

ARISTOTLE UNIVERSITY OF THESSALONIKI

European Master's Programme in Human Rights and Democratisation
A.Y. 2021/2022



ARISTOTLE
UNIVERSITY OF
THESSALONIKI



United Nations
Educational, Scientific and
Cultural Organization



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Deconstructing the Right to Freedom of Religion or Belief in Human Rights

A multidisciplinary approach on antisemitism towards the Jewish Community of Thessaloniki

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Acknowledgements

I would like to express my deepest gratitude to my supervisor Timoleon Galanis and Stella Dimitriadou from the UNESCO Chair, for their feedback and invaluable patience. I also could not have undertaken this journey without the UNESCO Chair professors, who generously provided knowledge and expertise. Additionally, this endeavor would not have been possible without the generous and constant support of the members of the Global Campus in Venice, which in a year of many difficulties, they made this master possible.

I am also grateful to The Jewish Community of Thessaloniki and its members and staff for making this empirical research possible with their support and participation.

Lastly, I would be remiss in not mentioning my family, and my master's fellow Cira Villar, who has accompanied me in this journey in Thessaloniki. Their belief in me has kept my spirits and motivation during a high stressful time during this process.

Abstract

Religious rights have always been in the eye of the international community on whether they should be protected by Human Rights Institutions. Freedom of Religion or belief has been castigated by critics for its nature as a non-secular right and its clash with other rights such as the Right to Freedom of expression or Freedom of Speech. This thesis focuses in analyzing the right to Freedom of Religion or belief within an interdisciplinary and global context and being applied to a specific case. Such case is the one of The Jewish Community of Thessaloniki and its history through time and suffering with the hate prejudice of antisemitism. Greece, and specially Thessaloniki has a rich Jewish heritage which seems to have been forgotten by some spheres of the Greek society. This aspect contributes to the prejudice against this community and their freedom to express themselves religiously in the public and private sphere. Incorporating firsthand evidence from bibliography, interviews with members of the Jewish community, and other fieldwork methods, this study demonstrates the correlation between the intrinsic antisemitism in some spheres of the Greek society and the limits of the enjoyment of the religious rights by the Jewish community of Thessaloniki.

Abbreviations

ACHPR	African Charter on Human and Peoples' Rights
ACHR	American Convention on Human Rights
AI	Amnesty International
CEDAW	United Nations Convention Against all Forms of Discrimination against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
COECHR	Council of Europe Commissioner for Human Rights
CRC	Convention on the Rights of the Child
CRMW	United Nations Convention on the Protection of All Migrant Workers and
EEC	European Economic Community
ECHR	European Convention on Human Rights and Fundamental Freedoms
ECommHR	European Commission of Human Rights
ECtHR	European Court of Human Rights
ECRI	European Commission against Racism and Intolerance
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
FRA	European Union Agency for Fundamental Rights
GA	United Nations General Assembly
HRC	United Nations Human Rights Council

HR Committee	Human Rights Committee
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organization
IOM	International Organization for Migration
OECD	Organization for Economic Cooperation and Development
OHCHR	United Nations Office of The High Commissioner for Human Rights
OSCE	Organization for Security and Cooperation in Europe
SR	Special Rapporteur
UDHR	Universal Declaration of Human Rights
UN	United Nations Organization
UNCRC	United Nations Convention on the Rights of the Child and Members of their Families

Greek abbreviations

CEDIME-SE	Centre for Documentation and Information on Minorities in Southeast-Europe
DPA	Hellenic Republic Authority for the Protection of Personal Data
GC	The Greek Constitution

GHM-MRGG
Greece

Greek Helsinki Monitor and Minority Rights Group in

GO

The Greek Ombudsman

JCA

Jewish Community of Athens

JCT

Jewish Community of Thessaloniki

JMT

Jewish Museum of Thessaloniki

NCHR

Hellenic Republic National Commission for Human Rights

Preface

During this last academic year, I experienced an immense change of mindset regarding my knowledge in human rights. Firstly, being able to learn from the expertise of the academics coming from the partner universities to the Monastery San Nicolás until my unique experience in the Aristotle University of Thessaloniki. During the last months I have been changing frequently the approach that I wanted to give to my thesis. Starting from considering doing a thesis in Freedom of Religion and the case of African Jews until I took my final decision in Thessaloniki, focusing my research on antisemitism toward the Jewish Community of the city. In a daily basis, the Jews are considered the same as the civil and political category of “Israelite” as a citizen of Israel or a “Zionist” as a supporter of the state of Israel. People are forgetting the primary difference that lays on the understanding of how a Jewish person identifies him/herself. In some extent, people tend to don’t realize that not all Jews support and represent Israel and not all of Israel citizens are Jewish. When I arrived at Thessaloniki, I was told that there was a relevant history about the Jewish communities in Thessaloniki. The history of the Romaniotes Jews, the Sephardic Jews and the Diaspora, the Holocaust, and the Jewish communities nowadays. When I realized that I could not waste an opportunity like this, I decided to change my case study to the Jewish community in Thessaloniki. Therefore, I decided that I would be much more exciting to be immersed into their lives and try to be able to do field work for my thesis in a such unique context like Thessaloniki. However, this field work was never an easy path. The security measures and impediments of the Jewish community of Thessaloniki, forced me to delay my field work and complicated the realization of the work that needed to be done. In conclusion, this led me to ask myself about the history of these Jewish communities, their experiences, and their culture. How the Freedom of Religion or belief is enjoyed, guaranteed, and threatened regarding this minority and how they respond to it. My personal experience triggered me to think about the discrimination that these communities suffer, from being one of the most important ethnic groups in Thessaloniki to losing the 96% of population after the Holocaust and being considered a minority. It is usual in most of the countries in the west to see security, private or public, in synagogues and Jewish demonstrations. The Jewish communities are still endangered from antisemitism in most of the countries and Greece is not an exception. With the uprising of neo-Nazi and fascist groups such as the banned group of Golden Dawn, made me question which was the reality of the Jewish communities in Thessaloniki. Therefore, to investigate if Greece is complying with the International and Regional standards of Human Rights and how does Greek authorities respond to their own religious rights violations and into what extent, antisemitism is rooted in the Greek community, specifically in Thessaloniki.

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Part One: Implementing Freedom of Religion or Belief

1. Chapter one: Historical and Philosophical context of Freedom of Religion or Belief

1.1. Religion and its importance in society

Religion has always been part of the human society, we have it in our daily life, in our interdependencies or in our workplace. Since the humankind started to live in society, they believed in the need of giving a meaning to what their eyes and mind couldn't understand. Some anthropologists call it magic, others religion, and many years after, the western world of 21st century understands it as science. With naming comes meaning and meaning derives to divergencies. The world is divided by different cultures and societies that have many different beliefs that had been worshipped, preserved, and threaten though time due to variant reasons. The history of our cultures determines our beliefs, and this aspect is applicable to every culture. We are constantly learning that the contact between cultures with different beliefs lead always to some sort of conflict, war, or discrimination. Therefore, even though the protection of a culture religion or belief has always necessary, it wasn't until not long ago that we started to protect religious rights. From the crusades for a seek of truthfulness and holy land, throw the need of imposing the beliefs of the west world with colonialism, until the atrocities and genocide committed during the Holocaust. The Second World War was a "game changing" global event that made most of countries realize that there was a need of having an international agreement or organization that could operate as a panoptic to identify, protect and prevent from another massive destructive event to occur. After that, the world decided the use the motto of "never again" to justify the need of an international protection system for the vulnerably of some groups and to avoid that acts like the Holocaust could happen again. Nowadays, even though we haven't experienced yet any other religious, ethnic or racist attack of the magnitude of the Holocaust, we have seen a lot of wars and cases of discrimination based on their beliefs, ethnicity, race, or nationality. Cases such as what happened in Rwanda, the Balkans or the actual Ukraine conflict are examples that demonstrate that we are still not safe from the fear of being massively discriminated by our ethnicity or by our beliefs. Religion in our millennium appears in all the different spheres of society, culture and civil society, politics and identity, security and conflict. Since the Universal Declaration of Human Rights (1948) the international organizations and regional systems have been trying to implement new provisions, treaties, covenants and regulations to try to protect religious rights.

However, to understand into what extent is important to protect religious rights I should focus on the role of religion in our societies nowadays.

1.2. Is secularization a reality? How human rights institutions react to this movement

Rather than disappearing, religion is getting more and more important in all these spheres and phases of the lives of the individuals. A lot of sociologists believe in what is known as secularization as a movement that is growing in societies. However, societies are not being secularized, religion is changing its focus and moving to the private sphere instead of being in the public sphere. In the western world in the last 50 years, we have been seeing transitions between religious or confessional states into laic states. This is mostly due to the separation of the Church from the State. This concept was firstly addressed by American sociologists such as Parsons, Berger or Martins. Religion seeks its presence in society, therefore, as it has no place anymore in the public sphere, it dominates the private sphere of individuals. Religion is transforming itself. In the western world is understood as the mutation of the Church from being focused on the State to be oriented towards society (Casanova, 1994). Many authors believe in counter-secularization movements, where religion is not disappearing, its rather gaining more importance in society. Consequently, this movement is creating counter- secular movements, secularization is being secularized. However, to answer how does the Human Rights system react to secularization movement, it should be mentioned before that, in fact, the international social order is a secularized social order. It has no dominance by any religion. Most of the States participants of the international community are dominated by “rationality”, they are no longer influenced by the Church. Since the Treaty of Westphalia (1648) were there was no more pope presence, the international community has been secularizing their institutions and excluding religious institutions to be part of their treaties. Subsequently, industrialization and capitalism helped to promote secularization in regional and state level. Progressively in history, Christianity influence has been lowered, and religious minorities have gained representation. Still nowadays, the international protection of religious freedom has remained secular and conducted by state parties considering the *etsi deus non daretur*¹. There is a division, between the influence gained by religion in the political discourse (fascist and racial discourse, traditional values...) and the secular human rights institutions trying to persecute those perpetrators when their statements threaten the civil

¹ As if there were no god

peace and security (Durham et al., 2004). When religious hatred movements enter into the political realm what is in danger are the democratic human rights values, specifically the right to freedom of religion or belief (Durham et al., 2004). Secularization will always be a debatable movement that influenced modernity in many ways. One of the duties of the Human Rights institutions regarding freedom of religion or belief should be to keep monitoring the influence of religion in the political realm and assure that States that violate the right to freedom of religion or belief can be monitored, reported and prosecuted taking into consideration that even though every person has the right to enjoy their freedom of religion, with every right there are its obligations and limitations.

1.3. Philosophical justification for Freedom of Religion or Belief

As Freeman (2002) expresses there is a philosophical justification for the creation of human rights, basing this concept in the Universal Declaration of Human Rights since this conception is intrinsically philosophically rooted. All philosophical theories are controversial. Therefore, there must be a public legitimacy for the right to Freedom of Religion and belief. There is no consent, no approbation without the validation of public opinion and with secular and plural world that we are living in, the right must be of public trust and well-founded (Durham et al., 2004). To justify Freedom of Religion or belief as a right we must consider that societies are plural, which creates differing norms inside each society that extends to the understanding and justification of the Right to Freedom of Religion or belief. As Durham et al. (2004) concludes, to assess the issue we must undertake in which ways *differing normative traditions embrace incompatible doctrines and engage in competitive communal practices*. For that, I will use the two dilemmas described by Lindholm in (Durham et al., 2004) in relation with the dilemma of human rights justification described by Freeman (2002). Applying the two dilemmas as sources of understanding between different religions or beliefs could be beneficial to implement a proper protection of the Right to Freedom of Religion and belief. Firstly, *Well-grounded mutual respect across fundamental divides* expresses how someone who believes in the truthfulness of a divinity or God, and the foreshadowing afterlife as the only truth should respect and protect the other's truths. For instance, between prophetic religions, we should question why they would respect between them, even though they only believe in their own truths. Durham et al. (2004) considers the answer is simple as we are not only talking about doctrines, beliefs, or practices, we are talking about a *modus vivendi*, a way of living. Conversely, the second dilemma, *the reasonable justification based on a plurality of incompatible grounds*, demonstrates

that plural societies have failed to strengthen a public shared understanding of moral solidarity (Durham et al., 2004). In this regard, religion has always been present in society in many ways and its practices and traditions have built what today we understand as Modernity. Religion is not determined exclusively by its practitioners and their truths, also by their contribution to society. Plural societies are defined by the different ways of living of the different cultures and religions that coexist together in the same context. It is obvious that these dilemmas are worthy to consider due to the historical context of the humankind, hence we have committed unforgivable crimes in name of a god or a truth due to the non-acceptance of the otherness of the rest of the cultures that doesn't represent ours. Here it lays the main purpose of the human rights institutions, not only regarding the Right to Freedom of Religion or belief, moreover, all the other human rights. To respect, protect and fulfill the rights of a plural society built by wars, conflicts, and intercultural dominance.

1.4. Historical perspective on Freedom of Religion or Belief

Freedom of Religion or belief has been metamorphosized during centuries and many models on how to best protect this right had been considered depending on the scope, the social aspect of it and the applicability. To understand how the Freedom of Religion or belief has changed during centuries in a global context I should mention the different stages of religious protection during history. To have a better understanding, I would explain the models used by Evans (2008). The first model, *cuius regio, eius religio*, its focused on the international peace treaties as the columns for territorial separation of people regarding their religious beliefs, such as the Catholics or Lutherans. On the other hand, the *minority protection* model determines that religious minorities should be protected within a territory by international, bilateral or multilateral treaties under a state hegemonic ethnic or religious majority. Finally, the model that is ongoing in our international context would be the *human rights* model, where International, and regional treaties provide international standards for the protection and monitoring of universal human rights and individuals rights. In this model, Freedom of Religion or belief is understood as one of these rights recognized within an international context.

There is a lot of controversy whereas Freedom of Religion or belief as a human right has a recent or ancient history. Even though is true that religion has always been around in international conflicts, it has not been in international law and relations until the 20th century and even less as a human right. Authors such as Witte (1996), defend that Freedom of Religion or belief was one of the first rights to be

recognized, however, the international recognition of a universally application of Freedom of Religion or belief as a human right (imposing states a legal and political obligation for protection and respect in their jurisdiction) wasn't accomplished until the 20th century (Durham et al., 2004). As this author explains, the most effective model out of the three mentioned above, is clearly the human rights model, due to its wide spectrum and protection under treaties and conventions and the compliance and penalization of the perpetrators. Although the two first models of Evans (2008) are intrinsically related to the global political context of their era, the only system that combines enforcement, protection and most important, plurality, is the human rights model. Whereas the *cuius regio, eius religio* model guarantees a separation of the Freedom of Religion or belief in a specific region, it has no minority protection. The *minority protection* model is focused on minorities, however, still not secular. The only perspective that includes a plural and equal protection of Freedom of Religion or belief is the *human rights* model because it provides an agreed understanding of religion under international law, where minorities are protected under the treaties and non- secular countries agreed to respect the Freedom of Religion or belief under their jurisdiction and under the watchdogs of the human rights institutions.

