the countries have protected in their national laws. Unfortunately, this Protocol was ratified only by 20 states; thus, the old rule on the prohibition of discrimination is still in power in the countries that did not ratify this Protocol.

In the jurisprudence of the European Court of Human Rights (ECtHR), many cases directly refer to minority rights and their protection. The Court’s case law also includes cases that indirectly refer to minority rights, such as linguistic rights. In criminal proceedings, defendants have the right to be informed about the reasons for which they are accused in the language they understand (Articles 5.2 and 6.3 ECHR). When it comes to using minority languages, this right is covered by the freedom of expression, including the right to hold opinions and to receive and impart information (Article 10 ECHR) and to have media in the minority language. Freedom of religion (Article 9) and freedom of assembly and association (Article 11) are also important articles for minority rights. The Court can protect minority rights indirectly, in the cases initiated on the basis of these provisions. In effect, when deciding on cases related to minority rights, the Court does not delve into identity issues, nor does it confirm or deny the existence of the respective minority. The Court is more focused on the rights of individuals to identify themselves as they wish and to show attachment to a particular group (Ringelheim, 2002:4).

1.3. Minority Rights in EU Law

The European Union has not produced a special legal act dedicated strictly to the rights of minorities. The most important legal act dedicated to the protection of human rights in the EU is the Charter of Fundamental Rights of the European Union (EU Charter, 2012).⁵ This legal act does not cover the rights of minorities directly. Like the ECHR, the EU Charter guarantees the prohibition of discrimination based on any grounds, including membership of national minorities (Article 21 EU Charter). In addition, the Union must respect cultural, religious, and linguistic diversity (Article 22 EU Charter), which is also important for minorities. In 2000, the European Council of Ministers adopted *Directive 2000/43/EC (Race and Ethnic Origin Directive)*, which provided protection from discrimination based on race and ethnic origin. It is mainly focused on racial discrimination and has been often criticized, especially for the omission of religious discrimination (Tsilevich, 2001:2). Another important instrument for the protection of national minorities in EU law is the Treaty on the European Union (2012).⁶ In the context of the common values, which are the foundation of the EU, including human dignity,

⁵ EU Charter of Fundamental Rights of the European Union, 2012/C 326/391, *Official Journal EU*, 26.10.2012.

⁶ The Treaty on European Union, Consolidated version, *Official Journal of the EU*, C 326/13, 2012. 26.10.2012.

freedom, equality, democracy, rule of law, and respect for human rights, Article 2 of the EU Treaty expressly refers to respect for persons' minority rights. However, the EU has not developed any effective mechanism for the protection of minority rights. Thus, the Council of Europe's documents offer more developed protection of minority rights than the law of the EU.

2. GREECE AND MINORITY RIGHTS OF THE MACEDONIAN MINORITY

The Hellenic Republic is one of the most developed democracies in southeastern Europe. It was the first country on the Balkan Peninsula to establish a democratic system and the first Balkan country to join the EU. Despite being the most progressive Balkan country as seen from certain aspects, Greece is not known for its high level of preservation of minority rights. The Hellenic Republic is especially unfriendly towards the Macedonian minority within its borders. Greek state officials constantly deny the existence of the Macedonian ethnic minority in Greece. As a matter of fact, Greece has had a Macedonian minority since the country annexed 51% of the geographical Macedonia. For this reason, this part of the paper will first provide a brief historical overview of the Macedonian minority in Greece and then analyze the current state of minority rights that Macedonians do not enjoy in modern Greece.

