



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION**

Nineteenth periodic reports of States parties due in 2007*

GREECE**

[27 March 2008]

* This document contains the sixteenth, seventeenth, eighteenth and nineteenth periodic reports of Greece, due on 18 July 2003, 2005 and 2007, submitted in one document. For the twelfth to fifteenth periodic reports and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/363/Add.4 and CERD/C/363/Add.4/Rev.1 and CERD/C/SR.1455-1456.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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I. INTRODUCTION

1. Greece has the pleasure to submit her periodic report to the Committee on the Elimination of Racial Discrimination of the International Convention on the Elimination of All Forms of Racial Discrimination. At the outset, we would like to express our regret for not being able to present this report on time. We would also like to emphasize that Greece attaches great importance to the United Nations human rights treaty system and, in particular, to the reporting procedure under the ICERD. We are confident that the submission of this report will facilitate the open, frank, constructive and fruitful dialogue of the State party with the Committee on the Elimination of Racial Discrimination on the achievements made and the challenges ahead in the fight against racism and all forms of racial discrimination.
2. This report has been drafted by the Legal Department of the Ministry of Foreign Affairs, in close cooperation with the following Ministries: Ministry of Interior/General Secretariat for Gender Equality/Greek Police Headquarters, Ministry of Justice, Ministry of Labor and Social Protection, Ministry of Health and Social Solidarity, Ministry of National Education and Religious Affairs, Ministry of Culture, as well as the General Secretariat of Communication/General Secretariat of Information.
3. In addition, we have incorporated, to the extent possible, valuable input and comments by the National Commission for Human Rights, in which six major NGOs participate. We have also taken into account concerns raised during the last years by various NGOs.
4. The present report focuses mainly on the points raised in the concluding observations of the CERD, dated 27.4.2001, and provides information on recent legislation, action plans, initiatives and practical steps taken in the fight against all forms of racial discrimination.

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

General legal framework: recent developments

5. The most important developments that took place since Greece's last report to the CERD are the following:
 - A Law on the "Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation" was adopted in 2005, which covers a wide variety of fields and designates or establishes bodies for monitoring compliance with the principle of equal treatment.
 - Independent authorities such as the Greek Ombudsman, the Hellenic Data Protection Authority and the National Radio and Television Council, have been enshrined in the Constitution, since the 2001 constitutional revision. The Greek Ombudsman has assumed new responsibilities in the fields of the protection of the rights of the child, health and social solidarity and monitoring the implementation of the principle of equal treatment of men and women with regard to employment; most importantly for the purposes of the present report, the Greek Ombudsman has been designed as the specialized body for the promotion of the principle of equal treatment in the public

sector. The National Commission for Human Rights (NCHR) continued, throughout the period under consideration, to submit recommendations and proposals, studies, reports and opinions for legislative, administrative or other measures which may lead to the improvement of human rights protection in Greece, to develop awareness-raising initiatives and to issue opinions on Greece's reports to UN human rights treaty bodies; in 2003, two more NGOs, the Greek League for Women's Rights and the Panhellenic Federation of Greek Roma Associations, were included in the membership of the NCHR.

- The Integrated Action Program for the social integration of Greek Roma has yielded positive results, in particular in the field of housing. Continuous efforts have been made in order to improve the living conditions of this vulnerable social group, to overcome all remaining obstacles and to respond to inadequate situations.
- An Integrated Action Plan for the integration of third-country nationals legally residing in the Hellenic territory has been designed and will be implemented. In the last years, a more efficient regulatory framework has been enacted, in order to improve the protection of lawfully residing migrants' rights.
- A comprehensive legislative framework on the fight against trafficking in human beings and on the assistance of victims thereof has been enacted.
- Acts or activities aiming at racial discrimination have been criminalized. Prosecuting authorities may press charges *ex officio*. However, the relevant criminal legislation has had limited application until now. Self-regulation has continued to play an important role in the field of media.
- The fight against racism and xenophobia has been made a priority issue for the Greek Police. Isolated incidents of discrimination or unlawful use of force have been handled in accordance with the applicable criminal and disciplinary provisions so as to increase the accountability of police officers. Training in human rights of police personnel has been further strengthened. Measures have been adopted to improve the conditions of detention of foreigners awaiting expulsion.
- Safeguards for the free exercise of religious freedom have been enhanced.
- Practical steps have been taken in the fields of education and teaching, aiming, in particular, at promoting the effective and harmonious integration of foreign children in the educational system of the country and preventing prejudice and stereotypes.

Information on the demographic composition of the country

6. In reply to CERD's recommendation regarding information on the demographic composition of the population residing in Greece, it is to be stressed that Greece is a largely homogeneous country, in terms of the origin, religion, language and cultural characteristics of Greek citizens.

7. The number of persons of Roma origin, who are not considered as a “minority”, but as a vulnerable social group, amounts to approximately 250,000 to 300,000, according to studies drawn up with a view to designing and implementing social actions and programs for the Roma.

8. With regard to minority groups, the Muslim minority in Thrace numbers around 100,000 persons and consists of three distinct groups, whose members are of Turkish, Pomak and Roma origin.

9. With regard to the number of third-country (i.e. non-EU) nationals legally residing in Greece, according to the official statistical data of the Ministry of Interior, the valid residence permits as of 15.10.2007 were 481,501. According to the same data, Albanian citizens form the largest migrant group in Greece, that is 303,225 persons (60%), followed by citizens of Ukraine (19,005), Georgia (12,990) and Pakistan (12,126). There also are large communities of immigrants originating from two new EU member States, that is Bulgaria (27,182) and Romania (15,884).

10. It must be noted that third-country nationals, who have submitted all required documents for the issue or renewal of a residence permit and have received the relevant certificate, are not included in the above mentioned data. However, according to Article 11 of Law 3386/2005, the abovementioned third-country nationals are considered to reside legally in the country, until the decision of the Administration regarding their application has been issued. For this reason, the total number of third-country nationals legally residing in Greece is not possible to be calculated precisely. However, according to 2005 stock data as processed and sent by the competent Department of the Ministry of Interior to the European Commission for the allocation of the Integration Fund, the number of legally residing migrants in Greece is in total 796,185 (out of a total population of around 11,100,000 persons).

11. Finally, 152,400 applications have been submitted by third-country nationals in order to be included in the recent legalization procedure for migrants (Article 91 (10) and (11) of art. 91 of Law 3386/2005).

Women belonging to vulnerable social groups

12. Greece’s overall policy on the social integration of vulnerable groups of women forms part of the four-year Action Plan of the General Secretariat for Gender Equality (GSGE) on “National Policy Priorities and Axes of Action for Gender Equality (2004-2008)”, which links gender equality issues to the following national priorities: development, employment, education-social cohesion. Such policy also aims at tackling multiple forms of discrimination, an issue stressed in the NCHR’s Comments on the present report. Initiatives undertaken within this framework include the following:

- On combating trafficking in human beings, in particular women, see *infra*, paras. 100-115.
- Law 3500/2006 has been adopted, which aims at preventing and combating domestic violence and protecting the fundamental rights of women and children. The GSGE provides advisory, psychological and legal support to women victims of domestic violence through the operation of two Consultation Centers (in Athens and in Piraeus).

16% of the women who refer to these Centers are foreigners. The leaflet on domestic violence has been translated and published in English, Arabic and Persian while the publication in Albanian, Russian and French is expected soon. The publication of the leaflet on domestic violence in Arabic and Persian has been considered as necessary for the implementation of the Memorandum of Cooperation with the UN High Commissioner's Office for Refugees in Greece (see also below, paras. 127-128).

- In cooperation with the Greek Manpower Employment Organization (OAED), the GSGE implements a program through which unemployed women are promoted to employment. Migrant women, refugee women and Roma women are included in the target groups of the program. The same project also includes, for the first time, as beneficiaries women who have been identified as victims of trafficking.
- In the framework of the "European Year of Equal Opportunities for All (2007)" the GSGE implements a Plan of Action entitled "Women - Equality in Action". The Plan of Action aims to raise awareness with regard to combating racism and gender discrimination. The television spot which will be produced addresses the needs of women that belong to different social groups and experience multiple forms of discrimination.
- More than 3.000 women, who belong to groups threatened by exclusion from the labor market, especially immigrant women, are beneficiaries of the program "Improving the conditions of integration of vulnerable groups of women in the labor market", run by the Research Center for Gender Equality (K.E.TH.I.), supervised and financed by the GSGE.
- The GSGE has submitted a biennial action plan to the Ministry of Employment and Social Protection in order to compile the National Action Plan for Social Integration (ESDEN) 2006-2008. The initiatives envisaged therein include the fight against discrimination and the promotion of social integration of first- and second generation immigrants.

Article 2

The new antidiscrimination legislation

13. In 2005, Parliament adopted Law 3304/2005 on the "Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation", which incorporates two relevant EU directives (2000/43/EC dated 29 June 2000, and 2000/78/EC dated 27 November 2000). The aim of the Law is to lay down a general regulatory framework for combating discrimination in a wide variety of fields and to designate or establish bodies for protecting, promoting and monitoring compliance with the principle of non-discrimination.

14. The Law prohibits both direct and indirect discrimination (Art. 2 (1)). It qualifies as "discrimination" harassment, which manifests itself through an unwanted conduct related to a prohibited ground of discrimination, with the purpose or effect of insulting the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment

(Art. 2 (2), as amended by Article 7 of Law 3625/2007). Any instruction to apply a discriminatory treatment against a person on the above mentioned grounds is also deemed as “discrimination” (Art. 2 (3)).

15. As regards, in particular, the principle of equal treatment regardless of racial or ethnic origin, Article 3 of the Law defines as “direct discrimination” the fact that a person is treated less favorably than another is, has been or would be treated in a comparable situation on the said grounds. An “indirect discrimination” occurs where a *prima facie* neutral provision, criterion or practice would put persons of a particular racial or ethnic origin at a disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

16. The scope of the relevant Chapter II of the Law is very wide. Its provisions apply to all persons, as regards both the public and private sectors, in relation to: (a) conditions of access to employment and to occupation in general, including selection criteria and recruitment conditions, in all branches of activity and levels of the professional hierarchy, (b) access to all types and levels of vocational guidance, training, retraining and practical work experience, (c) employment and working conditions, including dismissals and pay, (d) membership of and participation to an organization of workers or employers or any other professional organization, (e) social protection, including social security and health care, (f) social advantages, (g) education, (h) access to and supply of goods and services which are made available to the public, including housing.

17. It is, however, to be noted that the said provisions do not apply to differences of treatment on the ground of nationality and do not affect provisions regulating the entry into the country and stay of third-country nationals or stateless persons, as well as any treatment related to the legal status of persons as third-country nationals or stateless persons (Article 4 (2)). Those persons are protected by the applicable provisions of the general legislation. Furthermore, a difference of treatment based on a characteristic related to racial or ethnic origin, which, by reason of the nature or the context of the particular occupational activities, constitutes a genuine and determining occupational requirement, is not deemed as “discriminatory” provided that the aim pursued is legitimate and the requirement is proportionate (Article 5).

18. In order to dispel any ambiguity, Article 6 of the Law clarifies that the adoption or maintaining of special measures with the aim to preventing or compensating disadvantages on the grounds of racial or ethnic origin do not constitute “discrimination”, thus confirming the conformity of “positive action” with the principle of equal treatment.

19. Chapter III of the Law on the principle of equal treatment regardless of religious or other beliefs, disability, age or sexual orientation follows the same general principles and pattern as Chapter II, but has a more limited scope, since it applies in the areas of employment and occupation and covers cases (a) to (d) referred to here above. There are also specific provisions on occupational requirements (Article 9), reasonable accommodation for disabled persons (Article 10) and justification of differences of treatment on grounds of age (Article 11).

20. It is, however, to be noted that the protection afforded against discrimination on the grounds of religious or other beliefs, disability, age or sexual orientation may be extended, by virtue of a Presidential decree, into areas other than those of employment and occupation (Article 27).

21. Moreover, according to Article 26, upon the entry into force of the Law, any regulatory or legislative provision is abolished and any provision included in an individual or collective contract, general transaction conditions, internal rules of enterprises, statutes of profitable or non-profitable organizations, independent professional organizations, trade unions, employer associations is rendered invalid, if it is contrary to the principle of equal treatment.

22. The issue of mechanisms designed or established for monitoring and implementing the abovementioned provisions is dealt with under Article 6 of the ICERD.

Rights of persons belonging to minorities - Members of the Muslim minority in Thrace

23. In its Concluding Observations dated 27.4.2001, CERD drew the attention of the State party to its General Recommendations VIII (38) on the right of each person to self-identification and XXIV (55).

24. Before explaining Greece's position on the above issue, we would like to recall that the Muslim minority in Thrace, which is the officially recognized minority in Greece, numbers around 100,000 persons and consists of three distinct groups, whose members are of Turkish, Pomak or Roma origin. Each of these groups has its own distinct spoken language and cultural traditions. They share, however, a common religion, which is the basic reason for the denomination of the minority in its entirety as "Muslim" in the Lausanne Treaty of 1923, establishing the status of the above minority.

25. Greece fully subscribes to the right of each person to self-identification. In this regard, the members of the Muslim minority in Thrace are free to declare their origin, speak their language, exercise their religion and observe their particular customs and traditions. What is not acceptable is the attempt to establish a single ethnic identity for the entire Muslim minority in Thrace, so as to subsume Pomak and Roma persons under a Turkish identity.

26. As regards other "ethnic groups" in the country, it is to be noted that any individual who claims to belong to a distinct ethnic or cultural group is free to do so and there are no negative consequences resulting from such an expression of wish. However, we are of the opinion, as a matter of international law, that subjective claims or perceptions of a small number of persons, which are not based on objective facts and criteria, do not establish by themselves a corresponding obligation of the State to officially recognize a group as a minority and to guarantee to its members specific minority rights, additional to those guaranteed by human rights treaties. In this respect, the Explanatory Report to the Council of Europe Framework Convention on the Protection of National Minorities clearly states that an individual may not choose arbitrarily to belong to a national minority; the individual's subjective choice is inseparably linked to objective criteria relevant to that person's identity. Furthermore, as the same Explanatory Report stresses, all ethnic, cultural, linguistic or religious differences do not necessarily lead to the creation of national, or, for that matter, ethnic minorities.

27. In this context, references, by a very small number of NGOs to a so-called “Macedonian minority” in Greece do not correspond to existing realities. The fact that a small number of persons who live in Northern Greece use, without restrictions, in addition to the Greek language, Slavic oral idioms, confined to family or colloquial use, does not indicate the existence of a national minority. The persons using this idiom have never considered themselves as having a distinct ethnic or national identity and reject any attempt by some circles to define them as members of a national, ethnic or linguistic minority. Furthermore, the use of the term “Macedonian” to describe a so-called minority usurps the name and national and cultural identity of some two and a half million Greeks who identify themselves for many centuries as Macedonians (Makedones) in the regional/cultural context and cannot therefore be accepted. It is also to be noted that the abovementioned Slav-oriented group of Greek citizens in Macedonia have been freely participating with their own political party in parliamentary elections in Greece, each time being able to gather an insignificant number of votes, covering no more than 0.02% of the electoral vote.

28. Having said that, we would like to stress that the non-recognition of a group as a minority, enjoying specific minority rights, on the basis of solid legal and factual grounds does not deprive such group from the enjoyment of all civil, cultural, economic, political and social rights, including the right to non-discrimination, that are recognized under national and international law.

29. Finally, we would like to add that Greece, along with the majority of European countries, does not consider as “minorities” the communities of migrants who reside and work in Greece in order to achieve a better future for themselves, their families and the economy of their country. However, as it will be explained in the relevant part of this report (see paras. 92 *et seq.*), Greek legislation provides for the designing and implementation of an Integrated Action Plan. Among the basic principles of the Action Plan are included the prohibition of discrimination, implementation of the principle of equal treatment, in order to promote economic and social cohesion, as well as respect for the above persons’ fundamental rights, as guaranteed by our national legal order, with regard to the protection of cultural and religious specificities.

30. In addition to the information provided in our previous report to the CERD, we would like to stress the following points:

31. The rights of the members of the Muslim minority in Thrace are fully guaranteed and effectively protected in a democratic society, where the rule of law prevails. Greek legislation includes special measures in favor of the Muslim minority, fully implements the Lausanne Treaty, is in line with international and regional human rights treaties and reflects the values of the European Union. Muslim citizens derive all the benefits of membership in the European Union, exactly like other Greek citizens. The substantial goal of the Greek State is - as well as that of all other EU members in general - to guarantee the smooth integration of the minority in the social tissue of the country, while safeguarding its cultural and religious identity.

32. The education of the children of the Muslim minority in Thrace is also a matter of high priority. It aims at ensuring the physical, intellectual and moral development of students

according to the principles of our system of public education. This policy constitutes part of the general national policy for the social and economic integration of members of the Muslim minority in Thrace into the contemporary Greek society. The education of the Muslim Greeks is of fundamental importance, as it implements the principles of “isonomia” (equality of the law) and “isopoliteia” (equality before the law), while combating educational exclusion. Today, there are 210 primary minority schools in Thrace, with courses being taught in both languages (Greek and Turkish). Approximately 400 Muslim teachers are employed in these primary minority schools. In addition, two minority secondary education schools operate in the cities of Xanthi and Komotini, housed in buildings provided by the Greek State. In parallel, two Koranic schools operate in Komotini and in Echinus.

33. A project (co-funded by the EU and the Greek state) has been running for the education of members of the Muslim minority in Thrace and has yielded positive results: the project “Education of Muslim Children” was initiated by the Ministry of National Education and has been running in collaboration with the University of Athens. Its aim is the publication of textbooks for the teaching of the Greek language to students with a different mother tongue, the study of special educational programs, the training of both Christian and Muslim teachers in the teaching of Greek as a second language and in the modern pedagogical methods with the use of technology. In the framework of the project, new policies have been introduced to combat the phenomenon of drop-outs from schools and to foster the integration of Muslim minority pupils into the Greek schools. The 3rd phase of the project is running for the years 2005-2007. A similar program is being run by the University of Thessaly (Volos).