2. Chapter two: The legal framework of Freedom of Religion or Belief

2.1. Freedom of Religion or Belief in human rights institutions

Before starting to focus on my case study I consider necessary to take a brief look at the right to Freedom of Religion in the international human rights law context. To have an overall perspective on the contemporary human rights protection system regarding the right to Freedom of Religion or belief, all the different contexts, cultures and historical background of the countries that contribute to the protection and ratify the international treaties must be considered. The first assumption to be considered in this regard is that Freedom of Religion or belief is a fundamental right, therefore, religious freedom protections are non-derogable. After the atrocities committed in the WWII, the world demonstrated that Freedom of Religion or belief, such as other human rights, were necessary if they wanted to construct a world where human rights were above any State or individual purposes. The Holocaust is the great example of how a right such as religious freedom rights, and intrinsically related, any type of discrimination, and even more absolute, the right to life, must be protected. The international community decided that States that provide a critical scrutiny and informed citizens under international law are

holders of the correlative obligations (Evans, 2008). Starting with the Universal Declaration of Human Rights (1948) and continuing with the ICCPR (1966), followed by regional conventions such as the European Convention on Human Rights (1950), the American Convention on Human Rights and Fundamental Freedoms (1969) and the Concluding Document of the Vienna Meeting of Representatives of the Participating States of the CSCE (1986-1989), specifically, principles 16 and 17. To understand the basic principles of article 18 of the ICCPR we must take into account the UN Human Rights Committee General Comment No.22 (48) and its eight provisions. Firstly, the *internal freedom*, which includes that everyone has the right to freedom of thought, conscience, and religion to have, adopt, maintain, or change a religion or belief. Secondly, the *external freedom*, which includes that everyone has the freedom, either alone or in a community, with others, privately or in public, to manifest his or her religion or belief in teaching, practice, worship and observance. Thirdly, the provision of *non-coercion* which determines that no one should be subject to coercion that would impair his or her freedom to have or adopt a religion or belief of his or her choice. Fourthly, one of the most important provisions, the *non-discrimination* that determines that States are obliged to respect and ensure that all individuals within their territory are subject to their jurisdiction to enjoy the right to Freedom of Religion or belief without any kind of discrimination or distinction, such as race, color, sex, language, religion or belief, political or other opinions, national or other origin, property, birth or other status. Fifthly, the rights of parents and guardians, where States are obliged to respect the liberty of parents and legal guardians to ensure religious and moral education of their children in conformity with their own convictions. Moreover, subject to providing protection for the rights of each child to Freedom of Religion or belief consistent with the evolving capacities of the child. On the other hand, another important provision is the one regarding *corporate freedom and legal status*, which is essential for Freedom of Religion or belief because religious communities have standing and institutional rights to represent their rights and interests as communities. This means that religious communities, have inner rights themselves, rights such as the right to have their autonomous affairs. Even if a community would not be interested in acquiring a legal entity status, they have the right to acquire one as a part of their Right to Freedom of Religion or belief. This aspect is related with the idea of religious communities as organs with the right to manifest their religious beliefs. Finally, the last two provisions which are the *limits of permissible restrictions on external freedom* and the *non-derogability* determine respectively, the limits of its right and the obligation of the States to not derogate from the right to Freedom of Religion or belief (CCPR Comment No.22: Article 18, 1993). These last two provisions represent main standards on how this right should be respected and fulfilled. Even though is a non-derogable right, which means that it can't be derogated not

even in war times or public emergency, it doesn't necessarily mean that this right cannot have limitations. Such limitations can be applied in certain occasions or cases regarding aspects such as public safety, order, health, morals or fundamental rights of others. Here enters a debate on the fact if Freedom of Religion overweight's other rights such as Freedom of expression or religious hatred speech. This debate has been in around since the applicability of this right was raised.

2.2. Legal limitations on the Right to Freedom of Religion or Belief

If we analyze the main legal limitations on the Right to Freedom of Religion or belief, I should start by mentioning the article 18 paragraph 3 of the International Covenant on Civil and Political Rights

“3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” (ICCPR: Article 18: 1966)²

As I mentioned above, even though Freedom of Religion or belief is technically an absolute right, it still has its limitations regarding other rights. Public safety regarding extremist religious demonstrations, the restrictions of religious practices during the pandemic or religious hatred speeches are clear examples of such limitations. In the same way as the ICCPR, the European Convention on Human Rights, in the article 9, paragraph 2 expresses the same limitations, if not similar ones.

“2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others. “(ECHR: Article 9, 1950)³

These two paragraphs demonstrate that the International and Regional systems regarding the limitations of this right have a similar approach, mainly focusing on public safety and order, health, and the respect for fundamental rights. Whereas this include all kinds of religions and beliefs, from the polytheistic religions to the prophetic ones, both definitions are devoted to protecting freedom to encompass secular beliefs (Ulitz, 2007).

² International Covenant on Civil and Political Rights, Article 18 paragraph 3

³ European Convention on Human Rights, Article 9, paragraph 2

Another aspect to consider regarding the limitations of the Right to Freedom of Religion or belief should be the scope of *forum internum*. The General Assembly (2015) stated that the *forum internum* within the article 18 protects that the dimension of a person's thoughts, opinions or convictions regarding religion are strictly unconditional. On the other hand, the Krishnaswami study mentions the same aspect of one's religion and personal religious and spiritual beliefs and thoughts:

“Freedom to maintain or to change religion or belief falls primarily within the domain of the inner faith and conscience of an individual. Viewed from this angle, one would assume that any intervention from outside is not only illegitimate but impossible.” (Krishnaswami, 1960)

Although *forum internum* operates in the sphere one's beliefs, personal thoughts and one's religious spirituality, it doesn't accept any intervention or limitation, its only under the domain of one's inner faith. The article 9 of the ECHR includes the *forum internum* defining it as the right that no one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs. Despite this, considering external manifestations of Freedom of Religion or belief, this right may be interfered by some limitations. In this regard, many national constitutions prescribe a wide range of permissible limitations of religious freedom. In this regard, in Greece, the Article 13 of the Constitution paragraph 2, provides an understanding that the practice of rites of worship are not allowed to offend public order or the good usages, as well as proselytism, which is prohibited. (The Greek Constitution, 1975) Additionally, proselytism is not only banned in Greece but moreover, the State refuses to recognize religious affiliations that exercise proselytism and criminalizes some religious acts that are not under the approval of the Christian Orthodox Church. It is clearly shown in the case of Kokkinakis vs Greece, where the resolution demonstrates severe limitations of the Right to Freedom of Religion or belief, specifically regarding proselytism. On the other hand, this case demonstrated that the European Court of Human Rights do not approach the rights and freedoms of others, mostly regarding coercion. As an additional example, the Greek constitution of 1975 states that no oath should be taken against religious convictions as it is provided in the Article 13. In Greece, the Council of State decision GRE-1998-R-002 mentioned by Ulitz, (2007), a student was released from taking an oath and declare it's religion as a condition for obtaining a master's degree. As Ulitz (2007) points out in this case, taking an oath is not an aspect of *forum internum* rather more a manifestation of religious freedom. One must wonder into what extent revealing one's religion or beliefs enters into the domain of *forum internum*. In most of the international and regional systems for the Protection of Human Rights it is difficult to limit Freedom of Religion or belief when the laws that are applied are rather more neutral laws. In those cases, the courts

must decide whether to guarantee the constitutional protection of religious freedom and benefit believers or make an exemption.

2.3. Controversy regarding the limitations to Freedom of Religion or Belief: A clash of rights, the Right to Freedom of Expression and Prohibition of Discrimination

Somehow when the matter of religion and human rights must be discussed, there is always the same assumption considering that freedom of religion or belief and human rights are contradictory normatives that can't go hand in hand because they exclude each other (Bielefeldt, 2019). On contrary, is matter of fact that Freedom of Religion or belief is a human right, thus other major rights. It seems to be that there are sections of the international community that identify themselves as liberals, that do not accept this verity. In most cases, this argument goes with the idea that religion itself, with all its traditions and practices constitutes an impediment into achieving freedoms, mostly related with religious standards against gender equality, or sexual orientation. Even though norms and religious traditions can contribute to the continuous oppression of the LGTBIQ+, that doesn't necessarily mean that the beliefs of the persons and their traditions shouldn't be protected. Consequently, protecting religious rights doesn't mean that you are protecting "a less liberal" way of living or you are contributing to the oppression of certain groups. This is rather more a judgmental opinion regarding the topic. Religious rights include the protection of rites, religious manners, traditions, and its peoples' beliefs. This not only refers to the archaic religious dogmas nowadays secularized, but you are protecting their way of living. Freedom of Religion or belief is not and should not be focused on protecting one's religion and its preservation but should be implemented to protect the person's right to continue with their way of living without discrimination and hatred actions. It is about empowering persons and protecting believers, not the belief itself. Vice versa, religious freedom and extremism should be limited into an extent of religious hatred speech and discrimination based on belief. Therefore, in the Article 9 of the ECHR the Right to Freedom of Religion or belief is defined in this way:

"This right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance" (ECHR, 1950)

It is not said that this right includes the protection of the religion itself and its belief, either their indoctrination or persecution. It only includes the freedom of the person to exercise their religious way of living. In consequence, the debate on whether it is a beneficial implementation the protection of religious rights it doesn't stand itself. Another debate worth mentioning that is always in the international community is the non- secular influence coming from religious authorities that can possibly arrive to the human right system due to having the Right to Freedom of Religion or belief. This is a coin of two faces, where liberals believe that obscurantism can arrive to the human rights sphere, and religious authorities doubt on the approachability of secular authorities such as courts to judge theological and sacred aspects regarding religion. Critics have claimed that including Freedom of Religion and belief in the human rights system also prioritizes the religious views rather than secular views which threatens the nature of the right to Freedom of Religion or belief as a universal right. The United Nations Committee made a statement clarifying that Freedom of Religion or belief protects theistic and non-theistic, so as atheists and the right to not follow any religion. On the other hand, Asma Jahangir the UN special Rapporteur stated that Freedom of Religion or belief primarily confers the right to act in accordance with one's religion but does not bestow a right for believers to have their religion itself protected from all the adverse comment (Human Rights Council, 2006).

In general aspects, the protection of religious rights in comparison to freedom of speech limitation derives into the aspect of the differentiation between offensive speech and religious hatred actions. Analyzing the article 9 of the European Convention on Human Rights, it is said that by necessary implication, that the article imposes a duty for all of us to refrain from insulting or outraging the religious feelings of others (Jones, 1990). Therefore, not only the limitations of Freedom of Religion or belief collide with the right to freedom of expression or freedom of speech. The right to freedom of thought, conscience or religion as it is defined in the ECHR provides protections for the religious feelings of the believers but moreover it collides with limitations on other rights. On the other hand, returning to the idea of considering spiritual and religious persons as persons who don't dissociate their attachments to their beliefs differently than part of themselves, this does not mean that there is no decision-making regarding following one's religion or worshipping a specific deity. Most people can't decide to be religious or spiritual due to their roots, ethnicity, culture, or parentage relationship. Some are raised or even born to be religious, some are forced to worship, and some decide to by their own will. The fact that some people could defend that being religious then is "something that can be chosen" that doesn't necessarily mean that religious people should be held accountable for their own suffering from religious hatred speech or actions. Another decisive aspect regarding this argument is that the separation between race or gender

attacks in comparison to religious attacks, should not be addressed in a different manner. It is undoubtedly difficult to think that regarding religious hatred speech there will be no range of interpretation and separation of the different accusations. Such accusations as injurious speech about the person who believes or harmful speech about the ideas that are proclaiming those followers of a specific religion. Therefore, to identify the limitations on whether freedom of expression can outweigh religious freedom, its reduced to interpretation of the courts. If religion is only understood as a way of life or merely as a belief, it is probable that in some cases freedom of speech or expression could be guaranteed, because it would be a “banal” attack to someone’s ideas. Therefore, it would be a belief against and opinion, and depending on interpretation, as long as it doesn’t trespass to another sphere of discrimination by race, sex or gender, it would be a clear resolution. However, undoubtedly, religion it is not merely reduced as a belief, it implies someone’s culture identity. Most of the times an ethnic heritage can be even go hand in hand, with gender or sex discrimination. Furthermore, the interpretation of religion is also intrinsically related with the definition of what is considered religion and which religions are protected under each national jurisdiction. Most of the times the country’s constitution. It can happen, that religions not considered as a religion, maybe a tradition or subcultural group beliefs, sometimes related with national minorities, can be affected by this aspect. Religions not recognized by the national constitution are less protected than the ones that are recognized by the State, most of times representing most of the population. This also demonstrated why minority rights are so important for the protection of religious freedom. Countries such as Greece that are under the Council of Europe, but they haven’t ratified the 1981 Convention on National Minorities, are clear examples of countries where Freedom of Religion or belief is guaranteed but only for a few religious minority groups recognized by the constitution of Greece. Most of the arguments in favor of self-expression overweighting the religious freedom are not only based on the self-decision making of the persons but also on the accusations that some religious manifestations can be offensive to the persons who don’t belong to that religion. This demonstrated why is so important the culture of tolerance to respect one’s beliefs, so as for the ones who predicate a religion than for the others who dissociate themselves with it. In the end, the culture of tolerance can be reduced to an understanding of what could be identified as “the right to not be offended”. As it is said above, tolerance can appease the intrinsic hate speech that raises with the incomprehension of the other beliefs or religion that are not belonging to one’s faith. However, even though the culture of tolerance can be a trustful tool to implement as a long-term solution, what can enhance a better protection to religious rights are the human rights institutions with its limits. As a result, the limits included in provisions, the compliance with its standards included in the treaties, the reporting system and the

amenability of the State parties to the courts can be the main sources of observance regarding religious rights violations. On the whole, freedom of speech is nowadays controversially questioned as a fundamental right to the cases of defamation of religion. However, defamation or violation of the right to Freedom of Religion or belief based on religious offence is rather more a theological question rather than a legal one. Therefore, the limitations on the right to freedom of expression regarding religious aspects are summarized as the act of defamation and religious offence. As Langer (2014) summarizes, Religion is not an *agens* of human right but rather more it's ward. In the protection of religious rights, it summarizes to protect one's belief and doctrines not the whole spectrum of aspects that conform religion. It is not based on the word of a divinity or God, rather more a secularized overview on into what extent humanity react to religious extremism. There are limits that fall under the human rights rationale such as extreme proselytism but are only approached in a manner of protecting fundamental human rights. As long as there is no harm on others regarding their absolute rights, there is no concern for the human rights rationale concerning the rituals or practices worshipping one's religion. There is no place for religion to influence the secular human rights rationale, therefore, if religious offence should be considered a human right it must abandon the human rights rationale (Langer, 2014). As a result, only under a religious rationale as Langer (2014) exposes, the defamation or religious offence could be understood as a right. This implies that religious rules would determine the repercussions in law so as we see in extreme confessional states where the religious rationale is in the national law. Aspects such as the prohibition of same sex marriage, abortion or circumcision would be the ruling of the state. Giving the State parties of international human rights institutions the authority to protect the reputation of certain religions, would only derive to jeopardize freedom of expression. On the other hand, this would not be positive either for the Right to Freedom of Religion or belief itself, because it will endanger minorities, critics, and detractors (Bielefeldt, 2019). In countries such as Greece, is certainly a difficulty having such a huge influence by the Orthodox Church. On the other hand, the predominant traditional roles of one prevailing religion and dominance over the others can also lead to discrimination based on religious beliefs. Regarding this aspect, the Committee insisted in the General Comment no22 regarding the article 18 that a religion recognized as a state religion should not result in any kind of discrimination under the Covenant. Hence, States under this treaty should implement policies to create a safe space either for atheists or religious believers. A safe space to unfold freely their will, discerning of religious activities or practicing them without discrimination. The secular human rights approach should prevail untouched by religion so as it should guarantee its universality and pluralism. Similarly, as the liberty that should be given to the expressive rights such as freedom of expression or speech, Freedom of Religion or belief

should also be proven to be respected in the same conditions. The most common theory is that having a wider freedom of expression promotes an overall good rather than a negative consequence, if citizens can spread beliefs, information and criticism without intensive barriers, a non-dogmatic true belief will prevail in the long run (Binderup, 2007). Another critique falls under the idea that a without-limits freedom of speech can influence the population opinions giving false truths that might affect their judgment. Conversely, it is well known that sometimes, exercising the right to freedom of expression can be the only way to make people to speak up about hidden truths. Furthermore, a freedom of speech based on spreading information can contribute to the preservation of equality in many aspects such as opinion, media, and judgment. To align with this idea, I must return to the concept of tolerance, which is strictly important to create tolerance to offensive criticism. On the other hand, it is difficult to respect the other's beliefs when at the same time you aren't a part of their culture and you disagree with their statements, most of the times, in contradiction with your own beliefs (Binderup, 2007). Therefore, people in liberal societies in the end they must accept that there will be disagreement with them and respect for cultural and religious sensibility should be implemented but not protected. However, as every right, this doesn't mean that hate speech and hatred actions or discrimination of any kind should be tolerated. Not distinguishing between someone's identity and someone's culture is one of the threats of the Right to Freedom of Religion or belief in relation with expressive rights. As I mentioned above, Freedom of Religion only protects the person and their identity as a person in their beliefs, ethnic origins, etc. The same is applicable to freedom of expression where its limits lays on the wideness of hate speech and religious offence. Freedom of expression should overweight Freedom of Religion, or more specifically the "right to not be offended" when the offence is focused on the belief, not a group or a person. This aspect is necessary to point out when cases of defamation to religions or caricatures are raised in the courts, because its decisions should not be bias into what extent the offence is focused. It is easy to overlook discrimination under the statements of freedom of speech. Therefore, elements such as the normal universality, freedom and equality should be respected to provide an open framework in which religious pluralism can unfold freely without discrimination (Bielefeldt, 2019).

