

Submission to the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the Expert Mechanism on the Rights of Indigenous Peoples on the Study on the theme of Indigenous Peoples' Rights in the Context of Borders, Migration and Displacement



United Peoples Assembly

The UPA aims to support minorities, nations and Peoples in their efforts to achieve greater cultural, political and economic self-determination by the creation of a platform where minorities, nations and Peoples can express their needs and form a community of interests. Furthermore, the UPA facilitates the creation and management of facilities for training and communication and the organisation of conferences, seminars, events, activities and meetings.

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INTRODUCTION

This report, submitted by the United Peoples Assembly on the occasion of the request by the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the study of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) to be presented to the Human Rights Council at its forty-second session (September 2019), draws attention to the human rights violations against the Cham community residing in Albania and Greece. The report focuses on the difficulties of the trans-border migration between Albania and Greece and the forcible removal and displacement of the Cham community from their ancestral lands as well as the confiscation of their properties.

HISTORICAL BACKGROUND

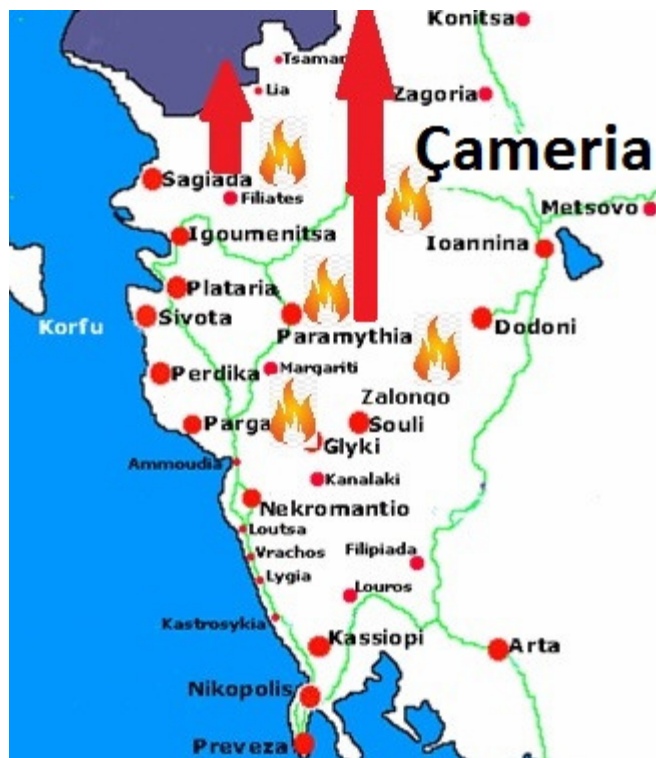
The expulsion of the Çam

Chameria has been the home of the Cham people for many centuries. It was conquered and subsequently ruled by the Ottoman Empire from the 1300s until its defeat in the First Balkan war in 1912. For most of that time the Cham people held on to their unique identity and had a degree of self governance within the Empire as part of the Janina Villajet. During the meeting on 10 June 1878 the Albanian leaders established the League for the Defense of the Rights of the Albanian Nation (the League of Prizren) and proposed the creation of an Albanian State that would encompass all of the Albanian speaking peoples, including the Cham, into one political unit. However, this proposal did not lead to a new political reality and the oppression of the Albanian people continued until the end of the First Balkan war. On 28 November 1912, the independent State of Albania was proclaimed and the international community demarcated its borders as they still continue to exist today. However, many areas with a predominantly Albanian population were left outside its borders; Kosova was incorporated into Serbia and Chameria came under Greek control.

Due to its proximity to Albania the Greek government feared that pro-Albanian movements would try to make Chameria part of Albania. The Greek State therefore implemented a policy of intimidation and violence to pressure the Islamic part of the Cham-Albanian population to leave the region and move to Albania and Turkey, while the Orthodox Cham-Albanians were strongly pressured to assimilate into Greek culture. A significant number of Islamic Cham-Albanians were forcibly transferred to Turkey during the 1923 Greek-Turkish population exchange even though they were not Turkish. At that time the Greek government tried to forcibly move all the Muslim Cham from their Chamerian homeland to Turkey by claiming that the Cham, being Muslim, were in fact Turkish. However, due to the advocacy by Albanian pressure groups the international community did not go along with this position and the inclusion of the Muslim Chams in the population transfer agreement was removed. However, many Cham were already resettled in Turkey and stayed there. The property of the Cham that were moved to Turkey was alienated by the Greek government as part of the Turkish-Greek peace agreement.

