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Civil and Political Rights**

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**Human Rights Committee**

**Consideration of reports submitted by States  
parties under article 40 of the Covenant**

**Second periodic reports of States parties due in 2009**

**Greece\***

[23 January 2014]


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1. The present periodic report focuses on the concluding observations of the Human Rights Committee adopted on 31 March 2005 and published on 25 April 2005 (CCPR/CO/83/GRC) while also covering additional developments in the field of civil and political rights during the last years. We would like to recall that, in May 2007, Greece submitted, as requested by the Committee, detailed information on the follow-up given to the Committee's recommendations contained in paragraphs 9, 10 (b) and 11 of the Committee's concluding observations (see document on information received from Greece on follow-up to the concluding observations of the Human Rights Committee on its initial report (31.3.2005)).
2. The drafting of the report was coordinated by the Ministry of Foreign Affairs, in close cooperation with all Ministries involved in the promotion and protection of civil and political rights. The draft report was submitted to the National Commission for Human Rights (NCHR), in which six major NGOs participate; the views of the NCHR have been taken into consideration in view of the finalization of the report.
3. At the outset, we would like to inform the Human Rights Committee that Greece's first National Action Plan on Human Rights, covering the period 2014–2016, has been prepared, under the coordination of the Ministry of Justice, Transparency and Human Rights, with the cooperation of all competent Ministries and stakeholders. The National Action Plan has been drafted in accordance with relevant United Nations guidelines and the requirements of the Vienna Declaration and Programme of Action. The draft has been submitted to an open and public consultation. The Action Plan aims to form the basis of a coherent human rights policy at the national level and focuses mainly on the recommendations of international monitoring bodies (both at the universal and the regional level) in the field of human rights. The concluding observations, the case-law and the general comments of the Human Rights Committee have been given a prominent role in the above process. At the same time, the drafting of the present report has greatly benefited from the exchange of views and information in the framework of the preparation of the Action Plan.
4. The economic crisis which has affected Greece has had a profound adverse impact on the situation, in particular, of persons belonging to vulnerable groups. Greece remains, however, committed to the full implementation of all applicable international treaties in the field of human rights, including the International Covenant on Civil and Political Rights (ICCPR). Steps are taken to distribute fairly the burden of the unavoidable austerity measures and to establish an adequate safety net against social exclusion. The aim and the top priority of the Greek authorities is to achieve economic recovery through growth, which is the only way to preserve social cohesion and to promote respect for and enjoyment of all human rights.

## **Articles 2 and 26**

### **Protection of the rights of Roma (para. 18 of the Committee's concluding observations)**

5. Greek Roma constitute an integral part of the Greek population; they are Greek citizens and enjoy full citizenship rights, as well as all civil and political, economic, social and cultural rights. Through their most representative organizations, they have unequivocally expressed the wish to be treated as Greek citizens, and not only as persons of Roma origin. Taking into account their special way of life, living conditions and needs, Greek authorities consider Greek Roma as a vulnerable social group, to the benefit of which special (positive) measures and actions aiming at their social integration have been adopted in all spheres of social life such as health, housing, employment, education, culture and sports.

6. The challenges that the situation of Roma poses to the authorities have been highlighted by national human rights institutions, judicial and quasi-judicial bodies and other international monitoring bodies. The NCHR, in its Observations on the present report, focuses, inter alia, on prejudice against Roma, pending issues faced by some Roma with regard to their registration in municipal rolls, the situation of Roma women and children, as well as on allegations of police violence.

7. The authorities are fully aware of the challenges that remain to be addressed and strive to implement concrete measures to promote the social inclusion of Greek Roma. An Integrated Action Plan (IAP) for the social integration of Greek Roma was adopted in 2002, aiming at combating social exclusion and discrimination and incorporating the conclusions of the social dialogue held in the '90s on the problems faced by Roma. The programming period of the IAP covered a seven-year time frame (2002–2008), during which basic infrastructure projects (e.g. road construction, electricity and lighting, sewerage, water supply, improvement of settlements, infrastructure works for prefabricated houses, relocation of settlements and purchase of tracts of land) were planned, upon proposal of the Local Authorities, for 96 municipalities with Greek Roma living in substandard conditions. Since 2002, 94.9 million euros have been allocated from the state budget for basic infrastructures in several Roma settlements. Payments for infrastructure works amounted to 61.505 million euros by the end of 2012. Additionally, the improvement of Roma living conditions has been supported by the IAP axis on the provision of services in the fields of education, employment, health and culture through, in particular, the establishment of 33 socio-medical centers, providing Roma with a number of services in the field of counseling and family planning, primary health care with special care for women and children, mediation while addressing public administration to settle all kinds of possible issues (including civil and municipal issues) and vocational guidance.

8. In parallel, a mortgage program for Greek Roma was adopted in 2002, which provided for favorable mortgage terms, guaranteed by the state budget. Due to the present financial situation, the beneficiaries of the program have been limited by a 2012 Law to 6,670, out of whom a total of 6,580 beneficiary families have entered the construction phase of the houses. Important though to notice is the major legislative reform of the program in 2006, for the allocation of housing loans on the grounds of social assessment criteria taking into consideration Roma families' particular living conditions. The new procedure provided for the application of social assessment criteria giving priority to the number of dependents in candidate families (minor children, adult students, dependents-ascending first degree relatives), possible existence of disabilities, single-parent or widowed families and low income families. At the same time, taking into account the practical difficulties for the effective access of Roma to some services provided by public authorities, the institutional framework in force eliminated the requirements on candidates' permanent residence and set the conditions for participatory procedures during the assessment procedure (assessment committees at the local level with the participation of Roma representatives). The program was further amended in 2011 in order to better adjust to the current socio-economic conditions by providing Roma beneficiaries, inter alia, with financial incentives in relation to the repayment of the loan and the state grants, as well as with a more flexible timeframe in relation to the construction of the houses and the disbursal of the loan. Additional amendments introduced envisage, overall, the safeguard of the program's social character and scope, as well as the facilitation of beneficiaries' ability to respond to the obligations undertaken through or during the mortgage, in line with recommendations made by the Ombudsman and inquiries placed by the Roma. Finally, following the Kallikratis institutional reform of Self-Government and Decentralized Administration in Greece (Law 3852/2010), a Department for Social Affairs has been established at the regional level, charged inter alia with the rehabilitation of traveller

communities at the local level (provision of suitable places for settlement/stopping facilities).

9. Taking into consideration the need to promote gender equality, mainly to strengthen Roma women's participation in public-social life (particularly through housing priority applying to single-parent families), after the completion of the first implementation phase of the program (2002–2005), it has been observed that 39% of applicants were women, as well as 37% out of 5,745 successful beneficiaries. In the period 2006-2009, the percentage of Roma women beneficiaries has increased to 59.4%.

10. Furthermore, from the point of view of the protection of the rights of the child, and on the basis of the social assessment criteria adopted in the context of the revised application procedure, it is to be noted that out of a total of 2,109 beneficiary families during the period 2006–2009 (2nd implementation phase), 75.4% responded to the criterion “family with children”, comprising in total 6,726 children. The above figures during the revised procedure confirm the priority given to family and childhood protection.

11. In the same vein, in the period 2006–2009, 59.3% of the beneficiaries (2,105) were families headed by a woman (compared with 37% in 2002–2005) and 40.7% families headed by a man (compared with 63% in 2002–2005). Further analysis of the beneficiary families indicates that 47.5% of the beneficiary families were single-parent families, with a total of 42% of the children of the beneficiaries, the great majority of whom (87.9%) were families headed by a woman.

12. Pending review of the overall quantitative data upon conclusion of the program, the figures presented above lead already to the conclusion that, in an effort to adjust the program to the particular needs of the target-group, the eventual implementation of social assessment criteria strengthened significantly the standing of particular sub-groups within the wider target-group of the Roma community, facing multiple forms of exclusion, in particular women and children.

13. Furthermore, the evaluation of the supporting documents submitted during the revised application procedure indicates that the requirement to file an application (in order to participate in the program) offered Roma the incentive to register with the municipal rolls, as well as to request the issuing of any other necessary certificate such as identity card (including birth certificates), copies of tax income invoices, etc. In that sense, the project contributed, although indirectly, to the mobilization of the population group in focus, in order to arrange civil and municipal issues as well as — in the long-run — to the establishment of informed “individual awareness”, regarding access to existing, necessary services. Additionally, their “need” of being informed on the progress of their application and more specifically to comply with the requirements on housing incited them to access directly the competent public authorities, both at local and central level.

14. The documentation produced includes school attendance certificates, health care disability allowance of the applicant or its family members, fiscal allowances (i.e. due to disability, large families) etc. For those not registered with the municipal registries (a precondition for the registration on the electoral rolls), due to lack of certain documents, particular circulars were issued by the Ministry of Interior. Under the current strategic reform, remaining issues on civic status are further elaborated taking into consideration recommendations made by independent authorities in Greece, in particular the Ombudsman and the National Commission for Human Rights.

15. Supplementary measures adopted in favor of persons of Roma origin include access to the labor market and promotion of Roma entrepreneurship, medical visits to Roma camps by Mobile Medical Units, the establishment of alternative administrative procedures, etc. In 2012, the Ministry of Labour mandated the National Center of Social Research to submit and carry out a proposal titled “Combating Discrimination in the Field with

Entrepreneurship: Women and young Roma and Muslim immigrants”. This action aims at exploring the phenomenon of multiple discrimination faced by young Roma and migrants, integrating gender mainstreaming. The Ministry also mandated the Byzantine and Christian Museum to submit and carry out a proposal titled “With Roma at the Museum”, focusing on the promotion of equality and the elimination of stereotypes against the Roma population, through the intercultural dialogue between Roma and non-Roma populations. Also worth mentioning is the establishment (upon national and European structural funds) of Socio-medical Centers in 33 municipalities all over Greece. Their specialized staff provides a number of services, such as primary health care services with special care for women and children, counseling and family planning, vocational guidance and mediation in crucial sectors of civil and administrative life. The measure has been further reviewed for the period 2007–2013.

16. Following the completion of the institutional reform of the Self-Government and Decentralized Administration in Greece (Law 3852/2010), the need for a coordinated administrative intervention and synergy of actions at the local and central level has led to a new strategic framework for Roma, in order to address effectively long-lasting issues Roma are faced with in the field of housing, education, employment, and health care with a view to promoting their integration into the society. Within this framework, the National Roma Integration Strategy is oriented to a holistic approach of the issue of Roma integration. The strategy submitted to the European Commission in December 2011 constitutes a long-term and comprehensive national framework of action at the local level for the social integration of Roma, within the general framework of combating poverty and social exclusion; draws upon the relevant international human rights treaties and European Union (EU) documents and policies; focuses on fundamental priority areas (education, employment, health and housing) with long-term planning at the local level (holistic, local interventions), a combination of sectoral and territorial-regional programmes and horizontal interventions (civic status, culture, awareness raising); and assumes a synergy on behalf of the bodies concerning the coherent planning of actions at local, national, European and international level including the parallel participation of Roma people as a target group. The national strategy for Roma integration in Greece, which is expected to be further defined through sectoral and regional programmes, aims at establishing a horizontal integration of the Roma dimension in various policies (mainstreaming); sets national goals and implementation of actions of national range at local level; assumes the establishment of monitoring mechanisms, indicators and time-frame as well as the effective use of EU funding. In a nutshell, the ultimate goal of the strategy is equal and effective access to all civil, economic, political and social rights through the prevention and the combating of discrimination and social exclusion, the safeguarding and respect of Roma rights and their equal treatment, raising, in parallel, awareness in local societies as far as Roma traditions are concerned. In a few words, the strategy aims at eliminating discrimination and exclusion faced by Roma on the basis of all possible dimensions of social exclusion rather than on diverse identification on grounds such as ethnicity or racial origin, and at creating the appropriate conditions for the Roma’s social integration.

17. The “Dosta!” campaign of the Council of Europe launched in Greece in 2011 is considered to have contributed to awareness-raising purposes of the larger population as well as to the fight against discrimination and existing prejudices against Roma.