2.4. The protection of Freedom of Religion or Belief before the human rights institutions

Regarding international instruments, as I mentioned above, even though the international community already had addressed rights such as nonracial discrimination or racial discrimination is not only until the 60s where religious discrimination was properly addressed by international institutions. Mainly these international institutions use the treaty/convention system which each treaty provides the States that signed and the States which sign and ratified. Regarding Freedom of Religion or belief, as Lerner (2000) summarizes, they should have measures that address issues such as the nature, scope inner and outer religious freedoms, freedom of religious expression and its limitations, clashes with other rights and its derogations. On the other hand, individual aspects of the procedural available to protect individuals from religion should also be considered. If we go back in time to the first provisions and bilateral treaties under the traditional rule *cuius regio eius religio*, the main treaties were the Augsburg treaty (1555), Wesphalia treaty (1648) and Vienna treaty (1815). These treaties demonstrated back then that humanity, in a way, cared about humanitarian intervention. This period of protection, ended by the French and American revolution (Krishnaswami, 1960). After this period, the next relevant period is the post WWI period where the League of Nations (1920) was the main organ to proportionate a regulation and protection of Freedom of Religion and conscience in the article 22:

“Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.” (League of Nations, 1920)

As back then there was no human rights system, the League of Nations was the only intergovernmental organization that mentioned freedom of conscience and religion. For the time of its existence, the League of Nations implemented unilateral statements on religious freedom that ensured protection for national, ethnic, religious, cultural, and linguistic minorities (Capotorti, 1991). Throughout time, and especially after the Second World War, the League of Nations was dissolved, and a new human rights system was established. In the conference of San Francisco in 1945 the United Nations was established, their intention was a further protection than what an intergovernmental organization like the League of Nations had

given, focusing not only on collective rights, also with an individual perspective. The rights under their protection were focused on the individual, protecting each person as an individual holder of rights not only collective or group rights.

2.5. Freedom of Religion or Belief in the human rights era: Main international norms and provisions

The first and most important document regarding human rights in the modern era is the Universal Declaration of Human Rights (1948). In general, they didn't address properly the collective human rights, neither religious rights were properly addressed. Its full protection would be guaranteed in the subsequent provisions that were drafted. Despite this, they were cautious about Genocide and its implications. By the time the Universal Declaration of Human Rights was drafted, another convention was drafted focusing on the prevention and punishment of perpetrators of genocide. In The Convention on the Prevention and Punishment of the Crime of Genocide ("Genocide Convention"), the Article II provides a whole focus on "Religious groups" (Lillich, 1990).

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group." (Convention on the Prevention and Punishment of the Crime of Genocide, 1948)⁴

Even though the "Genocide Convention" mentions the aspect of religious genocide, the first instrument to address religious rights under a human right system is the Universal Declaration of Human Rights (1948). Starts with the Article 2 mentioning that everyone is entitled to all the rights and freedoms set in the Declaration without discrimination of any kind, also including religion.

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." (UDHR, 1948)⁵

⁴ Convention on the Prevention and Punishment of the Crime of Genocide, 1948, article 2

⁵ Universal Declaration of Human Rights 1948, Article 2

Less important but worth mentioning is the right to marry, which is included in the article 16 of the Declaration, where it's mentioned that all men and women are entitled to marry and found a family without any limitation, indeed including religion⁶. However, where the focus should be addressed is in the article 18 of the Declaration where it addresses first the guaranteed freedom of thought, conscience and religion.

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” (UDHR, 1948)⁷

This first aspect includes a broad conception of the facts that should be protected under this right. There is a specific reiteration where “belief” is mentioned after religion twice. This could mean that the right to profess a religion or to profess none may be included. As a matter of fact, belief is intrinsically related to religion. Therefore, the term belief was included not only to protect individuals and their beliefs, moreover, to protect them from religious hatred actions or discrimination. The word “belief” was included to protect atheists and people non-religious (Lerner, 2000). As this author explains, back then, freedom of conscience was not universally consolidated as a legal concept at the time of the article 18 was drafted. So is usually discussed with the idea of conscientious objection, not exclusively religion related. On the other hand, the article 18 addresses conversion and religious proselyting. This aspect of the right is controversial because includes the right of a person to be part of a religious group. At the same time, it includes the religious organization or institution to act freely in their right to express and captivate followers to worship their religion without discrimination for their beliefs. However, there are two main aspects to consider. First, the parameters of what is or what's not a religion or belief, if there must be a consolidated institution or if it just needs to be a group of people with a same belief. Secondly, the main point is that the conversion and proselytism go hand in hand with a clash of rights. This aspect it gets worse with the draft of the 1966 Covenants, where it is mentioned that Freedom of Religion or belief regarding conversion and proselytism can clearly clash with rights such as the right to privacy. In conclusion, there must be a clear differentiation in freedom of thought and conscience and what is understood as religious freedom (Lillich, 1990). On one hand, religious manifestations can be easily derogated when they clash with other rights such as the right to not be discriminated or the right to privacy due to their limitations. On the other hand, freedom of conscience or thought can only be limited by what

⁶ Universal Declaration of Human Rights 1948, Article 16

⁷ Universal Declaration of Human Rights 1948, Article 18

Lerner (2000) explains as *complicated psychological techniques that influence the human mind*. Before going a step forward to analyze the 1966 Covenants, I should mention the Krishnaswami study. This study submitted in 1959 and published in 1960 was an incredible contribution for future documents regarding Freedom of Religion and belief. He refers to prohibition of discrimination, deals with proselytism as well as the limitations of this right. In addition, he mentioned in the study collective aspects of the right of Freedom of Religion or belief such as assembly, association, or organization. As well as other aspects that were necessary to abond such as worshipping, symbolism, pilgrimages, and other aspects out of the religious sphere of society that affect individuals in non-religious organizations such as marriage, divorce, funeral practices and even teaching.

As the Human Rights system was growing progressively, in 1966 the two Covenants, The Covenant on Economic Social and Cultural Rights (1966) and the Covenant on Civil and Political Rights (1966) were drafted, therefore, the religious rights protection took a step forward. As Lillich (1990) explains, these two Covenants addressed more than legal or political aspects of society. Philosophical and ethical perspective on society were the basis of creation of the articles covered by these Covenants. The most important regarding Freedom of Religion or belief are the articles 18,19,20 and 27. Focusing on article 18, is the same article as the article 18 of the Universal Declaration of Human Rights (1948), however it includes improvements in terms of protection and freedoms. It explicitly included the prohibition or coercion, which it doesn't include a definition, but it can be understood and interpreted as a prohibition to the use of force and positions of power or influence in the familiar sphere to force someone to join or be integrated in a religious community.

“No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.” ICCPR, 1966)⁸

Another interpretation of this part of the article can include at the same time the prohibition of coercion and the freedom of a person to adopt a belief of their choice and to join, if it's their will, any religious group of any kind if it's their will. This is intrinsically related with the third part of the article 18 where includes the limitations of the article such as *public safety, order, health, or morals or the fundamental rights and freedoms of others*⁹. Most of rights are derogable in special circumstances, in addition, have its limitations. Regarding this right specifically, as it is mentioned in the article 18, its limitations are aspects such as moral reasons or other fundamental rights. An example regarding morals and fundamental

⁸ International Covenant on Civil and Political Rights, article 18 (2)

⁹ International Covenant on Civil and Political Rights, article 18 (3)

rights would be that in some situations we can expect that Freedom of Religion or belief can be derogated or limited due to being in a clash with other rights freedoms or even outweighed by other rights such as the prohibition of discrimination or other rights that interfere with the prohibition of religious hatred activities. On the other hand, we have experienced during the pandemic of COVID-19 where in some countries religious rights such as association or religious practices were prohibited because of health or public safety reasons. This happened when some countries limited the religious activities in public spaces due to the fear of spreading the virus or the freedom of movement such as the customary practice of going to the church to pray for Christians on Sundays for Christians. Conversely, in non-secular countries during this emergency situation, religious rights were not limited even though the non-acceptance by some sectors of the public opinion. In the same way, whatsoever interpretation of an emergency situation, it is included in the Covenant related with article 18 that this article can't be derogated in emergency situation:

“No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.” (ICCPR, 1966)¹⁰

In general, this article provides a fair number of aspects regarding the freedoms, prohibitions, and limitations of this right, however it doesn't mention national security as a justification for religious discrimination by a State (Lerner, 2000). Just as a mention, the last paragraph of the article 18 describes the parental rights in the field of education, topic addressed also by the Convention on the Right of the Child (1989) and the UNESCO Convention Against Discrimination in Education (1981). In addition, article 19 is focused on freedom of expression, which always interludes with religious freedom. All the states parties of the Covenant, due to article 20 paragraph 2, have the duty to report and restrict religious hatred actions that incite to derive into discrimination, hate or violence. Therefore, some states have made reservations on this article because of its clash with the freedom of expression. Another article worth mentioning is the article 27 which deals with minorities, therefore, religious minorities as well. However, since in 1992 the United Nations Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities was drafted, this has been the basis of understanding in an international context regarding minority rights.

The next big step for the international community to protect religious rights was the creation of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief by the General Assembly. In relation with the case study of this research, one of the reasons that

¹⁰ International Covenant on Civil and Political Rights, article 4 (2)

influenced the drafting of this Declaration were the antisemitic incidents occurred in West Germany called “swastika epidemics”. These acts occurred during December 1959 until February 1960.

One of the biggest steps of this declaration is to include not only religion and beliefs but focusing on nontheistic beliefs such as agnosticism and atheism. On one hand, there has been a lot of criticism to this Declaration, some consider that the uses of “discrimination” and “intolerance” in a declaration are too vague due to their lack of applicability in a law perspective, being more ethical and philosophical concepts (Odio Benito, 1987). Despite these critics, this declaration could be considered one of the most important drafted texts and a positive implementation of protection for the Right to Freedom of Religion and belief. The International Protection of the Right to Freedom of Religion or belief might be heavily criticized, but it stands strong in a secularized human rights system.

2.6. Minor provisions and regional instruments for protection of Freedom of Religion or Belief: Provisions, norms and agreements

The Human Rights spectrum of protection of Freedom of Religion and belief it mainly stands owing to the conventions and declarations mentioned above. However, there are other minor provisions that also cover Freedom of Religion and belief as well as other important regional systems that protect this right in their jurisdiction. Starting with the Genocide Convention (1948) where it includes no discrimination under religious matter. Only one year after, regarding Humanitarian law, the 1949 Geneva Convention and the 1977 Protocols briefly included some religious rights. Concerning the ILO (International Labor Organization) in 1958 they drafted the International Labor Organization Convention (No.111) regarding Discrimination in Respect of Employment and Occupation. There it is included some religious rights regarding the religious right of the employees, concerning holy and rest days. Following this, the already mentioned 1960 UNESCO Convention Against Discrimination in Education includes the parental rights on separational religious education. However, one of the most influential declarations is the Convention on the Elimination of All forms of Racial Discrimination (1965) where it addresses aspects such as discrimination, intolerance, and religious hatred actions regarding one’s beliefs. Later on, in 1979, the Convention on the Elimination of All Forms of Discrimination Against Women prohibits the discrimination of woman by religious reasons and beliefs intrinsically related with gender equality and intersectionality. Religion in many ways, has been discriminatory to women over history and this is reflected nowadays with some ancient religious traditions and the heritage of patriarchy where women

still suffer discrimination and are excluded in religious ritual activities and decision-making activities. Furthermore, in 1990 the United Nations International Convention on the Rights of Migrant Workers and Members of Their Families included religious rights for migrants and their families. Finally, concerning tribal and indigenous peoples the main provision would be the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, related with the article 27 of the Covenant on Civil and Political Rights. On the other hand, another worth mentioning provision would be the ILO 1989 Convention (no. 169) Concerning Indigenous and Tribal Peoples in Independent Countries.

Regarding regional systems, in Europe the main instruments are the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and the documents adopted by the Organization on Security and Co-operation in Europe. On the other hand, Africa and America also have their own provisions that help to protect Freedom of Religion and belief. Regarding America, 1969 American Convention on Human Rights and, similarly, the African Charter on Human and People's Rights (1981) in Africa. Unlike these regions, the lack of a court to judge human rights violations and to enforce protection laws in Asia, makes difficult the protection of religious rights.

3. Chapter three: Freedom of Religion and minority rights in Greece

3.1. Freedom of Religion or Belief in Greece and its international and regional provisions

Firstly, even though Greece it's a country dominated by the influence of the Orthodox Church still in the government, it has signed mostly all the human rights treaties and conventions that protect religious rights and minority rights. Firstly, Greece has signed and ratified the International Covenant on Civil and Political Rights (1966), so as the International Covenant on Economic, Social and Cultural Rights (1966). As it is said in the Covenant of Civil and Political Rights (1966), all habitants under its jurisdiction must be recognized without distinction of any kind, including religion.

“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”
(ICCPR, 1966)

This article is followed by the already mentioned ones in the section before, articles 4, 18, 19, 24, 27 that mentioned Freedom of Religion or belief in many ways. On the other hand, we also should mention as an international provision, the 1981 Declaration Implementation Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The Special Rapporteur in 1997 indicated that the manifestations of intolerance regarding religion and belief are rising, and the State policies against religion and policies designed to control religious matters in the name of a political ideology have declined. On the other hand, more and more policies and practices of intolerance and discrimination in the field of religion and belief are being implemented by non-State entities. Furthermore, policies and practices that discriminate against women in religious practices have been denounced (Special Rapporteur, 1997). Regarding regional instruments, the most important one is the European Convention of Human Rights (signed 1950), where freedom of religion is mentioned in the article 9 and article 14. Article 9 mentions freedom of thought, religion or belief, its freedoms obligations and limitations, and Article 14 is centered in prohibition on discrimination, where it mentions nondiscrimination for religious reasons. On the other hand, regarding minorities we find the Convention for the Protection of National Minorities (1998) where Freedom of thought, religion or belief and the nondiscrimination of this right against minorities is mentioned in the articles 4, 5, 6, 7, 8, 12 and 17. During the last twenty years Greece has constantly has issues complying with the human rights standards regarding religious freedom. Firstly, it appears in the report of the Greek Ombudsman of 2001 that in the context of religion and belief violations, there have been some issues concerning the religious education of school children (Greek Ombudsman, 2004b). The Human Rights Council also made their concerns about the fact that school children are required to attend classes in Christian Orthodox religion (Human Rights Committee, 2005). It is mentioned also in the report of the Ombudsman of 1999 and 2000 regarding Greece that more than 30% of the complaints handled by the Department of Human Rights involve Freedom of Religion or belief (e.g., conscientious objectors) as other violations of minority or gender rights. Another aspect that the Greek Ombudsman points out is that the cemetery regulations that increase the costs of burial and exhumation according to the deceased's religion (and not based on reasonable objective criteria) introduce a form of constitutionally unacceptable discrimination. This would result in multiple violations of the Constitution of Greece of 1975 due to a memory offense of the deceased and the reputation of the living members. This applies the regulations of the articles based on principles of equality (article 4, par. 1 of the Constitution), freedom of religious conscience (article 13, par. 1 of the Constitution), free development of personality (article 5, par. 1 of the Constitution), and the protection of human dignity (article 2, par. 1 of the Constitution) (Greek ombudsman, 2004). Another

violation of Freedom of Religion and belief is regarding citizenship. The fact that in Greece the religion used to be listed in the registers and documents it implied a violation of the Freedom of Religion or belief. Furthermore, issues on registering one's religion, removing the reference to religion from high school diplomas and issues regarding optional cremation have been noticed by the Greek Ombudsman in different cases as religious rights enshrined in the article 13 of the Constitution (Greek Ombudsman, 2004a). Regarding Amnesty International, we found different cases, in 2002, Sotiris Bletsas a member of the Society for Aromanian (Vlach) Culture, was fined and sentenced to 15 months of imprisonment because he was distributing a leaflet which listed minority languages in European Union, including Aromanian and several other languages. On the other hand, years before, fourteen people faced legal proceedings for peacefully exercising their right to freedom of expression or religion. A famous case in Greece is also the case against Mehmet Emin Aga for peacefully exercising his right to Freedom of Religion and expression (Greek ombudsman, 2004b). In subsequent reports and the report of 2020-2021, it has no mention of violations on the right to Freedom of Religion or Belief by Amnesty International.