The Greek government counted Islamic Cham as a minority. The Orthodox Cham were counted as Greeks and their language and Albanian heritage came under pressure of assimilation. From 1913 onward the Islamic Cham population steadily declined due to the expulsion and oppression by the Greek State. The census of 1932 counted 19-thousand Cham in Chameria. Under the Metaxas regime (1936-1940) the oppression became worse and Cham were arbitrarily arrested and they subsequently suffered from all forms of harassment. Furthermore, Albanian language books and

newspapers were outlawed in an attempt to remove the Cham-Albanian culture and heritage from Chameria.



In World War Two, Italian and German forces invaded the region of Chameria and many battles raged inside the area. In the summer of 1944, Napoleon Servas, the leader of the right-wing organisation EDES (the National Republican Greek League) asked the Cham Albanians to join the organisation and drive out the German forces, but the community declined the request. EDES forces subsequently started their offensive, intent on driving out the occupying forces, as well as the Cham Albanian community. This advance led to a major refugee flow into Albania with several thousand Cham crossing the border in search of security. The EDES forces violently attacked Cham villages and several massacres took place that served as a warning to the entire Cham population that

they could be next. The best known massacre is that of 27 June 1944 in the district of Paramythia when around 300 Cham, men, women and children, were killed. In response to these attacks, the Cham community organised its armed forces to resist those of EDES, but the Cham were quickly defeated. Those who were unable to flee were imprisoned, tried and executed. In February 1945, when it seemed that the right-wing EDES forces were losing against the left-wing ELAS forces, many of the refugees returned from Albania to settle in Chameria. However, the tide turned quickly and in March 1945 the right-wing EDES forces were victorious and out for revenge on the returned Cham population. Several massacres were carried out in March 1945, of which the biggest was in the town of Filiates where seventy Cham were killed. Furthermore, many of the villages were burned. These events saw the final exodus of the Cham from their homeland, Chameria.

With the end of World War Two and the inability of the Cham refugees to return to their homes, they established the 'Anti-Fascist Committee of Cham Immigrants' in Albania in order to find a solution for the refugees and have them be allowed to return to Chameria. The organisation tried to internationalise the issue by sending delegations to Greece and to various European countries. They were however not successful in putting the expulsion of the Cham community on the international political agenda. In the mean time the Albanian government resettled the Cham refugees in towns and cities in southern Albania. Greece enacted a special law in 1947 which took away the citizenship of all those who had fled from Chameria, which left the refugees stateless. In 1951 the Albanian government in turn forcibly gave Albanian citizenship to the Cham.



The Cham issue stayed silent for many decades due to the oppression by the isolationist and communist Albanian State and the Greek authoritarian regime. With the rise of democracy and the fall of communism in Albania, new activities to remedy the injustice committed against the Cham community were organised and the Cham issue came back onto the public stage. In 1994 the Albanian government declared 27 June 'The Day of Greek Chauvinist Genocide Against the Albanians of Chameria' and erected a monument with the names of the victims in the most southern Albanian city, Konispol.

Since this time there have been many attempts to resolve the Cham issue. However, these have not led to a breakthrough in improving the livelihood of the Cham community. The Albanian and Greek political leaders continue to downplay and ignore the historical injustice committed against the Cham

People which continues to place a heavy burden on the elders of the community and their children.