34. Moreover, some additional measures have been taken in favor of pupils of the Muslim minority in Thrace. More specifically, a) there is a special quota of 0.5 percent for the entrance of Muslim students in Higher Education and, at the same time, by virtue of Law 3404/2005, there is a designated number of posts for entrance in Technical Institutions for Muslim minority graduates of Vocational Schools, b) 10 grants of 500 Euros per month were given to Muslim minority students for the academic year 2006-7, and c) a special scholarship has been designed for students from schools of the Muslim minority. In 1996, upon the entry into force of the relevant legislation, 70 students were admitted, while, during the current academic year (2007-2008), the number of admissions rose to 469 (Lyceum graduates).

35. Furthermore, the Support Centers for the Muslim Pupils’ Education offer systematic information and lessons in Greek for parents, counseling for teachers, introduction in the new technologies for students and organize social activities.

36. In July 2006, the Ministry of National Education introduced the teaching of Turkish language as a second foreign language in secondary education. On 29th August, 2006, a pilot phase for the teaching of Turkish language as an optional second foreign language in the region of Thrace began in five school units.

37. A recently adopted legislative framework provides, *inter alia*, for the creation of 240 posts of religious teachers (Imams) in Thrace, under the competent Muftis.

38. A Law adopted in 2008 regulates all issues concerning the Muslim religious foundations (wakfs). Moreover, wakfs are exempted from the obligation to pay the tax on major real estate, while loans and mortgages raised on their properties are lifted.

39. Training and life-long learning programs for thousands of adult Muslims, providing them with qualifications for their integration into the labor market, are being launched. Particular emphasis is placed on training for women. These programs have already been attended by 1.175 minority women, trained in various specializations. Improvement of living conditions and promotion of opportunities for minority women lie at the heart of the Greek Government's policy. Organized programs for Greek language learning have been very popular, especially with minority women. The new training programs for Muslim women have also been widely attended.

40. It is also to be noted that, in a broader framework, a 0.5% quota for the recruitment of members of the Muslim minority in the public sector through state exams has recently been introduced by Law.

41. Muslims in Thrace carry out their religious duties and follow their traditions without any restrictions. There are more than 300 Muslim places of worship, officiated by around 400 Muslim clerics. The mosques are well kept by the wakf committees and protected by the State, which also contributes financially, if needed. The Muftis, as spiritual leaders of the Muslim community are, throughout the world, appointed and not elected. In Greece, the appointment of the Muftis is being effected through a transparent procedure, in which prominent members of the minority are consulted. A further reason for the appointment of Muftis is that they perform, in accordance with Islamic practice, certain judicial and administrative functions, in matters of family and inheritance law.

42. In recent years, some concerns have been raised with regard to the use of the Sharia in family and inheritance law matters of members of the Muslim minority in Thrace.

43. In this respect, it should be stressed that the choice whether to use the Sharia or the Greek Civil Code in the above mentioned matters is made by the members of the Muslim minority. They are absolutely free to address themselves either to the local Muftis or the civil courts.¹ In case they choose the former, the Sharia is implemented to the extent that its rules are not in conflict with fundamental values of the Greek society and the Greek legal and constitutional order. In order to reconcile Islamic law with the Greek public order and the international obligations assumed by Greece, in particular, in the field of gender equality, Article 5 (3) of Law 1920/1991 provides that the courts shall not enforce decisions of the muftis which are contrary to the Greek Constitution. In this respect, derogations from civil law provisions are minor: concepts such as polygamy, marriage below legal age without court permission, marriage by proxy, repudiation,² etc. are not allowed, on the basis of the aforementioned principle. Any practice contrary to fundamental values can indeed be challenged through this principle.

¹ See the decision 405/2000 of the Thiva First Instance Civil Court, according to which the jurisdiction of the Mufti, who exercises this jurisdiction in a subsidiary manner to the Greek Courts, may not endanger the civil rights of the Muslim population. The State is obliged, in the case of a conflict between the Sharia and civil rights, to grant the Muslim Greek Citizen the freedom to choose the legal order whose provisions shall regulate the difference that has arisen.

² See also the relevant Resolution dated 29.5.2003 of the NCHR. The NCHR stressed the importance of respect for cultural and religious identities in a pluralist, democratic society.

44. With regard to the issue of underage marriages, it is to be noted that, according to the Civil Code, the future spouses have to be at least eighteen years of age. However, a court may allow minors to marry, if a specific “important reason” concurs (Article 1350 (2) CC). The court may adopt such a decision after having heard the future spouses and those exercising custody, taking of course into consideration the best interests of the child. The case involving the marriage of an eleven-year old Muslim Roma girl, often referred to by some NGOs, is not an example of a widespread practice. On the contrary, there are instances where the conduct of underage marriages has been refused. It is to be noted that the NCHR, as stressed in its Comments, has recommended, in 2004, the abolition of the abovementioned Article 1350 (2) CC.

45. It is to be noted that there is an ongoing discussion in academic circles, as well as in the context of the National Commission for Human Rights, on the relevant legislative framework and practice. Such proposals or suggestions are studied carefully.

46. Finally, it would be important to clarify that in Greece there are no “parallel legal orders” or “separate societies”, depending on the religious affiliation of Greek citizens. Muslim women of the minority are fully included in gender equality policies and participate in relevant programs implemented by the competent authorities, as already explained above.

The situation of Roma in Greece

47. Greek Roma constitute an integral part of the Greek population; they have unequivocally expressed the wish to be considered and treated as Greek citizens, and not only as persons of Roma origin. As Greek citizens, they are subject to the Constitution and the laws of the State. Moreover, taking into account their special way of life, living conditions and needs, they have been recognized by the State as a vulnerable social group, to the benefit of which special (positive) measures and actions have been adopted.

48. The situation of Roma in Greece poses a series of challenges to our authorities and to our society in general.

49. The Office of the Ombudsman has repeatedly investigated allegations of exclusion in different fields. As it is stressed in a recent report,³ the involvement of the Greek Ombudsman aims at developing projects of broader scope and seeking solutions at the level of coordination between state agencies, local government and civil society, as well as that of legislative or administrative regulations. The strategy pursued by the Ombudsman, in its capacity also as the national equality body for the public sector, focuses on the current settlement practices of the Roma; the particular manner in which various types of settlement are connected with the more specific problems of social exclusion, particularly with regard to health, employment, education,

Taking into consideration the relevant principles and rules of international, European and Greek human rights law (including Article 23 (3) ICCPR), the NCHR reached the conclusion that the Muslim wedding by proxy is against the Greek public order.

³ See the Ombudsman’s report “Promoting equal treatment. The Greek Ombudsman as National Equality Body”, 2006, pp. 28 et seq.

etc. The relevant actions have been developing through a number of visits to Roma settlements throughout the country and through meetings with the responsible agencies of local government and of the central administration, as well as Roma individuals directly affected. As stressed in the NCHR's Comments, the Ombudsman has indicated that local government agencies have not always been able to ensure effective solutions to issues affecting the Roma. The Children's Rights Ombudsman has addressed issues related to the education and medical care of Roma children. The experience of the Ombudsman has demonstrated the importance of the coordination of actions and the ongoing cooperation of the agencies involved, in addition to the creation of a relationship of trust between the state agencies and the Roma themselves.

50. A detailed report containing relevant recommendations on the situation of Roma was issued in 2002 by the National Commission for Human Rights. The NCHR is currently preparing a new report on the same issue; to this effect, it has organized two round tables, in which participated representatives of competent authorities, NGOs and the Roma.

51. Monitoring bodies, both at the regional and the universal level, have been raising issues of concern regarding Roma's living conditions, in particular housing. The relevant reports and recommendations of the Council of Europe Commissioner for Human Rights, the European Commission against Racism and Intolerance (ECRI) and the European Committee of Social Rights, as well as the Concluding Observations of UN treaty bodies, have drawn the attention of our authorities to a wide range of difficulties and shortcomings. The competent bodies of the Greek Government attach great importance to the abovementioned reports and recommendations and use them as a guide in their effort to take concrete steps in order to improve the situation in the field.

52. Clearly, the integration of Roma into the society is a very complex, multi-faceted social problem, which all European countries with a Roma population face. It is a problem which can be solved only through the application of consistent efforts, financial support, and a constructive attitude from all sides involved, including local societies and the Roma. Greek authorities are fully aware of the urgency of this problem and have repeatedly expressed, and shown in practice, their political will to find appropriate and effective solutions.

53. Greek Roma are not registered separately from other Greek citizens, either during the national census, or in the municipal rolls. As a result of this, there is not a precise official number of Roma population as such. Some studies drawn up with a view to designing and implementing social actions and programs for the Roma indicate a population of approximately 250,000 to 300,000 persons.

Integrated Action Program (IAP) for the social integration of Greek Roma

54. Within the framework of the fight against any form of discrimination and the effort to promote equality of treatment for all persons, with a particular focus on those belonging to socially vulnerable groups, the Greek State launched, in 2002, an Integrated Action Program (IAP) for the social integration of Greek Roma. The IAP was established within the framework of the National Action Plan for the Social Integration of socially vulnerable groups of the population; along with the aforementioned Law 3304/2005, it aims at combating social exclusion and discrimination through the implementation of special (positive) measures to improve the

situation in the field. The IAP is coordinated by the Alternate Minister of Interior within the framework of an Inter-Ministerial Committee, in which participate all jointly responsible Ministries with actions affiliated to the Program.

55. The IAP is structured upon two priority axis aiming at the housing rehabilitation of the Greek Roma (1st priority axe - infrastructures) and at the provision of services (2nd priority axe - services) in the fields of education, health, employment, culture and sports, giving priority though to areas holding projects of organized town building.

First priority axis: construction of housing infrastructures

56. The Ministry of Interior focuses on the rehabilitation issue of Roma given that the development of their living conditions is fundamental to their empowerment as well as to the combating of social exclusion. The aim is the achievement of permanent housing rehabilitation for all Greek Roma, as far as possible, and the improvement of living conditions in existing settlements. More in detail:

(α) Housing loans program for Greek Roma (together with the IAP)

57. Granting of 9.000 housing loans of 60.000€ each, to Greek Roma living in shacks, tents or any other construction that do not meet the minimum requirements of a permanent habitation. As explicitly provided for in the relevant Law (Law 2946/2001, Article 19), the funding of the program, exclusively from national resources, is guaranteed by the State Budget. Loans are granted on favorable terms as regards the payment thereof: beneficiaries are subsidized by the State at a rate of 80% of the loan's interest, and may conclude with the payment in a period of 22 years; 100% of the loan and of its interests is also guaranteed by the State Budget (for the banks participating in the program).

58. The loans are provided strictly for main residence purposes, whether this involves purchasing, building, completing of building or even engagement in organized town building held by the local authorities. This last option of engaging in projects of integrated settlements constructed by the competent local authorities request beneficiaries' definite consent, assignment of state property (municipal or public) and application of minimum technical standards (i.e. legal obligation for the construction of houses of at least 85m² net space each).

59. Ever since its launch in 2002, the above program has been thoroughly reviewed and amended in order to adjust to evolving conditions and needs. Along with all necessary legal amendments, effective implementation requires constant cooperation among all stakeholders - the Ministry, the local authorities and the Banks involved. A recent amendment of the legal framework was completed in June 2006, taking into account the Concluding Observations and General Comments of UN treaty bodies, including CERD (in particular General Recommendation XXVII (57) concerning Roma), as well as recommendations issued in the framework of the Council of Europe, in order to:

- Establish **social assessment criteria**, taking into account Romas' particular living conditions and lifestyle (e.g. one-parent families, families with many children, people with disabilities, people of low income etc.)

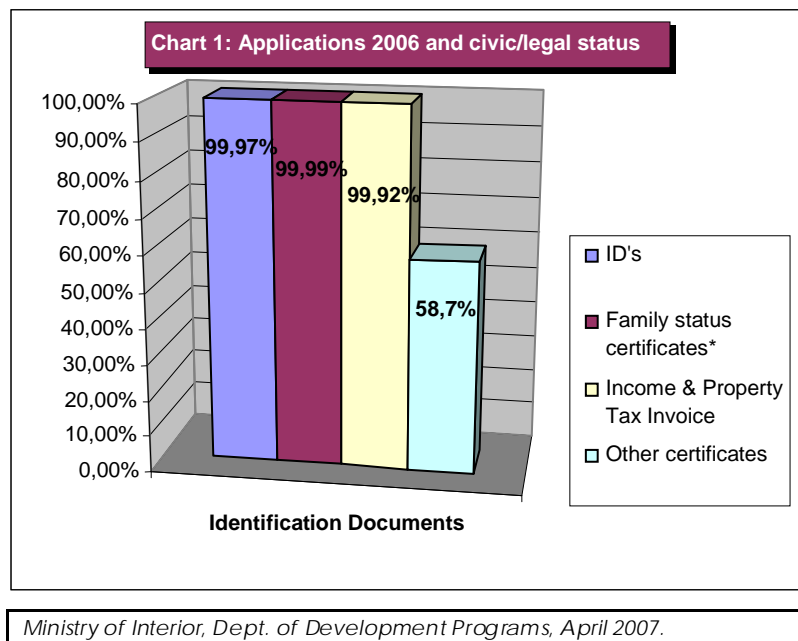
- Establish **evaluation committees at the local level** with the participation of Roma representatives and social workers with respect to the particular needs of the Roma
- Guarantee the **allocation** of loans with respect to existing housing needs throughout the Greek territory
- Promote the **local authorities' active engagement** by giving priority to housing projects carried out by the local authorities and supported by Roma too
- Promote further the program's **effectiveness** by **updating files** in terms of existing families' needs
- **Simplify the application procedure** through the establishment of direct communication among all authorities in charge
- Establish **new, stronger monitoring terms** on the disbursement and use of the loans

60. Additionally, with a view to the effective implementation of the program, a new database has been developed since 2005, for the handling of the applications submitted and of any other existing information-data regarding the assessment and the qualification of successful applicants.

61. Following the amended assessment procedure, the Ministry of Interior has **allocated 7,582 housing loans** to an equal number of families all over Greece. Up to date, **6,350 families have been successfully nominated**, whereas (out of 6,350) a total of **5,493 beneficiaries** have already **disbursed** their loans (86.5% increase) from the banks participating in the program. Additionally, the Ministry is processing the allocation of 1,195 more loans all over Greece.

62. With regard to the promotion of equal gender participation, and in order to promote women's empowerment and participation in social life (e.g. application of one-parent family criteria) the following data have emerged from the completion of the application procedure in 2005: among 15,665 applicants, a total of 6,117 were women (61%), whereas among 5,747 successful applicants 2,114 were women (63%).

63. From another point of view, statistical analysis of the documentation submitted proves that the housing loans program also served as a strong motivation to Roma persons for **registering** and obtaining **identification documents**. In that view, it has achieved in an indirect way the effective settlement of the civic status of the Roma population and has also promoted awareness-raising, from a social point of view, regarding the existence of the necessary services and the importance of making use of them.



64. The housing loans program is deemed to serve as a good practice, still a close monitoring of the implementation process reveals that it has been rather innovative and ambitious in the sense that it provides for a rapid transition to different housing conditions. Likewise, the financing from state resources as a positive measure may lead to the establishment of a “feeling of dependence” contrary to the scope of socially oriented programs and benefits. In light of these, it is necessary that all stakeholders, and notably the Roma representatives and associations, should serve as an important mediator with concrete and uniform perceptions, between the State and the Roma community.

(b) *Construction of integrated settlements or/and purchase of tracts of land for organized town building held by local government organizations*

65. The above measures are provided for in the law on the cession by the State of public, municipal or communal property to Greek Roma who are engaged in State housing programs. Any project undertaken under this segment is of permanent nature and presupposes the consent of the inhabitants. In particular, it is pursued through:

- (i) **Qualification of local town-plans on the grounds of emergency housing rehabilitation programs** for vulnerable groups of the society (Law 3448/2006 and Law 2790/2000, art. 6 (2)). The Law was amended in 2006 in order to also include the Roma population.
- (ii) **Free assignment by the local authorities of municipal and communal property to their citizens of Roma origin.** The procedure established (Ministerial Decision no. 21261/2004) has provided for social assessment criteria (as above) respecting the Roma lifestyle and living conditions. Following the amended Municipal and Communal Code (Law 3463/2006, art. 75 (I) (e) (3)), the above measure has been further included among the local authorities’ primary responsibilities.

- (iii) **Application of minimum technical requirements for the construction of houses by the local authorities** establishing further the requirement of a minimum of 85 sq. m. (net space) for each house (Joint Ministerial Decision no. 28807/2004).
- (c) *Housing rehabilitation projects of temporary nature for the improvement of living conditions in existing settlements, until the achievement of a viable, permanent housing solution*

66. In this context, eligible interventions focus on the urgent address of poor living conditions, mainly in areas of mass Roma concentration. In further detail, eligible interventions are as follows:

- **Relocation** of temporary settlements.
- Construction of infrastructures for **prefabricated houses** for the **establishment of temporary settlements** (557 prefabricated houses since 2002).
- **Development infrastructures in existing or new settlements:** water supply; sewage; electricity; roads, playgrounds etc.
- **Sanitary infrastructures:** socio-medical centers (27 operating already). The NCHR, in its Comments, stressed that the socio-medical centers constituted a “best practice”, which has yielded positive results for Roma communities, and recommended the extension of their number and activities.
- **Educational and cultural infrastructures - units:** 13 cultural workshops - entertainment centers in 13 municipalities with mass Roma concentration all over Greece, etc.

67. All projects are financed exclusively by national resources. Regardless of the particular project to be carried out, an important precondition is the submission of comprehensive, technically mature and viable proposals by the competent local authorities. In that sense, it is important to note that, according to the law in force, any proposal or project aiming at the housing rehabilitation of citizens in need falls within the primary responsibility of the competent Local Government Organizations.