18. Finally, with regard to Roma participation in political structures, Greek Roma fully enjoy, by virtue of the Greek Constitution, all civil and political rights, including the right to vote and to stand for election, on an equal footing with other Greek citizens. Greek Roma have stood as candidates with mainstream political parties but also form Roma political parties too. A number of them have been indeed elected in local government structures. Likewise, they participate in civil life through the establishment of Roma representative bodies (grassroots Roma NGOs) for the promotion and safeguard of their rights either at the

local level or through their cooperation with the central administration. Roma representatives participate in central and local government's structures responsible for the implementation of Roma programs. Further to that, it should be recalled that cooperation with central administration on Roma issues is also pursued through the Pan-Hellenic network of municipalities having Roma population (ROM Net). The network has been established upon local authorities' initiative and encompasses Roma participation too in its administrative structures.

19. The improvement of the education of Roma children constitutes a central objective of the Greek educational policy. Roma children are entitled by law to the same schooling as all other Greek citizens. Furthermore, the Ministry of Education and Religious Affairs has been applying additional proactive measures and special programs based on the key concepts of intercultural and inclusive education. In this regard, the main priorities are schooling from an early age, timely enrollment in the 1st grade of primary school and extra tutorial support.

20. Enrolment is obligatory for all students. A number of circulars have been issued providing instructions and information as to how enrolment problems related to the lack of required vaccination and permanent residence certificates may be resolved.

21. The Ministry of Education, in cooperation with the local authorities, working within a general policy framework which favors diversity in education, enforces a policy of enrolment of Roma children in all primary schools. The integration of Roma children in mainstream classes continues to be a firm intention and goal of the Ministry of Education. The Ministry of Education supervises a project funded by the EU concerning the education of Roma children implemented by the University of Thessaloniki, the University of Patras and the University of Athens, focusing on local areas with a strong presence of Roma children. The relevant interventions include, in particular, (a) mediators fluent in Romani who assist Roma families in the education of their children, (b) curricular and extracurricular activities that meet Roma children's specific educational needs, (c) summer school activities, (d) additional actions necessary to overcome any barriers for Roma to compulsory education (organizing vaccinations, transportation, etc.).

22. A school attendance card for moving Roma students has been introduced by Ministerial Decision, which facilitates their enrollment and monitors their regular attendance at each school, bypassing the time-consuming bureaucratic procedures of formal registration. In addition, Roma families with low income can benefit from an annual allowance for every child enrolled in public school of compulsory education which can be granted to them only at the end of each school year, upon submission of a certificate of regular school attendance.

23. With regard to the attitude of law enforcement personnel towards persons of Roma origin, the Hellenic Police Headquarters have issued a number of Circular Orders on the need for good and fair conduct of the police personnel towards all citizens, without exceptions, with full respect for the person and the individual rights of everyone, with no discrimination based on race, ethnic origin or any other grounds. Within this framework, instructions and guidelines have been sent to all police services, stressing the need for a socially sensitive and tactful handling of issues affecting Roma citizens.

**Discrimination on the ground of sexual orientation (para. 19 of the Committee's concluding observations)**

24. Greek legislation has explicitly included sexual orientation among the prohibited grounds of discrimination. The anti-discrimination Law 3304/2005 provides for the implementation of the principle of equal treatment regardless, inter alia, of sexual orientation in the fields of employment and occupation (see *infra*, paras. 30 et seq.).

Furthermore, article 3 of Law 3896/2010, “Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation – Harmonization of the legislation in force with Directive 2006/54/EC” provides that any less favorable treatment of a person related to gender reassignment constitutes discrimination on grounds of gender.

25. It goes without saying that there are no restrictions on the ground of sexual orientation with regard to the enjoyment of all human rights, including freedom of expression and freedom of assembly. We could mention such recent developments as the annual gathering-manifestation of LGBT persons (gay parade) in Athens which was supported and organized under the auspices of the Mayor of Athens, the recognition by the competent court and creation of an Association for the protection of transgender persons, the existence of many relevant web blogs as well the action of LGBT NGOs for the support and the promotion of sexual diversity in Greece.

26. Legislation on radio and television, as well as on new media services, contains provisions against discrimination and incitement to hatred on the grounds, inter alia, of sexual orientation. More precisely, Presidential Decree 109/2010, which has incorporated EU Council Directive 2010/13/EU, contains provisions related to the prohibition of hate speech (for instance Articles 4 (2), 7 (1) and 10 (1)) and the same provisions apply to radio stations (article 8, para. 4 of Law 2328/1995), as well as subscriber radio and television stations (article 10, para. 1 of Law 2644/1998).

27. Incitement to acts or activities which may result in discrimination, hatred or violence against individuals or groups of individuals on the ground of sexual orientation is not specifically criminalized under the legislation in force. However, article 79 (3) of the Penal Code (as amended by article 66 of Law 4139/2013) provides that the commission of an offense motivated, inter alia, by the sexual orientation or gender identity of the victim constitutes an aggravating circumstance and that the relevant sentence cannot be suspended.

28. Same-sex partnerships are not recognized under the legislation in force, while same-sex marriages have been considered as null and void by the Greek case-law. It is to be noted that, on January 16, 2013, the Grand Chamber of the European Court of Human Rights held a hearing in a case against Greece concerning the legislation on “cohabitation pacts” that entered into force in Greece in November 2008. The applicants alleged that the above pacts, comprising a “contract between two individuals of full age and of different sexes”, were discriminatory against same-sex couples. The Grand Chamber of the Court delivered its judgment on 7 November 2013 and found a violation of Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (prohibition of discrimination) taken in conjunction with Article 8 of ECHR (right to private and family life).

29. At the regional level, in the context, in particular, of the Council of Europe, there are a number of instruments related to sexual orientation and LGBT issues. The Greek authorities follow closely developments at the international and regional level, taking into account the degree of evolution that the Greek society progressively reaches in this respect.

#### **Equality – Anti-discrimination legislation**

30. 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. The objective of the Law is (a) to establish a general regulatory framework for combating discrimination in a wide variety of fields and (b) to designate or establish bodies for protecting, promoting and monitoring compliance with the principle of non-discrimination.

31. The Law prohibits both direct and indirect discrimination, as well as “harassment” and confirms that “special measures” and “positive action” are in conformity with the principle of equal treatment. Other provisions are devoted to the protection of victims of discrimination and foresee, inter alia, the shift of the burden of proof (with the exception of criminal procedures) and the protection of the complainant against victimization.

32. Law 3304/2005 also establishes or designates three different bodies for the promotion of equal treatment: (a) the Greek Ombudsman, which examines complaints for alleged violations of the principle of equal treatment by public agencies, (b) the Labor Inspectorate (SEPE), which takes up cases of alleged discrimination in the fields of occupation and employment, other than those falling within the competence of the Greek Ombudsman and (c) the Committee for Equal Treatment (CET), a body established within the Ministry of Justice, Transparency and Human Rights, subject directly to the Minister, which 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.

33. Both the Greek Ombudsman and the NCHR have pointed out deficiencies in the relevant legislative framework. It is true that Law 3304/2005 has not developed its full potential yet, with regard to the monitoring of its implementation. The number of complaints submitted is small and confined mainly to the public sector, falling under the competence of the Office of the Ombudsman. It is, however, to be stressed that both the Greek Ombudsman, as an independent authority, and the Labor Inspectorate handle in an effective manner an important number of cases, under their respective general mandate, which are closely linked to the fight against all forms of discrimination. Clearly, there is a need to further familiarize victims, potential victims and civil society actors with the enhanced means of action introduced by the said Law. Up to now, a number of initiatives have been taken, such as the drafting of an information leaflet on the legal framework against discrimination, information campaigns all over the country, the creation of an “Observatory on combating discrimination” (with the task, inter alia, to assess the clarity and effectiveness of the legislation in force, the level of protection afforded to victims of discrimination, acceptance of and compliance with the relevant legislation, the effectiveness of the work of equality bodies, the adoption of special positive measures, etc.), the preparation of a code of ethics on combating discrimination in the workplace. However, a further concerted effort is required.

#### **Education and non-discrimination**

34. Education is critical to the fight against discrimination and the promotion of social inclusion. To this effect, the programme “Education of Immigrant and Repatriated Students” has been implemented in primary and secondary education by the Aristotle University of Thessalonica under the supervision of the Ministry of Education targeting a population of immigrant and repatriated students exceeding 10%. The main aim of the programme is to combat school dropouts so that equal access to education and social inclusion are ensured for the said students to the greatest possible extent, with interventions starting from preschool education.

35. Another measure that has been taken by the Ministry of Education, and is expected to contribute positively to combating segregation and its consequent effects in certain schools, is that of the Educational Priority Zones (ZEP). The general aim for the implementation of ZEP is to shape and test under real classroom conditions innovative and flexible educational approaches of differentiated teaching so as to ensure the equitable integration into the system of students from areas with low education and socioeconomic indicators.



### Foreign citizens

36. During the last years, substantial progress has been made in the field of social integration of foreign citizens living legally in Greece. It is to be recalled that all persons legally residing in Greece enjoy the same social security rights as Greek nationals, the right to social protection, equal access to services provided by public agencies or entities, local government organizations and public utilities and the right to be admitted in public hospitals and clinics. Furthermore, Greek legislation sets out the conditions for obtaining the long-term resident status, which further extends equal treatment with nationals. At the same time, access to emergency care in hospitals is available to third-country nationals regardless of their residence status. Minor foreign children have access to health care institutions, regardless of their residence status or that of their parent. Enrolment to public schools of children of refugees, asylum seekers and foreign citizens whose legal residence status is still pending is possible even in the absence of complete documentation.

37. In the framework of the administrative reform introduced with the “New Architecture of Government Administration and Decentralization –Kallikratis Programme” (Law 3852/2010), the establishment of a Migrant Integration Council (MIC) in each municipality has been foreseen. The role of the Councils consists in identifying integration problems encountered by third country nationals legally residing in the Municipalities concerned and submitting proposals to the municipal councils on developing local actions concerning the smooth integration of third country nationals into local societies and sensitizing local populations about issues related to immigrants. MICs are composed of municipal counselors, representatives from local immigrant communities and members of other social entities. The establishment and everyday running of the MICs has been supported by actions undertaken in the context of the European Fund for the Integration of third country nationals.

38. The promotion of legal employment and of third-country nationals’ labor and social security rights is an important priority. An August 2011 Joint Ministerial Decision established more favorable regulations concerning the fulfillment of insurance obligations of third-country nationals as a precondition for the renewal of their stay permit in Greece, facilitating thus integration in the labor market. Furthermore, Law 4052/2012 sets minimum standards regarding the procedure for imposing sanctions against employers of third country nationals illegally residing in Greece. Another relevant development is the transposition in national law of the Directive 2009/50/EU on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, by law 4071/2012.

39. Moreover, a series of legislative regulations has been adopted in order to further motivate and direct third country nationals towards the acquisition of a longer term residence status, since such a status effectively promotes the integration of immigrants in the host society. In this framework, the amount of the deposit fee paid by third country nationals wishing to obtain the long-term resident status has been reduced from nine hundred (900) euros to six hundred (600) euros. In addition, the procedure for obtaining the Greek language certification — a basic precondition for obtaining the status of long-term resident — has been simplified.

40. Furthermore, following a 2010 amendment of Law 3386/2005, the criteria for granting residence permits to third country nationals for humanitarian and special reasons were clarified.

41. Law 4018/2011 contains provisions for the re-organization of the system of issuance of residence permits under terms of high security in order to implement on the one hand the obligations stemming from EU Regulation 380/2008 and on the other hand the gradual

transformation of the migration authorities to “one stop shops” (this is related to the implementation of the residence permit, as an electronic card).

42. Also, in the framework of the above mentioned Law, the Greek Parliament adopted provisions on the simplification of the procedure for entry and temporary residence of third country nationals, as seasonal workers and temporary workers in fishery.