However, after the 2000's there have been similar mentions of discrimination in basis of Freedom of Religion or belief. Another important violation that has been proven in Greece is providing new-borns with a forename. Many subsequent reports of Amnesty International, such as the one of 2006, have found that registering baptism as an alternative process of acquiring a forename, results on an unintentional revelation of the religious beliefs of the parents. Later, in 2019, the European Court of Human Rights summoned the Greek Ombudsman to intervene, who submitted its views and informed the ECtHR in detail about the latest relevant developments of Greece. With its judgment of 25.6.2020, the Court condemned Greece for violation of religious freedom (article 9 of the ECHR), referring extensively to the Ombudsman's memorandum (Greek Ombudsman, 2020).

3.2. The role of the Christian Orthodox Church in Greece and its influence in the government

Greece is not a state that could be considered laic, it's a confessional one. However, this doesn't necessarily mean that Freedom of Religion or belief is not protected or guaranteed in the constitution.

“The state is religious, adhering to the doctrines and the teachings of the Eastern Orthodox Church. The latter is the “prevailing religion” under the Constitution (3, § 1) and enjoys a privileged regime.¹ In parallel, the other Christian creeds and religions subsist under the regime of article 13 of the Constitution, which concerns religious freedom. The said article

establishes both the inviolability of freedom of religious conscience and the unhindered practice of worship under the protection of the laws of any religion, as long as the religion is “known” (Constitution 13, § 2). “Known” denotes the religion that has no secret doctrines and occult worship (Papastathis, 1996).

As Papastathis (1996) demonstrates, the religious rights are protected in terms of freedom and non-violation of the right to Freedom of Religion or belief. The Greek Church as other organs of governmental legislation have a specific organization and separation. The system is organized from central to peripheral, the central organizations are basically, the HSH (Competency on every issue regarding the Church), the PHS (an administrative organ), the synodal committees (advisory committee), and the organizations (programming the education and missionary work of the Church). On the other hand, we find the peripheral organizations, which are the archdiocese and the metropolises (pursue the holy canons and the laws as heads of the legal entity of the metropolis), the parishes (a legal entity under public law) the monasteries (also legal entities under public law) and the local organizations (legal persons under private law) (Papastathis, 1996).

Therefore, the Orthodox Church not only rules in an administrative or legislative sphere, but its presence is also in every sphere of the Greek society. From the rule of law that the government implies based on the center of the society structure, until the monasteries and parishes, as peripheric and social actors that contribute to the influence of the Church. As being a system that works from centralization to peripheries and the state-law as the center and the different organs as branches of it, it demonstrates how centralized systems of government can arrive to all segregated parts of the country. On the other hand, the Parliament works in a way where it debates and votes among the subjects of the country as citizens and subjects at the same time of the Church. The two main articles in the 1975 constitution that are relevant to this thesis are the article 3 and the article 13. The article 3 is the one related to the Orthodox Church, that starts with the paragraph 1 with this statement:

“The prevailing religion in Greece is that of the Eastern Orthodox Church of Christ. The Orthodox Church of Greece, acknowledging our Lord Jesus Christ as its head, is inseparably united in doctrine with the Great Church of Christ in Constantinople and with every other Church of Christ of the same doctrine, observing unwaveringly, as they do, the holy apostolic and synodal canons and sacred traditions.” (The Greek Constitution, 1975).¹¹

¹¹ Greek Constitution, article 3, paragraph 1

This article specifically states that the “prevailing religion” is the one that preached by the Orthodox Church. As mentioned before, the Greek constitution has ancient influence from the Orthodox Church. The Orthodox Church has seemed to prevail as an influential organization inside the Greek government until today. During History, Greece has passed through a lot of constitutions until the 1975 one, which is the one that still is valid until today. The Greek Orthodox Church has always influenced the Constitution since the first constitution in 1844. In this constitution, the article 2 stipulated that the Church “is governed by a Holy Synod of Prelates”. The same principle appears in the constitutions that came after the 1864 with the article 2, the 1911 with article 2, the 1927 with article 1 and 2, the 1952 with article 2 and the 1968 one, with article 1 and 2 (Papastathis, 1996). Therefore, the legislation of the constitution was entrusted to the decisions of the Church as an independent organ composed by prelates. It is not surprising then that still nowadays in the actual constitution there is still no independence from the Church in terms of self-administration.

The other main article of the constitution that I would like to mention is the article 13. This article starts determining that freedom of religious conscience is inviolable and that the civil rights and liberties are not related to the individual’s religious beliefs. The second paragraph of the article states that all known religions are protected under the law, however there are two main aspects to consider. Firstly, “The practice of rituals of worshiping are not allowed to offend public order or the good usages”¹² Here it must be considered the fact that as it’s seemed that any manifestation of religious practices that affect the “public order” is prohibited, so as what is written as “good usages”. In my opinion, this is a really “vague” description of the limitations of this article. Due to being a country with State Church, any religious practice that is not under the Christian Orthodox Church acceptance can fall under a religious offense to the public order. On the other hand, “good usages” is even a less concrete description of a limitation were “good usages” can be influenced by the Church opinion. In addition, the article 13, paragraph 2 strictly prohibits proselytism. Furthermore, in the article, we find the paragraphs 3 and 4 that refer to the same obligations under the law and towards those of the prevailing religion and that no person shall be exempt from discharging his obligations to the State or may refuse to comply with the laws by reason of his religious convictions. And finally, the paragraph 5 says that “*No oath shall be imposed or administered except as specified by law and in the form determined by law*” (The Greek Constitution, 1975)¹³

¹² Greek Constitution, article 13, paragraph 2

¹³ Greek Constitution, article 13, paragraph 3,4,5

However, that does not necessarily mean that there is no religious freedom for minorities. The only two religious minorities recognized by the State as minorities are the Jews and the Roma people. Therefore, this led to a lack of protection of religious minority rights in the country. In the 2000's a Congress from the Commission on Security and Cooperation in Europe (106th, 2n Session), better known as the Helsinki Commission, determined that religious minorities in Greece could be classified as "vulnerable".

"Regarding Greece, The Helsinki Commission and minority religious groups have been critical of Greece of listing religion on national identity cards because it left minority religious groups in Greece vulnerable there and wherever they may travel on that card in the European Union." (OSCE, 2000)

Mostly what they try to reflect in the Congress is the lack of protection mechanisms in Greece for appeal and recourse cases. However, not everything is negative, because of being part of the European Court Human Rights, the report demonstrated that even though Greece could have non-adequate religious rulings, having a supernational mechanism as the ECtHR, can challenge the rulings of the ecclesiastical and state authorities that mostly determine the religious ruling in Greece. I should mention the response that Mr. Chairman answered regarding the Greek religious issues where he points out that there is correlation link between religion and nationalism.

"Greece is not a very spiritually active country. It's a society in which people profess their religion only at a generally fairly shallow level, but in which the Orthodox Church exercises very great political authority and has a veto power over almost all religious activities of other denominations, including Christian denominations, because of its traditional role as the protector of Greek national identity during the 400 years of Turkish rule." (OSCE, 2000)

As it is said above, the dominance of the Orthodox Church over the other religious activities, demonstrates that even though Greece has agreed to comply with regional and international standards of Freedom of Religion or belief, they are violating religious rights by not enabling religious activities and practices in public spaces and the right to association. In the end, what the 1975 constitution pretends is to make the unity of the Orthodox Church of Greece prevail. I agree with Papastathis (1996), in regard on what is the main purpose of the presence of the Church in the Constitution. Is not to preserve the holy canons, is to ensure the preservation of a dogmatic unity and canonical unity. Even though it's a reality and a 97% of the population are under the Orthodox Church, there is no reason to believe that this is a limitation in terms of religious rights or a violation of minority rights liberties (Gil-Robles, 2002). In the report of 2002 by the Commissioner of Human Rights Alvaro Gil-Robles, he exposes that this aspect is

not contradictory to the Council of Europe standards, therefore, in a way, the Greek constitution respects the rights of its non-Orthodox citizens:

“The Greek Constitution grants the Orthodox Church the status of “prevailing religion”, which is not in itself incompatible with Council of Europe standards as the phrase is construed by the high Greek courts to mean that the Greek Orthodox faith is the religion of the bulk of the population. According to the Constitution, this must in no circumstances lead to restrictions on the effective observance and full enjoyment of rights and fundamental freedoms secured to other non-Orthodox citizens.” (Gil-Robles, 2002)

In this report he also points out that the leaders of the religious minorities in Greece admitted an improvement in terms of respect for their religious rights. This, says Gil-Robles (2002), means that there is a climate of tolerance between the leaders of the religious minorities in Greece and the Greek authorities. This is a trend that started due to the case-law of the European Court of Human Rights that inducts Greece to follow the European standards for Human Rights.

3.3. Minority rights context of Greece

As I have mentioned in previous chapters, Greece is a country that lives in a “legal dichotomy”. Firstly, it can be considered as a confessional country, where the Orthodox Church influences the government decisions. Therefore, it can be understood as a non-laic country where more than 95% of the population are worshippers of the majority religion. On the other hand, is a country with a rich multicultural past that comes from ancient times, with influence coming from eastern and western cultures, from the romans to the Ottomans, going thought the Macedonians and nowadays with a lot of religious influence from the immigration coming mainly from the north of Africa, and the most western part of Asia. In this regard, even though not being totally laic, Greece seems to comply with the European standards of human rights regarding religious freedoms and minority rights. Even though, there has been an improvement though the last 20 years is still a reality that minority rights are not fully respected in Greece due to its legal mechanisms and the influence of the Christian Orthodox Church. However, as it is mentioned in the Constitution, the only two religious minorities recognized as minorities by the Greek government are the Roma people and the Jewish communities. The main provision regarding minority protection is the Convention for the protection of national minorities that was drafted in 1998 and entered into force 2009. Greece has signed this Convention of the Council of Europe; however, it has not been ratified yet. This

demonstrates that Greece is not one of the countries that are obliged to fully comply with the decisions of the court. It also demonstrates that there is a reason of why it has not been ratified. The constitution, the participation of the Christian Orthodox Church and the traditional values in society can contribute to Greece not ratifying such convention. On the other hand, the cases of violations of freedom of expression, thought and religion are examples that arrived at the European Court of Human Rights are great examples of this reasoning. In the Convention for the protection of national minorities, the article 5 is the one that reflects the appropriate protection of minorities under the Council of Europe.

“The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.” (Framework Convention for the Protection of national minorities report, 1995)¹⁴

As it says in this article, the parties must promote the conditions, maintain and develop the religion of the national minorities. Furthermore, the article 7 mentions that every person belonging to a national minority has the right to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion. Conversely, the article 8 recognizes that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations. In addition, article 12 states that parties of the convention should respect the religious knowledge of minorities in their educational system. All this articles that mentions the basic religious rights, among others, are examples of rights that Greece should guarantee if they want to comply with the European Human Rights Standards and ratify the Convention for the Protection of National Minorities. On the other hand, regarding Freedom of Religion or belief and minority rights, Greece hasn't ratified either the ILO (International Labor Organization) Indigenous and Tribal Peoples Convention, 1989 (No.169).

¹⁴ Convention on the Protection of National Minorities article 5, paragraph 1

4. Chapter four: Antisemitism as a source of hate speech and racial discrimination

4.1. The Jews as a minority in Greece

If you review the human rights situation regarding minorities in Greece it can be found several breaches on human rights law, mostly related with separation of powers, foreign and religious, ethnic and linguistic minorities (Stavros, 1999). Regarding this last aspect where I want to focus, antisemitism, so as islamophobia, are one of the greatest threats to the fulfillment of freedom of religion in the European context. Specifically with antisemitism, we all know the impact that has had in the western society after the WWII and how affected the human rights system that was created *a posteriori*. In Greece, the situation wasn't different. Nowadays, there are a lot of minorities overwhelmed by the majority of the Eastern Orthodox faith majority. Mostly considering religious minorities, we can count on Muslims, Jews, Catholic, Protestants, Old Calendarists or Plaeoimerologites, Jehovah's Witnesses and regarding ethnic minorities mostly people with Turkish and Macedonian origins. Even though the Greek State recognized as minorities the Jewish and the Roma people, the concluding observations of the UN in 2004 determined that realistically there is only one minority in Greece being recognized. Moreover, urged Greece to consider its position for the recognition of other ethnic, religious or linguistic minorities to comply with the international human rights standards

“There is only one officially recognized minority in Greece, whereas there are other ethnic groups seeking that status (OHCHR, 2004)¹⁵

Mostly, the majority of cases that arrived to Strasbourg court were non-jewish, mostly Jehovah's witnesses and Muslims related with cases of administration obstacles and legal restrictions of religious conduct, grievances made on Articles 3, 5, 6, 7, 8, 9, 10, 11, 13, 14 ECHR, and Articles 1 and 2 of Protocol 1 to the Convention. Breaches were detected in relation to Articles 5, 6, 9, 13 and 14 ECHR. Moreover, under Greek law, the legal status of Jews was formally confirmed by Law 2456/2930. On the other hand, regarding ethnic origin, more than 95% Greeks consider themselves “Hellenic” in terms of ethnicity (Psychogiopoulou, 2008).

The situation reported by the High Commissioner on his report of 2006 (visit 2002) shows that regarding minority rights and Freedom of Religion or belief is related mostly with Proselytism and places to

¹⁵ Concluding Observations of 07/06/2004, paragraphs 10, 31, available at: www.ohchr.org

worship. Firstly, proselytism as mentioned above is prohibited by the constitution and, on the other hand, regarding places to worship the Commissioner notifies that there has been no improvement to give minorities concerning the means and facilities to pursue their religious practices. In general terms, the Commissioner expressed the wish that the Greek authorities continue to show greater receptiveness to diversity in their society and that Greece ratify the Framework Convention for the Protection of National Minorities, and sign and ratify the European Charter for Regional or Minority Languages (Council of Europe Commissioner for Human Rights, 2006). Furthermore, in the subsequent report of 2008, The Commissioner pointed out that self-identification is a principle that demonstrates a well-grounded democratic and pluralistic society. He insists in the idea that the minority groups don't represent division or separatism, it demonstrates a multicultural society that Greece should be proud of. In this regard, there should be more receptiveness by the Greek society and Greek authorities regarding minority groups. In this regard, we find a circle of never ending. On one hand, Greek society and authorities must make more efforts to comply with the international and regional minorities to not interfere with the cultural and religious way of living of their ethnic, religious, and linguistic minorities. However, most of the minority rights, are intrinsically related with what the UN Human Rights Committee points out that it depends on the ability of the minority group to maintain their culture, religion or language. Therefore, minorities in Greece find themselves between the "sword and the wall". They must preserve their culture entirely to enjoy their rights, however the same perpetrators of their rights (Greek Culture and authorities) are complicating the situation for the minorities to be accepted and to preserve their identity as a minority. We find the case of the Jewish communities of Greece for example. Even though, they are legally recognized as a minority they are segregated. This, depending on the case, is auto-segregation for them to keep their traditions out of the public sphere of may be a cause-effect due to the antisemitism in the country. In the report from the Commissioner of 2012-2013, it is mentioned the fact that there is a necessary improvement towards intolerance and violence in one's religion that incites acts of discrimination on religion, so as in terms of nationality and sexual orientation. The risen of racism attacks to migrants in the first years of the 21st century makes realize how there is a clear impact between multicultural exchange and the acceptance of the society. Even though, with the waves of refugees from the north of Africa, Greece still has a decent number of provisions that affectively sanction individuals, so as political organizations that incite or promote hatred and intolerance attack related to race, religion or sexual orientation.

“Greece ratified ICERD in 1970 by Legislative Decree 494 without any reservation or declaration. Law 927 of 1979 (as subsequently amended) on the punishment of acts or activities aiming at racial discrimination aimed to give effect to ICERD.” (Muižnieks, 2013)

What is most remarkable of the report of the Commissioner is the lack of Greece to criminalize, as it's prescribed by the Article 4, paragraph a, of the ICERD (International Covenant on Elimination of Racial Discrimination). This incrementation of cases of religious hatred attacks are mostly focused on immigrants, however, also other minorities such as Roma, Jews and Muslims. A proven case is the already condemned party Golden Dawn, where its discourse is mainly focused on hate speech against all the minorities mentioned above. Regarding Jewish communities and antisemitism, as it is mentioned in the ECRI report, the antisemitism in Greece it doesn't limit to the far-right parties and fascist groups. What is even more frightening is that there are parts of society still that still belief in the stereotypical idea about the Jewish communities, even parts of the Greek Orthodox Church.