68. Since 2002, with regard to the proposals submitted by local government organizations, the Ministry of Interior has allocated the amount of 79,869 million euros from the national budget on infrastructure works held by the local authorities, whereas payments amount at the time to 37,221 million euros according to the works proceeded already.

Second priority axis - services

69. **Education (Ministry of National Education and Religious Affairs):** Since 1997 the Ministry of National Education has run a program (co-funded by the EU and the Greek State) for the **education of Greek-Roma pupils**. The program’s central idea is to secure every child’s right to high quality, easily accessible education and meet every child’s specific educational needs in the least restrictive environment, while respecting their diversity.

70. The program includes activities such as:

- Remedial classes for the Greek language, Mathematics and History
- Creative classes which include music, computer, foreign languages & games in order to make the school environment more attractive and pleasant
- In-service training for the teachers, school advisors and school principals, so that they can disseminate the knowledge and assist the awareness-raising of the community in order to improve cooperation with the target group

71. Another important measure is the establishment of the “itinerant student card”, which is an updated certification given to the pupil each time he/she moves from one school to another according to their family’s moving habits. This card facilitates the enrolment of Roma children in the schools of the district where they have moved.

72. **Health (Ministry of Health and Social Solidarity):** implementation of preventive medicine and immunization programs for those living in settlements. For this purpose, there are three mobile medical-social units (one unit for preventive gynecological testing) for those living in settlements, as well as eighteen medical-social centers for Roma living in organized settlements (through the Regional Operational Programs - PEPs), which provide basic health services, vaccinations, counseling and psychological support services, and facilitate the access of Greek Roma to the National Health System, their familiarization with public services and their social integration. In 2005, with the contribution of the University of Ioannina, the program called “Protection, health promotion and psychosocial support of Greek Roma” was enriched with a specially equipped and staffed Obstetrical Unit. Up to the present day, over 400 women have undergone a PAP test as well as breast examinations. The National Emergency Social Assistance Center (EKAKB) also participates in the program (since October 2003) with social workers and psychologists. The abovementioned socio-medical centers have also engaged Roma mediators. Furthermore, one unit, dealing exclusively with women-targeted health services, has been established within the framework of mobile socio-medical units, i.e. PAP test and mammograms.

73. **Employment (Ministry of Employment and Social Protection):** The goal is to integrate Greek Roma into the labor market and prevent and reduce unemployment. In the framework of the Training-Employment Operational Program and the Regional Operational Program, integrated intervention programs are implemented for socially vulnerable population groups, concerning Greek language learning (pre-training), general vocational training for unemployed, mainstreaming, accompanying and supporting services, subsidization of new jobs and new entrepreneurs. It is estimated that around 1,800 persons have benefited from the abovementioned actions. Relevant projects are also implemented in the framework of the Equal Opportunities Program (dealing with racism, citizen awareness, promotion to employment).

74. **Culture-Sports (Ministry of Culture):** Registering and promoting the cultural heritage of the Roma and promoting their participation in mass sports programs. Relevant measures which have been implemented include:

- Intercultural workshop (educational programs in traditional music, creative pastime, theatre and dance for Roma children, aged 6-16)
- Museum kit on Roma culture, addressed to students of the last grades of the elementary school (30-40 persons annually)
- Educational programs, visits to museums and theatrical shows (2,800 and 1,300 persons respectively)
- Photography workshops
- Participation in mass sports programs

75. Integration of Roma into the contemporary cultural life is advanced through the operation of 13 cultural houses and 132 entertainment workshop centers in 13 municipalities all over Greece.

76. The IAP, following the assessment of its priorities, has entered, since 2005, the second phase of the implementation process. Still in progress, the overall aim is to encourage and promote the integration of Roma in the Greek society, in terms of equity and active participation in all aspects and spheres of daily life. Although the IAP is still in progress, it is being constantly reviewed in order to best adjust to evolving living conditions and needs. It is worth to be noted that the implementation of all eligible interventions has been based on a dynamic feedback interchange, which presupposes the latter's constant internal assessment.

77. In order to ensure **access to information and services**, Roma are supported on a daily basis at the local and central level (Ministry of Interior, Organizations of Local Government, Citizens' Service Centers (KEP, Socio-Medical Centers) for receiving information on programs, laws and the processing of their cases. The relevant legal framework on the housing loans program is published in the Official Gazette, it is forwarded to all municipalities, Citizens' Service Centers and the Pan-Hellenic Federation of Greek Roma for dissemination (at Roma settlements too), and is **widely accessible** through the Ministry's website www.ypes.gr/daneaia_tsigganwn.htm).

78. Another important step in the fight against social exclusion and discrimination was the establishment of **alternative administrative procedures**, respecting different lifestyles and particular needs of socially vulnerable groups of the Greek population, including persons of Roma origin. To this end, we highlight the following:

- Introduction of **positive measures in the amended Municipal and Communal Code** regarding local authorities' responsibility in the fields of planning, implementation, and participation in programs and projects aiming at the social, economic and cultural integration of Roma (Law 3463/2006, art. 75 (I) (e) (5))
- Qualification of **local town-plans on the grounds of emergency housing rehabilitation programs** for vulnerable groups of the society (Law 3448/2006 and Law 2790/2000, Article 6 (2))

- Establishment of **social assessment criteria** respecting the Roma lifestyle and living conditions (i.e. one-parent families, families with many children, people with disabilities and of low income etc.)
- **Issue of birth certificates** upon judicial decision, in case of lost or non-existing documents
- **School enrollment - attendance:** removal of administrative requirements; motivation measures (student itinerant card, student allowance)
- **Issue of driving license through oral exams** for persons with learning difficulties, including persons of Roma origin (a great number of whom use vehicles as a main means of living)

79. Participatory procedures, engaging Roma representatives and the competent authorities have been established at both the central and the local level (Inter-Ministerial Committee, *ad hoc* Group supportive of the above Committee, Committee on the Social Integration of Greek Roma etc.), whereas all necessary legal amendments have been processed too. Moreover, in this respect, local authorities - upon their initiative - have established an inter-municipal Rom network, engaging all municipalities within the administrative boundaries of which Roma people reside. The so-called Rom-network cooperates on a regular basis with central administration as well as with the Roma representatives with a view to the promotion and safeguarding of Roma rights. Furthermore, central administration, local authorities and NGOs organize seminars and meetings regarding the problems Roma are faced with, aiming at awareness raising and active participation.

The issue of “forced evictions”

80. As far as the issue of “forced evictions” is concerned, it is inaccurate to use the term “eviction” when the relevant administrative acts of evacuation and expulsion come in response to the unlawful occupancy of land and to the arbitrary and illegal settlement in tracts of land that are not owned by the occupants. Evictions, in this sense, should be considered on the basis of the legality of the settlement in a plot of land and not linked to the issue of the eventual lack of infrastructures. It is also to be noted that, with regard to remedies, the relevant national legislation applies to all Greek citizens and therefore to the Roma too. The allegation that evictions deprive Roma of their right to adequate housing does not correspond to reality, since the majority of these cases concerns arbitrary constructions which do not fulfil the requirements for decent and healthy living conditions. The concern of the State can not be the legalisation of arbitrary constructions and settlements. The action has to be centred on the development of those conditions that will lead to a viable rehabilitation settlement. It is thus focussed on integrated proposals involving all the competent authorities, the local authorities and the representatives of relevant stakeholders. However, until now, the cooperation between central authorities and local government organizations and authorities has not always yielded the anticipated results.

81. It is to be noted that the NCHR in its Comments expressed the view that removal from illegal settlements is seldom accompanied with relocation to other settlements, permanent or temporary, which leads to the manifestation of the same problem in other areas.

82. With regard to the issue of Roma's treatment by the law enforcement personnel, it is to be stressed that the Greek Police treats persons of Roma origin in the same manner as any other citizen. Moreover, when dealing with issues related to Roma, the police authorities involved manifest a particular sensibility, bearing in mind that Roma belong to a vulnerable social group.⁴

83. To conclude, it cannot be denied that the Greek authorities are faced with some inadequate situations, mostly related to the local level. They are, however, aware of these instances, and are striving to identify the best measures to address them and overcome any remaining obstacles which are indeed multi-faceted and time-demanding.

Guarantee of migrants' rights and measures to promote their social integration

84. The legal framework regulating migration has been revised in 2005 by Law 3386/2005, "Entry, residence and social integration of third-country nationals in the Hellenic Territory", in order to make the necessary adjustments and overcome the shortcomings identified under the previous legislation. The relevant legislation reflects the Greek legislator's commitment to protect migrants' rights and to eliminate any form of racism or discrimination.

85. Law 3386/2005 provides for transparent procedures relating to the entry of migrants and the renewal of their residence permits. Furthermore, it ensures the free exercise of all migrants' rights and, in particular, the development of their personality and their full participation in the economic and social life, within a system based on social justice, as well as respect for their fundamental rights and their specificities. Moreover, the above Law lays down a non-bureaucratic and efficient system protecting the rights of migrants in Greece through the simplification and rationalization of entry and residence procedures (among which the unified residence and work permit), the creation of structures providing information to foreigners, the enactment of the long-term residence status, the granting of residence permits to victims of human trafficking, the establishment of conditions facilitating family reunification and the granting of residence permits on humanitarian grounds.

86. In 2007, Law 3386/2005 was amended by Law 3536/2007, "Special regulations on migration policy matters and other issues falling under the competence of the Ministry of Interior, Public Administration and Decentralization", in order (a) to deal with some bureaucratic problems which arose during the transition to the new legislative framework and (b) to combat illegal migration, through a legalization procedure for certain categories of migrants. The new provisions simplify the existing procedures, facilitate and improve the situation of third-country nationals, enact stricter sanctions against those who facilitate the illegal entry, residence and work of migrants in Greece, and contribute to the latter's smoother integration in the society.

⁴ In its Comments, the NCHR stressed the importance of the judgment of the European Court of Human Rights in the case *Petropoulou-Tsakiris v. Greece* (6.12.2007), in which the Court found that the failure of the Greek authorities to investigate possible racial motives behind the applicant's ill-treatment, combined with the generally partial attitude throughout the investigation, constituted discrimination.

87. Article 14 of Law 3386/2005, as amended, sets out the conditions for the entry in the country for employment, taking into account, on the one hand, labor offer and demand by occupational category, and on the other the available national labor force, as well as the legally residing migrants. Articles 73, 83, 86 and 87 of Law 3386/2005 provide for sanctions in case of violation of the principle of legal entry and residence in the country, aiming at discouraging the entry of illegal migrants.

88. With regard to the principle of equal treatment of migrants, the following are to be mentioned:

89. Civil, cultural, economic and social rights are guaranteed to both nationals and non-nationals. In accordance with Article 4 of the Civil Code, a foreign national enjoys the same civil rights that are afforded to Greek citizens. Political rights, such as the right to found political parties, the right to vote and to be elected as Member of Parliament are confined to Greek citizens.

90. According to Article 77 of Law 3386/2005, public services, public entities, local government organizations, public utilities and social security institutions are bound to supply their services to migrants legally residing in Greece.

91. More in particular, migrants who reside legally in Greece are subject to the relevant social security system and enjoy the same rights and benefits as Greek citizens. They also fall under the legislation on social protection. According to Article 84 of the aforementioned Law, migrants legally residing in Greece have access to the national health system. Access to emergency care in hospitals is available to third-country nationals regardless of their legal status. Minor foreign children have access to health care institutions, regardless of their residence status or that of their parents. Such provision is considered as particularly flexible, in comparison, *inter alia*, with the relevant legislation of most EU Member States, and is in full harmony with the obligation to respect the person of third-country nationals, while preventing abuse of rights. It is to be noted that the NCHR has recommended, in 2007, the abolition of the abovementioned provision, to the extent that it refers to “emergency care” only. With regard to education, see *infra*, para. 243.

92. Immigration law 3386/2005 lays down the general guiding principles for the smooth adjustment and integration of legally residing third-country nationals, in the framework of the eleven (11) Common Basic Principles that were adopted by the competent EU Ministers of Interior in Groningen, under the Dutch Presidency. According to Article 65 of the said Law, integration actions can be applied to all legally residing third-country nationals, whose employment is not of a temporary character, and members of their family, as well as to second- or third-generation third-country nationals, to refugees and persons under international protection. The above Plan, as envisaged by the Law, takes also into account the specific cultural characteristics of third-country nationals and aims at ensuring both the latter’s proportionally equal participation in the economic, social and cultural life of the country and the respect of the fundamental rules and values of the Greek society. Among the basic principles of the Plan are included the prohibition of discrimination, implementation of the principle of equal treatment, in order to promote economic and social cohesion, as well as respect for the above persons’ fundamental rights, as guaranteed by our national legal order, with regard to the protection of

cultural and religious specificities. The actions and measures taken within the framework of the Integrated Plan also cover the certified knowledge of the Greek language as well as successful attendance of introductory courses on the history, culture and lifestyle of the Greek society.

93. In accordance with the said Law, the Ministry of Interior, in cooperation with all other competent authorities, has designed and will implement an Integrated Action Plan for the integration of third-country nationals legally residing in the Greek territory: Program ESTIA-HOME. The Greek Minister of Interior announced this Program at the Interministerial Conference in Potsdam on May 10-11, 2007.

94. The Integrated Action Plan concerns the time period 2007-2013 and is structured into six (6) sub-operational programs per field of integration: awareness raising of the host society, elimination of phenomena of marginalization, racism and xenophobia, information, assistance and advice services, and access of third-country nationals to services of employment, education, health and housing, culture and other public goods. For its funding, allocations from the European Integration Fund (EIF) will be made available.

95. The target group of the integration activities comprises all legally residing third-country nationals in the Greek territory, while special care is provided to the young, the elderly, women, children and other vulnerable social groups (e.g. refugees, victims of trafficking). It should be noted that the activities of the Program may be carried out before the migrants' entry in the country, in the countries of origin, while all other activities are undertaken at all governmental levels (central, regional, and local), with the direct involvement of civil society, including NGOs, associations of migrants, social partners, etc.

96. The aim of the Program is: a) to register all integration activities for third-country nationals that are currently taking place in the country, so as to identify best practices as well as areas in need of further interventions b) to reflect European realities and to benefit from European experiences and best practices, and c) to lay down the priorities of the national strategy and implement new actions and integration activities that meet the trends, challenges and prospects of the future.

97. More specifically, the Program "ESTIA-HOME", aims at removing any impediments to the proportionally equal participation of migrants in the following fields:

- Information and consulting services, as well as awareness-raising of the host society
- Employment, through measures and policies for the promotion of third-country nationals in the labor market and the creation of an "added-value" for the national economy
- Education, through the creation of the appropriate conditions for the smooth integration of migrant children in the educational system and the encouragement of dialogue and diversity
- Housing and health services, through the creation of the appropriate conditions for facilitating migrants' access to and use of the above services, taking into account their cultural specificities

- Culture, through the promotion of interaction and harmonious coexistence between migrants and the host society
- Prevention of delinquency and promotion of social rehabilitation

98. In addition, Law 3536/2007 establishes the National Liaison Committee on the Integration of third-country nationals, whose tasks are: a) to make proposals concerning integration, b) to conduct social dialogue with the community of migrants and its representatives, as well as with civil society in general, and c) to undertake initiatives in the context of the above mentioned Integrated Action Plan “ESTIA-HOME”. In this Committee, seated in the Ministry of Interior, are represented all jointly competent government authorities, the local government, the Church, the academic community, all parliamentary political parties, and, in particular, the labor market - related bodies, since employment is the main field of the integration process. In the said Committee, the Migration Policy Institute (IMEPO) serves as the liaison between the Committee and the civil society (migrants’ organizations, NGOs and other social partners).

99. The status of long-term resident, which requires adequate knowledge of the Greek language as well as of elements of the Hellenic history and culture, will further promote the social integration of migrants. On 17th August 2007, a Joint Decision of the Ministers of Interior, Economy and Finance and Education was published in the Official Gazette, which introduces a specific system for the accreditation of the sufficient knowledge of Greek language and elements of the Greek civilisation and history for third-country nationals requesting to acquire the long-term resident status.

Victims of trafficking in human beings

100. Greece’s geographical position, its high living standards and the fact that it is a member of the European Union have rendered it attractive for criminal networks engaged in human trafficking. According to the relevant statistics, Greece can be considered as a “destination country” of victims of trafficking.

101. Since 2001, Greece has been combating trafficking in human beings in a more consistent and comprehensive manner. During the period 2001-2004, the first part of the legal framework to combat human trafficking was created, through the revision of the relevant Articles of the Criminal Code. More particularly, Law 3064/2002, entitled “Fight against trafficking in persons, crimes against sexual freedom, child pornography and generally the financial exploitation of sexual life and the support of these acts” criminalizes contemporary forms of human trafficking as well as the exploitation of the sexual life of persons belonging to vulnerable population groups, such as women, foreigners and minors; it also contains provisions for the protection and support of the victims.

102. With a view to implementing the abovementioned Law, Presidential Decree 233/2003 determines the agencies, the measures and the mode of provision of the above mentioned protection, support and care. More particularly, the support and protection provided to victims include the following:

- Protection of life, personal and sexual freedom, in case of grave danger for as long as this may be required.
- Provision of food and shelter, medical and pharmaceutical treatment, psychological support by psychologists-sociologists and social workers and provision of a legal guardian and an interpreter. This is provided by the Services and Units of Support and Protection for as long as it is deemed necessary.
- Minors are enrolled in educational and vocational training programs.
- People under the age of 23 may receive technical and vocational education, provided they meet the necessary qualifications.
- Deportation of victims who are foreigners illegally residing in the country may be suspended until a definitive judgment has been issued against the person(s) held responsible (art. 12, Law 3064/2002).
- Victims who are foreigners illegally residing in the country may, if they wish, be safely repatriated. In case the victim is a minor, the consenting opinion of the Public Prosecutor for Minors is required for the repatriation, upon recommendation by the minor's guardian (Article 13, Law 3064/2002).