2.1. Brief history of the Macedonian minority in Greece

Until the Balkan Wars, the region of Macedonia was under the rule of the Ottoman Empire. A few Balkan countries, including Greece, defeated the Turkish Empire in the Balkan Wars and divided the territory of geographical Macedonia. Greece took control over most of the region, annexing 51% of Macedonia. Even though there was a large Greek population in the new Greek territories, this region was mostly populated by ethnic Macedonians (Human Rights Watch, 1994: 5).⁷ Macedonians were the dominant ethnic group in the northern parts of Greek Macedonia, while Greeks mostly populated the southern parts of the region. The Greek government was not "happy" with the ethnic structure of the population in Macedonia and embarked on the policy of assimilation of the Macedonians since 1913. A Macedonian schoolbook (primer) called "*Abecedar*" was published in 1925, which was an exception from the assimilation policy (Kahl, 2010:384), but this schoolbook had never been used in practice. The policy of assimilation reached its peak during the years of the Metaxas regime (1936–1941) when the Macedonian language was strictly forbidden, even for private use (Roudometof, 1996:264). The results of this policy, and the turbulent historical events in the following years, especially World War 1, the Greek-Turkish War, World War 2, and the Greek Civil War, drastically influenced the demographics of Greek Macedonia. Many ethnic Macedonians left Greece, especially after the Greek Civil War, and many Greeks who came to Greece from Turkey, as a result of the population exchange between Greece and Turkey, were populated in Greek Macedonia. The Macedonian minority in Greece faced serious discrimination from the Greek state from the moment Greece annexed the region. Greece denied the fact that there was a Macedonian minority within its borders and took several measures to change the identity of the region. In the 20th century, Greece changed all the toponyms in Macedonia, which had Slavic or, more precisely, Macedonian names. After the Greek Civil War, many Macedonians left

⁷ According to the data available, the region had 1,073,549 inhabitants, and 326,426 of them were ethnic Macedonians, which made them the largest ethnic group in the region (Human Rights Watch, 1994: 5).

Greece, but they were never allowed to return. In 1982, a Greek ministerial decree provided that only the ethnic Greeks (by “genus”, birth and origin) who had left Greece during the Civil War (1946-1949) as political refugees were allowed to return to Greece and reclaim their property which had been confiscated by the government, but it excluded the Macedonians who were directly discriminated by the decision. Those who were born in Greece but considered themselves to be Macedonians, or children of parents born in Greece, were not permitted to return, even for a visit (Human Rights Watch, 1994: 9-10). After World War 2, the Republic of Macedonia was established as a constituent republic within the Yugoslav Federation, but when the Socialist Republic of Macedonia declared its independence in September 1991, Greece challenged the use of the term ‘Macedonia’ claiming that it implied territorial pretensions on northern Greece region also called “Macedonia” (Minority Rights Group, 2018).⁸ Today, there is a small community of Macedonians in Greece. The numbers of Macedonians in Greece have significantly decreased as a result of the Greek state policy towards the Macedonian minority.

2.2. Minority rights of Macedonians in the contemporary Hellenic Republic

Although Greece is probably the country with the biggest democratic tradition in southeastern Europe, it is far from being a country with a high level of protection of minority rights. It may be clearly illustrated by the fact that the Hellenic Republic signed but has never ratified the CoE Framework Convention for the Protection of National Minorities (1995). The European Charter for Regional or Minority Languages (1992) was neither signed nor ratified by the Hellenic Republic. Protocol 12 to the ECHR (2000)⁹, which expands the prohibition of discrimination, has not been ratified by Greece. Greece has an antagonistic attitude towards the Macedonian ethnic minority. The Greek government does not recognize that there is an ethnic Macedonian minority in Greece and does not allow the minority to exercise its rights (Minority Rights Group, 2018). The Greek government admits that there are people in the north-western parts of the country who speak a non-Greek language, but it is not recognized as a Macedonian language. The state addresses the Macedonian minority in Greece as “people who speak a Slavic dialect” because, according to the Greek authorities, the term “Macedonian” is part of the Greek ancient history. Moreover, according to the Greek government, the Slavic dialect spoken in Greek Macedonia is not identical to the language spoken in the Former Yugoslav Republic of Macedonia. Greek government has no obligation to introduce the Slavic dialect in the Greek schools in the region (OSCE, 2008:1,3).

