

Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on minority issues

REFERENCE:
AL GRC 2/2019

12 April 2019

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 34/5 and 34/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the ban imposed on minority rights defenders Mr. **Slavko Mangovski** and Ms. **Trendafilka Sandeva** to enter Greece.

Ms. Trendafilka Sandeva is a lawyer based in Skopje, North Macedonia. Mr. Slavko Mangovski is a human rights defender who holds dual citizenship, of the United States and of the Republic of North Macedonia. They advocate for the rights of those who fled Greece in the context of the civil war from 1946 to 1949 to the current North Macedonia, including their descendants, as well as the rights of those identifying themselves as belonging to the Macedonian minority in Greece. Both minority rights defenders work closely with the organisation Greek Helsinki Monitor (GHM).

According to the information received:

Ms. Trendafilka Sandeva

Before 2014, Ms. Sandeva never had difficulties entering Greece. In 2014, she was denied entry into Greece for the first time, when she planned to accompany citizens of the current Republic of North Macedonia to a meeting with the GHM in Thessaloniki to sign a document authorising GHM to seek restitution of their citizenship and properties, which they were stripped of after having left Greece during the civil war. She was then informed by the Border Police that she had been included in the 'National Record of Undesirable Foreigners', without further explanation. She attempted to enter Greece twice without success in 2017; again, the documents she was provided offered no justification for the entry ban.

Mr. Slavko Mangovski

In 2000, Greece authorities issued an entry ban against Mr. Mangovski. The ban was lifted two days later after an intervention of the Greek Helsinki Monitor before the authorities on his behalf.

On 24 October 2016, Mr. Mangovski was denied entry into Greece, where he had planned to meet with minority human rights defenders. At that point in time, he

was informed that he had been listed in the ‘National Record of Undesirable Foreigners’ since June 2013. The authorities gave him the copy of the official document pronouncing the ban. This travel ban might have been linked to his participation in June 2013 as a speaker in a gala banquet in Toronto, commemorating the 65th anniversary of the plight of the *Detsa Begaltsi* (“Children Refugees” that fled the Greek civil war). Mr. Mangovski had not been notified about the ban at the time it was issued, which prevented him from being able to contest the measure in a timely manner after it had been imposed. He was not provided with further information about the grounds or the length of the measure.

Complaint with the Greek Ombudsman

In May 2018, the Greek Helsinki Committee filed a complaint on behalf of Mr. Mangovski and Ms. Sandeva with the Greek Ombudsman and Mr. Mangovski filed an additional complaint in October 2018 to the same institution. In a letter dated 15 October 2018, and received in mid-February 2019, the Ombudsman informed Mr. Mangovski that his name was not on the ‘National Record of Undesirable Foreigners’.

Following the letter of the Greek Ombudsman, Mr. Mangovski attempted to enter Greece on 2 March 2019. He was denied entry on the basis that his name was in the national registry of persons not allowed entering the Greek territory.

While we do not wish to prejudge the accuracy of these allegations, serious concern is expressed that the entry ban imposed on Mr. Mangovski and Mr. Sandeva may be directly related to their legitimate work in the defense of minority rights in the region. We are furthermore concerned about the impact of such restrictions of freedom of movement could have on the work of minority rights defenders in Greece.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information concerning the legal basis and the factual justification for the entry bans imposed on Mr. Mangovski and Mr. Sandeva
3. Please indicate what measures have been taken to ensure that human rights defenders in Greece, including those defending minority rights, are able to

carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation directed against them or their family members and harassment of any sort.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting website. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Michel Forst
Special Rapporteur on the situation of human rights defenders

Fernand de Varennes
Special Rapporteur on minority issues

Annex

Reference to international human rights law

The above mentioned allegations appear to be in contravention with articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Greece in 1997, which guarantee the right to freedom of opinion and expression, including the right to seek, receive and impart information, as well as the right of peaceful assembly. The imposition of travel and entry bans as a means to limit the exercise of freedom of expression and of association is not compatible with these provisions.

Furthermore, we wish to stress that the arbitrary imposition of travel bans against human rights defenders to prevent them from participating in activities outside their country of residence is contrary to the spirit of Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognize Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders.

We would further like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, I would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 5 point c), which provides for the right to communicate with non-governmental or intergovernmental organizations;
- Article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- Article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- Article 12, Paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any

violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would like to refer also to the Commentary to the Declaration on human rights defenders which states that "travel restrictions imposed on defenders in order to prevent them from participating in assemblies of different kinds outside their country of residence is contrary to the spirit of the Declaration and the recognition in its preamble that individuals, groups and associations have the right to "promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels".

We would like to refer also to the Human Rights Council Resolution 31/32 which in Paragraph 10 underlines the legitimate role of human rights defenders in mediation efforts, where relevant, and in supporting victims in accessing effective remedies for violations and abuses of their economic, cultural rights, including for members of impoverished communities, groups and communities vulnerable to discrimination, and those belonging to minorities and indigenous peoples.

Furthermore, article 27 of the ICCPR protects persons who belong to ethnic, linguistic and religious minorities to enjoy their own culture, use their own language, and practice their own religion with other members of their group. This right imposes positive obligations on states not to deny the exercise of these rights among themselves.

We also take this opportunity to remind you of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities article 1.1 of the UN Declaration requires that States protect the existence and the national or ethnic, linguistic or religious identity of minorities within their respective territories and encourage conditions for the promotion of that identity. Article 2.1, stipulates that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination, and in article 2.2, persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life. Moreover, States are required to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law (article 4.1) and create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs (article 4.2).