43. A 2011 Ministerial Decision provides for the issue of residence permits to third country nationals, who are partners of EU-citizens or Greek citizens and have a proven stable relationship with them.

44. Finally, Greek authorities have been very active in the implementation of programmes for the integration of third country nationals, mainly through the European Integration Fund and the European Social Fund as well as initiatives undertaken by municipalities and civil society actors.

45. The Ministry of Interior has drafted a Code of Immigration and Social Integration which codifies the relevant legislative provisions, simplifies administrative procedures, introduces amendments on issues such as the renewal of residence permits and family reunification, facilitates the acquisition of residence permits by second-generation migrants and promotes the long-term resident status under the relevant EU Directives. The public consultation of the draft Code was completed on 30 October 2013.

#### **National human rights institutions**

46. The Office of the Ombudsman currently comprises the following Departments: human rights (a large part of the relevant activities concern migrants, refugees and vulnerable social groups, such as the Roma); health and social welfare; quality of life; State-Citizen relations; children’s rights; gender equality.

47. Over the years, the Greek Ombudsman has assumed new responsibilities. Since 2005, the Ombudsman operates as one of the equal treatment bodies responsible for the implementation of the legislation on the application of the principle of equal treatment regardless of ethnic origin, religious or other convictions, disability, age or sexual orientation by public administration services. Moreover, the Greek Ombudsman has been operating, since 2006, with enhanced powers, as the competent body for monitoring the implementation of the principle for equal treatment between men and women in employment and occupation, including (since 2012) with regard to self-employed women and men. In 2013, the Office of the Ombudsman was designated by the law ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as the relevant “national prevention mechanism”.

48. While the Greek Ombudsman is competent for complaints involving public bodies, he/she may also examine acts of private citizens in cases of allegations of violation of children’s rights or unequal treatment of men and women in the field of employment. Furthermore, the anti-discrimination legislation recognizes the competence of the Ombudsman to examine complaints of discrimination on the grounds, inter alia, of racial or ethnic origin, religious or other beliefs related to the service status of civil servants (a field otherwise excluded from the remit of the Ombudsman).

49. In 2012, the Ombudsman received 11,702 new complaints. Although not binding, the Ombudsman’s recommendations are thoroughly examined and taken into consideration; there are many examples of recommendations and suggestions which have eventually been accepted by the Administration. Thus, the Greek Ombudsman enjoys wide trust and confidence on the part both of the public, as evidenced by the constant flow of complaints and the public authorities which respond constructively to the Ombudsman’s recommendations.

50. The NCHR, created in 1998 as an advisory body directly subject to the Prime Minister, operating in accordance with the “Paris Principles” and with “status A” accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, has been very active, during the reporting period, in discharging its tasks (mainly the submission of reports, recommendations and proposals on human rights issues, the elaboration of related studies, awareness-raising and human rights education). The NCHR has paid particular attention to the fight against racism and adopted a number of in-depth reports (see below para. 151). In this context, the National Commission, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) in Greece, NGOs and other bodies created, in 2011, the “Racist Violence Recording Network” (see below, para. 152) for the documentation of racist incidents. Furthermore, the NCHR has adopted recommendations on the impact of the economic crisis on the enjoyment of all human rights, focusing both on the national and the European dimensions of the crisis. The National Commission has also considered issues such as the situation of the Roma, gender equality, domestic violence and violence against women, accountability of the police personnel, the fight against trafficking, conditions of detention of irregular migrants, the rights of refugees and asylum seekers, the rights of the child, freedom of religion, human rights education, etc. In addition, the NCHR contributes in the operation of bodies with important functions in the field of human rights, such as the Asylum Service and Appeals Boards, Immigration Committees and Naturalization Committees. Furthermore, the NCHR closely cooperates with United Nations special procedures, in particular in the context of visits to Greece by special procedures mandate holders, as well as with regional human rights bodies. Finally, the work and the recommendations of the NCHR are very often referred to in the reports of universal and regional human rights mechanisms and the decisions and judgments of quasi-judicial and judicial bodies.

### **Human rights education**

51. In the framework of Greek education, a number of measures and actions have been implemented with the aim of promoting human rights education. Issues of human rights and intercultural education are diffused in several subjects of the curricula of both compulsory (lower secondary) and non-compulsory (higher secondary) education. Schoolbooks have been and continue to be revised to reinforce understanding and respect, to enhance interest in other people’s beliefs, religion and culture. Basic principles underlying the national education policy include (a) ensuring equality for all students, (b) reinforcing cultural and linguistic diversity, (c) sensitizing students on issues of human rights, world peace, and respect for diversity as well as on issues of democracy and global citizenship. Civil and social rights education is taught at national level from 5th grade (elementary school).

### **Articles 3 and 23**

#### **Violence against women (para. 7 of the Committee’s concluding observations)**

52. Violence against women is a social phenomenon which has acquired rather disquieting dimensions. It is considered not only as a criminal offence but also as one of the gravest forms of gender-based discrimination. Within the family context, the economic crisis and the ensuing social pressure may be partly responsible for the psychological or physical abuse of women who feel unable to escape from the abusive relationship mainly because of the weakness of economic independence. A law to fight domestic violence was adopted in 2006, which, inter alia, provides for more severe penalties for offences related to domestic violence; establishes a criminal mediation procedure for domestic violence crimes; punishes as a criminal offence marital rape; explicitly prohibits physical violence against minors; ensures protection to victims both by enabling their access to justice and by

guaranteeing their safety inside and outside home. The scope of Law 3500/2006 also covers stable partnership relations between a man and a woman who are not married. The adoption of the above law was a decisive step forward; however, the number of women victims of domestic violence has not significantly decreased.

53. The National Action Plan on Preventing and Combating Violence against Women refers to all forms of gender-based violence (e.g. domestic violence, rape, sexual harassment, trafficking in women). It comprises preventive actions and support of the victims on one hand and legislative interventions that reinforce the institutional framework on the other hand. In particular, the General Secretariat for Gender Equality of the Ministry of Interior (GSGE) has established an “Integrated Action Plan in favor of women and on combating violence at national and local level” comprising horizontal and vertical actions. Funded by the National Strategic Reference Framework, the total project budget will reach 30,000,000 Euros.

54. The horizontal actions include the following:

- Establishment and operation of the bilingual SOS telephone helpline 15900 and the e-mail address [sos15900@isotita.gr](mailto:sos15900@isotita.gr), which has operated since 11/3/2011, 24 hours / 365 days a year, offering advice, support and counseling to women victims of violence. The SOS Helpline is nationwide, charged as local call, confidential and staffed by counselors trained in counseling with a gender perspective. Counseling is offered in both Greek and English. There is also direct referral of victims of violence to other specialized structures. Between 11/3/2011 and 11/3/2013, the Helpline received 10,176 calls, 8,040 of which, that is 79%, regarded incidents of gender-based violence;
- Establishment and operation of a Scientific Committee to supervise the action plan;
- Elaboration of training material as well as protocols of operation and counseling of the Counseling Centers. The counseling methodology consists of two manuals, a Guide for the provision of counseling services and support structure operations and a Handbook of counseling specifically on sexual harassment in the workplace;
- Training of counselors who will staff the Counseling Centers and the SOS telephone line, lawyers who will participate in the legal aid programs of women-victims of violence as well as professionals who handle related cases (i.e. policemen, judges, professionals of health etc.);
- An awareness-raising campaign, including seminars, a special conference, informational material, TV and radio spots, webpage and banner in web pages, to promote, in particular, the specialized structures developed (SOS Helpline, Counseling Centers and Shelters).

55. The vertical actions include the following:

- The National Centre of Social Solidarity has been running an SOS Helpline “197” since 2002, 24 hours/7 days a week, offering information, counseling and referral to any citizen facing an emergency, including women victims of domestic violence or trafficking or any other kind of violence. The Organization also runs 3 shelters – 2 in Attiki and 1 in Thessaloniki – for women victims of domestic violence or trafficking – with or without children. Finally, there is a criminal mediation program in accordance with Law 3500/2006;
- Operation of 13 new Counseling Centers of the General Secretariat for Gender Equality at the corresponding Regions of the country. The first 11 of the planned Counseling Centers have already begun operations. For the remaining Regions the roll-out will follow in the next few months. Further to this, the General Secretariat

for Gender Equality has launched a public call to 27 large Municipalities to submit proposals for their own Counseling Centers with a three-year operation plan and a budget of 300,000 Euros for each centre. 25 of these Municipalities have already signed a Protocol of Cooperation with the General Secretariat for Gender Equality and are in the process of developing the Counseling Centers;

- Upgrading of the existing Counseling Center of the General Secretariat for Gender Equality in Athens;
- The fourteen (14) Municipalities that will host the Regional Counseling Centers mentioned above have positively responded to the call to operate a Shelter for Abused Women each, making a total of fourteen (14) Shelters nationwide. Additionally, a public call was announced on 25 January 2012, inviting 5 more large Municipalities to submit proposals for municipal Shelters with a three-year operation plan and the capacity to house 20 women and their children. Two more Shelters are planned to be operated, within the same project, by the National Centre for Social Solidarity. The budget of each shelter is estimated at 700,000 euros.

56. The services provided by the above-mentioned structures will be free of charge and include psychosocial support, legal counseling, emergency shelter and, where necessary, legal aid in cooperation with local Bar Associations. In designing and delivering these services, due consideration is given to the need to respond to different social, ethnic, religious and cultural backgrounds, states of health, etc. Our goal is to empower women victims of violence and help them to regain self-esteem, thus enabling them to make sound decisions for their future, and ultimately gain independence in their jobs and in their personal and family lives. The tasks of the structures also include networking with local agencies and relevant associations for joint communication and public awareness programs.

57. Victims of crimes against sexual freedom and economic abuse of sexual life as well as crimes of domestic violence have been exempted from the requirement to pay a fee in order to file a criminal complaint in cases which are not prosecuted *ex officio*. The same exemption applies to beneficiaries of legal aid.

58. It is also to be noted that the Hellenic Police has issued a manual on the handling by the Police of domestic violence cases, providing guidance to police officers, as well as to all citizens, and in particular women victims of domestic violence. Regarding the training of judges and prosecutors to enforce domestic violence law, specialized training and study is already provided at the National School for Magistrates.

**Application of the Sharia law in family and inheritance law matters of members of the Muslim minority in Thrace (para. 8 of the Committee's concluding observations)**

59. The law provides for the potential application of the Sharia law in family and inheritance law matters of members of the Muslim minority in Thrace. 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 themselves. As shown, over the last years, by cases involving women from the minority, this option is a fact of life in Thrace.

60. Members of the Muslim minority in Thrace are absolutely free to address themselves either to the civil courts or the local Muftis. In case they choose the former, the general legislation is applied. In case they choose the latter, the Sharia law 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. The law 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, etc. are not allowed, on the basis of the aforementioned principle.

61. Greece is firmly committed to strengthening the substantive review and control, by domestic Courts, of Muftis' decisions on these matters, thus ensuring that their legal effect and/or implementation do not contravene the Constitution and the relevant universal and regional human rights treaties, particularly as regards the rights of women and children.

62. Bearing in mind the expressed preferences and visible trends within the majority of the Muslim minority on religious, social and legal matters, Greece will also consider and study possible re-adjustments with regard to the application of the Sharia Law in Thrace, taking hereby into account its legal obligations and the potential changes of the wishes of the Muslim minority itself.