According to the 1994 report by the Human Rights Watch, an international NGO organization, several violations of the human rights of the Macedonian minorities were recorded in Greece: denying the existence of the Macedonian ethnic identity and Macedonian language (which violates several international human rights laws and agreements); violating the freedom of expression, accusing and convicting activists who promote Macedonian minority rights; discrimination towards the Macedonian minority by not allowing the teaching of the Macedonian language and performance of Macedonian songs and dances; discriminating ethnic Macedonians in the process of employment in the public sector; prohibiting the Macedonian refugees who left the country during the Civil War to resettle, regain citizenship, reclaim their property and visit their relatives; government harassment, threats and economic or social

⁸ Minority Rights Group (2018). *Macedonians in Greece*, <https://minorityrights.org/communities/macedonians-3/>

⁹ Protocol 12 to the European Convention on Human Rights, Council of Europe, ETS No. 177, 2000.

pressure against the ethnic Macedonians, especially the Macedonian human rights' activists, resulting in fear and reluctance to assert Macedonian identity, etc. (Human Rights Watch, 1994: 2-3).

This policy by the Greek state was criticized by some scholars who noted that Greece was particularly opposed to the recognition of the Macedonian minority and its rights (Kyriakou, 2009: 9).¹⁰ In recent years, there has been a slight improvement in the situation of the Macedonian minority in Greece. The Greek government does not prohibit the performance of Macedonian songs and dances, and Macedonians organize their cultural events very often, which was not the case in the past when such events were forbidden (Human Rights Watch, 1994: 2). Macedonian minority in Greece has had its political party, called "Rainbow" since 1994, but it has faced many difficulties caused by the Greek state. Two years ago, in 2022, the First Instance Court in Florina (Lerin) approved the registration of a non-profit organization, called "Centre for the Macedonian Language in Greece", whose main task is to promote the Macedonian language, to advocate for the introduction of Macedonian language in the public educational system in Greece, and to track the human rights violations against people who speak Macedonian. Unfortunately, in 2024, the registration of the center was annulled by the Appeal Court in Kozani following a request from the public prosecutor from Florina (Lerin) (MKD, 2024).¹¹ As the representatives of the Center declared that they would appeal the second instance Court's decision, we will see what the Supreme Court will decide. If the Supreme Court confirms the Appellate Court's decision, the Center representatives will be able to file an application against Greece with the European Court of Human Rights. This ECtHR has already issued three judgments on the violation of rights of the Macedonian minority in Greece. These judgments will be analyzed in the next subsection.

2.3. ECtHR's decisions on the rights of the Macedonian minority in Greece

In the jurisprudence of the ECtHR, there are three important judgments concerning the rights of the Macedonian minority in the Hellenic Republic. In the case *Sidiropoulos and Others v. Greece* (1998),¹² the application was initiated after the Greek national courts had refused to register a non-profit organization called "House of Macedonian Civilization", formed by Macedonians from Florina (Lerin) to promote the Macedonian culture. The use of the term "Macedonian" was the main reason for the courts' refusal to register the organization. According to the argumentation of the Greek courts, the usage of the term "Macedonian" disputes the Greek identity of Macedonia and shows that people who wanted to form the organization had the intention to undermine the territorial integrity of Greece. After exhausting the national legal remedies, the organization "House of Macedonian Civilization" lodged an application with the ECtHR claiming that the State's refusal to register their association constituted an infringement on their right to freedom of association and assembly (Article 11 ECHR). The Court found that Greece violated Article 11 of the Convention, noting that the arguments of the Greek courts were unfounded. The

¹⁰ Kyriakou (2009) noted that other minorities in Greece did not have such a bad treatment as the Macedonian minority due to the Greek government's position on the name "Macedonia". The Hellenic Republic claims that the term "Macedonia" is part of the Greek history and that the region called Macedonia has Greek identity.

¹¹ MDK (2024) *Грција сепак го забрани Центарот за македонски јазик во Лерин* (Greece still bans the Macedonian Language Center in Lerin 2024), MKD **Portal News**, 30.8.2024;

¹² Case *Sidiropoulos and others v. Greece*, 10 July 1998, ECtHR (Appl. no. 57/1997/841/1047)

Court stated: “Territorial integrity, national security, and public order were not threatened by the activities of an association whose aim was to promote a region’s culture, even supposing that it also partly aimed to promote the culture of a minority; the existence of minorities and different cultures in a country was a historical fact that a “democratic society” had to tolerate and even protect and support according to the principles of international law.” (ECtHR Judgment in *Sidiropoulos and Others v. Greece*, 1998).

