

OHI TO OHI-DAY: Briefing for EUMC, Vienna

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In Greece, October 28 is a national holiday – *Ohi* [“No”] Day – to celebrate the refusal of Greece in 1940 to allow Italian fascist troops into the country. Every such day, all public schools organise a parade where the best student of the school carries the Greek flag. Given the recency of labour migration into Greece, and the predominance of immigration of ethnic Greeks throughout the C20th, the matter of nationality of the best student did not arise until October 2000. On that occasion, an Albanian student named Odysseus Cenaj was selected by his school to carry the flag. After furious media debates and opposition by parents, Cenaj declined to carry the flag in order not to create massive dissent in the local and wider Greek community. This was despite support for him from no less a figure than the President of Greece, and more generally from leading political figures in government. Almost immediately, new legislation was passed making it clear that non-Greek pupils enrolled in public schools for at least two years may carry the flag in parades if they have the highest marks in their class.

Three years later, the same student, now aged 18, has been placed in the same predicament. Press reports indicate that some 50 students occupied the school in Nea Michaniona on October 21 to protest: they were backed by the parents’ association. Again, Cenaj was obliged to relinquish his right; the student with second highest marks refused to carry the flag in her support for Cenaj, and the eventual bearer of the flag was a student with the third highest marks.

Across Greece, other reports have come in of non-Greek students being selected to bear the flag. Three of these happened with apparently no protest: a Filipino in Lesvos; an Albanian in Lesvos; and an Albanian in Messinia, Peloponnesus. The latter received much applause during the parade. One other flag-bearing by an Albanian, in Viotia, went ahead after some non-vocal protest and attempts by the residents of Michaniona to pressure parents in Viotia to oppose it. One holder of the right, an Albanian in Serres, North Greece, was pushed into second place in order to avoid any problems.

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The beliefs of parents opposing flag-bearing by migrant children

The parents in the village of Michaniona can (apparently) not understand why there is a problem: “Why all this fuss? Why the police? We are not trouble-makers...”; deny that they are racists; and compare themselves favourably to the “real racist problems of Northern Europe”. In their view, the problem is caused by reporting of the issue by the media. Furthermore, they insist that there would still be a problem, although a lesser one, with an immigrant of Greek ethnicity.

The local Mayor considers that the people of Michaniona are hospitable, but Oct 28 is a national celebration and should concern only Greeks. He also believes that the actions of the boys’ classmates were “democratic” and that it was a “majority view” of local residents that no foreigner should carry the flag.

Political Reactions

The reaction of the ruling socialist party (PASOK) has been strong and positive. The Education Minister has stated that there “cannot be two classes of students: this creates a ghetto.” Former Foreign Minister Pangalos has demanded, in outrage, that Cenaj be granted immediate Greek citizenship “so that these people will no longer have an excuse to voice their fascist attitudes”. The Culture Minister has emphasised the link between “how we treat immigrants and how Greeks are treated abroad”, in an attempt to defuse racial intolerance. Furthermore, the PASOK Youth Movement has asked Cenaj to come to Athens “and hold for us the 30 year anniversary flag of the Polytechnion events” for the Nov. 17 parade, commemorating the famous collapse of the military dictatorship in 1974.

The New Democracy [opposition conservative] party’s response has been less clearcut. Whilst the official position is that the law must be upheld, this seems to refer merely to the current law regarding the right of non-Greeks to bear the flag. No mention is made of existing laws relating to incitement to racial hatred or violence. Furthermore, some senior ND politicians seem to be suggesting that the law is wrong, and should be changed; that bearing the flag is a matter of birthright; and that the symbolism of the event is wrong with a foreigner carrying the flag.

At regional and local level, the media-reported reactions look more problematic. The Prefect of Serres, himself a member of ND, attacked the President of Greece [ND] for his position adopted three years ago. The Mayor of Michaniona considers the actions

of the residents to be “freedom of expression” in defying the law of Greece and the wishes of the schoolteachers.