63. Finally, it is 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.

#### **Gender equality in general**

64. Since 2009, legislation has been adopted to transpose into the national legal order EU Directives promoting gender equality. More specifically, Law 4097/2012 aims at implementing the principle of equal treatment between men and women engaged in an activity in a self-employed capacity. Law 4075/2012 (art. 49-55) transposes the Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC. The agreement lays down minimum requirements designed to facilitate the reconciliation of parental and professional responsibilities for working parents. It applies to all workers, men and women, who have an employment contract or employment relationship as defined by the law, collective agreements and/or practice in force in each Member State. Law 3896/2010 on "Application of the principle of equal opportunities and equal treatment between men and women in matters of labour and employment" qualifies sexual harassment as discrimination on the ground of gender in the workplace and forbids every form of direct or indirect gender discrimination. Particularly, it forbids any discrimination due to gender or marital status concerning access and employment conditions, professional orientation and training, professional advancement and participation in associations and unions, while it specifies explicitly that men and women are entitled to equal payment for equal work. In addition, any discrimination between men and women, either in the private or in public sector, referring to access to employment, to establishment, to promotion and to dissolution of employment relationship is abolished. The law also prohibits less favorable treatment of women on the grounds of pregnancy or maternity. It also specifies the civil, administrative and penal sanctions incurred by its violation, while the offender has the burden of proof (with the exception of the penal procedure). Furthermore, relevant provisions are also contained in Law 3769/2009, which has a wider scope, as it covers more generally access to and supply of goods and services in the public and private sectors and public bodies.

65. The above-mentioned legislation has given to the Greek Ombudsman enhanced responsibilities and means of action. Established in 2008, the Gender Equality Department of the Greek Ombudsman monitors the application of the principle of equal treatment for men and women in employment and occupation. The independent authority may also investigate cases of gender discrimination in the field of the conditions of service of public sector employees, as well as in the private sector, also covering self-employed men and women. Furthermore, by virtue of article 13 (8) of Law 3488/2006, an institutional cooperation scheme has been established between the Greek Ombudsman and the Labour

Inspectorate (SEPE) on the handling of complaints alleging discrimination at work in the private sector on the grounds of gender. SEPE remains competent to impose the administrative sanctions that are provided for by law or to take recourse to the competent judicial authorities for the imposition of penal sanctions. Furthermore, within the Ministry of Labour, Social Security and Welfare, the Department of Gender Equality operates since 1984. At the same time, in the Labour Inspectorate Departments, Gender Equality Offices have been established under the same provisions, and a Gender Equality Department operates within the framework of the Supreme Labour Council.

66. Legislative provisions have been enacted to increase the level of representation of women at all decision-making levels, such as the establishment of a 1/3 minimum quota for either gender on the electoral lists for local and parliamentary elections, in collective bodies and service councils of the public administration, public legal entities and local authorities, as well as in the composition of national organs and committees of research and technology. At the same time, quotas unfavorable to women regarding their admission in the Police and Fire Brigade Academies have been abolished.

67. Despite the steps that have been taken to increase women's participation in decision-making centers, women continue to be under-represented in political life. In the Hellenic Parliament, for instance, following the 2012 national elections, although the number of women has increased, the percentage of women is 21%, which is the highest rate of women's participation in the last 16 years (though it remains lower than the EU average). The percentage of women members of government is also low. At the local level, following the establishment of a minimum quota, all parties have a large number of women candidates, but few of them are elected. However, at the level of the public administration, the participation of women in posts of responsibility (General Directorates, Divisions and Departments) has significantly increased and reached between 46% and 55%. In tertiary education, the percentage of women is higher than that of men and has been rising in recent years.

68. The NCHR, in its Observations on the present report, expresses its concern about the negative impact on women of austerity measures, such as pension cuts, and the deregulation of the labor market, as well the rise in the unemployment of women and the difficulties faced by child- and dependent-care institutions. In fact, as a consequence of the economic crisis, gender gaps intensify in the labor market and economic conditions. The difficulty for women to remain and progress in employment increases the poverty risk, whereas the wage gap between female and male colleagues for the same work seems to expand. Disparities are identified in relation to time allocation of women, most of which is devoted to non-paid domestic work and care of vulnerable members of the immediate and wider family circle. These inequalities are further aggravated by limited supply or access to infrastructure and services supporting the reconciliation of family and professional life (kindergartens, day schools, carers for children and elderly people, etc.). The economic crisis has a negative impact on marriages and the birth rate due to the unsustainable economic burden. The access to health services is hampered due to the increase of the number of persons resorting to public health infrastructure, as a consequence of the economic downturn.

69. Greece has adopted a series of legislative measures and multi-faceted policies with a view to ensuring effective gender equality. The National Program for Substantive Gender Equality 2010–2013 is currently being implemented with the aim to improve the everyday life of women and men. The Program was largely conceived and designed before the escalation of the economic crisis and as such it can only partly address the latter's impact on gender equality. However, the national strategy for the promotion of gender equality has been aligned to respond to emerging challenges and social priorities. A newly designed and reality-informed policy frame for gender equality was timely included into the Partnership Agreement for Greece for the programming period 2014–2020. A range of 8 strategic

priorities will guide a good use of the structural funds drawn from the Community Support Framework for Greece, concentrating on the protection of women against the economic crisis, unemployment, poverty and exclusion. The abovementioned priorities are the following:

(a) Equal participation of women in labour market, which includes the following actions: upgrading of professional skills of working women, self-employment skills, protocol of cooperation with the Network for Social Corporate Responsibility. At a time of severe unemployment, the relevant actions (individualized information, consultation, training, mentoring, supporting and boosting adaptability and career-planning) target mainly employed women, whose work positions are at risk, and self-employed women, assisting them in developing entrepreneurial initiatives, so as to remain active in the economic life of the country;

(b) Participation of women in rural activities, aiming at promoting local development;

(c) Promotion of social inclusion of women, prevention of and combating female poverty and all forms of gender-based violence;

(d) Gender mainstreaming in social and health protection issues;

(e) Support of the institution of family;

(f) Promotion of women's participation in public life and increase of women's participation in political, social and economic decision-making.

70. The program "Encouraging and supporting participation of women in positions of political responsibility and representation at the local and regional level" is implemented in cooperation with the Central Union of Municipalities of Greece and the Association of Regions. Among the relevant actions, particularly worth mentioning are the creation of a special website, as well as of a Register of elected women, the organization of seminars and conferences and the establishment of Offices for networking and promoting gender equality;

- The Research Center for Gender Equality (KETHI) implements actions supporting women's participation in positions of political responsibility as well as their representation at the national and European levels;
- An awareness-raising campaign on the balanced representation of women in decision-making at the national and European levels is focused on overcoming stereotypes and entrenched perceptions of the traditional social roles of women and men;
- A number of projects have been designed aiming at empowering women in administrative positions in social partners' organizations at all levels, through the creation of gender equality structures at the offices of the social partners, networking and training;
- Support of women's NGOs active in the fields of gender equality and defense of women's rights, in particular through fostering the administrative and operational capacity of the NGOs, hosting information on NGO activities in the GSCE's website, etc.

71. **Combating gender stereotypes.** Countering gender stereotypes has been defined as a horizontal policy and has been incorporated into all thematic priorities. All forms of education, vocational training and media (press, radio, television, internet) are the main tools for combating the reproduction of gender stereotypes and the representation of genders along sexist lines. The GSCE has lodged 5 complaints before the National Radio



and Television Council regarding television shows deemed to be offensive to women's dignity and cooperates with the Communication Control Board and the Greek Association of Advertisers to combat gender stereotypes in advertising.

72. **Integrating gender equality in public policies, monitoring and evaluation mechanisms.** The relevant actions aim at creating a methodology and tools, as well as at implementing and evaluating policies to promote gender mainstreaming at all levels of the Administration (that is local, regional and central Administration) and to encourage a systematic introduction of gender equality policies. The abovementioned horizontal actions, in coherence with other State policies, include (a) the production of three Guides for the Implementation of the Gender Mainstreaming System, one for each level of the Administration, (b) the adaptation of the Gender Mainstreaming System to the body or agency that is implementing it, (c) a pilot implementation of gender equality programs at the level of central Administration. Furthermore, the creation of a new mechanism, the Observatory of gender equality issues in Greece, is under way, to monitor and evaluate the implemented gender equality policies through the development of an Integrated Information System and of a National System of Gender Indicators.

73. In accordance with Law 3996/2011 (article 2 (2) (g)), the Labor Inspectorate (SEPE) monitors the implementation of the principle of equal opportunities and of equal treatment between men and women at work and in employment, as well as the observance of the provisions concerning the protection of maternity and of those concerning the reconciliation of professional, family and personal life as set out in the relevant legislation and the national general labor collective agreements.

## Article 6

74. The legislative framework on the use of arms by police officers has not been amended since the consideration by the Committee of Greece's initial report.

75. In January 2008, an Order of the Head of the Hellenic Police, addressed to all Services and staff in order to raise awareness of the protection of human rights during police action, forwarded the judgment of the European Court of Human Rights (ECtHR) in the case of *Celniku v. Greece* (5 July 2007), in which a violation of the right to life was found on account of shortcomings in the organization of the police operation in which the applicants' brother died and in the relevant inquiry. Furthermore, the same order determined that in every instance of use of firearms by police officers in the context of police action, a Sworn Administrative Inquiry would be conducted, with stricter guarantees of impartiality and objectivity in the investigation of offences relating to the violation of provisions on the obligation to respect and protect human rights. It is to be noted that the Committee of Ministers of the Council of Europe, in its capacity as a monitoring organ of the execution of the ECtHR's judgments has noted that the legislation in force constitutes a modern and comprehensive legislative framework for the use of firearms by the police and decided to close the supervision of the general measures taken by Greece to prevent similar violations of the right to life.

## Article 7

### **Accountability of members of the police force (para. 9 of the Committee's concluding observations)**

76. Detailed information on the implementation of the recommendations contained in para. 9 of the Committee's concluding observations was submitted to the Human Rights Committee in May 2007 (see document on information received from Greece on follow-up

to the concluding observations of the Human Rights Committee on its initial report). In addition, the following should be stressed.

77. An important recent development is the adoption by the Greek Parliament on 17 December 2013 of the law ratifying the Optional Protocol to the Convention against Torture, which, *inter alia*, designates the Office of the Greek Ombudsman as the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

78. The right of persons under detention by police authorities to submit written complaints about their conditions of detention or alleged instances of abuse, ill-treatment or other violations of their rights has been incorporated in the “information bulletins on the rights of detained persons”. The forms to be used for this purpose were translated into 16 languages and, following their final standardization, were transmitted to all agencies. A recent Order by the Hellenic Police Headquarters recalled the obligation to provide persons detained in police agencies with the new standardized and updated information bulletins and complaints forms, in a language that the latter understand, in order to ensure that every detained person, irrespective of citizenship, is able to lodge, while in detention, written complaints and address themselves to any authority, agency and organization they wish.

79. A number of Circular Orders on the protection of human rights and the conduct of the police personnel in general have been issued by the Hellenic Police Headquarters to all police stations, covering a wide variety of fields, such as prevention and punishment of torture and ill-treatment, safeguarding the rights of detained persons, combating racism and xenophobia. Respect for diversity has been identified as a primary obligation of the personnel of the Hellenic Police, while special emphasis has been given to the treatment of members of vulnerable groups, such as the Roma or foreign nationals. The implementation of the above Circular Orders is continuously monitored and further action is taken, where necessary. The 2004 Code of Ethics for Police Officers highlights the absence of prejudice on the grounds of color, gender, ethnic origin, ideology and religion, sexual orientation, age, disability, family, economic or social status as one of the fundamental parameters of the behavior of police officers

80. Within this framework, an Order of the Hellenic Police Headquarters issued in June 2011, following the report of the Council of Europe European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), recalled that, when any information comes to light indicating the potential ill-treatment of a person, the Administration must take effective action, pursuant to the provisions of the Presidential Decree on the disciplinary law for law enforcement personnel, to investigate and impose disciplinary sanctions corresponding to the gravity of the offence, in order to prevent impunity. Following another visit by the same body, a July 2010 Order recalled the need of acting promptly and effectively with regard to any allegation of abuse, so as to prevent impunity.

81. Another December 2007 Order, in addition to recalling the obligation to investigate any racist motive in the behavior of police officers, also underlined the case-law of the European Court of Human Rights, according to which, when a person in good health is placed in detention by the police and it is subsequently established that he has bodily injuries on release, the Member State shall be obliged to provide a reasonable explanation on the cause of injury, failing which a matter shall be raised under Article 3 of the Convention (corresponding to article 7 of ICCPR).