103. In May 2004, on the initiative of the Minister of Justice, a special committee was established, with the participation of the Secretaries-General of eight competent Ministries, aiming at coordinating, at the political level, the actions against trafficking in human beings. The Committee was assisted by experts, operational authorities and officials (law enforcement officers, Public Prosecutors) and specialized NGOs. It completed, in July 2004, an Integrated Action Plan against trafficking, entitled "Actions against Trafficking in Human Beings", which was based on the coordination of all Ministries involved and covered the entire spectrum of actions related to trafficking: monitoring, identification and protection of the victim, establishment and operation of shelters, medical and psychological support, legal aid and administrative assistance, voluntary/humanitarian/assisted repatriation, social rehabilitation projects in countries of origin, educational, vocational training and integration into the labor market of victims who remain in Greece, police training and education, training of judicial officials and prosecutors, raising public awareness. These axes remain until today the guiding principles for the implementation of the National Action Plan.

104. The second part of the legal framework was established by virtue of Articles 46-52 of Law 3386/2005 on the "Entry, stay and social integration of third countries' nationals in the Greek State". The said Articles refer to the notion of "victim of trafficking in human beings" and regulate in a comprehensive manner the issue of protection of and assistance to victims of trafficking. In particular:

- Article 46 states that a third-country national who has been identified as victim of trafficking in human beings, by order of the Public Prosecutor at the Court of First Instance, is granted a residence permit without the obligation to pay a deposit fee. There is a special provision for victims who are unaccompanied minors, regarding the necessary measures that should be taken by the competent police and judicial

authorities, in order to determine their identity and nationality, so as to establish the fact that they are unaccompanied. Within the context of the above provision, every possible effort for the location of the minors' family is made and the measures required are taken immediately in order to ensure their legal representation and, if needed, their representation within the context of the criminal procedure.

- Article 48 introduces the concept of the reflection period, i.e. the sufficient period of time that is granted by decision of the competent Prosecutor to the victim of trafficking in human beings, so as he/she may recover and escape from the perpetrators, in order to decide, afterwards, whether he/she will cooperate with the competent police and judicial authorities. It is clearly stated that the reflection period does not establish a right to residence in the country. During the same period, the above persons may not be deported, while any decision for deportation that has already been made is revoked. The reflection period may be terminated by decision of the competent Prosecutor if the victim renewed contact with the perpetrators of trafficking in human beings.
- Article 49 provides for the treatment of and assistance to the victims during the reflection period (such as medical treatment, legal aid etc.).
- The provisions of Article 50 determine the special conditions for providing and renewing a residence permit to victims of trafficking in human beings. It is also determined that, for the victims of trafficking who were granted the above mentioned residence permit, the right of access to the labor market as well as free medical and pharmaceutical care, vocational training and education is provided, according to the provisions of Article 6 of Presidential Decree 233/2003.

105. A landmark in the operation of the abovementioned special committee was the signing of a Memorandum of Cooperation with twelve NGOs and the International Organization for Migration (IOM). Among others, the Memorandum provides for accommodation offered by NGOs, assistance in victim identification, social and administrative assistance, psychological support, free medical and health care, legal aid and training of the authorities responsible for the identification of and the assistance to victims of trafficking.

106. It is to be noted that NGOs and Bar Associations operate hotlines and implement legal aid schemes addressed to victims of trafficking. Moreover, information campaigns, by state authorities or NGOs, through radio or television spots, have been organized, while street work activities are undertaken in order to sensitize public opinion.

107. In May 2006, the Minister of Justice proceeded with the institutionalization of the special committee at Secretary-General level, which enhanced the powers of the original committee, so that it would be able to introduce proposals for the adoption of legal and other measures. Each one of the eight competent Ministries have points of contact with secretarial support so as to ensure the uninterrupted monitoring of relevant developments and pending issues.

108. The Ministry of Interior, in addition to amending the legislative framework on the issuance of residence permits to victims of trafficking, cooperates with NGOs and releases statistical data on the exact number of the abovementioned residence permits. Its General Secretariat for Gender Equality implements a number of programs in favor of women victims, produces information

material, including television spots, in order to raise public awareness, and informational leaflets in five different languages, operates counselling centers and organizes relevant seminars. Furthermore, the General Secretariat implements programs of development assistance and cooperation in the countries of origin of victims of trafficking, financed by the General Directorate for International Development Cooperation of the Ministry of Foreign Affairs.

109. The Ministry of Foreign Affairs, through the General Directorate for International Development Cooperation (YDAS-Hellenic AID), has designed a series of projects, implemented through cooperation with other involved Ministries, international organizations, national and international NGOs within the framework of the multilateral cooperation.

110. The Ministry of Employment and Social Protection is implementing programs within the scope of the EQUAL Initiative (a European Community program), which include actions of remedial character, aiming at ensuring conditions for the effective and integrated support to victims of trafficking, as well as actions addressing target groups of professionals (employers, journalists, etc.) and the wider population.

111. Within the Ministry of Health and Social Solidarity, the National Center for Social Solidarity (EKKA) offers services such as counseling, psychological support, temporary hosting of victims of trafficking in shelters, a hotline, also providing consultative services and psychological assistance, and coordination and intervention for access to relevant services offered by other agencies, non-profit associations and NGOs.

112. The Ministry of Justice, in addition to preparing the abovementioned legislative framework, gives special emphasis to training judges and prosecutors. It is to be noted that, upon the initiative of the Prosecutor's Office at the Athens First Instance Court, a Prosecutor was assigned to trafficking cases.

113. The (then) Ministry of Public Order (since 2007: Ministry of Interior/Greek Police Headquarters) established, in 2001, a Task Force against trafficking (OKEA), as well as, in 2002, a Project Management Group for Anti-criminal Policy Planning. Combating trafficking has been identified as one of the main priorities of anti-criminal policy. Moreover, since 2003, 17 Special anti-trafficking Services have been operating, both at the central-operational (1) and the regional levels (16). Other actions include staff education and training, international cooperation, including with neighboring countries, exchange of information (Interpol, Europol, SECI), participation in and organization of international joint operations, application of modern investigating techniques, cooperation with other involved agencies and stakeholders (other Ministries, foreign Embassies, NGOs, the IOM etc.). Furthermore, a circular order by the Chief of the Greek Police was sent to police services, in order to facilitate the handling of trafficking cases and the identification of victims. A relevant information sheet, translated in 13 different languages, was also distributed both to police services and to victims of trafficking, which contains useful information on victims' rights and aims at creating a climate of security and trust, enabling victims to address themselves to police authorities. In the same vein, a specialized questionnaire was sent to police services, in order to facilitate investigation of cases of trafficking. Moreover, the Action Plan code-named "Ilaeira" has as objective to achieve a substantial, coordinated and effective response by all agencies involved in the fight against trafficking, through an operational action to combat trafficking in women and children for the purpose of exploitation of sexual life.

114. During the period 2003-2006, the competent Services of the Greek Police dealt with 224 cases of trafficking. The above investigations led to the arrest or prosecution of 956 persons, both of Greek and foreign origin, while 494 victims of sexual or labor exploitation (men, women and minors) were identified. 160 victims were given assistance and protection by state agencies and NGOs.

115. It is finally to be noted that the NCHR has recently adopted (June 2007), following a public consultation, a document containing its positions and proposals on the issue of trafficking in human beings and the situation in Greece.

Protection of refugees and asylum seekers

116. According to the legislation in force, the competent authorities take all necessary measures to ensure the unhindered possibility to submit a request for asylum to any foreign national who declares, orally or in writing, before any Greek authority at the points of entry or within the Greek territory that he/she asks for political asylum or asks not to be deported to another State, owing to fear of being persecuted for reasons of race, religion, nationality, membership to a particular social group or political opinion.

117. In accordance with the requirements stemming from the “right to asylum” and the principle of *non-refoulement*, in no case are foreign citizens expelled from the country, unless the following procedures have been completed:

- The screening of the relevant cases, in order for the authorities to assess the real reasons for which the interested persons had left their country and to examine the possibility that some of the abovementioned persons may wish to seek asylum protection.
- The interested foreign citizens have been informed of their rights, in particular the right to be assisted by an interpreter, to communicate with and to be assisted by a lawyer, by international organizations, such as the UNHCR, or NGOs. A number of NGOs assist asylum seekers on legal, medical, housing issues, etc.

118. In the course of the individual examination of requests for asylum, the criteria set out in the 1951 Geneva Convention for the determination of the refugee status are fully observed and applied with objectivity, transparency and fairness. Applicants who are found to have a fear of individual persecution are granted refugee status in accordance with the Geneva Convention. In other cases, and provided that the impossibility of return has been ascertained, the Ministry of Interior/Greek Police Headquarters considers the possibility of granting subsidiary protection (for humanitarian reasons).

119. During the period of examination, asylum seekers can not be returned to their country of origin or any other country. Moreover, they have access to medical care and are entitled to temporary employment. The same applies to temporary residents on humanitarian grounds.

120. According to Presidential Decree No. 189/1998 (“Conditions and Procedures for the Grant of a Work Permit or Any Other Assistance for Occupational Rehabilitation to Refugees Recognized by the State, to Asylum Seekers and to Temporary Residents on Humanitarian Grounds”), an alien, who has been recognized as a refugee and who is the holder of a residence

permit, is granted a work permit of the same duration. Refugees are granted a permit for self-employment. They can also enroll in the training units of the Greek Manpower Employment Organization (OAED) under the same conditions and requirements applying to Greek citizens.

121. The National Institution of Youth, in co-operation with the National Kapodistrian University's Greek Language School, aiming at the integration of asylum seekers in the Greek society, has organized free lessons of three-month duration for the teaching of Greek language, as well as provision of food (noon and evening) and a reduction in the price of public transport tickets. Employers hiring asylum seekers who have attended training programs are subsidized by the OAED. Moreover, the National Institution of Youth in co-operation with the Hellenic Network for the Social Corporate Responsibility proceeded to the sensitization of enterprises for the employment of asylum seekers and refugees with significant results.

122. The Ministry of Health and Social Solidarity, as the competent authority for programs co-financed by the European Refugee Fund in Greece, is co-operating with a number of NGOs, which provide services to target groups of the Fund. The programs which are being implemented by the stakeholders involved form part of the activities on "reception, social integration and voluntary repatriation" of asylum seekers or recognized refugees, as appropriate. Activities included in the abovementioned programs concern, *inter alia*, the running of reception centers, free legal assistance to asylum seekers on administrative and judicial procedures, interpretation services and linguistic assistance to foreign citizens, provision of consultation services and psycho-social assistance, individualized services to vulnerable groups (e.g. victims of torture), as well as the sensitization of public opinion on refugee issues.

123. It is to be noted that, if the request for asylum has been rejected, the asylum seeker concerned is entitled to file an appeal before the Ministry of Interior/Greek Police Headquarters, within thirty days from the date of notification of the said decision. The case is re-examined by an Advisory Committee of the Ministry of Interior/Greek Police Headquarters, which also includes a representative of the Athens Bar Association and the Legal Protection Officer of the Office of the United Nations High Commissioner for Refugees in Greece, or a specially appointed representative. The Committee invites the applicant, who is promptly informed about the venue and the date of the examination of his/her appeal, as well as about his/her right to be present in person or accompanied by his/her legal representative, to orally state, with the assistance of an appropriate interpreter, his/her arguments and to provide clarifications or to submit additional complementary evidence.

124. A series of initiatives have been undertaken by the Ministry of Ministry of Interior/Greek Police Headquarters aiming at improving and simplifying asylum procedures:

- All asylum services have been upgraded by the setting up of autonomous services in the areas covered by the Alien Directorates of Attica and Thessaloniki. The Alien Directorate in Attica receives more than 100 applications daily. In its premises, asylum seekers can, if they wish, have a medical check-up by state doctors in a specially organized room.
- Programs for the training of staff dealing with asylum issues have been organized in cooperation with the National Center of Public Administration and the UNHCR, in the asylum services of Attica and the rest of the country.

- For the speedy handling of the asylum applications, a special software program applying to all areas of the country has been designed, where all stages of the asylum procedure are recorded.
- An informal working group has been set up to discuss problems related to asylum, with the participation of state representatives and representatives of the UNHCR.
- In February 2007, the second meeting between the Secretary General of the (then) Ministry of Public Order (and other competent officers) and representatives of NGOs involved in the sector of asylum in our country took place, in order to deal with and resolve asylum procedure issues.
- A documentation Office has been set up within the Department of Asylum, Directorate of Aliens of the Greek Police Headquarters, for the collection of information from other relevant services, the UNHCR, but also from the Internet, with the aim of preparing a report that will be distributed to services dealing with asylum applications for information of all concerned.
- Concerning the status of unaccompanied minors, it should be noted that new draft presidential decrees are under elaboration, which transpose relevant EU directives and which will substantially contribute to the further improvement of the relevant procedures. In case of requests for asylum submitted by unaccompanied minors, a temporary guardian for the minor is appointed, until the determination procedure has been completed.
- A new improved leaflet on asylum procedures, in five languages (Arabic, Turkish, Persian, English and French), has recently been published with the cooperation of the UNHCR, in the framework of the European Program EQUAL, and distributed to all competent Services throughout the country.
- Measures have been taken for the increase of the number of interpreters involved in the asylum procedure and the improvement of their quality of services, at the central and regional level, in cooperation with international organizations and NGOs.

125. Over the last years (2005 and 2006), the refugee recognition rate has increased in relation to the decrease observed in other European countries. In 2005 the asylum status was granted in 39 cases, while subsidiary protection (for humanitarian reasons) was granted in 85 cases. In 2006, refugee status was granted in 64 cases while subsidiary protection was granted in 129 cases. In 2007, 25,113 requests for asylum were submitted and refugee status was granted in 140 cases. Almost 50% of the above requests were submitted by persons originating from Bangladesh and Pakistan, while 21.8 by persons originating from Iraq. Most of the recognized refugees (107 out of 140) were persons of Iraqi citizenship. Admittedly, the refugee recognition rate seems relatively low (under 1% - approximately 1.2% if subsidiary protection is included). This is mainly due to the fact that an important number of foreign citizens, who left their country to escape poverty, natural disasters and inadequate living conditions, have resorted to the asylum procedure, instead of the ordinary legislation on the entry and stay of third-country nationals.

126. Presidential decree 220/2007 transposed into the Greek legal order Council Directive 2003/9/EC of 27 January 2003 laying down “minimum standards for the reception of asylum seekers”. Draft presidential decrees are under elaboration, which will incorporate into Greek legislation EC Directives on “minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted” (Council Directive 2004/83/EC of 29 April 2004), on “minimum standards on procedures in Member States for granting and withdrawing refugee status” (Council Directive 2005/85/EC of 1 December 2005) and on “the right to family reunification” (Council Directive 2003/86/EC of 22 September 2003). In this context, the Ministry of Interior/Greek Police Headquarters asked all competent Ministries as well as independent authorities, the UNHCR and other International Organizations and NGOs to provide comments and contribute to this legislative work. The National Commission for Human Rights adopted, in March 2007, a document containing a series of proposals on the transposition into the Greek legal order of the relevant EU directives, as well as, more recently (17.1.2008), recommendations on asylum procedures and the implementation of the relevant legislation.

127. The General Secretariat for Gender Equality of the Ministry of Interior and the Office of the UNHCR in Greece signed on 5-7-2005 a revised Memorandum of Cooperation aiming at jointly promoting the rights of women and minor girls to whom asylum has been granted or who have applied for asylum or have been granted subsidiary protection. The implementation of the Memorandum aims mainly at:

- Promoting the rights of the above-mentioned categories of persons
- Monitoring, researching and analyzing the existing situation
- Ensuring procedures for identifying the most vulnerable cases of women asylum seekers, such as pregnant women, women in childbed, single parents or victims of trafficking
- Coordinating the activities required in order to provide legal or other assistance
- Improve coordination of state services or services provided by NGOs
- Sensitizing public opinion

128. In the framework of the implementation of the above Memorandum of Cooperation, the Secretary General for Equality and the Head of the Office of the UNHCR in Greece visited, on 14.12.2006, the Directorate for Aliens in Attica of the Greek Police, in particular places of detention of alien women and discussed with them relevant issues. At the same time, printed information leaflets of the GSGE, in several languages, were distributed.

Article 3

129. With regard to the condemnation of “racial segregation”, in particular in the fields of housing and schooling, see *supra*, paras. 47-83 on the situation of Roma in Greece, and *infra*, paras. 266 *et seq.*, on the right to education.

Article 4

Criminalization of offences aiming at racial discrimination

130. Law 927/1979 “on punishing acts or activities aiming at racial discrimination”, penalizes the following acts:

(a) To willfully and publicly, either orally or by the press or by written texts or through depictions or any other means, incite to acts or activities which may result to discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter’s racial or national origin or [by virtue of Article 24 of Law 1419/1984] religion;

(b) To form or participate in organizations which intent organized propaganda or any kind of activities tending to racial discrimination;

(c) To express publicly, either orally or by the press or by written texts or through depictions or any other means offensive ideas against any individual or group of individuals on the grounds of the latter’s racial or national origin or [by virtue of Article 24 of Law 1419/1984] religion.

131. It is to be noted that Article 39 (4) of Law 2910/2001, replaced with Article 71 (4) of Law 3386/2005, enables prosecuting authorities to press charges *ex officio* in the case of the abovementioned acts. The penalties provided for the above offences are the following: imprisonment for a maximum of two years and/or a fine in cases (a) and (b); imprisonment for a maximum of one year and/or a fine in case (c).

132. Moreover, Article 16 (1) of Law 3304/2005 (which amended Article 3 of Law 927/1979) provides that “whoever violates the prohibition of discriminatory treatment on the grounds of ethnic or racial origin or religious or other beliefs, disability, age or sexual orientation, with respect to the supply of goods or the offer of services to the public is punished with six months’ imprisonment and a fine of 1,000-5,000 euros”. This provision provides for penal sanctions - charges being pressed *ex officio* - in order to prevent effectively the violation of the principle of equal treatment. The revised penal provision offers a more effective protection than the previous one, as it has a wider content since it includes the cases of ‘other beliefs, disability, age or sexual orientation”, while it provides for stricter sanctions.