Media Reactions and Reporting

Media reporting of events seems to be largely accurate, but without a clear framework of analysis. Whilst there is much pro-immigrant sentiment, and also promotion of racial tolerance and even ironical concepts of multiculturalism [e.g. a cartoon in the leading newspaper *Ta Nea*, showing a school parade of wholly non-Greeks for 28 October, bearing a Taiwanese flag], much of the analysis is muddled and unhelpful. Such articles range from questions like “What is a flag?”, through discussions of what is the origin of the word “racism” [apparently an Arabic word for head], and how the Albanian flag is really Byzantine and anti-Turkish; along with persistent references to Isocrates’ ancient view that a Greek was one who partook of Greek education; and culminating in seemingly bizarre debates about the non-purity of Greek genetic stock. One recent article [*Kathimerini*, 31/10/03] even prevaricates by supporting immigrant children’s right to carry the flag, whilst noting the great extent of illegal immigration and the “statistically proven greater criminality of immigrants” [there are in fact no statistics available to prove anything] along with immigrants’ creation of Greek unemployment [again, this is conjecture]. The only thing NOT discussed in any newspaper’s reporting of the issue, is any legal constraint on Greek citizens in relation to racial harmony – despite the fact that this legal provision already exists.

Some Conclusions

The situation as described above is a clear example of the need for strong anti-discrimination laws in Greece, such as provided in Directives 2000/43/EC and 2000/78/EC. The lack of focus, by both the media and politicians, indicates that so far there has been no conceptualisation within Greek society of resident aliens’ rights or of the need for Greeks’ freedom of expression to be curtailed for the sake of public order. This is despite the fact that there already exists – before any implementation of the two directives – domestic legal provision. This takes the form of Law 927/1979 (as amended by Laws 1419/1984 and 2910/2001) which is a criminal law statute on “punishment of acts or activities aiming at racial discrimination”. (The 2001 amendment allows prosecution to be initiated *ex officio*, whereas previously a complaint had to be lodged.) Articles 1 and 2 of Law 927/1979 cover direct discrimination, although there is no doubt that because of conflict with freedom of expression embodied in the Greek Constitution, the criminal provisions “are to be

constructed and applied in a restrictive manner”.¹ Article 192 of the Greek Penal Code is also relevant, because of its provision of “maximum imprisonment of two years of anyone who publicly, in any manner whatsoever provokes or incites citizens to act violently against each other, or to mutual discord and as a consequence disturbs public peace”.² Furthermore, the term ‘citizens’ is not confined to Greek nationals but relates to an “indefinite number of persons who live peacefully in a certain social space”.³ However, in practice, no racial discrimination case has appeared in the courts, other than Art. 192 prosecutions of ethnic minorities and their organisations, for the protection of “Christian Greeks”.

It would seem that the activities of some of the Parents’ Association in Michaniona, such as publicly supporting the pupils’ opposition to Cenaj carrying the flag, and also their attempt to widen the conflict to bring in other parts of Greece, are proscribed by the above legislation. It is significant that none of the media and no politician has mentioned this possibility, nor has any public prosecutor publicly discussed it.

Further, the record of Greece in prosecuting only ethnic minorities in the matter of public order [much of which has been overturned by the European Court of Human Rights] shows very clearly the need for three types of change in Greece. These are:

- 1) the passing of strong, carefully thought out, antidiscrimination legislation which can actually operate effectively in the Greek legal system
- 2) the establishment of a public body to enforce and promote such protection, as required by Art. 13, Dir. 2000/43/EC.
- 3) The initiation of a substantial public education campaign, covering all elements of society, about the need for non-discrimination and equality before the law. The presumption that Greeks always take priority seems to be built into Greek social values, and will not be dislodged easily.

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¹ Sitaropoulos, N. (2002): *Transposition in Greece of the EU Directive 2000/43* (unpublished report for the National Commission of Human Rights), Athens, mimeo, 33 pp: p.14

² *ibid*, p.12

³ *ibid*, p.13