82. The importance of ICCPR and the practice of the Human Rights Committee for law enforcement personnel has been highlighted by a November 2008 Order of the Chief of the Hellenic Police, which forwarded to all Services and staff, with the purpose of raising awareness for the protection of human rights during police action, the views of the United

Nations Human Rights Committee of 24 July 2008, in the case *Kalamiotis v. Greece*, finding a violation of article 2(3), in conjunction with article 7 of the Covenant.

83. It is to be noted that the European Court of Human Rights has found a violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms in cases involving police action, due, in particular, to inadequate inquiries or investigations in the specific cases brought before the Court. The European Court judgments are forwarded to all services and staff with a view to their implementation and the raising of the awareness of police personnel. The same applies to the views of the Human Rights Committee, as already pointed out.

84. A new Disciplinary Code was adopted in September 2008 (presidential decree (PD) No. 120/2008). This brought about considerable progress in ensuring an effective investigation of allegations of abuse by the police. Most importantly, the new Code widens the scope of acts considered as disciplinary offences, imposes heavier sanctions in cases of torture and provides for examination as a matter of priority of complaints relating to disciplinary offences allegedly committed against citizens. Pursuant to the provision of article 23(1), the above disciplinary offences are prioritized over other disciplinary offences, while, pursuant to article 10(1)(c), actions that constitute torture or other offences against human dignity, within the meaning of article 137A of the Penal Code, are punished by dismissal from service. When complaints are confirmed, the prescribed sanctions are imposed upon responsible police officers. In this case, disciplinary proceedings are not initiated by the Directors of Services at the level of Police Directorates, but by their superiors in hierarchy (article 22(1) of PD 120/2008), while disciplinary interrogations are assigned to offices of other Directorates (article 26(4) of PD 120/2008), with the exception of the General Police Directorates of Attica and Thessaloniki, where interrogations are assigned to special Sub-directorates of Administrative Inquiries, to which the accused police officers do not belong from an administrative viewpoint.

85. Another significant measure is the obligation of police authorities to investigate the existence of racist motives in penal and administrative cases, in which foreign citizens or persons belonging to vulnerable groups are involved. Furthermore, a 2008 circular of the Public Prosecutor at the Supreme Court, addressed to all Prosecutors, provides that, in case of complaints about ill-treatment of Greek or foreign citizens by State agents, the Prosecutors shall react immediately by prosecuting the acts and, if necessary, by ordering a forensic examination of the victims.

86. An important development is the adoption of Law 3938/2011 which established, within the Ministry of Public Order and Citizens' Protection, an Office, subject to the Minister, responsible for handling alleged instances of abuse. The mission of the Office is to collect, register, assess and further refer for investigation complaints about acts of Police, Coast Guard and Fire Brigade officers in the exercise of their duties or in abuse of their officers' status. Furthermore, it will re-examine cases for which a violation has been found by the European Court of Human Rights. The Office is not yet operational. The competent authorities are considering how best to overcome difficulties which have arisen in relation to the staffing of the Office.

87. Training of police personnel plays a vital role in preventing human rights violations and consolidating a culture of respect for human rights. Currently, at all levels of police training (basic level, post-training), human rights courses are given, both from a constitutional law and an international law perspective.

## Article 8

### **The fight against trafficking in human beings (para. 10 of the Committee's concluding observations)**

88. Detailed information on the implementation of the recommendations contained in para. 10 of the Committee's concluding observations was submitted to the Human Rights Committee in May 2007 (see document on information received from Greece on follow-up to the concluding observations of the Human Rights Committee on its initial report). In addition, the following should be stressed.

89. Greece is a destination and transit country for victims of trafficking in human beings. One of the most important challenges that Greece had to face was the lack of efficient cooperation among the different agencies, the fragmentation of responsibilities, a complex legislation, bureaucracy and inertia. The Government of the Hellenic Republic has gradually created a solid framework of prevention, protection, prosecution and partnership. Greece has enhanced efforts to respond to the problem in a holistic manner, through legislative reforms, inter-agency coordination among law enforcement, prosecution and judiciary, extensive protection of the victims, awareness raising campaigns, and systematic prosecution of criminal networks exploiting trafficked victims.

90. Greece has ratified the United Nations Convention against Transnational Organized Crime and its Protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Law 3875/2010), as well as the Council of Europe Convention on Action against Trafficking in Human Beings (Law 4216/2013). Furthermore, Greece has ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Law 3727/2008). Moreover, EU Directive 2011/36 of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims was transposed into the national legal order by Law 4198/2013. In December 2005, a Memorandum of Cooperation was signed between the competent Ministries, IOM (International Organization for Migration) and 12 NGOs, which establishes a coordination framework of the interested stakeholders.

91. Law 4198/2013 provides for the establishment of a national coordination mechanism either in the suggested form of an Office of the National Rapporteur (ONR) or as an equivalent coordination mechanism. Responding to Law 4198, the Minister of Foreign Affairs along with eight competent Ministers formally established the Office of the National Rapporteur, giving a stronger mandate to this informal, but widely acknowledged, coordination mechanism, operated in the Ministry of Foreign Affairs since 2007. The ONR will cooperate closely with focal points to be designated in nine other Ministries as well as NGOs in the field of anti-trafficking, and will plan, implement and evaluate anti-trafficking activities at the national and international level. The ONR will be active in all four pillars of the strategy to combat trafficking (prevention, protection, prosecution and partnership with civil society). The main activities already undertaken and/or planned are related to: establishing a national reporting system for the identification, referral and support of victims of trafficking; establishing a comprehensive and systematically updated database for victims of trafficking and monitoring the progress of relevant legal cases; implementing large-scale education and "train the trainers" projects for government authorities and civil society stakeholders; promoting cooperation of state agencies and NGOs in EU projects. A special emphasis is given to creating a Corporate Social Responsibility Platform of zero tolerance towards trafficking, implementing awareness-raising projects with businesses and consumers. A number of activities have been undertaken within the framework of the National Strategic Reference Framework (NSRF) for 2007–2013.

92. Greece will pursue the cooperation and mobilization of all competent agencies, the Hellenic Police, the Judiciary, public administration in general, NGOs, the Church, etc. Cross-border cooperation through bilateral agreements, regular meetings with embassies of countries of origin and transit of victims and cooperation with international organizations will be strengthened. Actions for the legal and social support of victims and their reintegration into society in Greece or their country of origin will also be pursued.

93. Special training regarding the phenomenon of trafficking in human beings has been incorporated in the curriculum of compulsory courses of the National School of Judges and Prosecutors and relevant seminars for the continuous education of judges and prosecutors are being organized annually.

#### **Protection of the victims of trafficking**

94. Presidential Decree 233/2003 determines the agencies, the measures and the ways and means of providing assistance to victims of trafficking, including in the fields of housing, health care and legal assistance. The status and situation of victims was further improved by Law 3386/2005, which foresees the issue of a residence permit, renewable under certain circumstances, to trafficking victims who cooperate with the competent authorities and prohibits expulsion during the “reflection period”. Law 3875/2010 (ratifying the United Nations Convention against Transnational Organized Crime and its Protocols) extends the scope of protective legislative measures to the victims of smuggling of migrants, sex tourism and child pornography and provides for the possibility of granting residence permits on humanitarian grounds, under certain circumstances, also to victims of trafficking who do not cooperate with the authorities due to the possible use of threats by perpetrators. It is to be noted that the recommendations of the National Commission for Human Rights have contributed to the strengthening of the protection framework.

95. Furthermore, following an amendment of Law 3386/2005 by Law 3907/2011, victims of trafficking who do not cooperate with the authorities are also entitled to a residence permit on humanitarian grounds, whether they are recognized, by act of the competent prosecutor’s office, as victims of trafficking in human beings or not. According to the same law, special care is provided for minors-victims of trafficking in human beings or smuggling of migrants who are unaccompanied minors. Thus the competent authorities shall take the necessary measures in order to establish their identity and nationality and the fact that they are unaccompanied. The authorities also make every effort to locate their families as quickly as possible and take the necessary steps immediately to ensure their legal representation, including representation in criminal procedures. Third country nationals, recognized as victims of trafficking or victims of smuggling, are granted a residence permit upon decision of the Minister of Interior without any obligation to pay the fee. This permit is of one year duration and renewable if the victim continues to meet the same conditions under which the permit was submitted. For victims of trafficking who do not cooperate with the authorities this permit is renewable until the issuing of a court decision. The residence permit for victims of trafficking or of migrant smuggling ensures the right to health care and access to psychological support services, access to the labor market, only for the period of its duration, as well as to the conditions of vocational training and education, according to the law.

96. Specific actions have also been implemented by the General Secretariat for Gender Equality in 2011, such as the launching of the national telephone hotline SOS 15900 for victims of trafficking, which operates 24 hours / 365 days a year, offering advice, support and counseling to women victims of all forms of violence (including trafficking). In addition, the operation of the 13 Counseling Centers of the General Secretariat for Gender Equality, along with the 25 Counseling Centers and the 19 Shelters in the largest Greek municipalities, also concerns women victims of trafficking.

97. Finally, assistance to victims is provided through the National Center for Social Solidarity of the Ministry of Labour, Social Security & Welfare, which offers services such as counseling, psychological support, temporary hosting in shelters, a hotline etc. Programs have also been implemented by the Ministry of Labor and Social Security within the scope of the EU EQUAL Initiative, 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. Furthermore, there is a significant number of NGOs that provide shelters for accommodation, psycho-social and legal support to victims of trafficking, offered by specialized personnel.

98. In the event of offences such as illegal entry in the country, possession and use of false travel documents, illegal work and prostitution etc., the prosecutor for the magistrate court shall issue an act postponing any further action against the victim until the conclusion of the criminal proceedings for the offence committed against him/her, with the consent of the prosecutor for the court of appeal. The reflection period for victims of trafficking in human beings or illegal trafficking of migrants afforded by act of the prosecution authority is extended from one to three months and, especially for children, it may be extended for two more months pursuant to the child's best interests. During the reflection period, the persons referred to in the preceding paragraphs are not deported.

99. Victims of trafficking may testify against the criminal organization of trafficking and be put into a witness protection program, which includes change of identity documents, etc., pursuant to article 9 of Law 2928/2001. Relocation to another country is provided for as a measure of witness protection. Measures may also be taken for the effective protection from possible reprisal or intimidation of the victim, the victim's family or substantial witnesses.

100. The combined legislative arrangements relating to the offence of trafficking in children ensure that the best interests of the children victims are primarily taken into account. The rights and interests of children victims are recognized and protected in all stages of criminal proceedings (with regard to psychological support, protection of the child witness, etc.). In particular, Law 3727/2008 provides for the protection of witnesses or the child's family from potential reprisal or intimidation.

101. Victims of trafficking receive protection in case of grave danger to their life, physical integrity and personal and sexual freedom. They also receive, for as long as necessary, assistance for accommodation, sustenance, living conditions, care and psychological support. Moreover, if the victims are non-nationals, a legal counsel and an interpreter are ensured. During the protection period, such victims are not deported and any decision for expulsion is not executed. A procedure is also stipulated for repatriation. Presidential Decree 233/2003 determines the bodies, the means and the method of providing such protection, assistance and care to the victims of the said offences.

102. Law 3226/2004 on Legal Aid was amended by provisions of Law 3625/2007, "Ratification and implementation of the UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and other provisions". This amendment expanded the beneficiaries of legal aid to minors who are victims of acts of trafficking etc., with regard to any criminal or civil claims (Article 1 (3) of Law 3226/2004).