133. The abovementioned criminal legislation has had, until now, limited application in practice. The first conviction on the basis of Law 927/1979 was recently pronounced by the competent first instance Court.

134. In 2005, the Government adopted a firm stance with regard to the decision of some marginal groups to organize an international “hate festival”, with the participation of European extreme right-wing leaders. The Government condemned any events that foster racial hatred and announced the adoption of all appropriate and necessary measures, under the Constitution and the legislation in force, to prevent such a gathering from taking place. The strong reaction of the competent authorities, as well as NGOs and civil society organizations, forced the organizers of the “festival” to abandon their plans.

135. It should be stressed that criminalization is not the only means to prevent “hate speech”. Self-regulation plays an important role in this respect, as it will be explained hereunder.

Prohibition of hate speech in the media

136. Apart from criminal law provisions, legislation regulating electronic media contains provisions related to the prohibition of hate speech.

137. According to Law 1730/1987, which established ERT SA (Hellenic Radio Television SA), and in particular according to Article 3, ERT radio and television programs are inspired, among others, by the ideals of freedom, democracy, peace and the friendship among peoples. Radio and television programs are governed by the principles of objectivity, pluralism, the respect of individual personality and private life.

138. Article 8 (5) of Presidential Decree 100/2000 (by virtue of which Directive 97/36/EC amending Council Directive 89/552/EEC was transposed into national legislation) provides that “television stations may not broadcast programs which incite hatred between citizens on the grounds of their different race, religion, citizenship or gender”.

139. The same provision applies to radio stations (Article 8 (4) of Law 2328/95, as well as subscriber radio and television stations (Article 10 (1) of Law 2644/1998).

140. Article 4 (1) (b) of the same Presidential Decree provides that State authorities, in accordance with the relevant provisions and legal procedures established by the aforementioned Directive, may order the preventive prohibition, by any technical means, of the broadcast of television programs only when “the content of those programs incites hatred among the population on the grounds of differences related to race, religion, citizenship or gender”.

141. Moreover, Article 5 (6) (b) provides that “television advertisements may not introduce discrimination on the grounds of race, gender, religion or citizenship”. This provision applies both to radio advertisements by virtue of Article 8 (3) of Law 2328/1995, and advertisements on subscriber television and radio services according to Article 10 (1) of Law 2644/1998.

142. Along with the adoption of legal provisions, the use of methods of self-regulation, such as the adoption and implementation of Codes of Ethics, is promoted.

143. Article 4 of the National Radio and Television Council Code of Ethics for news programs, journalistic and political programs, as ratified by virtue of Presidential Decree 77/2003, provides for the following:

144. Paragraph 1 prohibits “the presentation of persons in such a way, that it may, under the specific circumstances, encourage the person’s humiliation, social isolation or adverse discrimination against him or her on the part of the audience, on the grounds especially of gender, race, nationality, language, religion, ideology, age, illness or disability, sexual orientation or profession”.

145. Paragraph 2 of the same Article provides that the broadcasting of degrading, racist, xenophobic or sexist messages or characterizations, as well as of intolerant views is prohibited. In general, ethnic or religious “minorities”, as well as other vulnerable or weak population groups may not be offended.

146. Directive-Recommendation 5/1998 stresses that crime, as the act of an individual, may not be transformed into an accusation against the nationality, the race etc. of the offender; radio and television stations are obliged not only to avoid any provocation, but to disapprove any form of xenophobia or hate against persons belonging to any nationality.

147. Moreover, the Code of Professional Ethics and Social Responsibility of the Journalists’ Union of Athens Daily Newspapers states that journalists should not make distinctions among citizens on the basis of their origin, gender, race, religion, political affiliation, economic situation and social status (Article 2 (a)).

148. Furthermore, relevant provisions have also been included in the Greek Code of Advertisement and the Greek Code of Advertisement and Communication.

149. Finally, in the context of the European Community’s initiative “EQUAL-Network for the elimination of racism and xenophobia in the Media”, the General Secretariat of Communication-General Secretariat of Information”, in association with the Union of the Daily Regional Newspapers and the Center for Adult Education “Dimitra”, produced in 2004 a “Manual of guidelines to the Media for the prevention of any form of discrimination and the promotion of diversity”. This manual contains a series of good practices and policies that the Media enterprises and the professionals working in the media field should use, in order to eliminate racist and xenophobic prejudices and promote tolerance.

150. The NCHR, in its Comments, refers to the conclusions of a scientific research conducted in 2002 by the Communication and Media Department of the Athens University, according to which there was a trend in news bulletins to reproduce stereotypes and prejudice concerning different ethnic or social groups.

The practice of the National Radio and Television Council

151. With regard to the practice of the National Radio and Television Council, the following decisions are to be mentioned:

152. On 23 May 2002, the Council issued a decision which imposed a moral sanction to a private TV station on the grounds of transmitting xenophobic content in the framework of a series program. More specifically, the independent authority noted that “parts of the program in question contain messages which encourage humiliation, social isolation, and unfavorable discrimination against part of the public, especially on the grounds of sex, race, nationality, language and religion”. The abovementioned broadcast messages were found to be contrary to the provisions of Article 5 of Regulation 1/1991 issued by the National Radio and Television Council.

153. On 28 June 2005 the Council imposed a fine to a local private TV station on the grounds of encouraging and inciting people to violence. (During a broadcast, a journalist had proposed the destruction of an exhibition that contained a painting ridiculing religious (Christian) figures).

154. On 5 February 2007, the Council issued the administrative sanction of “recommendation” against a public sports radio station, which broadcasted derogatory comments with respect to a colored football player; it also recalled the station’s obligation not to encourage racial discrimination or broadcast racist messages, threatening to impose more severe sanctions.

155. On 20 March 2007, the Council issued a recommendation to a private radio station not to broadcast degrading, racist, xenophobic, intolerant or sexist messages and characterizations or offend ethnic, religious and other vulnerable population groups.

156. Also, on 24 July 2007 the Council issued a recommendation to a private television channel, on the same basis.

Article 5

The right to security of person and protection by the State against violence or bodily harm

157. The fight against racism and xenophobia is a priority issue for the Greek Police. The Ministry of Interior/Greek Police Headquarters does not allow the development of a xenophobic atmosphere or discrimination phenomena within the Hellenic Police and control any illegal, antisocial or unethical behavior of police officers. In this framework, a series of steps have been taken, aiming at training the members of the police personnel, in order to further raise their awareness of the need to fully respect human rights and to eradicate any cultural prejudice. The strategic goal of the Greek Police has always been a “*Modern and effective Police with social sensitivity, close to the citizens*”. Respect and safeguarding of human rights, continuous updating, supervision and control of the police personnel regarding the implementation of the legislation and the measures that aim to ensure implementation thereof are matters of top priority where public order and security are concerned. To this effect, the Greek Police Headquarters have developed initiatives and taken specific measures aiming at the further sensitization of police officers on matters of respect and protection of human rights during police action.

158. Isolated incidents of discrimination or unlawful use of force are handled in accordance with the applicable criminal and disciplinary provisions so as to increase the accountability of police officers.

159. Following a judgment of the European Court of Human Rights, in which a violation of the ECHR had been found,⁵ a Circular of the Chief of the Hellenic Police was issued on the “Fight

⁵ In the case of *Bekos and Koutropoulos v. Greece* (13.12.2005), the Court found a violation of the ECHR concerning the failure of the state authorities to conduct an effective investigation into an incident of ill-treatment involving two Greek citizens of Roma origin and to investigate possible racist motives behind the incident.

against racism, xenophobia and intolerance, during police action”. The Circular notes that respect for the diversity of perceptions and for different ways of life and cultural characteristics constitutes a primary obligation of the personnel of the Hellenic police.

160. The same Circular establishes the duty of police authorities to investigate racist motives in penal and administrative cases, in which foreign citizens or persons belonging to vulnerable groups are involved.

161. In the same direction, the Anti-Crime Policy for the year 2007 took fully into account Article 4 of the Constitution (enshrining the right to equality of treatment and non-discrimination), Law 3304/2005 on the implementation of the principle of equal treatment and Article 5 (3) and (4) of Presidential Decree 254/2004 on the “Code of Ethics of the Police Officer”. The said Policy stipulates that police action is based on fairness, professionalism, respect for and protection of all rights without discrimination on any ground such as racial or national origin, religious convictions, disability, age or sexual orientation.

162. The aforementioned “Code of ethics for police officers” contains rules for the respect of human rights and the protection of vulnerable persons and social groups. The European Code of Police Ethics, resolutions adopted in international *fora* on rules of behavior for police officers, the observations and suggestions of the National Commission for Human Rights, the recommendations of the Ombudsman, the views of the Office of the UNHCR in Greece and the views of the police personnel federations were taken into account in the preparation of that decree. Copies of the Code were distributed to all police officers, border guards and special guards. The Code was included in the education and training courses of all police academies. It consists of 7 Articles, which define the general obligations of police officers, guidelines for police action, for the arrest and detention by the police and for preliminary investigation, the obligation of police officers to assist citizens and the duties of the police officer as a public servant. The absence of prejudice on the grounds of color, gender, ethnic origin, ideology and religion, sexual orientation age, disability, family, economic or social status, has been highlighted as one of the fundamental parameters of the behavior of police officers.

163. The Hellenic Police Headquarters have issued a number of Orders and Circulars aiming at further sensitizing police officers on issues of respect and protection of human rights during police action. The following examples should be mentioned:

- In June 2005, a circular order of the Chief of the Greek Police entitled “The apprehension/transfer to a police station of individuals as a preventive and repressive measure in the discharge of police duties” was issued. It provides the competent services with interpretative comments, based on the applicable legal provisions, so that they demonstrate sensitivity regarding the protection of individual rights following relevant proposals by the Greek Ombudsman. It is worth mentioning that, the Ombudsman expressed his complete satisfaction for the fact that the above circular underlines the obligation of Police Services to cooperate with his Office.

- At the same time (June 2005), a manual was issued - and distributed to all Police Services - under the title “Apprehension/transfer to a police station, treatment and rights of persons detained by the police authorities”. It comprises the following circular orders of the Chief of the Hellenic Police regarding the protection of individual rights in the course of police action:
 - Circular order no. 4803/22/44, dated 04.07.2003, under the title “Treatment and rights of persons detained by the police authorities” referring to issues raised in connection with the implementation of the rights of detainees.
 - Circular orders no. 9001/5/24-c, dated 23.04.2003, and 9001/22/44i, dated 01.10.2003, under the title: “Publication of information on the identity of arrested persons” regulating the issue of the protection of personal data as well as data concerning private and family life in general, for persons arrested by the Police Authorities. The circulars were prohibiting the publication of the latter’s identity details, in accordance with a relevant decision of the Hellenic Data Protection Authority. More specifically, it is not allowed to make public the identity, group, racial or ethnic origin and citizenship of detainees, unless this is considered necessary for reasons related to the anti-crime policy.
 - The abovementioned circular order no. 7011/22/4a, dated 17.06.2005, entitled “The apprehension/transfer to a police station of individuals as a preventive and repressive measure in the discharge of police duties”.
- On 10 December 2005, on the occasion of the Human Rights Day, a circular order was issued by the Chief of the Greek Police under the title “The protection of human rights during police action”. This circular has been distributed to all members of the police personnel, in order to promote the implementation of the new strategy of the Hellenic Police on the protection of human rights during police action, aiming at achieving a modern, effective and humane police force, close to the citizen, which will ensure the “right to security” of individuals and will be the trustee of a society characterized by cohesion, solidarity, participation and justice.

Disciplinary Law Provisions

164. Strict provisions have been enacted in the Disciplinary Regulations of Police Personnel (Presidential Decree 22/1996) under the title “Disciplinary Law of Police Personnel”, for the punishment of the offensive behaviors, on the one hand, and for the speediest possible examination and hearing of the disciplinary offences concerned, on the other.

165. According to Article 21 (2), the police officers’ disciplinary offences, due to the nature of the officers’ duties and the adverse effects they have on the fulfillment of the Corps’ assignment, have to be examined as soon as possible.

166. According to Article 9 (1) (c) of the same Presidential Decree, the infliction of torture or any other form of ill-treatment, either on- or off- duty, is punishable by dismissal. Furthermore, according to Articles 10 (1) (f) and 11 (1) (a), the intentional perpetration of offences for which a

penalty of at least three (3) months deprivation of liberty is provided for (if this offence does not fall within the scope of Article 9 (1) (c)) and the abrupt ill-treatment of citizens, entails the penalty of suspension by dismissal and temporary suspension from service, respectively.

167. For the disciplinary investigation of such accusations, Sworn Administrative Inquiries are ordered. The initiation of a disciplinary prosecution against the police officers responsible, following an order for a Sworn Administrative Inquiry, belongs to the exclusive competence of services hierarchically superior to the Police Directorate where the accused policeman is serving. The administrative investigation is imperatively assigned to an Officer of a Police Directorate other than the one in which the accused police officer has been appointed.

168. It should be stressed that, in para. 3 (g) of circular order no. 6004/1/5-na' dated 14.02.2004 of the Chief of the Hellenic Police, entitled "Amendment of provisions-reform of the Disciplinary Law of Police Personnel", it is once more emphasized to all Services that respect and protection of human rights are matters of utmost importance to the Police Headquarters, and that, through the implementation of the above provisions, the principles of impartiality and objectivity are best safeguarded.

169. In addition, the Office of the Ombudsman has the competence to review the legality of disciplinary procedures, either *ex officio*, or following complaints made by interested persons, and may recommend compliance with applicable legal procedures and/or the taking of measures prescribed by the relevant legislation.

170. On the occasion of a Special Report of the Office of the Ombudsman, an Officers' Committee was established to examine whether the current disciplinary law needs to be amended or improved with regard to the procedure of investigating allegations against police officers for ill-treatment of citizens. This Committee completed its task by preparing a report. At the same time, a Project Management Team was established by the (then) Minister of Public Order with a view to revise the disciplinary law for police personnel. This Team was chaired by a higher judicial official, with the participation of police officials. The said report was forwarded to the chairman of the abovementioned Committee.

171. In its Comments, the NCHR highlighted the judgments of the European Court of Human Rights in the cases *Karagiannopoulos v. Greece* (judgment dated 21.6.2007, in which the Court concluded that there had been a violation of Article 2 ECHR [right to life] on account of the lack of effectiveness of the investigation conducted by the authorities), *Celniku v. Greece* (judgment dated 5.7.2007, in which the Court found a violation of Article 2 on account of the lack of an independent and effective inquiry), *Alsayed Allaham v. Greece* (judgment dated 18.1.2007, in which the Court found that the physical harm suffered as well as the fear, anguish and inferiority felt by the applicant, placed under the control of the police, amounted to inhuman and degrading treatment) and *Zelilof v. Greece* (judgment dated 24.5.2007, in which the Court concluded that the investigations at stake into allegations of ill-treatment were ineffective. In that case, the Court did not consider that it had been established beyond reasonable doubt that racist attitudes played a role in the applicant's treatment by the police). It is to be noted that the European Court's judgments in the *Karagiannopoulos* and *Zelilof* cases have already been transmitted to all Greek Police's Services, by order of the Chief of the Greek Police, so as to be thoroughly studied and widely discussed with a view to their effective implementation.

Statistical data for cases of investigation of complaints against police officers for ill-treatment

172. A total of 238 cases against police officers for ill-treatment of persons (whether detained or not) have been investigated in the period 2003-2007 (by Sworn Administrative Inquiries, oral Administrative Inquiries and Preliminary Investigations).

173. The statistical data for that period are as follows:

Disciplinary aspect:

Disciplinary sanctions were imposed in 18 cases.

More particularly, 26 police officers were punished with the following disciplinary penalties:

(a) Stricter disciplinary penalties:

Dismissal: 1

Suspension from duties: 3

Temporary Suspension from Service: 7

(b) Lower disciplinary penalties:

Fine: 14

Reprimand: 1

- In 155 cases, the file was closed
- 55 cases are pending examination
- 7 cases are pending decision before the competent Disciplinary Board
- In 2 cases, the relevant disciplinary proceedings were suspended, until the judgment of the competent criminal court in the respective criminal case has been rendered
- In 1 case, the disciplinary investigation that had already been launched ceased definitively, due to the death of the police officer involved

Criminal aspect:

- 111 cases had no criminal aspect.
- In 5 cases (3 of which following rejection of the complaint), the file was closed by the competent Public Prosecutor's Office.
- In 20 cases, a complaint was submitted, pending before the competent Public Prosecutor's Office.

- In 42 cases, a criminal file was created. 10 of the above cases were closed by the competent Public Prosecutor's Office. Developments on 23 cases have not been notified by the competent Public Prosecutor's Office (as to whether criminal charges were pressed or not); in 2 cases, the relevant complaints were withdrawn; in 7 cases, the relevant complaints were rejected by the competent Public Prosecutor's Office.
- Criminal charges were pressed in 55 cases. In 7 of the above cases, an acquittal decision was issued; in 6 cases, an acquittal decision of the competent judicial council was issued; in 1 case, the defendant was found guilty by the first instance Court (the relevant decision fell under the statute of limitations); in 2 cases, the first instance judgment was appealed by the defendant found guilty and the relevant appeals are still pending; in 6 cases, criminal charges were dropped following withdrawal of the complaint; developments in 1 case are not being followed, due to the fact that the officers responsible are no longer members of the police personnel; in 4 cases prosecution was definitively stopped (Law 3346/2005); 28 cases are still pending before the competent judicial authorities.