“Antisemitic stereotypes are not limited to far-right political parties but have permeated large parts of society as well as some parts of the Greek Orthodox Church. Metropolitan Seraphim of Piraeus made openly antisemitic statements on television in December 2010 when he blamed Jews for orchestrating the Holocaust and accused world Zionism of a conspiracy to enslave Greece and the Orthodox Church. (...) In a recent global survey, the Anti-Defamation League found that Greece had the highest index score (69%) of antisemitic attitudes outside the Middle East and North Africa “(ECRI, 2014)

In this regard, even though Greece complies with most of the Human Rights standards under the Council of Europe and the European Convention on Human Rights, it should be said that there is no sufficient awareness in the uprising antisemitism in Greece since the early 2000's. As all the previous reports, provisions and cases has shown Greece is far from combating antisemitism. As any other religious hatred stereotype, it is incrustated in society, that grows with the permission of the human rights institutions and the Greek authorities. One of the main objectives that so as the Greek authorities and the Human rights institutions is to raise public awareness of this issues and condemn the perpetrators of those actions. Cases such as the Golden Dawn or the Metropolitan Seraphin of Piraeus cannot be ignored. If there is no awareness to society, ignorance and misconception can cause fear, and fear of the unknown derives to hate. Moreover, the influence and position of the Christian Orthodox Church and its religious faith, causes that as a confessional state, it is most likely to be difficult to avoid a dichotomy between the Church interests and the imperative of complying with international human rights law and guarantee a full enjoyment of the Right to Freedom of Religion and belief. Between international human rights bodies

and the Greek authorities like the Hellenic Police or the Racist Violence Recording Network (an association of 35 NGO's) they must implement a dialogue between these institutions and intersect with the public society. The objective should focus on an inter-cultural and inter-religious dialogue to mediate and to construct a society where the multicultural and pluri-religious Greek society is not a synonym of divergency or separation, and more of a self-precious aspect that should be preserved.

4.2. The roots and impact of antisemitism

Antisemitism as we understand it today has different influences and roots deriving from cultures and events that happened in the global context. This ideology of hate to a race, ethnicity or religion has been metamorphosized through time. The conception of the antisemitism that we observe nowadays was absent in the Greek and Roman ancient times however its rooted on the history of Judaism and the pass of the time.

“Theory of Antisemitism in more recent times were patently absent in Greco Roman antiquity, namely, the imputed collective guilt of the Jews for deicide, the crucifixion of Christ, that is, and the pseudo-scientific racism associated with Nazism, to which may now be added the more recent Antisemitic stance of radical Islam. “(Avidov & Robbers, 2001)

As Avidov and Robbers (2001) mentions, antisemitism is not only a sentiment based on hatred against Jews for their actions, religion, or ethnicity. Since the Judaism was born, the Jewish tribe has always been discriminated and hatred by many different cultures, religions and movements. Nowadays, religions such as the Islam make public statements and hatred actions to the Jews based on their beliefs and their traditions. On the other hand, the Nazism introduced pseudo-science to their hatred statements against the Jews. Ancient antisemitic thoughts including a pseudo-scientific justification plus a brainwashed German society derived into the massacre of the Holocaust. I should agree with Avidov and Robbers (2001) when they state that antisemitism is rather not only a sentiment of hate, is more a belief with a purpose of rationalization and legitimization. To achieve such objective, it has been built in many ways and through many different channels. These channels started just being vocal heritage, or ancient religious statements and ended up being even divulgated, where using newspapers propaganda, cartoons and caricatures and nevertheless the most dangerous of all, the internet and social media. One of the most impressive achievements of these methods to spread antisemitism is its range of operation and divulgation. Antisemitism is not only rooted in society, but it also travels between the cultures, countries

and throw time. In places such as Japan, China, or India it has been reported antisemitism even though they never had Jewish influence in those countries. The idea of the Jew as an outsider is also a way to understand antisemitism. The Jew is the ultimate perpetrator of malicious actions, “the Jew is an outsider, it has no reason to be here, it comes to steal our money”. This stereotypical and satire definition of the Jew may sound unrealistic, however, is rather more common in the public opinion than what people may think. Academics of popular culture are emphasizing on the polyphonic idea of this vox populi due to the diffuse constituency of its producers, which complicated how to counter it and located it.

“It’s engagement with the hegemonic culture is, moreover, no less polyphonic, with items of both subsets appropriated from one another while being transmogrified in the process by the respective parties to the ongoing process of cultural usage and exchange.” (Avidov & Robbers, 2001)

Therefore, since the Roman times, the Jews were excluded from participation in the public life, and this affected to the cultural, political, and religious sphere. With time, it got worse and not only affected to the marginalization of sphere inside society, but it also affected to marginalization of a nation. This hate speech started to grow inside people’s minds and having conquered the nation sphere it gave more weight to an argument that nowadays is still in the narrative of antisemitism. As Avidov and Robbers (2001) concludes, the two essential points that can be understood to explain the forms in which antisemitism is shown today are the endemical social marginality and a compellingly intriguing. The endemical social marginality has been going on since the beginning of the Judaism as a religion and mostly affected the Diaspora Jews. After the Shoah and with the Globalization it is a positive fact to say that there is not much noticeable antisemitism by the destined countries of migrating Jews. However, antisemitism is still a durable aspect of popular culture, that is defined by events of extrinsic and internal dynamics of the cultural production of this heritage. The antisemitism that is rooted in our culture is still evidenced in most of the western world.

Nowadays, most of the Judeophobia in the western world can be identified with ancient roots of religious and cultural hate. Most of the cases come from societies such as the Greek that had a Jewish history or Muslim who share a similar religious past. In this regard, the failure of Europe to integrate Muslim immigrants has contributed to their exploitation by anti-Semitic propagandists and recruiters as the Islamic State (Goldberg, 2015). I should point out the fact that the religious hate hasn’t disappeared from the public sphere. It is rooted in the rationalism and scientism of the modern era keeping and installing in the hate speech the aspect most hatred about the Jew as an evil being. Even sometimes with the Jews, as being a minority since the Holocaust sometimes it is challenging to differentiate between antisemitism

and anti-minority. It can be defined then that the European antisemitism is a current issue and a historical one, intrinsically related with the crises of national self-identification. With the risen of these ideas of plastic citizenship and the flux of refugees in the last years, the attitudes toward the Jews can be based on a cultural manner. Moreover, would be rather more conflicts over resources rather than the historical national prejudice. Antisemitism in this regard can be defined by the theory of the syndrome of group-focused enmity (Zick et al., 2008) focused on the idea that the different groups that suffer from prejudice share a common core that generalizes an ideology of inequality. Therefore, the prevailing cultural and religious antisemitism is not only based of the ancient antisemitism but also has its influence due to other discriminated groups such as islamophobia because the societal structure has inequalities and discrimination regarding these minority groups. There is then a “back feed” between minorities where even though they are groups that are nearly unnoticeable in the global context of the western society, they still are the ones who suffer direct discrimination by the popular hate speech. There is then a new perspective on what is conceived as new antisemitism. This antisemitism it has intensified in the last decades, and it targets Israel rather than the Jews as a community. However, that doesn’t mean that there is no discrimination against the Jews as a culture, totally the contrary. They are targeting Israel as a Jewish State. The perpetrators of this new antisemitism are called themselves anti-Zionists. The former Swedish Prime Minister Per Ahlmark made this statement:

“Anti-Zionism today has become very similar to anti-Semitism. Anti -Zionists accept the right of other peoples to national feelings and a defensible state. But they reject the right of the Jewish people to have its national consciousness expressed in the State of Israel and to make that state secure. Thus, they are not judging Israel with the values used to judge other countries. Such discrimination against Jews is called anti-Semitism.” (Ahlmark, 2004)

I must say that even though anti-Zionism can be a discriminatory speech against the state of Israel still it drives throw that into discrimination against the *Jewish* state. It is undoubtably that the State of Israel has committed severe violations of human rights, however, that shouldn’t be another aspect to summon on the long list of arguments against the Jews in a European context. Mostly, this anti-Zionism as a form of antisemitism is related with radical left-wing antisemitism connected with Arab and extreme right- wing antisemitism. Mainly, there are three reasons of this new antisemitism. The first one consists in the Arab and Islamic communities in Europe which import their ideas from the Arab world. This pernicious antisemitism is based on the idea that they do not differentiate between Jews and Israelis. The second aspect would be the extreme right right-wing parties and neo-Nazis. Their statement is influenced by the

Nazi Germany and most of them having other new variants. The last one refers to some strong sections of the extreme left that have antisemitic views. Their influence come from the Soviet Union after the Six-Day War of 1967, and it's targeted to jews but rather Israel. Accusing the state of Israel of doing the same to the Palestinians as they did to them, accusing them of racism, colonialist, and imperialists (Gerstenfeld, 2005). Summarizing, this new antisemitism has gone further than the old antisemitism. Instead of focusing on cultural and religious hatred ideologizes it focuses on ideological and political views regarding Israel as a *Jewish* State. On the other hand, the "old" antisemitism was originated in the Eastern European region whilst this new antisemitism has its biggest influence coming from the Arab world. Furthermore, antisemitism was more a prejudice rooted in the fascist and right-wing parties, nowadays, it's also predicated by the extreme left. However, this speech doesn't change its basis when it comes to demonizing Jews, it only changes its justification. Instead of using religion to justify their means of hate speech as Jews being an evil being that want to rule to world, they use the Jews, generalizing that all jews are Israel citizen jews, as oppressors, and the left-wing saviors, anti-colonialism, anti-imperialism and pro pacifism (Weinberg, 2007). For the Jews in Europe to combat the antisemitism they need to battle the means in which the hate speech spreads. These systems are mostly social media, propaganda, newspaper or even the political sphere. Condemning the acts and bring to life the ways and channels in which antisemitism is proclaimed must be a start. They must show that there are issues way more important to solve than their hate against them. Mostly, the fact that it is not only a religious or cultural aspect and moreover a political one, it leaves the Jewish communities facing not only religious extremists and fascists and extreme right parties but also ordinary people with a political opinion that can trigger their most hatred opinions. Furthermore, the ignorance of the difference between being anti-Zionist and anti-Semitic can cause an irreparable damage in society that can lead to denial of Holocaust in schools, full use of antisemitic caricatures or direct physical violence actions. The future doesn't seem bright for the Jews, as the new antisemitism has trespassed to many layers of society.

4.3. Is the prohibition of antisemitism a human right?

Prohibition of antisemitism in the human rights perspective is usually misunderstood towards who is addressed and which is its reasoning. Most of the Antisemitic views as I mentioned in previous chapters are related which the political opinion towards Israel in the international context. Moreover, the “new antisemitism” is influenced by this negative perspective concerning the human rights violations perpetuated by this country. Even though is undoubtful these facts, before analyzing antisemitism in a human rights context I should add that antisemitism had its differences with anti-Judaism and anti-Zionism. In 1994, the Runnymede Commission defined the three forms of antisemitism as:

Anti-Judaism: a hostility to the beliefs and practices of the Jewish religion.

Anti- Semitic racism: a hostility to Jews as a separate race.

Anti-Zionism: a hostility towards Jewish national identity, focusing on Israel. (Runnymede Commission on Antisemitism, 1994)

Antisemitism, such as many other hatred ideologies and prejudice that lead to discrimination is monitored and reported by human rights institutions and international security organizations. Most of these institutions are focused specifically on combating and reporting antisemitism. Firstly, and probably the most important would be the OSCE (The Organization for Security and Cooperation in Europe). It proved to be one of the most effective international bodies in practical terms regarding Eastern European Countries. It was created during the Helsinki process to reduce the tensions between East and West. It has fifty-five states that are former Warsaw Pact states, NATO and CENTO, plus its represented as an ambassadorial level and has its headquarters in Vienna. Furthermore, the OSCE works on the human rights dimension through its subsidiary Office for Democratic Institutions and Human Rights (ODIHR) (Whine, 2004). Conversely, The EU has been making its steps towards a better protection against antisemitism. It started with the European Jewish Congress (EJC) with the aim of having the European Monitoring Centre against Racism and Xenophobia (EUMC), headquartered in Vienna. Another initiative was pursued by the EJC and the Council of European Rabbis which its purpose was for the European Commission to learn about Antisemitism and take action, also as a way for the European countries to see the origins and acknowledge the new antisemitism. Another worth mentioning method of action would be the reports made by the Centre for Research on Anti-Semitism (ZfA) at Berlin's Technical University which was contracted to analyze reports and publish a composite analysis (Whine,

2004). Moreover, the Council of Europe also has its own system of protecting and monitoring against antisemitism. The main organism would be the European Commission against Racism and Intolerance (ECRI) which is an agency responsible to the Directorate General of Human Rights of the Council of Europe (CoE). ECRI's work primarily involves country visits and the preparation of country reports that chart any progress or problems encountered by the CoE members. The most important aspects of ECRI are its working groups and the General Policy Recommendation No.9. In addition of these systems of protections there are different conferences that also contribute to a better monitoring and reporting of antisemitism. Most of them under the OSCE. In 2002 The Foreign Ministerial Conference was held in Porto where its concern was to address manifestations of aggressive nationalism, racism, chauvinism, antisemitism, xenophobia and violent extremism. This conference recalled some of the agreements made years before such as the 1990 Copenhagen OSCE conference; the Charter for European Security and the Istanbul Summit of 1999, which reaffirmed full adherence to the UN Charter and to the Helsinki Final Act (Whine, 2004). Subsequently, in 2003 the conference in Vienna was the first meeting that only focused on antisemitism. It addressed antidiscrimination legislation, law enforcement against antisemitism, cultural preservation, education, and many others. Not long after, they had the Rotterdam and Warsaw Conferences which focused on combating anti-Semitism and implementing a monitoring system. In 2004 they made the Berlin Conference on Anti-Semitism which was the first organized workshop of the American Jewish Committee focusing to combat antisemitism in education. Likewise, the Paris Cyberhate Conference offered practical initiatives on how to identify ways to address antisemitic propaganda on the internet without interfering with freedom of expression or information.

Recently, in the OSCE conference of 2012 the Rabbi Andrew Baker Personal Representative of the OSCE Chair-in-Office on Combating Anti-Semitism remarked that antisemitism is rising mostly in social media. These theories are focused on showing ideas based on conspiracy theories and demonization of the state of Israel. Always interrelating Jews and Israel, which increases the pernicious picture of Jewish life today while fomenting prejudice and group hatred. The prejudice and hate also triggers violence which was another aspect of the concern of the OSCE Chairperson. The antisemitic public discourse is not only a problem of merely offence but impacts directly on the security of the Jewish communities shown in forms of lethal attacks on Jews or verbal harassment and physical damage to Jewish community buildings. Another aspect to point out is the endangerment of the rituals of these communities. This is intrinsically related with the right to religious freedom. As the European Court of Human Rights has recognized in the judgements of cases such as *Kokkinakis v Greece*, Freedom of Religion or belief is

“one of the foundations of a “democratic society” (Kokkinakis v. Greece, 1994)¹⁶. Technically, religious freedom enriches civil society deliberations and there is still co-habitation between religious differences and human and constitutional rights. Most of the European countries seem to have an absence of an established religion, but not an absence of state involvement in the religious sphere. This involvement led to violations of minority religions rights and provides the leitmotifs for mostly Protecting the Human Rights Minorities in Eastern Europe (Danchin, & Cole, 1995). As an example, as I mentioned above, in the Constitution of 1975 of Greece states in article 2 that “the prevailing religion in Greece is that of the Eastern Orthodox Church of Christ.” On the other hand, the state receives tax support and in the article 16 is declared that the State must ensure the “development of the national and religious consciousness”. Greece does not get a separate chapter in Protecting the Human Rights of Religious Minorities in Eastern Europe. Freedom to proselytize in Greece is being influenced by decisions of the European Court of Human Rights. As a fact, in the 90’s and continued in the 2000’s there were demonstrations by the extreme right-wing parties and extreme religious groups because they took “religion” out of the identity card which was a huge controversy back then:

“They were walking in the port the extreme religious hand in hand with the “skinheads” far right, saying that they can’t take us our religion! (...) enormous demonstrations...they were the future Golden Dawn which are extremely Nazis and they arrived to be third political force... were there was fire, ashes remain” (Interviewed 2 & 3, personal communication, June 3, 2022)

This aspect reflects on how important and mostly how thin the line is between religious freedom, religious oppression, and the protection of national minorities in relation with the State religion. When the majority religious group feels attacked by secularism, they revendicate their religious freedom rights “They can’t take our religion”, even though having the religion in the identity cards can lead to cases of direct discrimination based on religion or belief. On the other hand, they do not manifest their rights on a pacific manner, their extremism can be shown as a religious hatred speech. In most of these cases, these situations lead to hatred actions against minorities. These claims can be either to defend their right to religious freedom in country where there is a state religion or their right to nondiscrimination by religious beliefs.