103. Finally, in 2011 an important Ministerial Decision has been issued regarding the coordination of actions and services for child protection. The Decision provides for a series of measures for prevention and recovery purposes, with the involvement of both governmental and non-governmental bodies

**Police action**

104. At the operational level, police action against traffickers has intensified and has yielded positive results. Seventeen (17) specialized anti-trafficking services operate within the Hellenic Police, both at the central and the regional levels. Other actions include staff education and training, awareness-raising, international cooperation, in particular with neighboring countries, exchange of information on organized crime (Interpol, Europol, SECI Center, EU Member States, neighboring and other third states), cooperation with foreign diplomatic authorities, etc. A Memorandum on Police Action and Best Practices for handling human trafficking cases has been sent to police services. Moreover, the Operational – Interagency Action Plan “Ilaeira” concerning the fight against trafficking in women and children is an important initiative which combines operational (police-judicial) action and the provision of assistance and protection to victims.

105. The Hellenic Police services cooperate with NGOs through the National Centre for Social Solidarity of the Ministry of Labor, Social Security & Welfare and the General Secretariat for Equality with the aim to provide support to victims, as well as with the IOM for their safe repatriation.

106. Information documents and leaflets on trafficking and victims of trafficking have been distributed to all competent services.

107. Furthermore, two Public Prosecutors have been appointed in Athens in order to handle human trafficking cases, while awareness-raising and continuous training of judges on trafficking issues has been promoted.

**Prevention of trafficking**

108. Greece is developing public awareness campaigns and training of all agencies involved with the aim of reducing demand for the services provided by the victims of trafficking and exploitation.

109. A number of meetings have already been organized – and will be organized in the future – in close cooperation with all relevant stakeholders. Special emphasis will be given to raising the awareness of young people on the critical issue of “demand”; the role of the private sector and enterprises within the framework of Corporate Social Responsibility; and the multi-faceted initiatives of NGO partners.

**Statistical data**

110. In the year 2012 research and preliminary investigations led to the identification of 220 alleged perpetrators of Greek and foreign nationality, while there were 94 victims (male – female) of labour and sexual exploitation, out of which 39 sought State assistance and protection, which was provided to them.

**Articles 9 and 10**

111. Regarding pre-trial detention, the number of persons in custody in the penitentiary premises was 3,541 out of 11,364 detainees on 1/1/2010, 4,050 out of 12,364 detainees on 1/1/2011, 4,254 out of 12,479 detainees on 1/1/2012 and 4,325 out of 12,475 detainees on 1/1/2013. The policy of the Ministry of Justice, Transparency and Human Rights is to decrease the number of persons on pre-trial detention. One of the measures applied to overcrowded detention facilities was the conditional release of certain categories of prisoners, provided for by Laws 3727/2008, 3811/2009, 3904/2010, 4043/2012, 4111/2013, 4139/2013.

112. Article 24 of Law 3811/2009 “compensation to victims of violent crimes and other provisions” introduced stricter conditions for the imposition by the courts of the measure of pre-trial detention.

**Conditions of detention of irregular migrants (para. 11 of the Committee’s concluding observations)**

113. Detailed information on the implementation of the recommendations contained in paragraph 11 of the Committee’s concluding observations was submitted to the Human Rights Committee in May 2007 (see document on information received from Greece on follow-up to the concluding observations of the Human Rights Committee on its initial report). In addition, the following should be stressed.

114. The situation of undocumented migrants is one of the most pressing challenges which need to be addressed as a matter of priority. Harsh conditions of detention of irregular migrants have repeatedly been pointed out by the NCHR and other national and international bodies and NGOs.

115. At the same time, it has generally been acknowledged that Greece faces a particularly strong migratory pressure due to its geographical position at the external borders of the EU, its extensive land and sea borders and its proximity with main countries of origin and transit of irregular migration. This situation imposes an immense burden on the country, both financial and administrative. It is at the same time a challenge to the social cohesion of the country, which has to be addressed with full respect for human rights. According to the 2012 Frontex Risk Analysis, the majority of illegal migrants, apprehended at or after having crossed the external borders of the EU, are detected at the Greek-Turkish borders. Since 2002, over 1,000,000 illegal migrants have been apprehended in Greece. Since 2012, there has been a steady rate of decrease (-98% during the first seven months of 2013) of illegal migrants apprehended in the land borders, mostly due to the enhanced police operations and measures. However, an increasing pressure at the sea borders with Turkey has been observed (505.87% increase in the first nine months of 2013 compared to the same period of 2012). During the period January-September 2013, 8,052 illegal migrants have been apprehended at the Greek-Turkish sea borders.

116. A National Action Plan on the reform of the asylum system and migration management has been implemented for two years (2010–2012) with encouraging results. A revised Action Plan, conceived as a “living document”, was elaborated in December 2012, with the objective to establish an effective response to the migration challenges facing Greece and to address the situation of migrants belonging to vulnerable groups, while fully respecting their human rights. The Revised Action Plan focuses on a new autonomous Asylum Service, reporting directly to the Minister of Public Order and Citizen Protection, operated by civil (not police) personnel, trained by specialists in the field with the cooperation of the UNHCR and the European Asylum Support Office, having as a sole task the granting of asylum or subsidiary protection in a short period of time, as well as on a new Appeals Authority. The Attica Regional Office of the Asylum Service started its operation in June 2013; in total 4 Regional Offices are currently operating. During the first six months of its operation, the Asylum Service has issued 1,670 decisions at first instance, granting international protection status in 213 cases. By the end of November 2013, the percentage of positive decisions at first instance has risen to 12.8%. From July 2013 to November 2013, the committees of the Appeals Authority have issued 462 decisions, recognizing international protection status to 20 applicants. As regards backlog cases, it is expected that the backlog of pending asylum requests will be resolved and that all the remaining appeals will be expedited before the end of 2014. In the first half of 2013, the granting of a protection status at the appeals level in backlog cases has reached the percentage of 25.8%.



117. The sharp rise of irregular migration over the last ten years resulted in the congestion of reception and detention facilities. As a response, Law 3907/2011 was adopted, establishing the First Reception Service (FRS), responsible for the overall handling of illegal border crossings. The main policies to be pursued by the FRS are the following: effective screening of migrants belonging to vulnerable groups and referral to reception facilities; identification of unaccompanied minors, persons belonging to vulnerable groups, asylum seekers etc.; informing migrants of their rights, especially regarding international protection, and facilitating their contact with international organizations, NGOs, etc.; provision of psychological support to migrants; close cooperation with the newly-established Asylum Service; identification of genuine refugees and prevention of abuse of the asylum system; facilitation of voluntary returns in cooperation with the IOM and other stakeholders; operation of mobile units as rapid response teams to perform first reception operations on the spot. It is to be noted that the FRS will be the sole competent service with regard to the reception of asylum seekers, unaccompanied minors and migrants belonging to vulnerable groups. This will result in a more efficient handling of the relevant issues, while maintaining good practices and experiences. The First Reception Center in Fylakio, Evros (Greek-Turkish-NE land border) has been operating since mid-March 2013, while 2 mobile units started operating in July 2013.

118. First Reception Centers are not detention centers. Irregular migrants may stay therein up to fifteen days only, that is the maximum number of days required for the referral to be issued. Only in exceptional circumstances, an extension of the stay up to twenty five days may be ordered, by a duly reasoned decision. The above Centers are guarded, but they cannot be qualified as “closed centers”, since all accommodated migrants have the right to apply for leave at any time. Moreover, a Citizenship Identification Centre has been established in Lesvos while, at the same time, ongoing procedures are in place for the establishment and operation of other Centers in other areas of the country. Thus, a new system has been launched for recording and validly certifying the identity and origin of third-country nationals subject to first reception procedures, through specialized personnel, while ensuring the registration and medical screening of foreign nationals, as well as providing support to vulnerable groups (unaccompanied minors, women, single parents) and, of course, guidance to those entitled to international protection.

119. Furthermore, Greece is establishing new pre-removal centers. The need to create pre-removal facilities arises from bottlenecks in the return procedures, due mainly to difficulties in the issuance of the necessary travel documents by the competent consular authorities. Five pre-removal detention centers are already operational, with a total capacity of 5,000 places. It is planned to increase the capacity to 10,000 places by opening four additional centers by the end of 2014. Thus, migrants under removal procedures are to be detained, not in police stations, but in detention centers, which have the necessary infrastructure and specifications for a short term detention. Moreover, every effort is being made to observe safety and hygiene rules and to fully respect the human rights of detainees, with a particular emphasis on the protection of persons belonging to vulnerable groups and to the immediate provision of health care, as well as psychological support.

120. In all detention centers, information sheets prepared by the UNHRC are distributed, setting out in detail the rights of migrants who have entered illegally the country and asylum seekers. In most centers, contact information for the Greek Ombudsman, the UNHCR and NGOs is available and on display. Representatives of NGOs and the UNHCR are granted access in every detention facility every day and can freely contact irregular migrants under detention. Moreover, detainees are being systematically informed about the internal regulation of the detention facility.

121. At the same time, Greece implements an improved and effective returns policy based on IOM Voluntary Repatriation Programmes with Reintegration Measures as well as forced returns, in implementation of Readmission Agreements with third countries. The Hellenic Police is also implementing an additional returns program aiming at the repatriation of migrants who do not or no longer fulfill the conditions for entry and/or stay in the country. There has been a significant increase in the number of returns (in the first seven months of 2013, the number of voluntary returns amounted to 7,271, among which 6,712 were assisted by the IOM), a consequence of the robust return programs operated by the IOM and the Greek Government and the high interest shown by the irregular migrants themselves to return to their country of origin. However, undue delays or refusal on the part of consular authorities of some countries to issue travel documents do not allow a further increase of the return rate. In total, the number of returns (forced, through expulsion, and voluntary) has reached 22,117 in 2012 and 18,626 during the first seven months of 2013. It is obvious that readmission agreements at the EU and/or bilateral level will contribute importantly to the increase in the returns rate.

**Conditions of detention in correctional facilities (para. 12 of the Committee's concluding observations)**

122. In order to tackle the problem of overpopulation affecting Greek prisons, six new detention facilities have been constructed since 2001, with a total capacity of 3,200 detainees. Another detention facility was completed in 2010 and is partly in operation. Two detention facilities were completed in 2013, one of which is partly in operation and the other will soon be fully operational.

123. Together with increasing the capacity of detention facilities, the Government adopts measures to rationalize Greece's criminal law and sentencing system. By virtue of Law 3811/2009, the conditions for the pre-trial detention were made stricter, while the minimum serving time of detainees convicted for drug offences (who form a large part of the prison population) was reduced. Moreover, pursuant to the provisions of Laws 3900/2010 and 3904/2010, which aim at further accelerating the administration of justice system, the high percentage of pre-trial detainees (more than 30% of the prison population) is expected to be effectively reduced and the separation between pre-trial and convicted detainees to be improved.

124. Furthermore, Law 3904/2010 enhances the conversion of prison sentences to fines, the early/conditional release of detainees, the suspension of the execution of sentences as well as non-custodial measures. In particular, the said Law determines the necessary conditions for reducing prison sentences imposed through community service and further increases to 285 the number of participating institutions. In this regard, steps have been taken towards the broader and more effective implementation of the institution of community service, as an alternative way of serving a sentence. Vulnerable categories of detainees, in particular those suffering from a number of diseases, enjoy a more favorable calculation of their serving time, since each day spent in the detention facility is calculated as two days. The law has already yielded positive results and resulted in the decrease of the prison population. Approximately 650 detainees have been released pursuant to the provisions of the law. Also, Law 4043/2012 allowed the release, subject to recall, of all convicted persons sentenced up to three years of imprisonment, of which 1/10 has been served, whilst for sentences from three to five years, detainees should have served 1/5 of the sentence. This measure applied also in the case of juvenile detainees. The validity of these favorable provisions for the decongestion of detention facilities was extended until 30.6.2013. Approximately 3,143 detainees have been released pursuant to the provisions of the law during the year 2012. Law 4139/2013 introduced favorable provisions for the release, subject to recall, of prisoners convicted to fixed-term sentences for violating drug laws. Furthermore, the decision of the Minister of Justice, Transparency and Human Rights

No. 63021/11.7.2012 further expanded the conditions of detention in rural detention facilities and the Central Warehouse of Prison Hardware (K.A.Y.F.), so that a larger number of prisoners benefit. In particular, the ban to transfer prisoners, serving sentences for violating drug laws, to rural detention centers was lifted. At the same time, the part of the sentence the prisoner is required to have served was reduced, while the provision for prior leave and compliance with its terms, for prisoners serving sentences up to 5 years, has been abolished. Also, para. 11 of article 40 of Law 4111/2013 provides for a detention in closed sections of Rural Detention Centers for prisoners serving sentences of up to 10 years, on the condition that sufficient space is available and that the other Centers are overcrowded. Finally, Law 4205/2013 contains provisions on house arrest under electronic surveillance, conditional release and detainee leaves, in order to decongest detention centers.