174. The above cases concern 180 Greek nationals, among which 11 persons of Roma origin, and 122 foreign citizens as follows: Albania 40, Iraq 18, Afghanistan 12, Bulgaria 9, Bangladesh 4, Russian Federation 3, Sweden 4, Denmark 3, France 3, Nigeria 3, United Kingdom 5, Nigeria 2, Algeria 2, Poland 2, Belarus 2, Egypt 1, Finland 1, Sweden 4, Canada 1, Lebanon 1, Belgium 1, Ecuador 1, Pakistan 1, Angola 1, China 1, Spain 1, Moldova 1, Rumania 1, Georgia 3, Serbia 1, Cyprus 1 and unknown citizenship 11.

175. It is to be noted that the seemingly large number of complaints about ill-treatment by members of the police personnel constitute isolated cases, thoroughly investigated by the competent services, which attach primary importance to the protection of human rights. In all cases where the complaints were substantiated, the appropriate disciplinary measures, provided for in the relevant legislation, were taken. The absence of criminal aspect in a number of cases (111) is explained by the fact that either the alleged victims did not file a criminal complaint against the police officers concerned or that, following the administrative investigation of the cases, which found that no criminal offense, prosecuted *ex officio*, had been committed, copies of the relevant files were not transmitted to the competent Prosecutor's Office.

Use of firearms

176. Following the adoption of Law 3169/2003 on "Bearing and use of firearms by police officers, training of police officers in the use of firearms and other provisions" (Government Gazette A' 189/24-7-2003), the legal framework regulating the use of firearms by police officers has been updated and streamlined with the relevant international standards and applicable international treaties, as well as with the recommendations of International Organizations and NGOs.

177. Severe penalties (Article 6 of Law 3169/2003, which provides for the *ex officio* prosecution of the persons responsible), as well as the obligation to report all cases of use of firearms by police officers to the competent Police Services and Judicial Authorities have been

enacted, in order to allow the investigation of the legality of such use, from a criminal and a disciplinary point of view (Article 3 (10) of the same Law). There is no delay in waiting for complaints to be filed or for the expression of concern by NGOs or other bodies. Such incidents are immediately reported by the regional Police Services, hierarchically, up to the competent Directorates of the Police Headquarters. The Services of the Hellenic Police, on the level of Police Directorates and above, handle every such case *ex officio*. This obligation of the Police Services is provided for in Regulatory Order of the Chief of the Hellenic Police no 1/2001. More specifically, the relevant reports are drafted immediately after the offence or incident have taken place, and are transmitted with top priority, so as to reach the Police Headquarters within three (3) hours - at the latest - from the moment the Police Authority took action. This aims at the immediate information of the most senior Officials of the Police and the taking of the necessary actions (i.e. issuing an order requesting an administrative investigation, setting in motion the procedure for the adoption of the measure of suspension etc.). In case of a subsequent expression of concern or allegations of use of firearms by police officers, from NGOs or other bodies, the Police Headquarters inform forthwith the interested organizations in writing about the actions undertaken and their outcome.

178. The Chief of the Hellenic Police has issued a circular order (no. 8517/4/12 dated 29.07.2003) regarding the new legal framework, which has been communicated to all Services of the Corps. The Directors of the Services were asked to have it fully explained at their meetings and to inform the staff of the Services. Accordingly, the General Police Directors and the Directors of the Services at Police Directorate level have been rendered responsible to continuously inspect, supervise and demonstrate consistent interest in whatever concerns strict compliance with the applicable provisions and, if a violation has been committed, to proceed to the appropriate investigation of the case and to impose the sanctions provided for by the law.

179. Furthermore, by order no. 7100/14/2-b, dated 06.07.2005, of the Chief of the Police, all Departments received and disseminated to their personnel the text of the judgment of the European Court of Human Rights in the case of *Makaratzis v. Greece*, with a view to further raising awareness on the need to protect human rights during police action. In that case, the European Court had found a violation of Article 2 of the European Convention on the Protection of Human Rights in respect of the respondent State's obligation to protect the applicant's right to life by law and to conduct an effective investigation into the circumstances of the incident which had put the applicant's life at risk.

Statistical data for instances of use of firearms by police officers

180. During the period 2003-2007, 99 incidents of use of firearms by police officers have been recorded in total (involving 95 Greek nationals, 20 of which persons of Roma origin, 37 foreign citizens as follows: Albania 32, Romania 1, Moldova 1, Iraq 1, Russian Federation 1, Sudan 1, unknown citizenship 4), with the following results:

Disciplinary aspect:

In 7 cases, disciplinary sanctions were imposed.

More particularly, 9 police officers received the following disciplinary penalties:

(a) Stricter disciplinary penalties:

Dismissal: 1
Suspension by Dismissal: 2

(b) Lower disciplinary penalties:

Fine: 6

- In 61 cases, the file was closed
- 25 cases are pending for examination and 5 cases are pending for decision before the competent disciplinary board
- In 1 case, the relevant disciplinary proceedings were suspended, until the judgment of the competent criminal court in the respective criminal case has been rendered

Criminal aspect:

- 1 case had no criminal aspect (copies of the Sworn Administrative Inquiry were sent to the competent Prosecutor's Office, but the outcome has not been notified yet).
- In 72 cases criminal files were created. In 67 of the above cases, the outcome has not been notified by the competent Public Prosecutor's Office (as to whether criminal charges were pressed or not), while in 4 cases the file was closed and 1 case is at the stage of preliminary investigation before the competent judicial authorities.
- In 26 cases, criminal charges were pressed. In 4 of the above cases, acquittal judgments were issued; in 5 cases an acquittal decision of the competent judicial council was issued; in 1 case a guilty verdict by an Appeals Court was issued; in 4 cases, the defendants were found guilty by the first instance court (in 3 cases an appeal was lodged; development in 1 case are not being followed due to the fact that the officer responsible is no longer a member of the police personnel), 1 case was filed by the competent Prosecutor's Office; 11 cases are pending before the competent judicial authorities.
- 39 persons were injured (24 Greek nationals, 2 of whom of Roma origin, and 15 foreign citizens: Albania 11, Romania 1, Moldova 1, Iraq 1 and Sudan 1), among which 12 were fatally injured (6 Greek nationals, 2 of whom of Roma origin, [note: 1 due to car reversal] and 4 foreigners, citizens of Albania).

181. On the basis of the analysis of the data stemming from the disciplinary investigation of the cases, the conclusion is to be drawn that, in most cases, the use of firearms by police officers was in conformity with the provisions in force, and, where a violation of the legislation was found, disciplinary sanctions were imposed, on the basis of the facts ascertained.

182. The number of the cases recorded is not considered large, as it corresponds to an average of 20 cases annually. As already stressed, the use of fire arms by police officers is to be reported and investigated *ex officio* from the disciplinary point of view (the Public Prosecutor's Office being also informed thereof).

183. The fact that, in 67 out of 72 cases - for which criminal files were created - the launching of proceedings against police officers has not been reported to the Police Headquarters, leads to the conclusion that the use of fire arms by police officers was lawful in the above cases.

184. Finally, it is to be noted that, following an irrevocable criminal judgment finding the defendant(s) guilty, the relevant disciplinary proceedings may be reopened, so as to impose, where appropriate, the disciplinary penalties of dismissal.

Training in human rights of police personnel

185. With regard to CERD's recommendation on increasing the awareness of the principles of the Convention by law enforcement officials, and in addition to the measures already referred to (in particular the circulars of the Greek Police Headquarters), the following should be mentioned.

186. Continuous training of Police personnel aiming at raising the awareness of Police officers on matters related to the protection of human rights of vulnerable social groups, such as Roma and immigrants, is a top priority, as evidenced by the circular order issued in this respect.

187. Subjects such as human rights, elimination of racial discrimination, racism and xenophobia and dealing with persons belonging to minorities or other vulnerable social groups are taught at all levels in the Police Academy. Special importance is attributed to the training of Border Guards, due to the nature of their duties.

188. On the occasion of the Athens 2004 Olympic Games a special course was organized, in cooperation with the Greek Ombudsman, for the sensitization of police personnel. A "Practical Guide for Police Officers for the 2004 Olympic Games" was issued in cooperation with the Office of the Ombudsman and distributed to Police personnel.

189. Greek Police cooperate with international and national NGOs, as well as with national institutions for the protection of human rights (National Commission on Human Rights, Office of the Ombudsman) for the promotion of respect for human rights and the sensitization and training of police personnel on these issues.

190. Police officers participate in international conferences and meetings (OSCE, EU etc.) on combating racism, xenophobia and intolerance. In addition, Police officers attend seminars held by NGOs and other institutions mainly on issues concerning women's rights and trafficking in human beings.

191. Another positive step is the celebration of the Day of the Universal Declaration of Human Rights (December 10th). In this framework, lectures are given mainly to students at the Police Academy.

192. Moreover, important publications, such as the "European Code of Police Ethics" issued by the Council of Europe, the "Pocket Book on Human Rights for the Police" prepared by the

United Nations Center for Human Rights and the “International Rules for Human Rights Protection during Law Enforcement - Manual for Police”, translated by the National Commission for Human Rights have been distributed to Police officers.

193. The approach mentioned above highlights the value of training investigating officers, police officers and judges in combating racism, whenever, wherever and in whatever form it is manifested. The training should extend both to their professional education and to their crime-suppression mission. A sensitized investigating officer would be more capable in dealing with the issue of racially motivated crime in modern, multicultural societies, where political, financial and social parameters can give rise to racist criminal behaviors.

Political rights

Members of the Muslim minority in Thrace

194. In almost all successive elections since 1927, Muslim deputies were elected within the main governing and opposition political parties. Following the September 16th 2007 parliamentary elections, two Greek Muslim citizens, members of the Muslim minority in Thrace, were elected with the main opposition party. Moreover, in Xanthi and Komotini around 300 Greek Muslim citizens hold seats in the prefectural and municipal councils.

Greek Roma

195. Apart from their participation in administrative bodies and procedures, persons of Roma origin also participate in the public/political life of the country. In the recent parliamentary elections (September 2007), 4 Roma representatives (3 men and 1 woman) stood as candidates with the mainstream political parties. Moreover, as pointed out by the NCHR in its Comments, in January 2006, a political party was created by Greek Roma, called “ASPIDA”. Persons of Roma origin have been also elected to municipal bodies in several municipalities of Greece. Roma also participate in public life by organizing themselves in collective representative bodies aiming at the protection and promotion of their civil, educational and cultural rights. The relevant bodies are established either at the local or/and the national level. Finally, participation in the central or local government structures is promoted as well.

Other civil rights

Conditions of detention-foreigners awaiting expulsion

196. A number of concerns have been raised by national human rights institutions, the European Court of Human Rights, other Council of Europe mechanisms, among which the Committee on the Prevention of Torture, and UN treaty bodies with regard to conditions of detention in Greece, in particular of foreigners awaiting expulsion.

197. The Ministry of Interior/Greek Police Headquarters attributes particular importance to the ongoing efforts aiming at the improvement of the situation in the existing facilities, especially with regard to security and sanitary conditions. Moreover, the Ministry has included in its top priority list efforts to reduce overcrowding of facilities. Orders have been issued to the competent Services to promptly address any shortcomings. To that effect, the following initiatives have been taken:

Shortening of detention prior to expulsion or deportation

198. Coordinated measures have been taken by the competent authorities to shorten the period of detention of foreigners awaiting expulsion. In particular:

(a) Diplomatic authorities of countries of origin are notified, for the issue of passport to the person concerned. The Ministry of Foreign Affairs may be requested to intervene with the consular authorities in Greece or the competent diplomatic authorities abroad;

(b) In cases where, for different reasons, the issue of a passport by a consulate is not possible, and provided that some other conditions are met (air connection with the country concerned, agreement of an airline), the foreign citizen is provided with a Greek travel document for departure from the country, as provided for by law;

(c) The relevant legislation (Article 76 (3), Law 3386/2005) provides that detention of foreigners awaiting expulsion may never exceed three months.

(d) The regularization procedures, since 1998, for undocumented immigrants in Greece have substantially eased the overcrowding of detention facilities because many foreigners were released to submit their requests provided they met the conditions set out by the law. In 2005, the competent services were ordered to release foreign detainees awaiting expulsion, in order for them to benefit from the regularization procedure. The above measure contributed to the decongestion of the holding places of the Police.

Establishment of new holding facilities

199. A new building housing the Directorate of Transfer and the Directorate of Foreigners of Attica, with a capacity of 600 persons at 24, Petrou Ralli str. in Athens is already fully operational. Moreover, new holding facilities have been built at many police stations, including the Athens airport and the police stations of Soufli, Egaleo, Ioannina and Ferres (Evros).

200. Due to its geographical situation, Greece receives a large number of irregular migrants in the island region of North and South Aegean, who are originating, in particular, from Asian and African countries and are trafficked into the wider region through, mainly, organized smuggling rings. Since March 2004, efforts have been made to handle the irregular migrants' influx in a comprehensive manner, through the creation, in particular, of two model Reception Centers. The center of Kyprinos in the Prefecture of Evros is operational since April 2007, with a capacity of 378 persons, which can be raised up to 500 persons, ensuring very good living conditions. The Reception Center of Vathy, in the Prefecture of the Samos island, was housed in an old cigarette factory, as a provisional solution to an emergency situation, with a capacity of 120 persons. Conditions of detention in that Center were inadequate, due to the large influx of irregular migrants. In this respect, concerns were raised by international organizations and bodies, as well as NGOs. In order to improve the situation, the competent authorities searched new premises. Thus, a new model Reception Center, with a capacity of 300 persons, was built, in premises ceded by the Ministry of National Defense, with modern infrastructures, fulfilling the standards of the UNHCR. The above Center was inaugurated in December 2007.

201. The Ministry of Interior is financing, exclusively from national resources, the construction of new Reception Centers as well as improvements to existing infrastructures.

202. The holding of illegal migrants is implemented in accordance with the programs entitled “Posidonio”, as soon as the aforementioned persons enter into the country from the sea borders, and “Valkanio”, in case they enter from the land borders and are hosted in the Centers of Temporary Stay of Illegal Migrants. The competence for the operation of the said Centers rests with local prefectural administrations who are responsible for securing the temporary stay of foreigners and the provision of food and medical care at a cost to be incurred by the Ministry of Interior and the Ministry of Health and Social Solidarity.

203. Within the framework of the abovementioned programs, every year an amount of about 3,500,000 € will be allocated to the budget of the Ministry of Interior, with the aim of covering expenditures concerning assistance (purchase of pharmaceutical and sanitary items), food and transport of illegal migrants, as well as the maintenance of Reception Centers already operating.

204. In accordance with Article 81 of Law 3386/2005, a joint ministerial decision of the Ministers of Interior, Economy and Finance, Health and Social Solidarity is at the final stage of its elaboration, concerning the creation of special premises for the stay of foreigners under expulsion, especially in entry points of the country, which shall fulfill specific operational terms and conditions. The purpose of the creation of these premises is, among others, to ensure, as much as possible, a) better living conditions for foreigners under expulsion (appropriate sanitary conditions, accommodation for families and children, places of worship, recreation and sports) and b) safety conditions against threats to lives of the foreigners, as well as of the employed personnel. The said special premises will also be staffed with qualified medical personnel.

205. The creation of appropriate living conditions for the provisional holding of migrants who have entered illegally in the Greek territory remains a constant aim for the competent authorities. An extremely difficult situation, such as the handling of the influx of irregular migrants and the hosting of the persons concerned, has been dealt with, in the course of the last three years, in a manner that is expected from a modern European country, in close cooperation between central authorities and the local government. The guarantee of humane living conditions in Reception Centers for irregular migrants is indicative of the level of protection of human rights and respect for human dignity.

206. The specifications for the holding facilities of the Police Stations have been defined, by a circular order of the Chief of the Police, taking into account the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (C.P.T.) of the Council of Europe, in order to ensure sanitary and other humane conditions of the detainees’ stay and custody.

Improvement of conditions and terms of detention in the existing facilities with regard to safety and hygiene

207. Necessary measures have been taken to ensure that both new and existing holding facilities comply with modern standards regarding conditions of detention with emphasis given to sanitary conditions and safety.

The provision to every foreigner under detention, against receipt, with an informative bulletin in which their rights are explained

208. The above bulletin has been translated and published in 14 languages. A reminder has been addressed by the Greek Police Headquarters to all law enforcement agencies to grant foreign detainees information sheets setting out all of their rights (Order no. 6634/1-196292/28 December 2005). These receipts are kept in the registers of the detaining facilities as a proof that the relevant procedures have been followed.

209. Regarding the access of lawyers and independent authorities to the places of detention of foreigners awaiting expulsion, Police Authorities have a good record of cooperation with authorities such as the Ombudsman, the National Commission on Human Rights and NGOs. In no circumstances whatsoever has the visit by representatives of NGOs to detention places been prohibited. Moreover, regarding the treatment and rights of the detainees, Police Authorities apply the rules included in Circular no. 4803/22/44, dated July 4th, 2003, issued by the Chief of the Greek Police.

210. It is also to be noted that foreign minors under expulsion have been transferred from the holding center of the Directorate of Aliens of Attica to special facilities in the Amygdaleza prison in Attica, which, to a large extent, meet the requirements for the hosting of minors (sports, recreation grounds etc.). Minors receive medical care and are assisted by social workers.

211. Finally, Circular Order 18/2006 on the “transfer of detained persons” (in force since 1.1.2007), aiming at resolving outstanding issues and modernizing the process of transfer of detainees, provides for, *inter alia*, the obligation of accompanying police personnel to fully respect the personality of detainees and observe the latter’s fundamental rights, including the prohibition of discriminatory treatment on the grounds of race, color, gender, origin, religion, fortune or convictions.

212. The NCHR, in its Comments, highlighted the judgment of the European Court of Human Rights in the *Kaja v. Greece* case (dated 27.7.2006), in which the Court found that the detention of the applicant, in view of his judicial expulsion, for three months in a police detention center designed to house defendants for short periods amounted to degrading treatment.

213. With regard to correctional facilities, a long-term program of the Ministry of Justice for the improvement of detention conditions in prisons, especially for the elimination of overcrowding, is being implemented. The problem of overcrowding has been compounded in recent years due to the presence of a large number of foreign nationals. It is estimated that half of the prison population are foreigners, belonging to nearly 100 nationalities. Thus, although space is available for 5,300 prisoners, the inmate population stands at 8,600 persons.