The second ECtHR case, *Ouranio Toxo v. Greece* (2005)¹³ involved the political party “Rainbow” formed for the purpose of preserving the rights of ethnic Macedonians in Greece. After the party headquarters were established in Florina in September 1995, party members posted a sign bearing the party’s name “Rainbow” in both Greek and Macedonian language¹⁴, which triggered violent protests, and the party headquarters were ransacked. After exhausting the domestic legal remedies, the party filed an application with the ECtHR, claiming that Greece violated the freedom of assembly and association (Article 11 ECHR) because the municipal authorities and clergy had participated in the violent protests against the party, and the police had not taken any measures to stop the ransacking. The Court found that Greece violated Article 11 of the ECHR, noting: “The emergence of tensions is one of the unavoidable consequences of pluralism, that is to say, the free discussion of all political ideas. Accordingly, the role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism but to ensure that the competing political groups tolerate each other [...] The Court considers that the role of State authorities is to defend and promote the values inherent in a democratic system, such as pluralism, tolerance, and social cohesion. In the present case, it would have been more in keeping with those values for the local authorities to advocate a conciliatory stance, rather than to stir up confrontational attitudes” (ECtHR Judgment in *Ouranio Toxo and others v. Greece*, 2005).

The third case concerning the rights of the Macedonian minority in Greece, *House of Macedonian Civilization and Others v. Greece* (2015)¹⁵, is very similar to the *Sidiropoulos* case and is directly connected to it. In 2003, members of the non-profit organization “House of Macedonian Civilization” decided to re-establish the association of ethnic Macedonians in Greece and filed a request for registration. Greek national courts once again refused to register this organization, asserting that the term “Macedonian” can only be used in geographical and historical contexts but not in ethnic or national ones and that the term is part of Greek history. The applicants referred the case to the ECtHR, claiming a violation of freedom of assembly and association (Article 11 of ECHR). The Court held that there was a violation of Article 11 ECHR: “It is worth recalling at the outset that in the *Sidiropoulos and Others* case, the Court found a violation of Article 11 of the Convention, having acknowledged, inter alia, that the aims of the applicant association, as set out in its articles of association, appeared to it to be “perfectly clear and legitimate” (*Sidiropoulos and Others*, cited above, § 44). It also rejected the argument put forward at the time by the domestic courts, namely that they saw in the use of the term “Macedonian” by the applicant company the intention of its founders to undermine the territorial integrity of Greece; in particular, it accepted that “this assertion was based on a mere suspicion as to the true intentions of the founders of the association and the actions that it might have taken once

¹³ Case *Ouranio Toxo and others v. Greece*, 20 October 2005, ECtHR, (Application. no. 74989/01)

¹⁴ *Ouranio toxo* (Gr. ουράνιο τόξο) is the Greek word for rainbow, *виножито* is the Macedonian word for rainbow.

¹⁵ Case *House of Macedonian Civilization House and Others v. Greece*, 9 July 2015, ECtHR (Appl. no. 1295/10),

it had begun to operate " (*Sidiropoulos and Others*, cited above, § 45)." (ECtHR Judgment in *House of Macedonian Civilization House and Others v. Greece*, 2015).

However, the judgments in these three cases did not cause any crucial change in Greece's policy towards the Macedonian minority in Greece. Although Greece lost all these cases in the ECtHR, the state has shown similar intolerance towards the Macedonian minority's rights in the latest case when the appellate court in Kozani (2024) annulled the decision of the first-instance court in Florina (2022) on the registration of the "Centre for the Macedonian Language in Greece". If the Supreme Court does not approve the registration of the Centre, Greece is most likely to lose another case in ECtHR for violating Article 11 of the ECHR.