125. In implementation of Law 4111/2013, doctors of various specialties from the National Organization for the Provision of Health Services (EOPYY) have been appointed to serve in a number of prisons. Programs and activities in the fields of medical support developed through the activation of volunteering scientific, professional and umbrella organizations in all detention centers, throughout 2011, successfully continued in 2012. Several initiatives have also been undertaken with regard to the treatment of drug dependent detainees.

126. In order to facilitate the smooth integration of detainees into society, measures have been adopted in the fields of education, professional training and work of detainees. At the same time, the training of penitentiary staff has been further strengthened. It should also be noted that a project under the title “The world of work against discrimination” will be implemented through a partnership established between the Ministry of Labor and Social Security (leader), “Epanodos” (a legal entity of private law under the supervision of the Ministry of Justice) and the NGO “Schedia”. The said program focuses on juveniles and young people up to the age of 25 years, facing problems with the Law and suffering from discrimination. The proposal consists of anti-discrimination legislation seminars for professionals of Penal Justice (Judges, State Officials), and regional anti-discrimination conferences addressed to trade unions, social partners and local employers.

127. With regard to the supervision of detention facilities, the Body of Inspection and Control of Detention Facilities conducts regular and extraordinary controls, while the Greek Ombudsman, the National Commission for Human Rights, and Members of Parliament have free access to detention facilities. As already stated, Parliament has ratified the Optional Protocol to the Convention against Torture and designated the Office of the Ombudsman as the national preventive mechanism.

### **Article 11 (para. 13 of the Committee’s concluding observations)**

128. Law 3994/2011 (article 62) amended article 1047 of the Civil Procedure Code and abolished the possibility for the judge to order personal detention against merchants for commercial claims. The explanatory report of the said article refers explicitly to article 11 of ICCPR. Personal detention may still be ordered for tort claims and in the cases explicitly defined by law (mainly execution with respect to specific performance), provided that the value of the claim exceeds €30,000).

### **Article 14**

129. It is generally accepted that judicial protection fulfils its purpose when it is comprehensive, efficient and granted without delays. The current situation in Greece must

be improved in order to meet the requirements of the Greek Constitution and applicable international treaties. Greece has repeatedly been found in violation of the European Convention on Human Rights by the European Court of Human Rights – and consequently has paid large amounts in terms of “just satisfaction” for violation of the right to a speedy trial.

130. Recent legislative efforts have been made to improve judicial procedures. Thus, Law 3994/2011 aims at rationalizing the administration of civil justice, by enhancing the transparency and efficiency of the process, expanding the opportunities for friendly settlement of disputes, upgrading and accelerating the process, setting out uniform procedural rules in similar cases, using modern technology in and out of courts, etc.

131. Law 4055/2012 on “fair trial and reasonable length thereof”, adopted on 6.3.2012 by Parliament, aims at ensuring a more effective administration of justice. The new regulations, building upon past experience, simplify procedures for all courts – civil, penal and administrative. All cases must be heard within a reasonable and brief time; the institution of judicial mediation is further encouraged; the administration of justice at first instance through a single-judge formation is promoted; technological innovations are used, allowing the electronic filing and service of pleadings; a large volume of cases are transferred to lower courts (courts of the peace); some simple cases, such as divorce by consent, are taken away from courts; the institution of pre-trial detention is regulated with respect for legality and the rights of the accused; the concept of “pilot trial” in the Council of State (Supreme Administrative Court) is completed and reinforced; “pilot trial” in the Court of Audit is introduced; the right to compensation of the parties is foreseen in case of breach of the reasonable time requirement in administrative proceedings, etc.

## **Article 17**

132. The provisions of chapter A’ of Law 3917/2011 “Retention of data generated or processed in connection with the provision of publicly available electronic communication services or of public communications networks, use of inspection systems with the reception of sound and image in public spaces and relevant provisions” incorporate into the national legislation those provisions of EU law (Directive 2006/24/EC) which establish the obligation to retain some data of subscribers and registered users in the electronic communications framework. The processing by the competent authorities of the aforementioned data is particularly important and therefore a valuable tool in the prevention, investigation, detection and prosecution of terrorism and organized crime.

133. The law enumerates, in a restrictive manner, the legitimate reasons for which the use of video-inspection systems in public spaces is permitted (safeguarding national security, public safety, prevention and fighting serious criminal offences, management of traffic circulation). The law specifies that the use of the aforementioned systems is provided only to the competent national authorities and the notion of public space is defined on the basis of formal and functional criteria.

## **Article 18 (para. 14 of the Committee’s concluding observations)**

134. In order to ensure freedom of religion, since 2008 students of differing religious convictions in primary and secondary education can be legally exempt from religious instruction and testing upon request of the parents/guardians, without any prerequisite to declare their religious convictions or the reason for the exemption. This exemption also applies to any other obligation of the student that is directly or indirectly linked to the subject of Religious Studies (Morning Prayer, church attendance, etc.).

135. Additionally, school textbooks have been and continue to be revised to reinforce understanding and respect for different cultures, religions and languages, as well as to enhance interest in other people's beliefs. References to all religions are made in school textbooks of religious education, especially in junior and senior high school, whereas the textbook of the 2nd class of senior high school studies in depth different religions around the world.

136. The Greek authorities are taking the necessary steps for the construction of a mosque in the Municipality of Athens, to be financed exclusively by national funds. The relevant procedure was set out in Law 3512/2006 and Law 4014/2011. The tender for the construction of the Mosque was awarded in November 2013. The decision of the Supreme Court on the appeal against the construction of the Mosque in Eleonas is expected to be taken in the first months of 2014. It has been decided to proceed to the establishment and the construction of the mosque through the appropriate transformation of an existing building in a plot of land owned by the State. The use of the mosque, following the completion of its construction, will be ceded gratis by the State, for an indefinite period of time, to the Foundation provided for in the abovementioned Law, which will administer, manage and maintain the mosque. The State will pay the salary of the Imam of the Athens' Mosque.

137. Every year since August 2011, the Hellenic Government, with the cooperation of all competent Ministries, concedes for free two housed places in the Peace and Friendship stadium and the Olympic Sports Center as well as many other smaller facilities in municipalities all over Greece during the celebration of Ramadan (Eid al-Fitr) and the Feast of Sacrifice (Eid al-Adha) for all Muslims who want to participate.

138. Article 27 of Law 3467/2006 repealed any kind of involvement of the Eastern Orthodox Church concerning the establishment, construction and operation of a church or a house of worship of any faith or religion.

139. The European Court of Human Rights has found a violation of the right to freedom of religion under article 9 of the ECHR on the grounds that, according to the criminal procedure legislation in force at that time, persons who wished to be allowed to make a solemn declaration (instead of taking a religious oath) were obliged to reveal their religious convictions in order to be exempted from the religious oath; they were thus required to give details of their religious beliefs if they did not want to be presumed as Orthodox Christians. Following the European Court's judgments, the amended Article 218 of the Code of Criminal Procedure stipulates that a witness appearing before a criminal court can, at his or her discretion and without other formalities, either take an oath publicly or make a solemn declaration. Such choice ensures that, in the context of a criminal procedure (as it is already the case in civil procedures) no one is obliged to disclose his or her religious beliefs. The Committee of Ministers of the Council of Europe, taking note of the above legislative amendment, was satisfied that the relevant ECtHR judgments were fully implemented.

#### **Conscientious objectors (para. 15 of the Committee's concluding observations)**

140. According to the legislation in force, those who are recognized as conscientious objectors shall be obliged to perform civilian service which is double the length of the military service. It is to be noted that, by virtue of a decision of the Minister of National Defense, conscientious objectors may be discharged even before the completion of the term of the civilian service. Currently, the duration of the civilian service, which has been fixed by ministerial decision, ranges from 5 to 15 months, while the duration of the military service ranges from 3 to 12 months. Thus, civilian service is, in most cases, only 3 months (25%) longer than military service.

141. Civilian service is fulfilled under more favorable conditions than military service. This justifies the longer length of the civilian service, which is based on objective and reasonable criteria, is in accordance with the principle of proportional equality of rights and obligations and has no punitive character. The institution of civilian service should not be abused nor resorted to solely for opportunistic reasons, while the capacity of the military forces should be preserved.

142. Conscientious objectors are recognized by decision of the Minister of National Defense following an opinion by a Special Committee, which examines whether interested persons fulfill the conditions set out in the law. It is to be noted that the majority of the members of the said Committee are non-military personnel. More specifically, the Committee is composed of two university professors, specialized in humanities, a member of the Legal Council of the State and two higher-ranking officers. Members are appointed by joint decision of the Ministers of Finance, National Defense, Education, Lifelong learning and Religious Affairs. The composition of the Committee guarantees its credibility and the fair treatment of all applicants.

## **Article 19**

143. Presidential Decree 109/2010, transposing EU Directive 2010/13 on new media services, establishes a net of protection of human rights, with regard, in particular, to vulnerable population groups. More specifically, Article 4 provides for certain restrictions to the freedom to broadcast, only in cases where there is a threat to the protection of minors, as well as in cases of incitement to hatred based on race, gender, religion, ideology, nationality, disability, age or sexual orientation. Human dignity is also protected vis-à-vis audiovisual commercial communications, according to Article 10. At the same time, the use of methods of self-regulation, such as the adoption and implementation of Codes of Ethics, by the National Radio and Television Council and professional organizations, is encouraged and promoted (Article 28 of Presidential Decree 109/2010).

144. According to Article 8 of the said Presidential Decree, media services providers should gradually make their services and programs accessible to persons with disabilities, namely those with hearing or seeing impediments. Moreover, Articles 5 and 6 of Law 3592/2007 on Concentration and Licensing of Mass Media Enterprises guarantees that a minimum of television programs addressed to people with hearing disability is broadcasted by public and private television stations, whereas, according to Article 7, the commitment to broadcast programs that can be watched by people with disabilities is taken under consideration when licensing private television stations. The abovementioned Presidential Decree 109/2010 also contains provisions that guarantee access to the broadcasting of events of major importance for the society (articles 8 and 15).

145. Children are also protected under several articles of Decree 109/2010, especially against potentially harmful audiovisual content in broadcasts and commercial communications. In particular, Article 13 expands protective provisions to on-demand audiovisual media services in order to ensure that the said services (provided by media service providers under the jurisdiction of EU Member States), which might seriously impair the physical, mental or moral development of minors, are only made available in such a way that ensures that minors will not normally hear or see such on-demand audiovisual media services.

146. Moreover, Article 7, para. 2 of Decree stipulates that “all programs, including audiovisual commercial communications, broadcasted by public or private broadcasters, must respect the personality, honor, reputation, private and family life, professional, social, scientific, artistic, political or other lawful activity of every person, whose image appears on screen or is being mentioned by name or other details sufficient for his identification”,

while Article 27 provides for the right of reply when a person's personality, honor, reputation, family and professional life, as well as social, artistic, scientific, political and other activity is threatened by a potentially harmful broadcast.

147. Moreover, the National Council for Radio and Television, which is the independent administrative authority that supervises and regulates the radio/television market, imposes administrative sanctions to radio and television stations, which, inter alia, do not respect their obligation not to broadcast racist, xenophobic or intolerant speech or violate provisions on the protection of minors and young persons, personality and private life.

148. It is to be noted that in the Greek national legislation there are no provisions which could restrict users' access to the Internet. Nevertheless, all provisions of the Greek law aiming at the protection of human rights are also implemented to the communication through the internet. Moreover, Greece ratified the Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography by virtue of Law 3625/2007, by which minors are protected from all criminal abuses caused through the use of the internet.