214. One of the most important ways of fighting overpopulation is the construction of new prisons, fulfilling all requirements of secure living conditions for prisoners, and meet their needs with regard to education and vocational training, with modern dormitories, classrooms, workshops, entertainment, etc. The Ministry of Justice has prepared, for that purpose, a building

project for the construction of new prisons in various regions of Greece. The places that will be added to those already existing will effectively put an end to the overcrowding of prisons and its consequences, once all the prisons under construction have been completed.

Freedom of religion

215. Since 2002, the Committee of Ministers of the Council of Europe has adopted a series of Resolutions acknowledging that Greece has duly executed judgments of the European Court of Human Rights in which a violation of Article 9 of the European Convention on Human Rights had been found. In fact, on a number of issues, such as the criminalization of abusive proselytism or the right to build and to operate houses of worship, the practice of Greek authorities has been harmonized with the relevant international and regional standards. More particularly:

216. In recent years, no prosecution has been initiated or conviction imposed for proselytism against the Christian or other known religions.

217. The competent authorities' discretion in granting an administrative authorization for the construction or the operation of places of worship has been brought into conformity with the case-law of the European Court of Human Rights. The control exercised by the Ministry of Education and Religious Affairs is restricted to the formal conditions laid down by the applicable legislation. The administration has, in all relevant cases, granted permission, except in one case concerning Scientologists, where the application was rejected on purely procedural grounds and was never challenged before the competent courts. Moreover, Article 27 of Law 3467/2006 abolished a legislative provision according to which the opinion (of a non-binding character) of the local Orthodox Bishop was to be sought for the issue of a permit to build and to operate a non-Orthodox place of worship.

218. The interpretation of Article 175 and 176 of the Criminal Code (criminalizing the usurpation of the functions of a minister of the Greek Orthodox Church or another known religion and the wearing of the dress or the insignia of a minister of a religion referred to here above without having the right to do so), which had successfully been contested before the European Court of Human Rights, was rapidly changed, as the domestic courts granted direct effect to the relevant European Court's judgments.

219. Among other recent developments on the exercise of freedom of religion, the following are to be mentioned:

- Article 35 of Law 3448/2006 permitted the cremation of foreigners or Greeks, whose religious convictions allow cremation after death.
- Law 3512/2006 provides for the construction of a mosque near the center of Athens, funded by the State, to satisfy the religious needs of Muslims residing in Attica. The mosque will be built on a plot of land which will be ceded by the State. It will be run by a Management Committee, in which representatives of Muslims living in Athens and the Attica region will also participate.

- The Holy Synod of the Church of Greece has announced its decision to cede use of land in the area of Schistos near Athens to the competent Municipality for the establishment of a Muslim cemetery.
- Law 3086/2005 provides for the issuing of a residence permit for ministers of all known religions, who are third-country nationals.
- According to a circular issued in July 2006, the rite of confession can not be held in school premises.

220. In addition, in Greek schools, students may freely choose their clothing, in the framework of decency, according to objective criteria, and social acceptance, while any problems that might arise are to be handled by the Teachers' Board, in cooperation with the student communities and the parents' and guardians' associations, in a climate of good will and dialogue.

221. It is also encouraging that no instances of Islamophobia have been recorded in Greece in recent years.

222. The issue of religious education will be dealt with under Article 7 of the ICERD. At this point, we would like to note that, in order to be exempted from the obligation to attend the class of Religious Education, the pupil and his/her parents are no more obliged to mention to the school authorities which religion they believe in; they simply state that they do not belong to the Orthodox Church without any further explanations. In this case, on the pupil's school certificate, his/her religious affiliation is not mentioned. The said exemption is extended to all other, directly or indirectly related, obligations of the pupils (morning prayer, attending mass etc.).

223. It is finally to be stressed that members of the Muslim minority in Thrace carry out their religious duties and follow their traditions without any restrictions. There are more than 300 Muslim places of worship, officiated by around 400 Muslim clerics. The mosques are well kept by the Wakf committees and protected by the state, which also contributes financially, if needed.

Right to nationality

224. With regard to the recommendation contained in CERD's Concluding Observations concerning persons deprived of their citizenship under former Article 19 in the past, the following should be noted.

225. In 1998, the Greek Government proceeded to the abolition of Article 19 of the Citizenship Code. The said Article referred to all those persons of non-Greek origin, who abandoned Greek territory with no intention of returning. Among them, many, on their own free will, renounced their nationality. The vast majority of persons deprived of their citizenship by virtue of Article 19 are already foreign citizens and reside outside the Greek territory. The general provisions of the Citizenship Code on the naturalization of foreign citizens may be applicable to them.

226. There is a very small number of "stateless" Muslims, who reside in Thrace. These persons have been provided with special Identity Cards, in accordance with the UN Convention relating

to the Status of Stateless Persons (New York, 1954, to which Greece is a party). At the same time, the Ministry of Interior has issued instructions to Local Authorities for the speeding up of the procedure for the naturalization of these persons. It is expected that soon Greek citizenship will be granted to the abovementioned stateless persons, who are permanent residents of Greece.

Freedom of association

227. Freedom of association is fully protected in the Greek legal order. According to the case-law of the Supreme Civil and Criminal Court, which follows the relevant case-law of the European Convention of Human Rights, any interference in the exercise of this freedom has to be fully scrutinized by national courts under strict standards. Thus, any restriction to this right must be necessary in a democratic society and must be motivated by a pressing social need with a view to protecting, among others, national security or public safety or to preventing disturbances of public order.

228. With regard to the issue of non-registration of some associations, created in Thrace, which include the word “Turkish” in their appellation, it should be stressed that there is no general prohibition to use certain words in the denomination of an association. Each case is examined on its own merits, on the basis of the particular association’s statutory aims, under a strict proportionality test, in order to achieve a fair balance between the individual right to freedom of association and the need to preserve a legitimate aim (such as public order and the rights or freedoms of others).

229. Recently, the European Court of Human Rights found, in the case *Bekir-Ousta and Others v. Greece* (judgment dated 11.10.2007) that the refusal to register an association called “Evros Prefecture Minority Youth Association” was not justified, on the grounds, *inter alia*, that there was nothing in the association’s statutes to suggest that its members advocated the use of violence or anti-democratic methods and that the Greek courts had the power to order that an association be dissolved if its aims were contrary to the law or at variance with those set forth in its Articles of association. The Court, however, held that there was no need to examine the complaint under Article 14 ECHR (non-discrimination principle) separately.

230. In 1998, the refusal of the competent court to register an association called “Home of the Macedonian Civilization” was found by the European Court of Human Rights to be in violation of the ECHR. The Committee of Ministers of the Council of Europe, in its capacity as the monitoring organ of States’ execution of the Court’s judgments, has already found that Greece complied with the abovementioned judgment. The case is now pending before the national courts. It is to be noted that the adjective “Macedonian” is being extensively used in the Greek region of Macedonia as well as throughout the country and the diaspora by Greeks originating from Macedonia. There are hundreds of scientific, business, professional and sports associations which bear the Macedonian name to denote their regional and/or cultural provenance.

231. The use of the word “Macedonian” for the denomination of an association founded by a small number of individuals who attach to it a different meaning, in terms of culture or origin, would inevitably create great confusion as to what they actually mean or pursue by using this word. One would assume that this association is a Greek-Macedonian one, like hundreds of other Greek associations bearing the word “Macedonian” in their denomination, while, in fact, it refers to another, different culture.

232. It should be stressed that it is not freedom of association *per se* that is restricted by the non-registration of such an association. Greek courts have not prevented any citizen from forming an association to express and promote any distinctive features; they only have rejected an attempt to create a legal entity which, through registration under the name “Macedonian” would cause confusion, thus offending the rights of others.

233. The European Court of Human Rights, in the case of *Ouranio Toxo v. Greece* (judgment dated 20.10.2005) found a violation of Articles 6 (reasonable length of proceedings) and 11 (freedom of assembly and association) of the European Convention, on account of the acts and omissions of the Greek authorities in the context of events which took place in 1995.

Economic, social and cultural rights

The right to work and to form and join trade unions

234. All foreigners legally residing in our country have the same rights as Greek nationals. Their working hours are governed by the provisions of labor law; they are remunerated under the same conditions as Greek workers, according to the applicable Collective Agreements, and are insured in the relevant social security institutions. The competent authorities strive to prevent phenomena of financial exploitation of immigrants while ensuring their equal integration in the labor market. Migrant workers have equal rights to resort to the competent services of the Labor Inspectorate, in case of violation of the applicable labor legislation.

235. The Operational Program “Employment and Professional Training” of the Ministry of Employment and Social Protection co-finances projects related, *inter alia*, to provision of support services, Greek language tuition and training of unemployed migrants, subsidized posts, etc. Within the framework of the EU “Equal” initiative, a series of projects are being implemented, concerning access or return of migrant workers, *inter alia*, in the labor market, fighting against racism and xenophobia, empowerment of migrants and refugees, promotion of intercultural models in the labor market, etc. In general, beneficiaries of the activities under the “Equal initiative” are young people, women, migrants, refugees, asylum seekers, persons of Roma origin, victims of trafficking, etc. Members of vulnerable social groups are also beneficiaries of projects under the Regional Operational Programs, financed by the European Social Fund. Within the framework of the designation of the year 2007 as “European Year of Equal Opportunities for All”, the Ministry of Employment and Social Protection, as the National Implementing Body, has set out and assigned a series of activities, carried out by NGOs, local government organizations and the public sector, including conferences, seminars, publication and distribution of leaflets, conduct of studies at the local, regional and national level. A number of information and awareness-raising activities, addressed to the general public, but also to all stakeholders in the field of occupation and employment (public agencies, social partners) have also been implemented in the period 2000-2006.

236. In the same vein, the competent Department of the Ministry of Health and Social Solidarity has participated as a “partner” in the project “Join in - Mainstreaming of Equality and Non-Discrimination”, an international project funded by the EU as a part of the community action program to combat discrimination 2001-2006. The program’s aim is the creation of

models and methods as well as the transfer of know-how on issues of equality and the fight against discrimination in the fields of health -welfare, education and employment. Target groups of the related activities were the Roma, refugees, asylum seekers, etc.

The right to education and training

237. With regard to CERD's recommendation on multilingual educational programs and policies, the following should be mentioned.

238. During the last two decades, Greece, which used to be a country of emigration, has received an important number of immigrants of different backgrounds. As a result, cultural, linguistic and religious diversity has increased in Greek society, which has led to the development of intercultural education.

239. The Greek State has realized the importance of allowing and assisting persons of a different background not only to preserve but also to develop all aspects of their identity, while promoting their effective and harmonious integration into the society of the host country. It has become evident that education should focus on fostering greater understanding and appreciation of different cultures, and that the State should refrain from imposing a one-dimensional cultural model, thus reinforcing prejudice and stereotypes. Since repatriated and foreign children are now an integral part of school reality, the main goal of the authorities is to prevent and combat social exclusion and discrimination, and to provide equal opportunities for learning.

240. According to data from the Institute for the Greek Diaspora Education and Intercultural Studies, during the school year 2004-2005 138,193 foreign and repatriated students attended Primary and Secondary education schools, which comes up to almost 9.5% of the total number of students for that school year (Institute for the Greek Diaspora Education and Intercultural Studies, 2006).

241. Foreign (migrants/refugees) and repatriated students enjoy the right to free education exactly as natives do. Every child living in Greece is entitled to education regardless of their parents'/guardians' legal status in the country. Pursuant to Article 72 of Law 3386/2005, foreign children living in Greece are subject to minimum compulsory schooling under the same conditions as Greek nationals. They have, at all educational levels and without any restriction, unlimited access to the activities of the school or educational community.

242. Because of the special conditions of migration, administrative adaptations have been made to facilitate the registration of foreign students who, at the time of registration, do not possess the official required documents. If upon completion of the school year those documents have not been submitted, the student is given a certificate of attendance instead of an annual school report. That certificate facilitates the promotion of the child to the next grade level. Therefore, minor aliens who reside in Greece are subject to 9-years of minimum compulsory education, just like their Greek peers.

243. For the enrolment of foreign children at public schools, the same supporting documents, as those prescribed for Greek nationals, are required. By way of exception, children of foreign nationals belonging to the following categories may register with public schools even if they lack complete documentation:

- Children of aliens protected by the Greek state as refugees or enjoying protection by the UNHCR
- Children of aliens who come from areas with irregular conditions
- Children of asylum seekers
- Children of aliens who live in Greece although their legal residence status in the country is still pending

244. Foreign children who have graduated from secondary education in Greece have access to university education, under the same terms and conditions as Greek nationals.

245. In view of the growing number of students with multicultural characteristics, the Ministry of National Education drafted Law 2413, which came into force in 1996.

246. At present, 25 schools of intercultural education are operating all over Greece: 13 Primary Schools and 12 in Secondary Education. These schools guarantee equal opportunity for all students without any form of discrimination and enrich the Greek educational system with contemporary pedagogical perceptions. All teachers serving in these schools are subject to special training and all those called upon to serve in the aforementioned schools are selected on the basis of their knowledge of intercultural education and their skills in teaching Greek as a second or foreign language.

247. In the school year 2005-6, there were 322 reception classes for 4,437 immigrants and repatriated Greeks, as well as 147 support classes for 972 immigrants and repatriated pupils in Elementary Education. In Secondary Education, there were 35 reception classes and 41 support classes in the same school year. At the same time, immigrants and repatriated pupils benefited from the institution of additional instructive support, which is available to all high school students.

248. Valuable aid for foreign and repatriated pupils has been offered since 1998 through the project “Education of Immigrants and Repatriated Pupils”. The “Centre for Intercultural Education” of the University of Athens has been implementing the project with a network of 820 experts. In its third phase (2006-8) the project (co-funded by the EU and the Greek state) has been divided into:

(a) “Education of Immigrant and repatriated Greeks for primary school students”, which is again carried out by the University of Athens;

(b) “Education of Immigrant and repatriated Greeks for Secondary school students”, which is carried out by the Aristotle University of Thessaloniki.

249. Within the framework of this program, special innovative teaching material has been drafted with the aim of fostering children’s integration as well as enabling them to develop their skills in the new school environment. The material, which introduces the basic elements of intercultural education, has been distributed to schools.

Article 6

Mechanisms designed or established to implement the new anti-discrimination legislation

250. A specific Chapter (no IV) of Law 3304/2005 is devoted to the protection of victims of discrimination. Besides judicial protection, the aggrieved party, according to Article 13 (1), may resort to administrative recourses (petitions and complaints), which may lead to the withdrawal, amendment or annulment of the relevant administrative act. In order to strengthen the defense of victims of discrimination, it is foreseen that legal persons, whose aim is to ensure respect of the principle of equal treatment regardless of the grounds set out in the Law, may represent the aggrieved party before the competent court or any administrative authority or organ, provided that the interested person has previously given his or her written consent (Article 13 (3)). When persons who consider themselves wronged establish before a court or a competent administrative authority facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove, or for the administrative authority to establish, that there have been no circumstances constituting a breach of the principle of equal treatment (Article 14 (1)). The shift of the burden of proof in civil cases does not apply to criminal procedures (Article 14 (2)). Furthermore, protection is afforded against the victimization of the complainant (Article 15). Criminal sanctions may be imposed regarding the supply of goods or services to the public, according to Article 16 (1). An infringement of the prohibition of discriminatory treatment by an employer, concerning the conclusion or the refusal to conclude a labor relationship, as well the latter's operation or termination, is considered as a breach of labor legislation and is sanctioned by a fine.

251. A most important aspect of Law 3304/2005 is the establishment or designation of the following bodies for the promotion of equal treatment:

252. The Office of the Ombudsman examines complaints for alleged violations of the principle of equal treatment by services of: a) the public sector, b) local and regional authorities, c) other public bodies, state private law entities, public corporations, local government enterprises and undertakings whose management is directly or indirectly determined by the state by means of an administrative decision or as a shareholder. In fulfilling this task, the Office of the Ombudsman has an expanded scope of action. More specifically, it may also investigate complaints concerning the service status of civil servants, when these concern cases of discriminatory treatment. In addition, it may conduct inquiries and draw up reports on the implementation and the promotion of the principle of equal treatment.

253. The Committee for Equal Treatment (CET), a new body established in the Ministry of Justice, subject directly to the Minister. The said Committee examines violations of the principle of equal treatment by natural and legal persons, other than those which fall within the competence of the Office of the Ombudsman or the Labor Inspectorate. It is composed of five ordinary and two deputy members, appointed by decision of the Minister of Justice, who are persons with high professional skills, expertise and experience in fields related to the tasks of the Commission. The Equal Treatment Section of the Ministry of Justice examines complaints of violations of the principle of equal treatment, and attempts to achieve a friendly settlement of a case, transmitted by the President of the CET. The Committee for Equal Treatment monitors the effort to secure a friendly settlement. In case of failure to reach such a settlement, the Committee draws up a report containing its findings, which may be forwarded to the competent Prosecutor,

if there are indications that a criminal offence has been committed. In addition, the Committee may render an opinion regarding the interpretation of provisions of Law 3304/2005, either on its own initiative or upon request by the Minister of Justice or other competent authorities.

Furthermore, the CET draws up reports on the implementation and promotion of the principle of equal treatment.

254. The Labor Inspectorate (SEPE) takes up cases of alleged discrimination in the fields of occupation and employment, other than those falling within the competence of the Office of the Ombudsman. It is assisted by the Equal Opportunities Department of the Directorate for Social Protection of the Ministry of Employment and Social Protection. The means of action of SEPE are similar to those of the CET. It is to be clarified that the Labor Inspectorate does not only have a role of conciliation, but it can also conduct investigations or controls in order to check if the provisions of labor legislation are complied with. Moreover, it can impose administrative sanctions and lodge a complaint in case of violation of criminal law provisions.