RIGHT TO LAND AND PROPERTY

The Greek government today considers the Cham issue as a closed chapter. Its official position is that the Chams are not allowed to return to Greece since they have collaborated with the Italian-German invaders during World War II and thus are considered war criminals and punishable under Greek law. But there were in fact four different laws, from 1923 to 1937, that alienated the properties of the Muslim Cham Albanians, as provided by the Convention Concerning the Exchange of Greek and Turkish Populations. After World War II, Cham Albanians' properties were nationalised by the Greek State. In 1953, a law adopted by the Greek parliament provided that rural immovable properties whose owners had left Greece without permission or passport were considered abandoned. The nationalisations begun in 1956.

RIGHT TO CROSS THE BORDER

Elderly Cham people who were born in Chameria and fled to Albania in 1944 are at present unable to cross the Albanian-Greek border despite holding valid Albanian passports. This is due to the fact that the Greek border control uses the argument that passports of people with Albanian citizenship who were born in Chameria need to specifically state that their country of birth was Greece.

Cham Denied Entry By Greek Authorities

On Tuesday 20 February 2018 the Greek border control denied a group of elderly Cham, who planned to visit their places of birth, entry into Greece.

In 1944 most of the Cham population were expelled from Chameria and sought refuge in Albania. In 2018 there are still those in the Cham community who remember this human rights' catastrophe as if it were yesterday. Of those who can still remember the violence and genocide committed against the Cham community, many have never been able to return to their places of birth; not even for a short visit.



On 20 February 2018, a group of 32 Cham who were born in Chameria took the bold step and tried to visit their homes that many of them hadn't seen since 1944. Elderly Cham from Vlorë, Dürres, Sarande and Tirana went on an organised bus tour and drove south to the border between Albania and Greece. The participants came together on Monday evening and stayed in a hotel in Sarande. From there the bus tour took off on early Tuesday morning. All the documents had been prepared and the people on the bus were anxious and happy that they could finally visit Chameria once more. Several camera crews were present to film the departure of the bus tour which is a historic occasion.

When the bus arrived at the border, they were greeted friendly by the Albanian customs. However, this was not met with equal hospitality. They were stopped by the Greek authorities and denied entry into Greece. After many hours of waiting, the elderly Cham, most of who are in their eighties, returned to the bus and headed back north. The hopes of visiting their places of birth one last time drifting further away. It becomes ever more likely that many of the people from this generation, like those who went on this tour, will never be able to visit Chameria in their lifetime.



Harassment and discrimination

The harassment and discrimination by the Greek authorities towards the Cham community continues to remain strong. Even today it is not possible for Cham who were born in Chameria to cross the border; unlike others who have Albanian citizenship. This discrimination still places a heavy burden on the relationships between countries and peoples in the Balkan.

The Albanian government is also not supportive of the Cham community but instead is providing the Greek authorities means to harass the Cham community. Under pressure from the Greek government, the Albanian government decreed a law in 2014 ([Nr. 555 of 27.8.2014](#)) which states that the country code should be placed after the city of birth. To the Greek authorities this means that all those born in Chameria need to have the letters “GRC” behind the place of birth in their passport, so as to acknowledge the Greek dominance over Chameria and that it was always Greek. Passports prior to September 2014 do not fulfil the Greek criteria and therefore provide an

excuse to deny the Cham entry into Greece. Furthermore, although this law was passed in 2014 it has not been fully or correctly implemented in many cases. Several Cham had passports dating after 2014, which did not have the “GRC” letters printed.

Although all the Cham have valid Albanian passports, most of the elderly Cham only have the city of birth in their passport. This administrative technicality allows the Greek authorities to continue to harass the Cham people. What existential threat could eighty-five year old people who wish to visit their places of birth have to Greece?





European Parliament



In 2018, a group of human rights activists met with numerous parliamentarians from the European Parliament who are members of the foreign affairs committee (AFET) with the call for help and assistance to solve this human rights issue, which affects the Cham in Greece and Albania.

Several key members of the Foreign Affairs Committee of the European Parliament drafted a resolution calling on the Albanian government to solve this issue and provide the Cham people with the same rights as all other Europeans. This resolution was included in the report of amendments by MEP Knut FLECKENSTEIN, who is the rapporteur on Albania and bi-annually produces a report about Albania’s progress on implementing European values.