2.4. Is Macedonia¹⁶ a kin state of the Macedonian minority in Greece?

The Socialist Republic of Macedonia declared independence in September 1991 and, thus, the Macedonians achieved their goal of forming their independent state. However, the territory of the new Macedonian state (Republic of Macedonia) covered only a part of the region called Macedonia. Greece still has most of the region within its boundaries, and there is a significant number of ethnic Macedonians in this part of Greece. Given that the Republic of Macedonia is a national state of the Macedonians, and that there is a significant Macedonian minority in Greece, one may ask: is Macedonia a kin state of the Macedonians in Greece?

The term "kin state" refers to a state which shares ethnic, linguistic, and cultural ties with an ethnic group that is a minority in another country. In the kin state, the national minority's compatriots are constituent people, and it is their national state. The kin state tends to care about the well-being of the ethnic groups, considered as its external kin in other (usually) bordering states. The obligations that the state has toward its external kin in other states are considered trans-sovereign (Udrea, Constantin, Djordjević, 2023:7-8). The 1991 Constitution of the independent Macedonian state expressly stipulated such obligation and concern for the cultural, economic and social rights of the Macedonian minority in the neighboring countries (Article 49 of the Constitution RM, 1991)¹⁷, including Greece. However, Article 49 caused dissatisfaction in Greece, as it was interpreted that this provision alluded to territorial claims against Greece. Greece's stance was backed by the European Union, and under diplomatic pressure, the Macedonian Parliament amended this provision (Roudometof, 1996:258). Amendments I and II to the Constitution (1992) stipulated that Macedonia does not have any territorial pretensions against any neighboring state and that it will not interfere in the sovereign rights of other states and in their internal affairs.¹⁸ This new provision could easily stop Macedonia from looking after the Macedonians in other states, which could be argued as an interference in its sovereign rights.

However, this new constitutional provision was insufficient for Greece, which continued its negation policy towards Macedonia by negating the Macedonian identity through the dispute over the constitutional name of the Republic of Macedonia. This dispute was "resolved" with the so-called Prespa Agreement (2018), which obligated Macedonia to change its constitutional

¹⁶ The term "Macedonia" refers to the Republic of Macedonia, now officially called the "Republic of North Macedonia", because the author disapproves of the new name of the country agreed in the 2018 Prespa Agreement.

¹⁷ The Constitution of the Republic of Macedonia, *Official Gazette of the Republic of Macedonia*. 52/1991. <https://www.slvesnik.com.mk/content/pdf/USTAV-eng.pdf>

¹⁸ Amendments I and II, Constitution of the Republic of Macedonia, *Official Gazette the Republic of Macedonia*, 1/1992. 6th January 1992. <https://www.refworld.org/sites/default/files/attachments/54edf4ba4.pdf>

name to North Macedonia and additionally guaranteed that it would not interfere in other countries' sovereign rights.¹⁹ Despite not being accepted by the majority of Macedonians, and despite its controversial features (Karakamisheva-Jovanovska, 2019:7), the Agreement entered into force in February 2019. Besides the internal changes in Macedonia, the Agreement also had negative impacts on Macedonia's status as a kin state of the Macedonians in other countries. Article 4 §3 of the Prespa Agreement stipulates that both parties to the agreement are obliged not to interfere with the internal affairs of the other Party "in any form or for any reason, including the protection of the status and rights of any persons that are not its citizens" (Article 4 §3 of the Prespa Agreement). Thus, it is emphasized that interference, caused by the intention to protect the status and rights of any person other than its nationals, is forbidden. Given the fact that the Macedonian minority in Greece exists and that there is no Greek minority in Macedonia, it can be easily understood that (through this provision) the Macedonian officials confirmed that in the future, Macedonia will not intervene in Greece's internal affairs, regarding the protection of the rights of the Macedonian minority in Greece (Jacheva-Ulchar, 2021:70-71). This implies that, after the Prespa Agreement, Macedonia cannot be considered a kin state for the Macedonian minority in Greece. Article 49 of the Constitution was replaced by the Amendment XXXVI of the Constitution (2019), one of the amendments passed as a consequence of the Prespa Agreement. This Amendment stipulated that Macedonia shall not interfere with the sovereign rights and internal affairs of other states but shall protect the rights and interests of the Macedonian people staying or living abroad.²⁰ This supports the claim that Macedonia has practically given up on the Macedonian minorities in neighboring countries and that, after the Prespa Agreement, it can no longer be called their kin state.