¹⁶ Kokkinakis v. Greece, 17 Eur. Ct. H.R. (ser. A) at 418 (1994).

“This is the fault of the Church, they are everywhere. They have power and they are surely afraid to open up because that is when their “beach bar” falls, so they are very afraid to open up.” (Interviewed 2, personal communication, June 3, 2022) ¹⁷

It is a matter of fact that in a Western European context, but mostly in the eastern European context the challenge of religion and human rights is facing a favoritism to “traditional” religions at the expenses of the other minor religions and by the limits of human rights enforcement. Although religions tend to contribute to discrimination and other violations of religious rights, they also have the answers to unleash these tensions (Juviler, 2003). Advocacy and human rights need each other to solve their differences.

The relationship between antisemitism and Human rights is a really closed one but at the same time a difficult one. With the slogan of “never again” regarding the Holocaust, the Universal Declaration of Human Rights was drafted, and the United Nations created. However, the prohibition of antisemitism as a human right was never stipulated, mostly fall under other rights such as Freedom of Religion or belief and non- discrimination rights. As I mentioned before, antisemitism has its roots in religion, culture and politics. To condemn antisemitism, the regional government and the human rights institutions must work together in a frequent basis. If there is no reporting and monitoring system antisemitism can grow hidden in radical religious extremism or fascism, which oppose to the principles of liberalism, democracy, and human rights. In general aspects, religions generally continue to condemn apostasy and resist to the proselytism of the other religions and religious antisemitism. Antisemitism supported or tolerated by other religions has not been unknown (Henkin, 1998).

According to the Pew Global Restrictions Survey, in 2015 Jews were harassed by individuals or social groups in 34 of Europe’s 45 countries, a higher share than in any other region of the world. In a December 2018 survey, more than one-third of Jews living in Austria, Belgium, Denmark, France, Germany, Hungary, Italy, the Netherlands, Poland, Spain, Sweden, and the U.K. feared being physically attacked. In a related study, restrictions on Freedom of Religion or belief by the government or civil society were correlated with more violent religious persecution, according to a 195, country cross-national comparison (Griffith et al., 2020).

Therefore, Europe is the most endangered region regarding antisemitism as these studies demonstrate. Limiting Freedom of Religion can contribute to a violence against the Jews. Either restricting the Freedom of Religion of the Jewish communities or the Freedom of Religion of other religions that oppose

¹⁷ Statements of Interviewed 2. When the interviewed refers as “beach bar” is a translation of an expression in Spanish used in as colloquial way (Chiringuito) which means as their whole structure of how they manage society will fall.

aggressively to the Jews, in both ways has a negative impact concerning antisemitism. One of the debates or accusations against the Jews that other minorities doesn't have regarding hate speech is their auto-segregation. Limiting Freedom of Religion or belief is a way to contribute to their segregation and at the same time, contributing to their otherness regarding the rest of the society. On the contrary, limiting the Freedom of Religion of the others, can led to the extreme religious groups to feel attacked and to embrace their hatred religious beliefs against minority groups such as the Jews. Furthermore, the denial of events increments the religious hatred speech against the Jews. In other words, hate speech laws and Holocaust denial laws are incompatible with the freedom of speech. Another challenge to face for antisemitism and its limits with Freedom of Religion or belief is the lack of attention by the Courts and the lack of visibility. The inaction of the human rights institutions to condemn antisemitic actions for political reasons against Israel (In relation with the new antisemitism) and lack of accessibility to the courts contributes to an inactivity of population reporting cases and human rights institutions to condemn the perpetrators.

"The argument that anti-Semitism is in some way an inevitable side-effect of the Middle East conflict and opposition to actions by the government of Israel has been seized upon by European governments to justify not outrage but inaction" (Human Rights First, 2004)

Furthermore, the anti-antisemitism corporations and supporters in general have bias opinions regarding antisemitism in Europe and the human rights violations. They justify Israel's human rights violations, justifying under "victimizing" themselves in a world full of antisemitic views and their Zionistic ideology. Even though Israel is far from complying with human rights standards, as long as there is antisemitism, there is a reason for Israel to exist. Prohibition of antisemitism may not be considered as a human right entirely, but it can be conceived as a branch of most of them. Either international human rights organizations or regional states, they must work together to eradicate antisemitism. There should be a better reporting and monitoring system and more compliance by the governments to fight against it. There should be more visibility, more acknowledgement, more sensibilization and more hotlines to be installed. Antisemitism as a form of racism it is intrinsically related with the right to Freedom of Religion or belief. Both secular and non-secular states should guarantee a wider spectrum of protection of religious rights for the people to be guaranteed their religious freedom of speech and for the Jews to express their religious practices and beliefs without fear or harm. Restricting Freedom of Religion or belief can only lead to more antisemitism. If we want to find a context in where religious freedom is guaranteed and antisemitism is not a reality, States should compromise to raise more awareness of antisemitism to the population. Speaking out the reality and praising a culture of tolerance will contribute to a better cooperation against antisemitism without restricting the religious rights.

Part two case study: Antisemitism in Greece and the case of Jewish community of Thessaloniki

5. Chapter five: The Jewish communities in Greece and the antisemitism toward them

5.1. Historical context of the Jewish communities in Greece

The history of the Jewish communities in Greece comes from a long way. The first evidence of Jewish communities in Greece comes from the year 315 BCE by Kassandros, brother-in-law of Alexander the Great (Georgakas, 2006-2007). The first Jews were invited to the city of Thessaloniki to promote the commercial activities and connections within the Mediterranean territories. By that time, between the 315 to 250 BC there were already Jewish communities in Thessaloniki, Athens, Rhodes, Hania, Patras, Corinth and Verroia. The Jewish communities in Greece are one of the oldest in Europe. Afterwards, from 320 BCE-300 CE, other main events in the Greek Jewish history occurred when the Torah was first translated into Greek and under the rule of one of the Alexander the Great generals, Seleucus, in the region of Mesopotamia and Syria, the Jews were firstly prosecuted. Circumcision was outlawed and a shrine to Zeus was built in the altar of the Jewish Temple in Jerusalem (Georgakas, 2006-2007). On the other hand, during the Roman control of Delos (88 BCE), thousands of Jews were captured and taken to Corinth to work as slaves. The next big period to mention during the Greek history would be the Byzantine Greece between the 330-1453 CE. During this period the Greek Jews enjoyed full rights under the Byzantine Empire. Many of the Jews had problems with the Christian Orthodox Church because they weren't accepting their conversion. Even though there was prosecution in some regions of Greece, during this period the prosperity of Jews was only rising. Many Jews became Hellenized, even some of them, were writing Greek with Hebrew letters (Piyyutim) as special hymns written in Greek but with Jewish letters. The next, and one of the most important periods of history in Greece is the Ottoman period. During this period, which was from 1453-1821, the Jewish communities in Greece had mostly the same rights as the other Ottoman citizens. They were considered "people of the book", so they were allowed to manage their internal affairs as long as they paid taxes and did not offer resistance regarding their military duties (Georgakas, 2006-2007). Mostly, the Jewish communities back then were mostly Romaniotes which were, in brief terms, the Greek Jews. These communities during the Ottoman Period were based in the regions of Ioannina and Epirus. These Jews were considered Greeks, so they had the same rights as them. In addition, as they were enjoying their right to keep their internal affairs, they were

enjoying their right to religious freedom, and they kept their religious practices and rituals. During this period, it happened one of the most important events in the Greek Jewish history. Around the year 1478 the Inquisition was established, as an organ or institution founded by the Catholic Kingdoms to preserve the influence of the Catholic Church in their kingdoms. This mostly affected in Spain, therefore affected the Jewish Sephardic communities that were living there. As the Jews were being forcibly expelled from Spain, the Sultan invited the Sephardic Jews to come to the Ottoman empire to settle them in the conquered parts of the Ottoman empire that were before Greek. Around 1490 a settlement in Thessaloniki had already 20,000 Sephardic Jews. This created a lot of tensions between the two Jewish groups. Mainly the Sephardic Jews keep their Ladino language (A dialect spoken between the Jewish communities, similar to Spanish) and they created their own synagogues. The Sephardic Jews even thought they were the one who emigrated, they were questioning the Jewishness of the Romaniotes Jews which were the autochthonous ones. It took decades until the two groups were able to coexist. Even though conversion was always an option, the Jews of Greece always kept their faith, and the Sephardic Jews kept their Spanish, Portuguese and Italian roots. Thessaloniki became mostly Sephardic and on the contrary, the Romaniote community was moved to Epirus and some Ashkenazi and Karaites were settled in Constantinople. With the fall of Constantinople, the Romaniotes were an acculturated, productive and influential community, however, over the years, by the end of the seventeenth century, the majority of the Balkan Jewry were Spanish speakers (Schoenfeld, 2006-2007). The Romaniote Jews seemed to be overwhelmed by the dominance of their co-religionists, so their loss of population and influence was predictable. This is due to their economic and cultural superiority so as the weight of their scholars and the cultural dynamism of the Sephardic rabbis (Ben-bassa & Rodrigue, 2000). Despite this, under the Ottoman rule, the Jews as a religious minority had guaranteed basic protection of Human Rights.

“The Sephardic and Romaniote (sic) communities now lived almost exclusively under Ottoman rule and its system of legislation characterized by great stability and its system of legislation characterized by great stability and basic protection of human rights. The Jews reciprocated with a growing sense of Turkish patriotism (and) communication between the various Jewish communities became intensive...” (Baron, 1952-1980)

Conversely, according to Rabbinical responsa and tombstone inscriptions, Romaniote Jews defended their cultural traditions in contrast with the Sephardic Jews. Despite the good economic and cultural relationship between the Ottomans and the Sephardic Jews, the relationship between the Romaniotes and the Ottomans was far from ideal. Sephardic Jews speculated that Romaniotes weren't authentic Jews, since they didn't speak Ladino (Judeo Spanish dialect) and their culture and language was too similar to

the Christian Greek population. On the other hand, this “Greekness” shown by the Romaniote Jews it might have been a source for the repulsion of the Ottomans (Dalven, 1990). The Romaniotes under the Turks rule had the same rights and consideration as the rest of the Christians and the Orthodox population. The Romaniotes were considered at the same time part of the fallen empire, therefore, they were under the policy of *surgun*. This concept means that most of them were forced to migrate or were deported to other regions of the empire. On the other hand, the Sephardic Jews had the status of *kendi gelen*, considered them as voluntary migrants. The Romaniotes not only had discrimination based on their religious beliefs, but they also rather had a degrading treatment by the Ottoman authorities. They had the same harsh treatment such as the rest of the Christian Orthodox communities that lived in Greece before the Ottoman conquered them. Another aspect that goes hand in hand with the discrimination of the Romaniotes were their occupation. Most of the Sephardic Jews, as they came with connections and contacts, they occupied positions in the court of the sultan and took control of the ports. However, the Romaniote Jews were mostly focused in the academic sector, astronomy, and medicine. Moreover, there was a Turkicization by the Sephardic Jews that helped them to integrate more into the Ottoman society. These aspects can be identified for example with the clothes that each were wearing. Whereas the Romaniote Jews were mostly wearing simple clothes, the Sephardic Jews were wearing more complex turbans as the Ottoman officials. This also determined their affiliation to the different social classes inside the Ottoman community.

” Turkish” Jews and identified with the ruling caste, while Romaniotes remained a part of the subjugated Greek community. The Sephards referred to the Romaniotes and their synagogues as Gregos, a term that carried an ethnic appellation but also served as a pejorative” (Stavroulakis, 1990)

An important name of that time, for both, Romaniote and Sephardic Jews was Moïssis Kapsalis, the chief Rabbi for approximately (1455-1496) (Epstein, 2017). He centralized the nexus of power in the Constantinople community and established congregations, in the capital and periphery that brought resources to refugees, immigrants and pilgrims (Schoenfeld, 2006-2007). In the same way, his successor, Elias Mizrahi, continued to fight against the religious colonization of the Sephardic Jews against the Romaniotes. Subsequently, the same did Elias Ha-Levi Konstantinis, Mizrahi’s successor, who issued several *reponsa* reinforcing the Romaniotes traditions and created the initiative to compile and publish the first printed edition of the Romaniote Prayer Book (*the Mahzor bene Romania*) in 1510 (Schoenfeld, 2006-2007). The Sephardic felt that their cultural and religious superiority was more legit than the traditions and practices of the autochthonous Jews. Even though the Talmudic injunction legitimizes the

respect for the Romaniotes ways of interpreting the Jewish religion, the Sephardic established their own tribunals in Thessaloniki and Istanbul which were supported by the Ottoman government. Moreover, the importance of the Sephardic community relations between the Ottoman empire and the west made the Ottoman empire look away from the Romaniote demands. When the time kept passing the Romaniote jews were progressively assimilating the Sephardic traditions. Then both co-religious groups started to share aspects of their culture and traditions. However, aspects such as marriage were kept out of the faith, and islands such as Crete and Corfu stayed mainly Romaniote, even some parts of the mainland. There was also a lot of distension between the Venetian authorities and the Jews of those islands. This aspect is shown in the Island of Corfu for example, which back then was under the Venetian control. This difficult relationship is focused on the ethnic identity, and the Romaniotes self-identification as Jews of the Greek nation and to dissociate themselves with the Italian immigration (Goitein, 1961). Mainly, it can be argued that the Jewish communities in Greece have a very ancient history and can be considered even an autochthonous ethnic group. They lived through history going through a lot of undesirable events of the Greek history. They came from the holy land as a tribe, stayed during the ancient Greek and Roman times, passed through the Byzantine era, Slavic invasions, conquests of Crete by the Arabs and the arrival of the Bulgarian in Byzantine times. They absorbed the Greek and even in some cases, the Bulgarian culture (Stavroulakis. 2006-2007). The next big steps in the Jewish history of Greece were taken during the nineteenth century. There is a low number of sources during that time, but it was a period of horror for the Jewish communities who identified themselves as Greek. Moissis Caimis claims that during the events of the Greek Revolution of 1821, most of the insurgent Greek Jews were killed. The Jews even though they still maintained their internal affairs and Jewish traditions identified themselves as Greeks and were part of the Greek culture back then, so they got involved as any other ethnic group.

“The Greek wars of liberation...brought mistreatment and misunderstanding for those Greeks who were jews... (in the Morea) the Jews...were massacred to the last man. This bloodletting marked the beginning of anti-Jewish excesses that have not yet come to an end in Greece and have led to the emigration of Thousands of Jews” (Ausubel, 1998)

One of the acts that marked that time was the Tripolitsa incident, where 5,000 jews were slaughtered after the fall of the city (Bowman, 2006). During this conflict it can be identified another pattern of conflict between both co-religious groups, the Romaniote and the Sephardic. Even though most of Romaniote Jews identified themselves as Greeks and supported the Greek revolutionaries and their Nationalism, the Sephardic didn't stand along their side. The Sephardic communities, due to their good relationship with the Ottomans and their connections, they identified and supported the Ottomans on the

contrary as the Romaniote who supported the Greeks. This aspect not only contributed to the divergency between both religious groups, but it also rather enforced a continuum of differentiation. During all these historical periods, the Sephardic and Romaniote have had different experiences that lead them to their own self-identification inside the cultural context that they were living. Even though they share the same religion and the same “condition” as outsiders in a society, they differ in believes, ethnicity and social status during history. Moreover, their social status as *surgun* (Romaniotes) and *kendi gelen* (Sephardic), they had different origins. The Sephardic Jews were coming from the west (Portugal, Spain, Italy, etc) and Romaniote Jews being mostly Greek autochthonous. Firstly, Romaniote jews were mostly a semi-urban community, on the contrary, Sephardic jews were settled in the urban and economic centers such as big cities. Romaniotes, due to their cultural and linguistic similarities were closer to the Orthodox Communities. Moreover, their dressing and religious customs were more similar to the Christians than the Turks (Yerolympos, 1997). On the other hand, due to their economic connections and power, the Sephardic, shared more in common with the Turks. Even though this conflict eventually created more concern between both Jewish communities, it was a great improvement for the Jews as a religious group. With the Greek victory, the First Hellenic Republic was stablished, and in 1822 President Alexander Mavrokordatos recognized the Jews of Greece as equal citizens of the Greek nation (Dalven, 1990). However, during this period of the Jewish communities, they needed to deal with their past Ottoman influence and seizures by Bulgarians and Serbs regarding Thessaloniki. The city was Jewish, not only because a third of the population was Jewish, but because the Jewish community was in control of the commercial activities, the language in the markets was *Ladino* and the city had its limits with the Jewish cemetery. Furthermore, they had the synagogues and they had Jewish newspapers, hospitals, orphanages, and homes for the aged (Stavroulakis, 2006-2007). However, it was a prosper time for the Jews, they had also identity issues. In this regard, Zionism has never been intrinsically inside these communities, because the Sephardim had their religious roots and culture coming from the Iberian Peninsula and the Romaniote were Greek in their orientation, language, and customs. Moreover, with the State now being Greek, a process of Hellenization to Thessaloniki, who back then was bigger and more independent than Athens started. The Jewish communities would represent an impediment for this process due to fact that even the Jewish communities there in comparison with other Jewish communities were independent in their own way of living. Mostly, the Sephardic Jews were keener to the Ottoman empire ruling due to their position in society and the favor that they had, therefore, they were not enthusiastic of this Hellenization. On the other hand, Romaniote jews were keener to follow the steps of Hellenization of this city. Although they had these complications, the process was successfully achieved.