The resolution reads as follows:

“Reiterates the importance of freedom of movement of Albanian citizens among the EU countries; calls on the Government to ensure that Albanian citizens born in Greece, holding valid Albanian passport, cross the Greek Albanian border without any restriction; calls hence on the Government to update the passports of those citizens replacing as place of birth the name of the village/city with the name of the country;”

Links

European Parliament Report

Page 77 of the report:

AMENDMENTS 1 -176 Draft report Knut Fleckenstein(PE622.360v03-00)Report on the 2018 Commission Report on Albania(SWD(2018)0151 –2018/2147(INI)). AM\1161737EN.docx PE627.016v01-00

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-627.016+01+DOC+PDF+V0//EN&language=EN>

Albanian Government Legal document

Act nr. 555 of 27.8.2014

http://www.qbz.gov.al/botime/fletore_zyrtare/2014/PDF-2014/140-2014.pdf

RECOMMENDATION

In light of the abovementioned human rights situation of the Cham the United Peoples Assembly urges the United Nations to consider the following recommendations:

1. To ensure the possibility of return of all Chams who have been expelled as a result of ethnic cleansing during and after the First and Second World War to their places of birth.
2. To ensure that the Greek authorities do not single out persons of Cham descent who wish to visit their places of birth, and that instead they should be granted equal rights to all Albanian citizens to cross the Albanian-Greek border.
3. To ensure that the Albanian government provides adequate passports for all of its citizens, including those of Cham descent.

Albanian legal documents

DOKUMENTET E UDHËTIMIT KANË HYRË NË FUQI NGA DATA 1 NËNTOR 20

shimi pasqyrohet në dokumentet e lëshuara nga Ministria e Punëve të Brendshme respektivisht:

Në certifikatat "Për përdorim nga autoritetet e huaja"

Në letërnjoftimin elektronik dhe pasaportën biometrike:

<p>për shtetasit shqiptarë lindur brenda territorit të Republikës së Shqipërisë: Fshat, ALB ose Qytet, ALB</p> <p>6 vendlindja/place of birth Tiranë, ALB</p>	<p>për shtetasit shqiptarë lindur jashtë territorit të Republikës së Shqipërisë: Kodi 3 karaktere sipas standardit ICAO (si GRC, ITA etj).</p> <p>6 vendlindja/place of birth GRC</p>
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Paraqituni pranë zyrës së Gjendjes Civile, ku jeni regjistruar dhe sigurohuni që rubrika "Vendlindja" plotësohet përpara se të aplikoni për dokumente biometrike apo të pajiseni me certifikatat "Për përdorim nga autoritetet e huaja"!

Kujdes në zyrat e aplikimit për dokumente biometrike!
Ju lutemi tregoni kujdes gjatë procesit të aplikimit për dokumente biometrike (letërnjoftim dhe pasaportë) dhe kontrolloni rubrikën "Vendlindja" përpara se të firmosni formularin e aplikimit tek të dhënat për shtetasit shqiptarë.

Për dokumentet biometrike sigurohuni që rubrika "Vendlindja":

› Farkë, Tiranë, ALB	duhet	Farkë, ALB	✓
› Shkodër, Shkodër, ALB	duhet	Shkodër, ALB	✓
› Athina, ALB	duhet	GRC	✓
› Milano, ITA	duhet	ITA	✓
› Selanik	duhet	GRC	✓



REPUBLIKA E SHQIPËRISË
KESHILLI I MINISTRAVE

VENDIM

Nr. 255, datë 27.11.2018

PËR

**DISA SHITESA NË VENDIMIN NR.332, DATË 17.3.2010,
TË KESHILLIT TË MINISTRAVE, "PËR PËRCAKTIMIN E FORMËS,
ELEMENTEVE PËRBËRËSE, MËNYRËS SË MBAJTJES E AFATIT
TË PËRDORIMIT TË DOKUMENTEVE BAZË, QË MBAHEN
DHE LËSHOHEN NGA SHËRBIMI I GJENDJES CIVILE",
TË NDRYSHUAR**