3. MACEDONIAN MINORITY IN OTHER BALKAN COUNTRIES

On the Balkan Peninsula, there are several countries that have a Macedonian minority. After the Balkan wars (1912-1913), the region called Macedonia was partitioned (under the Treaty of Bucharest, 1913), and parts of this region belonged to Greece, Serbia, Bulgaria, and Albania. Albania took a very small part of the western territory, Greece acquired the largest southern region (around 50%), Bulgaria acquired the eastern Pirin region (around 10%), and Serbia acquired the rest, more precisely, the northern and central Vardar regions (Britannica, 2025).²¹

Bulgaria's policy toward the Macedonian minority is very similar to the Greek policy. Bulgaria does not recognize the existence of a Macedonian minority and often discriminates against the Macedonians in Bulgaria. Historically, there was a period during communism in Bulgaria (1946-1963), when Bulgaria recognized the Macedonian minority, and the Macedonian minority enjoyed several cultural rights, such as the right to learn the Macedonian language. During this period, the vast majority of the people in the Bulgarian part of Macedonia declared themselves as Macedonians. After 1963, Bulgaria started to negate the Macedonian minority and the existence of a separate Macedonian nation. This

¹⁹ Greece and the former Yugoslav Republic of Macedonia No. 55707, Prespa, 17 June 2018 (entry into force: 12.2.2019), <https://treaties.un.org/doc/Publication/UNTS/No%20Volume/55707/Part/I-55707-0800000280544ac1.pdf>

²⁰ Amendment XXXVI, Constitution of the Republic of Macedonia, *Official Gazette of the RM*, 6/2019. <https://www.sobranie.mk/content/Odluki%20USTAV/odluka%20amandmani%20ustav-en.pdf>

²¹ Britannica (2025). Macedonia, region, Europe (by L. Danforth), last updated 21. February 2025, <https://www.britannica.com/place/Macedonia-region-Europe>;

policy toward the Macedonian minority continued after the fall of communism, and Bulgaria still denies the existence of the Macedonian minority. The jurisprudence of the ECtHR shows that Bulgaria has lost 14 cases brought before the Court for violation of the minority rights of Macedonians living in Bulgaria (Stojkov, 2021:51-53).

Albania, Serbia, and Croatia are examples of countries where the Macedonian minority is recognized, despite the fact that the Macedonian communities in these countries are significantly smaller than the ones in Greece and Bulgaria. Macedonians in Albania live in a small part of geographical Macedonia, which was acquired by Albania after the Balkan wars. Despite facing some challenges, the position of the Macedonian minority in Albania is much better than the position of the Macedonian minorities in Greece and Bulgaria, as the Macedonian minority is officially recognized by Albania and it enjoys some rights, such as the right to education in Macedonian language (Minority Rights Group, 2024). Serbia (Udrea *et al.*, 2023:41) and Croatia (Udrea *et al.*, 2023:36) have both signed bilateral agreements with Macedonia for the protection of the Macedonian minority in their territories and for the protection of the Serbian and Croatian minorities in Macedonia. Croatia has taken a step further by being the first and only country that explicitly recognizes the Macedonian minority in its Constitution.²²

4. CONCLUSION

Since the end of World War 2, the protection of minority rights in Europe has significantly developed. European organizations have been actively working on developing the rights of national minorities. The Council of Europe (CoE) has created the Framework Convention for the Protection of National Minorities (1995), the most important legal act on minority rights at the European level, as well as the CoE European Charter for Regional or Minority Languages. However, the CoE Framework Convention is an act of a specific legal nature, and it cannot stipulate strict obligations for the states that ratified it; it contains principles that should be implemented, but the states choose the implementation method. Unlike the European Convention on Human Rights (ECHR, 1950), the Framework Convention does not create a system that will force the countries to respect its provisions. Article 14 of the ECHR (prohibition of discrimination) is very important for the protection of minority rights. The prohibition of discrimination is further expanded by Protocol 12 to the Convention. EU law also prohibits discrimination against minorities, but there is still no subject-specific legal act on minority rights.