“The attraction of Palestine was very limited to the Jews of Greece and Zionism took the form of investment rather than immigration. Jews were gradually becoming more deeply involved in the cultural, social and commercial life in Greece and antisemitism was no real issue except in areas where jealousy and greed fanned into flame” (Stavroulakis, 2006-2007)

The next big step for Greece that affected the Greek Jewry it started with the uprising of the Metaxas government that started in 1936 and finished in 1941. To understand what happened during this period an emphasis should be taken regarding the period before this dictatorship. During the decades before, there was another wave of Hellenization of Jews. Eleutherios Venizelos government implemented different measures that affected the Jewish communities mostly in the daily life and educational sphere. An example was the appropriation of parts of the Jewish cemetery of Thessaloniki to build the new University of Thessaloniki (Lagos, 2006-2007). Even though Metaxas continued with some of the oppressive measures against the Jews, his perspective regarding them was different. The ex-prime minister thought that the Jews were an economic profitable minority that could help to the financial relations. However, this still didn't guarantee that Greek Jews were considered as the Christian Greeks, they were still considered co-habitants with a more degraded position in society (Lagos, 2006-2007). This *ethnos* was the focus on the discrimination focused on minorities. Although this discrimination can be considered as antisemitism regarding the Jewish communities, the state considered this aspect more as a political discrimination against minorities based on nationality issues. The intention of Metaxas was to establish the third Hellenic civilization (Tritos Ellinikos Politismos), which would assimilate all citizens regarding their ethnicity. They would be excluded from this Greek *ethnos* because they were not included under the definition of Greekness (Lagos, 2006-2007). Even though this indirect discrimination, it was mostly directed to immigrant Jews rather than Greek Jews. The Greek Jewish communities were enjoying their rights as fully citizens. Mostly during this period, the Metaxas ruling was focused more on implementing law for restriction of movement and acquisition of goods against the Jews. However, none of the discrimination or repressive laws that the dictatorship of Metaxas applied could be compared to the Horrors that the Jewish community would experience during the Shoah and the WWII.

The Greek Jews, as all the other Jews of Europe experienced the horrors of the Nazi regime and the war. Most of them were sent to Auschwitz and many other camps for their forced labor and subsequent extermination. The most important settlement for Jews was Thessaloniki where 96% of the Jewish population was killed. Furthermore, there were other *judenrats* in islands such as Corfu and the capital,

Athens. Thessaloniki had about 50.000 jews back then, which was nearly a quarter of the whole population. Most of them they were old and poor. On the contrary, Athens had such a smaller community of about 5.000. Many communist groups such as the EAM (The National Liberation Front) tried to help the Jews in Athens, but they had it easier than the ones in Thessaloniki (Bowman, 2006-2007). The Jews in Thessaloniki had no place to run and there was no resistance. The one's who managed to escape to Athens were recruited to the fledgling resistance in the mountains or sought protection in the foreign consulates. The Jews from Athens learned the lesson and tried to manage to escape, however the island Jews were condemned to isolation. On the contrary of the Jews of the land Greece, the ghettoization and deportation of these Jews that lived in the islands was easily implemented by the Germans. Therefore, there is a lesson to learn behind the Shoah in Greece. Even though the different experiences within Greece only 10.000 out of 70.000 or 80.000 jews were saved from the Nazis. After the WWII and the Axis occupation most of the Jewish heritage of Greece was gone. This heritage is mostly simplified in objects and synagogues, however almost all documentary evidence of Jewish life in the form of community records and libraries was confiscated by the Nazis (Stavroulakis, 2006-2007). Afterwards, once the war was over and more than 90% of the Greek Jews were victims of the Holocaust. Greece was left just with a few communities that still resist nowadays. We could find communities in places like Larissa, Ioannina, Athens or Thessaloniki.

5.2. The Jewish community of Thessaloniki: It's history, ethnic background, and discrimination against it

Even though Thessaloniki has a huge Jewish background It doesn't have a very ancient history in comparison to other Greek settlements or cities. It is said that after the death of Alexander the Great, the King of Macedon, Kassander, founded the city in 315 BC. The city is called Thessaloniki because he gave the name after his wife Thessalonike, who was a half-sister of the famous Macedonian conqueror (Miller, 1917). He also gave his name to one of the three peninsulas near Thessaloniki (Halkidiki) naming the first one Kassandra. The most remarkable aspect that affected the Jewish community of Thessaloniki during history was the arrival of around 20.000 Sephardic Jews to the city seeking for refuge after being exiled from Spain, Italy and Portugal due to the Catholic kingdoms demands. Therefore, Thessaloniki represented the heart of Jews in Greece. For these Jews the contrast between was massive, they needed to migrate from a European western country dominated by Catholics to an eastern centric country ruled

by Islam. The Jews of Thessaloniki as other Jewish communities in Greece adapted well under the Ottoman ruling. They had the status as citizens, and they were provided with religious tolerance. Furthermore, they were a community that had a lot of contacts in economic activities, therefore, they enjoyed the favor of their Ottoman masters and they teamed up with them in the spheres of light industry, the minting of currency, stockbroking, farming state taxes and in supplanting ambitious groups of non-Jewish capitalists (Epstein, 2017). The variety of dialects, customs and the tax and economic privileges given by the sultan, made Thessaloniki a desirable destination for Diaspora Jews. However, it had its challenges, the intention was to develop a mutually acceptable and effective communal organization, and at the same time, safeguard themselves to create a profitable economic environment for industrial activities (Χασιώτης, 1997). Thessaloniki became the desired destination for expelled Jews. Moreover, the story of the Jews of Thessaloniki during this period is a story defined by the human endurance and survival. The first Sephardic Jews that arrived were not welcomed, they lost everything in their trip, and they were forced to stay in the city because they had no other place to go. Despite this, their families and commercial activities prospered. Afterwards this period, in the final decades of the 19th century, Thessaloniki was considered the second most important city after Tanzimat times (1839-76). A period where other ethnic groups that weren't Muslims or Turks became more integrated in society and they were granted civil rights. Furthermore, Thessaloniki was known for being the "Jerusalem of the Balkans" for its Jewish population (Pallini & Scaccabarozzi, 2014).

"Salonika is neither Greek nor Ottoman; it is rather a Jewish city, a sort of Jerusalem."

"All the boatmen of the port are Jews, and on Saturdays no steamer can load or discharge cargo. Porters and shoeblacks, bricklayers and silk-hands, are all Jews." (Adler, 1905)

Subsequently, in 1886, half of its 90,000-100,000 inhabitants were Jews, a quarter were Muslims and the rest Orthodox and Europeans. Moreover, the Second Balkan War is the war which totally changed the context in which the Jewish community of Thessaloniki was living in. With the Defeat of Bulgaria, Thessaloniki was given to Greece by the Treaty of Bucharest of August 10, 1913. All the efforts made by the Sephardic Jews failed and they saw their defeat (de Vidas, 2000). Thessaloniki was incorporated into the Greek State and even though the situation changed for the Jews in Thessaloniki under Greek ruling, they were still a majority, according to the first Greek census of 1913, the Jews numbered 61,439 (38.9%) (Diehl, 1909). However, the bad luck for the Jewish community would not cease, in 1917 the worst fire hit the city and over 70,000 among them 52,000 Sephardic Jews would lose their houses and livelihood so as 8,000 buildings would be destroyed, the majority owned by the Sephardic. The Greek government, taking advantage of this disaster decided to confiscate all the goods and land affected by the

fire to rebuild, in other words, gentrificate, the city with a new plan. The old landowners would receive government bonds equivalent to the nominal value of their land and could then bid on the lots when the government plan was implemented. Most of these families were Sephardic which they lost all their economic power, influence, and land. If it could get worse, not long after that there was a new wave of Greek refugees from Asia Minor which would totally change the demographic context of the city. The Jews of Thessaloniki, that used to be a majority and a powerful culture of influence in the city turned out to be a minority. Furthermore, with the Treaty of Lausanne in 1923, the Turks and the Domneh left Salonica, leaving only the Sephardic to face the Greek policies of Hellenization (de Vidas, 2000). Even though, in the beginning didn't seem to be a positive change, the Hellenization had some positive effects on the Jewish population, especially in Thessaloniki. They turned from second-class subjects of the Ottoman Empire into fully righted citizens. If the Shoah wouldn't have happened, who could image the potential of prosperity and economic relations could have achieved this community in the future.

For the subsequent 20 years the Jewish communities of Thessaloniki would suffer antisemitism due to the Venizelos ruling from 1924 to 1936 until King George II was restored to the throne. However, soon more pernicious periods for the Jews in Thessaloniki would start, with the Metaxas Dictatorship and the Second World War. What makes Thessaloniki stand apart from the other cities or regions of Greece during the Second World War is the fact that they had a fair bigger community than other cities and they were the first ones to experience the consequences of the implementation of the Endlösung (Final Solution) by the Germans (Hagoudel, 2014). In the first phases of the war and occupation, the oppressive authorities deprived the Jews of properties and gradually isolated them in *guettos* where they were forbidden to leave on pain of death. Only a few of the Jews from Thessaloniki managed to escape to the Italian regions, others, reached the mountains and joined the resistance. Overall, only a few thousands escaped from Thessaloniki (Králová, 2016). When the war ended, they were left less than 10.000 jews of Thessaloniki when there was around 80.000-90.000. Just a few returned from the camps, and they found a very hostile environment. The authorities refusing to return properties to their rightful owners and the collaborators still in power, which was a controversial topic and a priority in the political agenda (de Vidas, 2000). The Jewish community of Thessaloniki never again exceeded 2.000 people but became really determined and organized regarding the return of the lost property, punishment of the perpetrators and compensation claims. On the other hand, the relationship between other Jewish communities changed drastically. Before the war Thessaloniki had one of the biggest Jewish communities of Greece, and after the war didn't surpass 2.000 Jews. On the contrary, with Athens, which had rather a small community it increased after the war due the influx of refugees from the Shoah (Králová, 2016).

After the war, a committee was created to manage the Community's property and to manage the community's life after the Shoah. Nowadays, the community has one Rabbi and three Synagogues. Regarding education, since 1979, the Community has its own private school and nursery, they also organize summer camps and maintain the only Jewish asylum for the elderly in Greece. In 1983, the community funded the "Hellenic House at the Jerusalem University and the community was honored by having a dedicated square in the city to the memory of the Holocaust victims. On the other hand, the community is a legal entity under public law. It comes under the jurisdiction of the Ministries of Education and Religion, and it operates according to Law No. 2456/1920 "On the Jewish Communities". It is accountable to the State and submits its budget and accounts to it for approval. In conclusion, the community nowadays, even though its number has been diminished, it still works as an influential community. Due to their size, ethnicity, and cultural behavior they are considered as a minority community and most of the times outsiders. Sadly, the community which once was the heart of Thessaloniki is nowadays has fallen to a segregated minority group.

5.3. Greek law regarding the Jews during history

Since the Roman times, there has been law that affected in an indirect or direct discrimination to the Jewish communities of Greece. The first noticeable would be the Law No 147/1914 in compliance with the article 11 of the Treaty of Athens of 1/14 November 1913. This law was applied to the "new lands" and stated that the religious beliefs and customs of the inhabitants of the "new lands" must be respected.

"Article 4 of the Law No 147/1914 stipulated that "the marital affairs of those belonging to the Moslem or the Jewish faith, which is to say, those matters concerning lawful contracting and termination of marriage and personal relations between the spouses comprised therein, as also matters relating to the bonds of kinship, are regulated by their own sacred law and judged thereby" (Law No 147/1914, article 11)

This law concerned the private affairs of marriages regarding the Jewish communities under substantive law and other matters would fall under ordinary law. The subsequent law regarding the Jewish communities concerned organizational and other affairs. The Law No 2456/1920 for example stated that every community should have its own rabbinical council and a chief rabbi. Mostly its function was to restrict the implementation of Jewish law in the sphere of substantive law. During this period the Jews of Greece had a legal transition between Judaic law to common law in just around 30 years (1914-1946).

However not all these laws were for family or organizational matters inside the community. During the Metaxas dictatorship the Jews would experience severe restricted laws that were the beginning of their oppression.

Firstly, the law 42424, was focused on travel restrictions regarding Jews. Both the ministry and Metaxas had their concerns regarding Greek Jews traveling abroad and foreign Jews traveling to Greece. This law was already approved in 1934 during the Tsaldaris government because of the pressure of the Germans that wanted to put to an end the migration from the Jews of Germany and Poland to Greece. During that time, in other western European countries such as France and the UK, there was an increasing impression that Greece wasn't protecting Jews from the Germans rather helping them. It reflected that Greece had an anti-Jewish perspective. Regarding the specificities of this law, they were extremely arbitrary. Visas were given only to Jews coming with an organized tour groups or Jews that were in transit to other countries, however, they were some exemptions. For example, Jews coming from Germany, Austria, Italy or Spain, which no visas would be granted unless they were accepted before the implementation of this directive. This demonstrates the kind of discrimination that the Greek government was implementing against the Jews during the Metaxas government. Thereafter, the movement restrictions gone worse and in 1939 the Germans stayed that all non-Aryan citizens couldn't enter Greece, and they had 10 days to prove it. The subsequent restrictive law against the Jews was the Confiscation law 2636 which concerned the Greek Jews that lived in the Dodecanese islands. This law prohibited the trade of goods and services between Greek nationals and individuals of "enemy nationality" and the sequestering of enemy owned property in Greece (Lagos, 2006-2007). Due to the influence in the past of Italian reigns in this Islands, a lot of Jews had Italian nationality, so were discriminated by this law. Although this measures by the Metaxas government were severe none of this discrimination would be compared to what happened to the Jews in Greece during the Shoah.

5.4. Field work: Its structure and explanation

During my stay in Thessaloniki, I experienced many ways of ethnographic work and field work. My intention was to be able to understand the lifestyle, experiences and history of the Jewish community of Thessaloniki with the aim of being able to listen to their experiences. In the beginning I needed to face some security issues than made me delay my start for the field work. On the other hand, the language barrier sometimes was another impediment for the realization of such tasks. However, with the help of

my supervisor and the university I managed to enter into the community as a researcher and be able to study their case regarding the enjoyment of their Right to Freedom of Religion or belief and the oppressive antisemitism in this regard. The main methods used were empirical observation, visits to the historical sites such as synagogues, visits and talks with the staff of the Jewish Museum of Thessaloniki, and the main source that were interviews. Regarding the interviews, were unformal interviews, semi-structured, and the duration was about 1 hour or 1 hour and a half per interviewed. I decided this structure of interviews because it gives the interviewed more freedom for talking about different topics and engages more a fluid conversation. Furthermore, it helps to create a connection between interviewer and interviewed for them to feel free and safe to talk about such sensible topics. For security measures all personal information and their names will not be shared, however, they agreed into sharing their statements and opinions. The personal communications of the interviewed will be shared will literal citations and under nicknames such as “Interviewed 1” or “Interviewed 2” and the subsequent numbers. Although, for general information, all interviewed people were older than 18, both male and female and all of them Jewish from different backgrounds. All of them, despite their differences in spirituality and participation inside activities of the community, were all inscribed inside the community for one reason or another. Therefore, in the next chapters I will analyze the information obtained “firsthand” from the people that I interviewed in correlation with the bibliography and the materials concerning the topic of this thesis.