Në mbështetje të nenit 100 të Kushtetutës dhe të pikës 4, të nenit 25, të ligjit nr.10129, datë 11.5.2009, "Për gjendjen civile", të ndryshuar, me propozimin e ministrit të Punëve të Brendshme dhe ministrit të Punëve të Jashtme, Këshilli i Ministrave

VENDOSI:

1. Në vendimin nr.332, datë 17.3.2010, të Këshillit të Ministrave, të ndryshuar, bëhen këto shtesa:

a) Në pikën 1 dhe në lidhjen nr.1, bashkëlidhur vendimit, shtohen emërtimet dhe modelet e mëposhtme:

"s. Modeli nr.15, "Certifikatë vdekjeje", për përdorim nga autoritetet e huaja;

sh. Modeli nr.16, "Certifikatë familjare", për përdorim nga autoritetet e huaja."

b) Pas pikës 1 shtohet pika 1/1, me këtë përmbajtje:

"1/1. Në të gjitha modelet e certifikatave për përdorim nga autoritetet e huaja, që lëshojnë zyrat e gjendjes civile në njësitë e qeverisjes

VENDIM

Nr. 555, datë 27.8.2014

PËR DISA SHITESA NË VENDIMIN NR. 332, DATË 17.3.2010, TË KËSHILLIT TË MINISTRAVE, "PËR PËR CAKTIMIN E FORMËS, ELEMENTEVE PËRBËRËSE, MËNYRËS SË MBAJTJES E AFATIT TË PËRDORIMIT TË DOKUMENTEVE BAZË, QË MBAHEN DHE LËSHOHEN NGA SHËRBIMI I GJENDJES CIVILE", TË NDRYSHUAR

Në mbështetje të nenit 100 të Kushtetutës dhe të pikës 4, të nenit 25, të ligjit nr. 10 29, datë 11.5.2009, "Për gjendjen civile", të ndryshuar, me propozimin e ministrit të Punëve të Brendshme dhe ministrit të Punëve të Jashtme, Këshilli i Ministrave

VENDOSI:

1.

Në vendimin nr. 332, datë 17.3.2010, të Këshillit të Ministrave, të ndryshuar, bëhen këto shtesa:

a) Në pikën 1 dhe në lidhjen nr. 1, bashkëlidhur vendimit, shtohen emërtimet dhe modelet e mëposhtme: "s.

Modeli nr. 15, "Certifikatë vdekjeje", për përdorim nga autoritetet e huaja; sh.

Modeli nr. 16, "Certifikatë familjare", për përdorim nga autoritetet e huaja."

b) Pas pikës 1 shtohet pika 1/1, me këtë përmbajtje:

"1/1. Në të gjitha modelet e certifikatave për përdorim nga autoritetet e huaja, që lëshojnë zyrat e gjendjes civile në njësitë e qeverisjes vendore, informacioni në rubrikën "vendlindja" të plotësohet, i shkruar sipas rasteve: a) Për shtetet, të cilat kanë depozituar pranë OKB-së katalogët zyrtarë të emrave gjeografikë të romanizuar (toponimet), sipas listës së vënë në dispozicion nga Ministria e Punëve të Jashtme, si dhe kodin 3-karakterësh të shtetit përkatës, sipas standardit ICAO; b) Për shtetet, të cilat nuk kanë depozituar pranë OKB-së këta katalogë, sipas shkrimit në dokumentin e hartuar nga vendi i origjinës, por me simbole, germa latine/romane, si dhe kodin 3-karakterësh të shtetit përkatës, sipas standardit ICAO; c) Rubrikat e tjera të certifikatave, për përdorim nga autoritetet e huaja, të plotësohen në gjuhën zyrtare shqipe."

2. Ngarkohet ministri i Punëve të Brendshme për nxjerrjen e akteve për rregullat e plotësimit të rubrikës "vendlindja", në Regjistrin Kombëtar të Gjendjes Civile.

3. Ngarkohen Ministria e Punëve të Brendshme dhe Ministria e Punëve të Jashtme për zbatimin e këtij vendimi.

Ky vendim hyn në fuqi pas botimit në Fletoren Zyrtare.

KRYEMINISTRI

Edi Rama