255. It is to be noted that the Economic and Social Committee of Greece (an advisory body based on the tripartite organization model), within the framework of its mandate to conduct social dialogue on social policy issues, draws up an annual report on developments regarding the implementation of Law 3304/2005, with special emphasis to the workplace, submits proposals to the Government and social partners on the promotion of the principle of equal treatment and the adoption of anti-discriminatory measures, encourages dialogue with representative organizations, including relevant NGOs, and aims at raising awareness and disseminating information on the applicable legislation and the measures taken in pursuance thereof.

256. In 2006, the Office of the Ombudsman issued a report on its “first year as a specialized body for the promotion of the principle of equal treatment”.⁶ According to the said report, the number of cases examined under the provisions of the new legislation came to a total of 26, 9 of which were still under investigation. Of the remaining cases, 4 had a positive outcome, 7 were found not to fall under the provisions of Law 3304/2005, 3 were dismissed as unsubstantiated and 3 as falling outside the jurisdiction of the Ombudsman. Special attention has been paid to the issue of strategic planning and policy implementation monitoring concerning housing and resettlement of the Roma population. Furthermore, the Office of the Ombudsman engaged in public awareness and dissemination activities and promoted dialogue with civil society. It also participated in the national working group of the EU Program against discrimination, as well as in “Equinet”, a European network for the coordination of the official agencies responsible for the implementation of the relevant EU directives.

257. The Committee for Equal Treatment submitted a report on its activities to the Economic and Social Committee. It has also created a special telephone line, which has been used by an important numbers of persons requesting information on the new legislation.

258. The Equal Opportunities Department of the Directorate for Social Protection of the Ministry of Employment and Social Protection (which, as already mentioned, assists the Labor Inspectorate in fulfilling its tasks under Law 3304/2005) received, in 2006, 6 complaints, 3 of

⁶ See *supra*, footnote (3).

which were transmitted by the European Commission, while the remaining 3 concerned discrimination in employment on the grounds of age, disability, ethnic origin, religious beliefs and sexual orientation. Efforts have been deployed, within the framework of both EU programs and national initiatives, to inform Labor Inspectors and the general public on the new legislative provisions. A circular has been sent to public authorities and other stakeholders aiming at identifying provisions violating the principle of equal treatment, which will allow the Equal Opportunities Department to ensure that the latter are not implemented.

259. It is interesting to note that different bodies and organizations, including the NCHR in its Comments⁷ have already identified some areas of concern with regard to the implementation of the new legislation, in response to which the following should be mentioned:

260. It is true that the Greek legislator has not opted for the system of a unique specialized independent body to combat all forms of discrimination. However, the establishment or designation of three different bodies to promote the principle of equal treatment, each one of them having specific responsibilities, is fully in line with the applicable EU directives. The new system benefits from and builds upon the rich, long-standing and extremely positive experience of bodies such as the Office of the Ombudsman and the Labor Inspectorate, which will use, and further strengthen, their traditional, effective means of action in the field of the fight against discrimination. Moreover, in cases which do not involve public authorities and agencies, the establishment of an independent authority has not been considered as a prerequisite for the effective discharge of the tasks provided for in the new legislation.

261. With regard to the exclusion of discrimination on the ground of nationality from the regulatory field of Law 3304/2005 (in accordance with the relevant EC Directives), it is to be noted that the existence of more general provisions in our legislation on equality of rights irrespective of citizenship, as well as the setting up of a modern legislative framework regulating immigration, which enhances migrant workers' access to the labor market, contribute effectively to the elimination of all forms of unjustified differential treatment.

262. The provision on the representation of the alleged victim before the courts, as well as administrative authorities, by legal entities whose aims, as defined in their statutes, are focused on the promotion of the principle of equal treatment is intended to limit the excessive broadening of the categories of persons allowed to appear before the abovementioned organs for the purposes of the Law. It also takes into account the fact that legal entities may change their statutory aims and that victims of discrimination should be represented by specialized and qualified organizations.

263. Provisions of Law 3304/2005 on the shift of the burden of proof are *lex specialis* with regard to the general provisions on the burden of proof contained in the Codes of Civil and

⁷ The NCHR's Comments focused on the following issues: representation of the alleged victims by legal entities, shift of the burden of proof, independence of and/or powers granted to the equality bodies, lack of information on and awareness of the new legislative provisions.

Administrative Procedure and other relevant Laws; hence, they are to be applied by Courts and other competent authorities, even though they have not been incorporated into the relevant Codes of Procedure.

264. Finally, the new legislation does not follow a mere mediation approach. First of all, Article 16 of Law 3304/2005 criminalizes the violation of the prohibition of discriminatory treatment on the grounds of ethnic or racial origin or religious or other beliefs, disability, age or sexual orientation with respect to the supply of goods or the offer of services to the public. Both the Committee for Equal Treatment and the Labor Inspectorate may forward their relevant reports to the competent Prosecutor, if there are indications that a criminal offence has been committed. The latter, as already mentioned, can also conduct investigations or controls in order to check if the provisions of labor legislation are complied with; it can also impose administrative sanctions and lodge a complaint in case of violation of criminal law provisions. Finally, it is widely acknowledged that the mediation approach followed by the Ombudsman in a variety of fields has yielded extremely positive results.

265. It is further to be noted that the European Commission has addressed two “reasoned opinions” for deficient transposition into the national legislation of provisions of the EU antidiscrimination directives, which do not concern the main legislative choices of the Greek authorities, but relate to two specific issues, namely the definition of the term of “harassment” (which has already been harmonized with the applicable EU directives by virtue of Article 7 of Law 3625/2007) and the general exclusion of the fire brigade services from the implementation of the national legislation against discrimination on the grounds of age or disability.

266. Admittedly, Law 3004/2005, which introduces effective legal means of protection and redress, has not developed its full potential yet. The number of complaints submitted is small and confined mainly to the public sector. Few cases under the above Law have been brought before the competent Courts. The main challenge lies in increasing the level of knowledge and raising the awareness of victims, potential victims and civil society actors regarding the enhanced means of action introduced by the new legislative framework. As already mentioned, a number of information and awareness-raising activities have been organized within the framework of relevant EU initiatives, as well as the designation by the EU of the year 2007 as “European Year of Equal Opportunities for All”. However, a further concerted effort is required in this respect.

Article 7

Education

267. With regard to CERD’s recommendation concerning countering of negative stereotypes and the promotion of the Convention’s objectives, and in addition to the developments described here above, under Article 5, the following should be mentioned.

268. The new Cross-thematic Integrated Framework for Curricula, the related Analytical Syllabi, as well as the new books that will be in use in the nine years of obligatory education as of September 2006 decidedly promote awareness as well as tolerance towards the reality of pluralism in Greece. More specifically, in addition to raising awareness for issues such as human rights, world peace, safeguarding human dignity, respect for diversity and the abolition of all forms of discrimination promoted in the new Integrated Framework, it is also stated therein that

“such phenomena as internationalization of culture and globalization of the economy, in conjunction with faster communication and travel, contribute to the emergence of a social environment characterized by cultural, linguistic, ethnic and socio-economic pluralism. It is therefore necessary on the one hand to minimize the possibility of a one-dimensional model becoming dominant and of xenophobia and racism gaining impetus, and on the other to safeguard an environment in which pupils are able to develop their personalities [...] on the basis of social and humanitarian principles, so that they are free from religious and cultural prejudice [...] and endowed with freedom of speech and thought.” Such fundamental principles permeate and influence all subjects taught at school and, in conjunction with other innovative programs operating in parallel, provide a framework in which an intercultural approach is one of the main components of State Education in Greece. Given the above state of affairs, it is evident that intolerance has no place in Greek educational discourse; on the contrary, the latter embraces and promotes respect for and the acceptance of cultural and religious diversity.

269. Furthermore, a cross-thematic curriculum for Citizenship Education has been introduced in primary schools and junior high schools, in which teaching about human rights has a prominent place. Elements of inter-cultural education have also been introduced as teaching methods at schools.

270. Moreover, in accordance with the newly revised curriculum and the cross-curricular approach to education, the new textbooks promote multilingual and multicultural aspects in lifelong learning, and by so doing they enhance the religious and cultural acceptance of others.

271. Examples from Religious Studies textbooks include, among others:

- Collection of Literary Texts, Grades 3 & 4, Primary School, “School of the World”, Pgs 72 - 75: about the friendship between two students from different religious backgrounds, Muslim & Christian
- Greek Language Textbook, Grade 6, Book I: short texts with information from major religions
- The subject “Study of the Environment” in the 2nd Grade of Primary School: students examine pictures and discuss the religions depicted
- Religious Studies Textbook, 2nd Grade of Junior High School: students are asked to find information about the basic religious texts of the main religions (e.g. the Bible, the Koran, etc.)

272. Textbooks used for religious lessons take into account the frequent multicultural environment in modern Greek schools by protecting religious and cultural diversity, thus contributing to the promotion of mutual tolerance and understanding between groups and/or people of different origin, religion and cultural traditions. The Pedagogical Institute cooperates closely with bodies (e.g. the Office of the Ombudsman), whose aims also include the protection of freedom of religion in the educational system.

273. The textbooks for religious lessons attempt to describe the main features of other religions and faiths, with the ultimate goal of stimulating pupils’ interest in approaching, understanding

and appreciating religious diversity. Such thematic units make it easier for Greek students to interact harmoniously with their fellow students of a different ethnic, religious or cultural background, and also help them recognize and respect their specificities and needs, while, at the same time, they promote the latter's smooth and unhindered integration into the school community and the society in general, through raising their awareness of the local cultural values and religious traditions.

274. Since the school year 2006-2007, the "Kallipateira" project has been implemented in primary and secondary education in the framework of the program "Olympic Education". Its thematic units deal with issues of human rights, diversity and multiculturalism, gender equality in education and in society, combating xenophobia and racism, social solidarity, physical education and the Olympic ideals. The aim of the project is to encourage students to actively participate in thematic mini-projects which are run by the everlasting ideals of the Olympic Games. Teachers undergo training before getting involved in the said project.

275. The Pedagogical Institute is currently running a teacher-training program on "Problems Management in the school classroom". The aim of the program is that teachers of both Primary and Secondary Education enrich their knowledge and improve their practices, so that they become more effective in dealing with conflict and problems arising in the school classroom.

276. Special emphasis is placed on experiential learning, on the practical use of the methods to deal with problems, as well as on case studies. The thematic units of the program include, among others, training on how to deal with children who have learning difficulties but also with gifted pupils, and on how to manage cultural diversity by following the latest didactic methods.

277. The consistent stand taken by the Ministry of Education with regard to reactions by some pupils and parents aiming at preventing foreign students from carrying the Greek flag in school events commemorating Greece's National Day is an example of the steps taken to sensitize public opinion and to prevent manifestations of intolerance. On this occasion, the competent authorities recalled their firm opposition to any measure which might provoke to foreign students a feeling of exclusion from the school community. The President of the Republic, as well as prominent political leaders, have issued strong statements to this effect. The Ministry of Education and Religious Affairs sent a circular clarifying that non-Greek pupils enrolled in public schools for at least two years may carry the flag in school parades if they have the highest marks in their class.

278. Following a unanimous decision of the Greek Parliament, Law 3218/2004 established the "Remembrance Day of Greek Jewish Martyrs and Heroes of the Holocaust", on the occasion of which commemorative events are organized. Lessons on the Holocaust, the organization of cultural exhibitions as well as the dissemination of relevant publications strengthen cultural interaction and contribute to the eradication of stereotypes and prejudices.

279. Since Greece became a member of the International Task Force, in November 2005, in Krakow, it has taken measures for the teaching of the Holocaust in Greek schools in order to sensitize the pupils and promote Democracy, Freedom and Respect for diversity. The measures and actions with regard to the teaching of the Holocaust and the life of the Greek Jews include, among others, the following:

- Four new school textbooks contain information about the Holocaust.
- The Pedagogical Institute wrote a special text about the Holocaust, the life of the Greek Jews, the German Occupation and the attempts of the Greeks to save the Jews, which was distributed in schools throughout the country on 27 January 2006, in order to initiate discussion in class.
- The General Secretariat for Youth covered the expenses for the publication of an album and a CD ROM under the title “The Holocaust of the Greek Jewry - Monuments and Memories”, which was published by the Central Board of Jewish Communities in Greece. It contains information on the life of the Greek Jews in 27 cities in Greece, as well as photographic material of the Jewish Monuments in these cities.
- A seminar about “Immigration, Diaspora and Racism”, was organized by the University of Crete, on 31 March 2006. The seminar was the first out of ten seminars, which are to take place in ten prefectures in Greece and to be attended by Greek teachers.
- A Pan-Hellenic essay writing competition for pupils was conducted in November 2005 under the topic: “The Greek Jews and the importance of the Remembrance of the Holocaust”.
- On 27th January 2006 a ceremony was held in the Athens Conference Center “Megaron”, organized by the Prefecture of Athens and the Central Board of Jewish Communities in Greece. The ceremony was attended by the President of the Greek Republic, the Deputy Minister of Education and other public figures. A similar ceremony was organized in Thessalonica by the Prefecture and the Jewish Community of Thessalonica.

280. “Education for Democratic Citizenship” is central to the implementation of the notions of civic freedom, solidarity, intercultural learning and forms of participatory citizenship. Civic Education has always been entrenched within the Greek legislative framework. More than 40 schools are participating in the project Democratic Citizenship of the Council of Europe. The schools participating in the EDC program have already produced material related to human rights, social inclusion and intercultural understanding through simulations and projects.

281. The Greek Ministry of Education, in cooperation with the Council of Europe, has organized a regional debate with the subject “The religious dimension of intercultural education”. The debate took place in Athens, on 8-9 October 2007.

282. Greece has also a network of approximately 100 schools participating in the ASPnet network of UNESCO. In 2007, the Greek Ministry of National Education in cooperation with the Hellenic Commission for UNESCO and the Gestalt Foundation in Greece organized three “Awareness-raising workshops concerning the resolution of conflict in the school environment within the framework of human rights”.

283. Within the framework of cultural activities, the Greek Ministry of Culture participates in activities of the “European Year of Intercultural Dialogue 2008” with the Project “Musical Dialogues”. The aim of the Project is to engage a large number of people in concerts and in

educational seminars that promote and highlight the value of intercultural dialogue. The activities are focused on the concept that through the familiarisation with the diversity of cultural identities the lives of us all are enriched. Apart from the concerts that will be held in various Greek cities, where a large number of immigrants have settled, the main objective of the Project is to create educational material and a website (where all the products of the Project will be posted, freely accessible to every one), so that sustainability of the Project's results and its future dissemination is secured.

Promoting tolerance in the media

284. The most important measures or initiatives to promote tolerance in the field of media are the following:

Radio and television broadcasts

285. Hellenic Radio and Television SA (ERT SA) broadcasts an increasing number of informational programs relating to protection of human rights (protection of minors, refugee issues, abuse of women/children, racism and xenophobia, trafficking etc.), which proves the sensitization not only of the media professionals in Greece, but also the increased interest of the public vis-à-vis these issues.

286. Hereunder is an indicative list of broadcasts that take place within the scope of public Radio and Television's activities promoting tolerance, anti-discrimination and pluralism:

287. Hellenic Radio (ERA) for Eastern Macedonia and Thrace, and, in particular, the district radio station of Komotini, broadcasts on a weekly basis an hourly informational program in the Turkish language, entitled "Helicon", which is prepared and presented by a journalist, member of the Muslim minority in Thrace. It also broadcasts on a daily basis a half-hourly news bulletin in the Turkish language, which is prepared by a Muslim journalist. On a weekly basis, ERA for Eastern Macedonia and Thrace in Komotini broadcasts a musical, cultural and informational program entitled "We, the others", which is prepared by two journalists, one of whom is a member of the aforementioned Muslim minority.

288. Another radio station was added to the ERA network, namely radio "Filia" (Friendship). The station aims at allowing the immigrants residing in Greece to maintain their connection with their country of origin and to be informed on a daily basis in their mother tongue. It also aims at operating as a means for the elimination of prejudices and xenophobic beliefs. "Filia" radio station broadcasts, in 12 different languages, news bulletins concerning migrants' countries of origin and does not limit itself in translating the Greek news bulletins. The station also broadcasts information and reports on current issues with a view to informing all immigrants and facilitating their integration into Greek society. It is stressed that Radio Filia is often the communication sponsor of many cultural events organized by immigrants and NGOs, such as the Anti-Racist Festival and the Festival for Immigrants and Refugees. The station co-operates closely with NGOs, such as "Médecins sans frontières" and "Médecins du monde", as well as with the communities of immigrants.

289. ET-3 (one of the three television channels of the Hellenic Radio and Television SA - ERT SA) took part in two projects in the framework of the Community Initiative EQUAL. These projects, relating to initiatives sensitizing public opinion towards human rights respect, are the following: "Equal Dream" - Network for fighting racism and xenophobia in the Mass Media; "Equal Andromeda" - Actions for fighting job discrimination.

News agencies

290. The Athens News Agency is the national news agency of Greece. In 2005 ANA transmitted 762 news items with regard to the protection of human rights. These items contained international news, UN and other international/regional organizations announcements, as well as politicians and other personalities' statements. Besides, the Athens News Agency website hosts two links relating to refugees rights and equality ("METOIKOS" and the Community Initiative EQUAL respectively).

291. In 2005 the Macedonian Press Agency has actively participated in the community initiative EQUAL-DREAM by promoting the idea of the program, which is the fighting against racism and xenophobia in the media. Moreover, MPE participated in the continuous updating and development of the aforementioned initiative website by providing information from written and electronic local and international press concerning racism, xenophobia and human rights, in general.

292. Finally, it is to be noted that members of the Muslim minority in Thrace, as well as of migrants' communities, can freely express themselves through the print media. A large number of relevant newspapers and magazines are published in Greece, while many publications are imported from the countries of origin of migrants. This contributes to the expression of pluralism characterizing modern democratic societies.