Despite having a long democratic tradition, Greece does not guarantee the rights of minorities and often violates them. The Hellenic Republic has antagonistic treatment towards the Macedonian minority, which has been present in Greece since the Balkan Wars. Greece does not recognize the Macedonian minority and throughout its history, it has had an assimilating policy towards Macedonians. The contemporary Greek state does not respect

²² In part 1 *Historical Foundations*, the Croatian Constitution states that the “Republic of Croatia is hereby established as the nation state of the Croatian nation and the state of the members of its national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Russians, Bosniaks, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs, Albanians and others who are its citizens and who are guaranteed equality with citizens of Croatian nationality”. The Constitution of the Republic of Croatia as of 15 January 2014, Consolidated text, *Official Gazette* 56/90, 135/97, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 76/10, 85/10, 5/14.

the rights of the Macedonian minority and often discriminates against its members. The jurisdiction of the European Court of Human Rights (ECtHR) shows that Greece lost three cases lodged with the Court for violation of human rights of ethnic Macedonians living in Greece. A slight improvement in the minority rights of Macedonians is still insignificant. The latest events concerning the refusal to register the Center for Macedonian Language (2024) confirm that the Greek state still has an antagonistic policy toward Macedonians in Greece. Given the need for significant improvement, Greece should take measures to improve this situation. First, the Hellenic Republic has to recognize the Macedonian minority, and the state institutions should stop discriminating against the Macedonians. International organizations for human rights should put more pressure on Greece and should use the available instruments to force Greece to improve the rights of the Macedonian minority. Bulgaria, which also has a significant Macedonian minority in its territory, has a very similar antagonistic policy. Bulgaria does not recognize the Macedonian minority and tends to assimilate it. The ECtHR practice shows that Bulgaria lost 14 cases involving the rights of the Macedonian minority in Bulgaria. On the other hand, Albania, Serbia, and Croatia have a significantly smaller number of Macedonians living in their territories than Greece and Bulgaria, but they have recognized the Macedonian minority and its rights.

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NACIONALNE MANJINE U EVROPI I SLUČAJ GRČKE: DA LI MAKEDONSKA MANJINA IMA PRAVA U HELENSKOJ REPUBLICI?

U prošlom veku većina evropskih naroda formirala je svoje nacionalne države. Međutim, znajući da je Evropa naseljena mnogim etničkim grupama, ne postoji nacionalna država koja ne uključuje etničku ili versku manjinu na svojoj teritoriji. Razvojem ljudskih prava i njihovim garantovanjem na globalnom i evropskom nivou razvijala su se i manjinska prava i njihovo garantovanje. Mnogi pravni dokumenti u Evropi garantuju osnovna prava manjina, a najvažniji pravni akt je Okvirna konvencija Saveta Evrope za zaštitu nacionalnih manjina. Grčka, uprkos tome što je jedna od najrazvijenijih zemalja u Jugoistočnoj Evropi, i uprkos ratifikaciji Okvirne konvencije i drugih pravnih dokumenata o ljudskim pravima, ima neprijateljski pristup prema nacionalnim manjinama, posebno prema makedonskoj etničkoj manjini. U ovom radu biće urađena analiza prava nacionalnih manjina u evropskim pravnim dokumentima. Analiziraće se Okvirna konvencija Saveta Evrope i Evropska konvencija za ljudska prava i njen značaj za manjinska prava. Takođe, biće sprovedena analiza položaja manjinskih prava u pravu Evropske unije. Potom će se razmotriti položaj makedonske nacionalne manjine u Grčkoj i njena prava. Ovaj rad pokazuje posvećenost evropskih organizacija garantovanju prava manjina. Ali, s druge strane, ovaj rad dokazuje kršenje manjinskih prava od strane grčke države, a posebno njenog antagonističkog odnosa prema pravima makedonske manjine.

Ključne reči: manjine, manjinska prava, Evropa, Grčka, makedonska manjina.