5.5. Fieldwork analysis: Antisemitism towards the Jewish community of Thessaloniki: An Ethnographic approach on whether antisemitism limits the enjoyment of the religious rights of the community

In this section I’m going to analyze the different opinions and results of the fieldwork done. In the last chapters I have shown the intrinsic relationship between guaranteeing the Right to Freedom of Religion or belief to help the minimization of the effects on antisemitism. Greece is shown to be country living in cultural, legislative and religious dilemma. Even though it’s westernization and globalization, Greece still preserves some cultural and ideological values that sometimes restrict some basic human rights. They are European countries dealing with worse cases reported of antisemitism than Greece, however, this country serves as an example on how deeply rooted antisemitism can be inside the society. The Greek society represents the perfect scenario for the stabilization of a racist discourse regarding minority

groups. Having State-Church, being the first border between the flux of immigration in Europe, and its past, leads to a context where fighting to eradicate antisemitism seems to be a nearly an impossible task. The Jews of the community of Thessaloniki identified the root of antisemitism in the denial of the Jewish memory. As being Jews born and raised in Thessaloniki, they experienced the lack of explanation in the public educational system of the Holocaust and its causes after the WWII.

“They don't talk about either de Second World War and either the Holocaust. Is unbelievable that a society doesn't want to talk About their own history, ignoring the dictatorship “(Interviewed 2 , personal communication, June 3, 2022)

The justification of their discourse falls on the fact that there is a lack of consciousness in the Greek society about their own history. Their concerns were focused on the fact that the Greek educational system focuses their efforts on teaching old history (Greek old times, Byzantine era, Ottoman era liberation of Greece, etc.), but doesn't emphasize on the Metaxas dictatorship, the Second World War, and the Holocaust. It seems to be that the educational Greek system shows the denial of a shameful part of the history of this country.

" I would say that Thessaloniki collaborative pretty much to get rid with the Jewish population, and there is, let's say, a lot of people who put themselves in a comfortable position from one day to another thanks to the Nazis” (Interviewed 2, personal communication, June 3, 2022)

Furthermore, Greece looks like it's using a strategy of dialogical forgetting in which they slowly seem to be forgetting the past and ignoring the factual history that they have behind. In this scenario, it is true that forgetting has its advantages too and remembering can fuel resentments and revenge, however, it can lead to a denial of factual history, which is an international crime. Moreover, it leads to a generational lack of knowledge of people without a past. They try to encourage with national days and pride the stereotype as Greece being the fountain of knowledge and the mother of the European democracies. However, what about the so-called Thessaloniki, the “Mother of Israel”?

Specifically with the case of Thessaloniki, there is a denial or unconsciousness of the Jewish heritage of the city. This contributes to the aspect of the “otherness” of the Jews living in Thessaloniki. As mentioned in previous chapters, this city represented the capital of the Jewish communities in Greece. Nowadays, jews are relegated to any other minority group undesired by the Greek society.

" It's crazy that people from my generation and lower, worse than the majority of people, don't have any idea that this city was Jewish" (Interviewed 3, personal communication, June 3, 2022)

Before the 20th century, Thessaloniki had up to around sixty thousand Jews and around thirty-five synagogues throughout the city. With most of this archaeological and memorial architecture gone and 96% of the Jewish population murdered during the Holocaust, people have forgotten that this city used to be Jewish. Consequently, even though people might think that the usual perpetrators of antisemitism would be older generations with a traditional right-wing heritage, most of the acts of antisemitism are perpetrated by young people who have lived in the city all their life without knowing that there is a Jewish heritage.

" All the experiences that I had with antisemitism have been with young people in Greece (...) Random person in the street: "Because of the ***** Jewish we need to be out of the city to let them make their events... Who do they think they are?" Everything starts with education, not morals, Greeks don't know that this city was already Jewish before the Jews came after." (Interviewed 3, personal communication, June 3, 2022)

These kind of expressions and situations demonstrate the rooted antisemitism in the Thessaloniki's society and how it is incentivized by the lack of education and knowledge of the Jewish past of the city. This case was experienced by two of the interviewed people in a memorial event in the city. In the same festivity day but another year, another member of the community experienced a similar racist expression:

"In the Memorial Day we walk from the Jewish monument square to the train station and the biggest road is closed and people is not happy about it. People comment about it and I heard when I was walking in the sea front, I heard two men talking to each other and say "oh the Jews close the road today" with a negative connotation of course, I know people are talking about it and they're not happy about it, I think security is necessary for all the experiences that we had in this past but I hate to see police everywhere where there are Jews we have to protect ourselves" (Interviewed 1, personal communication, May 30, 2022)

There is no point on Greece guaranteeing Freedom of Religion or belief to these communities, for them to make their festivities, memorials, or religious expressions when they are not safe to do it. A recent survey found that 69% of adults hold anti-Semitic views, and the fascists of the country's such as the Golden Dawn party, are open in their Jew-hatred views (Goldberg, 2015). Another aspect that contributes to this generalized antisemitism is the fact that, whereas in other countries antisemitism is proclaimed by the Muslim communities, in Greece it is a homogeneous racist speech because 98% of the population is ethnic Greek. Moses Altsech an academic in the United States stated:

"Anti-Semitism occurs in Greece not only among extreme rightists and leftists but is embedded in Greek mainstream society. It manifests itself in many ways: in a religious context, in education, in the application of the law, in the media, as well as through politically motivated anti-Semitism in the major parties." (...) In Greece, one does not have to buy newspapers to read their anti-Semitic remarks. Many kiosks hang such newspapers with pegs from a wire all day while weeklies hang there for the entire week. One can thus read the front page regardless of whether or not one actually purchases the paper. Sometimes this page is blatantly anti-Semitic." (Altsech in Gerstenfeld, 2005)

It can be specifically found the same issue in Thessaloniki where many cases of books and newspapers are published with antisemitic claims in their content.

"When I was a girl well it still happens, I remember going back home from school and walking around newspapers stores bookstores also looking at heavy anti-Semitic things in the front page not just one or two many the new space purses still exist Yeah it doesn't stop there are couple newspapers which are not afraid" (Interviewed 2, personal communication, May 30, 2022)

Even though this is not on a daily basis, there is no punishment or the government condemning those acts. This falls again into some extent the if Freedom of Religion or belief in Greece is guaranteed or not for the Jewish communities. In the end, this right it has a delicate nature because collides easily with the right to freedom of expression or speech, nondiscrimination and many others depending on the case. Although, as it is written in the ECHR, article 9 includes the right to freedom of thought, conscience and religion and moreover, this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance (ECHR, 1950).¹⁸ Even though the Greek Orthodox Church is the most influential institution that the extreme parts of it incite antisemitism inside the Greek society, it is not the only cause of it. The denial of their own Jewish history specially in Thessaloniki, the innate racial ideas against the Jews, and the influence of the Christian Orthodox Church make this city a doubtful safe place for Jews to exercise their religious freedom. Whether the decision if the Right to Freedom of Religion or belief is guaranteed or not due to antisemitism it falls under the spectrum of whether if it is secure for them to express themselves religiously open in society.

¹⁸ European Convention of Human Rights, article 9, paragraph 1

“I was stunned like something is very wrong here, I look at my grandparents and they didn't react and they always said don't react! whatever they tell you, don't react! don't say you're Jewish! don't show your Star of David don't react! t that's how we grew up”(…)
The right to freedom of religion it's guaranteed as long as we keep our things private”
(Interviewed 1, personal communication, May 30, 2022)

Therefore, there is no law enforcement against the Right to Freedom of Religion or belief of the Jewish communities of Thessaloniki. It is only a layer of the whole society structure. The Jewish community of Thessaloniki will not be able to enjoy fully their religious right until the antisemitism in the Greek society is eradicated or at least diminished. As it is mentioned in the article 2 of the ICCPR, each state party of the Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, which includes religion, race, culture or political opinion (ICCPR, 1966). Moreover, the Article 9 of the ECHR and the Article 18 of the ICCPR include the freedom to manifest his religion or belief in public or private life. It has been shown that public Jewish acts, even though they are secured by the authorities, are under stigma and discrimination, and most important, under possible attempts of physical attacks. Even though, it is mentioned in the article 18 of the ICCPR that the freedom to manifest one's religion or beliefs may be subject only to such to protect public safety or order, we must question ourselves if limiting religious rights of these communities to its privacy is a beneficial aspect to combat antisemitism or not. Furthermore, these articles, include that no one shall be subject to coercion which would impair his freedom to adopt a religion or belief of his choice and to respect for the liberty of parents or legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. Both paragraphs are connected and related with the right to education in Greece which, is supposed to be laic, but the Orthodox Church still manages to influence schools to not fall into a secularized educational system. The right to education in international law seems to sometimes be diminished in cases such as this which can lead to big repercussions. The interviewed expressed their concerns regarding on how difficult it was for their kids to have laic or non-Jewish indoctrinated education for their kids. Their testimony shows that in Thessaloniki most of the public schools are influenced by the Christian Orthodox Church in a way that they make the kids sanctify and pray every morning before class. Even though, some of the schools do not oblige the kids to do it, they still contribute to discrimination based on religious beliefs, or either they don't respect the right of religious freedom of the Jewish and other minorities families. They specifically state, that their only options were two school who weren't doing it in the whole city or going to the Jewish school. Regarding

this last one, it doesn't necessarily have positive connotation because it also incentivizes auto-segregation in their own community. They expressed their concern in a way in which going to the Jewish school was targeting the kids, and if they went to an average Greek public school they will be bullied.

"Everything starts with the Education, because the kids start the school sanctifying themselves and the ones that are not Christian, they need to be out of the room... They don't want to know, and they are not interested in our story (In Judaism) and here is where it lays the difference, and we start wrongly." (Interviewed 2, personal communication, June 3, 2022)

This "otherness" for Jews starts in schools, where they discriminate Jews because of their beliefs. One can think that this discrimination could not have severe consequences on the children, however, the influence of Christianity in the schools not only leads to marginalization, but it can also trigger the religious hate speech against the Jews, which is one of the old ways of antisemitic speech.

"I remember that I was like in the first or second grade in school and a classmate came to me and she said: "You Jews killed Jesus!" I remember being stunned like what is she talking about? Is this why we had a dictatorship? (...) After the war, the main slogan was "Greece belongs to Greek Christians" and they had these huge banners and I remember looking at them and I was like what am I doing here?" (Interviewed 1, personal communication, May 30, 2022)

This demonstrates how deeply rooted is antisemitism in the city of Thessaloniki that it trespasses every sphere of the life of the Jews.

"I had several incidents, like I remember being on a train as an adult I'm talking to someone on the train that is sitting opposite me, and casually talking... what's your name? (Responds with a Jewish name) what kind of name is this? Where are you from? That is not a Greek name I'm Jewish. Are you Jew? what are you doing here? I live here I was born here, many Jews we live here. She started to become upset, and she said what are you talking about? There are jews living in Greece it's not like you think that it's Greece belongs to Greek Christians like the slogan of the dictatorship, and she answered, yes that's how it should be." (Interviewed 1, personal communication, May 30, 2022)

The antisemitism in this city it can't only be determined by the "new antisemitism" based on political beliefs, it operates in all three kinds of antisemitism. The case of above demonstrates the anti-Semitic racism as a hostility to Jews as a separate race, considering them as others who don't belong to the country. Furthermore, we could find cases such as the ones mentioned above regarding the memorial in Thessaloniki that are focusing on anti-Judaism as the hostility to the beliefs and practices of the Jewish

religion. This demonstrates the discrimination against Jews expressing their ideology and religion in public spaces. In addition, there are cases which are an actual proof of this “new antisemitism” that is focused on anti-Zionism as a hostility towards the Jewish national identity focusing on Israel:

“Most people specially in Greece are brainwashed with anti-Semitism and I know it, but I still get surprised (...) I've seen many Israel flags being burned in Thessaloniki in demonstrations... I would say mostly it's anti Zionism in the last decade (...) Also friends of mine that suddenly they will make me feel that I don't belong here, that my country is Israel, anger, a lot of anger that goes with anti-Semitism (...) Ignorance and brainwashing it's the only thing that I can think of its blaming me for Palestinians and why do we treat Palestinians like with all the things that they did to us” (Interviewed 1, personal communication, May 30, 2022)

This denotes that some parts of society have this innate racism, not even because of their Jewish past or Jewish culture but more of an intentional application of notions of inherent inferiority of certain groups. The antisemitism in Thessaloniki can be deconstructed in four different categories that lay on the new perspective of racism and prejudice. Firstly, it would be cultural as a defining incompatibility between their culture (The Jewish) and the origin one, the Greek. Even though, some people might find the Jewish as an alien culture, Thessaloniki was a Jewish hearted city and the Jews of this city are not aliens, are citizens of the nation, Greek and Jewish at the same time. Their Greekness can't be denied when the Sephardic Jews arrived more than five hundred years ago, and the Romaniote jews have been living there since the time of Alexander the Great. Furthermore, this antisemitism can be defined as differentialist, remarking on the fact that cultures are different, that there can be no coexistence. Undoubtedly, the Christian Orthodox Church ruling is essentially different to the Jewish way of living. However, culturally speaking, the Jews of Thessaloniki are Greeks, some of them go to public school, their first language is Greek, they know the history, they live there, and they have the nationality. Moreover, is also a “European” antisemitism, in a way in which is its targeted not only as the Jewish religion or culture but also the political aspect. Greece has been westernized in the last years with the western European influence and with them comes also antisemitic westerns perspectives regarding the Jews and the State of Israel. Finally, this antisemitism is covered by a liberal Pseudo-democratic façade with racist arguments based on principles such as meritocracy or fairness. This aspect is influenced by the idea of “otherness” of the Jews as aliens of the Greek culture. The antisemitism in this city is represented once again, as the Jews being demonized because of their culture and religion on behalf of a State.

6. Conclusion

Throughout this thesis I have analyzed the Right to Freedom of Religion or Belief and its relationship with the current debate on whether this right can be enjoyed by the Jewish communities of Greece, specifically the one in Thessaloniki. The history of the Jews in Thessaloniki is a memory of effort, remembrance, and fall. It is demonstrated that the Greek Orthodox Church, the lack of Jewish heritage remaining in the city and the mass media play, perpetuates the antisemitic and prejudice behavior in the Greek society. Antisemitism seems to be widespread in the Greek society, even though only as being a non-visible racist speech. It seems to be not in the agenda of the Greek authorities and either the human rights institutions. This aspect is due to the lack of reportability of the cases and mostly the auto-segregation and fear of the Jewish communities to be in the public. To implement measures for its improvement we should start by increasing police surveillance around Jewish monuments and memorial celebrations and to educate police forces on the topic. Moreover, education is also of critical importance, museums as the one in Thessaloniki, and international organizations can contribute to a remembrance and the raising awareness of the young pupils.

“A more extrovert understanding of Greek history would allow for more compassion, more critical thinking and less prejudice towards the Jews. In the long run, this will also help the mass media to –unequivocally– condemn anti-Semitic rhetoric and it will widen the scope for public accountability in the Parliament, the Greek Church and the public sphere”, (MIEA, 2019)

Even though the numerous cases and intrinsic antisemitism in some of the spheres in the Greek society there is still hope for the Jewish community in Thessaloniki. There are projects that have been developed by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) such as the "Turning Words into Action to Address Anti-Semitism" (WIA) project which focuses on countering antisemitism and providing government officials, parliamentarians and civil society with the knowledge and skills they need to do so effectively. The implementation of raising awareness programs is a necessary measure if to eradicate antisemitism of the Greek society. As I mentioned before, the Right to Freedom of Religion it not only protects people with religious beliefs, moreover it protects theistic and non-theistic individuals. Within this scope of applicability, the Jewish community of Thessaloniki is enjoying their Freedom of Religion right with rather more oppressive limitations. There is no fulfillment to a right if there is no freedom to enjoy of it. Antisemitism is a hidden fear for all the Jews in Greece and specifically in Thessaloniki. There might not

a vast amount of recorded or reported cases, but they exist as micro-discrimination in a word-of-mouth experience. Greece has demonstrated that regarding the “known” religions they still guarantee religious freedom. However, taking a human rights perspective, to guarantee a constitutive right such as Freedom of Religion or Belief, universality, freedom, equality and pluralism should be unfolded freely without any kind of discrimination. Therefore, for countries such as Greece where religion is interwoven with the State, this certainly represents a challenge. State, civil society and human rights institutions should work together to enlighten about the Jewish heritage of the city, the existence of their people and their right to not be discriminated by their beliefs or ethnicity.

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