### **Hate crimes and hate speech**

149. As explained in Greece's initial report, since 1979, criminal legislation (Law 927/1979) punishes, inter alia, incitement to acts or activities which may result in discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter's racial or national origin or religion. It also criminalizes the expression in public, either orally or by the press or by written texts or through depictions or any other means, of offending ideas against any individual or group of individuals. Prosecuting authorities may press charges ex officio with respect to the same acts. The abovementioned criminal legislation has had a limited application in practice. In November 2013, the Ministry of Justice, Transparency and Human Rights tabled a draft law before Parliament amending and improving Law 927/1979 with a view to strengthening the existing legislation and adjusting the country's legislative framework with 2008/913/JHA EU Council Framework Decision, on combating certain forms and expressions of racism and xenophobia by means of criminal law. The draft law introduces, inter alia, administrative sanctions against legal persons or unions of persons involved in manifestations of racism and xenophobia or the commission of related offences. Moreover, it punishes the perpetrators of criminal acts targeting immovable or movable property used exclusively by persons or groups of persons who are victims of racism and xenophobia on the grounds set out by the law, as well as those who publicly condone, deny or grossly trivialize crimes of genocide, crimes of war, crimes against humanity, the Holocaust and neo-Nazi crimes, when such conduct incites violence or hatred or insults the abovementioned persons or groups of persons. Stricter penalties are foreseen in cases in which the perpetrator is a public official or servant. Such acts are punished including when they are committed through the Internet. It is also to be noted that the National Action Plan on Human Rights aspires to be the compass for effectively and definitively facing racist violence. Among the priorities of the Action Plan is the adoption by the Greek Parliament of the draft law ratifying the Additional Protocol to the European Convention on Cybercrime, on the criminalization of racist and xenophobic actions. A Special Law-drafting Committee has been set up in the Ministry of Justice, Transparency and Human Rights with the mandate to update the draft law on the incorporation into the national law of the provisions of the Convention of the Council of Europe on Cybercrime and of the Additional Protocol thereof.

150. Over the last period, there has been an increase in the number of attacks against foreigners living in Greece. In times of economic crisis, extremist organizations or individuals attempt to exploit the anger or the discontent of some segments of the

population to advance their social and political agendas. In addition, the situation prevailing in Greece has to be seen against the background of an unprecedented rise in irregular migration (reaching, for many years, some 100,000 persons on a yearly basis), due to the geographical position of the country, as the main gateway to the European Union. The Greek authorities are fully aware of the need to confront any racist or xenophobic acts, which undermine the values underpinning the Greek society. A number of measures have been taken at the level of law enforcement, criminal legislation and the justice system. In September 2013, the leader and members (including Members of Parliament) of “Golden Dawn”, an extreme nationalist political party, described by scholars and media as a “neo-Nazi and fascist organization”, represented in Parliament, were placed under judicial investigation for membership of a “criminal organization”; the measure of pre-trial detention has been imposed to some of the suspects. At the same time, there has been an unequivocal condemnation of such acts by the highest political authorities, which has conveyed a message of zero tolerance for any manifestation of racism or xenophobia. Moreover, in accordance with a recently adopted legislative provision, state financing of political parties whose leaders or elected officials are charged with the crime, in particular, of membership of a “criminal organization” and put on pre-trial detention, is suspended by decision taken by the Parliament.

151. The NCHR, during the last years, has adopted a number of reports and recommendations on issues related to the fight against racism, such as the need to update the legislative framework in order to ensure the effective prosecution and punishment of those responsible, the role of the police and the judiciary in combating racism, the phenomenon of extremist groups, racism in the public political discourse and in sports venues, etc.

152. The most important measures taken in the field of law enforcement are the following:

- Establishment of 2 specialized Departments and 68 Offices throughout the country tasked with tackling racist violence and operation of a hotline for complaints about racist violence or information on the rights of the victims.
- Creation of a unified mechanism for registering alleged incidents of racist violence (including allegations against police personnel). The relevant data are compiled twice a year by the competent services of the Hellenic Police and are transmitted to the Ministry of Justice, Transparency and Human Rights. During 2012, 84 *prima facie* racist violent incidents were recorded.
- It is to be noted that the National Commission for Human Rights and the Office of the UNHCR in Greece created, in 2011, the “Racist Violence Recording Network” in which participate 23 NGOs and other bodies, having as a primary goal the documentation of racist incidents. In 2012, the Network documented, upon interviews with victims, 154 incidents of racist violence and made recommendations on the state responses and initiatives to combat racist crimes.
- Obligation for police officers to ascertain whether a criminal act has been racially motivated on the basis of specific instructions given to police staff for the relevant investigation.
- Co-ordination with local and non-governmental organizations and training of police staff.

153. In the field of criminal legislation and prosecution:

- A 2008 amendment to the Criminal Code (Article 23 (1) of Law 3719/2008) provides that the commission of an offence motivated by ethnic, racial or religious



hatred, or hatred on account of a different sexual orientation, constitutes an aggravating circumstance.

- According to a further 2013 amendment (Article 66 of Law 4139/2013), the commission of a criminal act motivated by hate on the grounds of race, color, religion, origins, national or ethnic origin or sexual orientation or gender identity constitutes an aggravating circumstance and the sentence imposed may not be suspended.
- According to Article 44 (1) of Law 3386/2005, as amended, the Minister of Interior may grant a residence permit on humanitarian grounds to third country nationals who are victims of the criminal acts penalized in articles 1 and 2 of Law 927/1979 and Article 16 (1) of Law 3304/2005, in case a criminal prosecution has been initiated, and until a judgment has been delivered, provided that the above persons are not a risk to public order and safety. In case such persons are under medical treatment, the residence permit is granted until the termination of the treatment.
- 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”.
- A special prosecutor has been appointed for the investigation of racist crimes.
- Pursuant to a circular issued by the Public Prosecutor at the Supreme Court, all persons who commit the offense of usurpation of authority and conduct controls (which are only of the resort of the Police), shall be arrested and brought before the prosecutorial authorities. Even MPs may be arrested *in flagrante delicto*, if they have committed a felony.

154. Legislation regulating electronic media, in particular, contains provisions related to the prohibition of hate speech (for instance Articles 4 (2), 7 (1) and 10 (1) of Presidential Decree 109/2010), while the use of methods of self-regulation, such as the adoption and implementation of Codes of Ethics, by the National Radio and Television Council and professional organizations, is encouraged and promoted (Article 28 of the Decree). The same provisions apply to radio stations (article 8, para. 4 of Law 2328/1995), as well as subscriber radio and television stations (article 10, para. 1 of Law 2644/1998). Moreover, the abovementioned independent authority imposes administrative sanctions to radio and television stations, which do not respect their obligation not to broadcast racist, xenophobic or intolerant speech.

## Article 24

### Protection of children from violence (para. 16 of the Committee’s concluding observations)

155. By law, corporal punishment of children is explicitly prohibited in both primary (Article 13(8c) of Presidential Decree 201/1998) and secondary education (Article 21(1) of Law 3328/2005). Article 4 of Law 3500/2006 against domestic violence clarifies that “corporal punishment is not allowed in the framework of upbringing and educating children”. In cases where physical violence against minors is used as a measure of punishment, the Law provides for the prosecution of parents as custodians. Additionally, the Greek Ministry of Education is a founding member of the “Network for the Prevention and Combating of Corporal Punishment of Children”, which has conducted coordinated

actions for the dissemination of information, the facilitation of institutional reforms and awareness-raising of children, parents and professionals who work with children or are involved in family issues.

156. An important provision of Law 3500/2006 is Article 1, according to which minors are considered as victims of domestic violence not only when the relevant acts affect them directly but even when incidences of violent behavior take place in their presence (art. 1, paras. 2, 3).

157. School violence is developing into an issue of major concern due to the social conditions arising from the effects of the economic crisis. Efforts are being made to respond immediately to incidents of bullying and violence in the school community through the Offices of Scientific and Pedagogical Guidance, in cooperation with School Advisors and specialists in the field. Efforts are also made for the implementation and maintenance of actions against school violence through programs running in schools of the Educational Priority Zones.

158. In February 2011, the Ministry of Education, in collaboration with the Children's Ombudsman, issued a circular in which the most important factors that may contribute to a decrease in school violence are stated in detail.

159. The Greek Ministry of Education, as well as the General Secretariat for Youth, are the founding members of the "Network against Violence in Schools", which was set up in 2011 under the initiative of the Association for the Psychosocial Health of Children and Adolescents in Greece. The actions of the Network include the operation of a telephone counseling line for teachers and parents' support, the operation of a mobile intervention unit in cases of violence and intimidation and the online counseling support service for teachers, children, adolescents, students and young people. What is more, the Ministry of Education has established the Observatory for the Prevention of School Violence and Bullying which aims to design and implement measures to prevent school violence and bullying by identifying, studying and channeling for management to accredited bodies school incidents of violence and intimidation.

160. In addition, the Ministry of Education has been carrying out different Health Education programmes at schools focusing, inter alia, on the core issue of "Interpersonal Relations-Mental Health". In this context, the Ministry has also developed special educational material.

#### **Unaccompanied children (para. 17 of the Committee's concluding observations)**

161. Presidential Decree 220/2007 provides specific guidance to Prosecutors at the Courts of Misdemeanors on the rights and treatment of unaccompanied children, whether the latter apply for asylum or not. The largest number of unaccompanied children originates from Asian countries; their average age is sixteen years, although a downward trend has been observed. In most cases, the age of the unaccompanied child is determined by the doctors who work in migrants' detention centers, in coordination with NGOs, and following a proper interview with specialized police staff. The creation of permanent and stable structures for the reception and detention of migrants will solve the problem of the verification of age effectively, with sole criterion the best interest of the child.

162. Every case of an unaccompanied minor entering Greece illegally is reported to the competent Public Prosecutor. The Prosecutor is designated as temporary legal guardian; following that, a permanent legal guardian, usually a social worker, is designated, in coordination with NGOs and social services. Designated guardians who do not fulfill their duties may be replaced by order of the Prosecutor. The issue of guardianship is of great concern to the Greek Government and a topic under consideration in the Action Plan on Human Rights, which is currently being drafted. There is a close cooperation on this issue

between the Government, the Ombudsman, the UNHCR and NGOs. On 20 March 2013, the General Secretariat of Transparency and Human Rights of the Ministry of Justice, Transparency and Human Rights organized a one-day Conference on “unaccompanied children”. The conclusions of the Seminar are expected to contribute in the identification of appropriate and urgent responses, in the best interests of the children.

163. Identified unaccompanied children are referred to the National Center for Social Solidarity (EKKA), responsible for seeking an accommodation center for the children. However, the capacity of available structures is insufficient. As a result, a number of children stay in police stations or other places which are not the most appropriate to the situation of the unaccompanied children.

164. Despite the current challenging financial situation, the competent authorities will intensify their efforts to secure financing for, and to ensure the effective operation of, the institution of guardianship for unaccompanied children, with regard to the appointment of a person responsible to provide care to an unaccompanied minor and to the establishment of new structures to cover the housing needs of the said children.

#### **Other issues**

165. The safeguard of the best interests of the child constitutes a principle upon which all measures related to children are based. Integrated actions for the protection of children’s rights have been developed in areas such as the fight against social exclusion, financial support and maternity benefits, social care of unprotected children, alternative care of children, etc. Legislation and policies on domestic violence and trafficking in human beings, already mentioned, are particularly relevant to the protection of the rights of the child.

166. Laws ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Law 3625/2007) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Law 3727/2008) amended criminal law provisions related to crimes against sexual freedom and crimes of economic exploitation of sexual life. New measures include stricter penalties against perpetrators, suspension of statute-barring until the victim comes of age, inapplicability of personal data protection provisions during the investigation of crimes against sexual freedom and economic exploitation of sexual life, crime prevention, awareness-raising and training, assistance to child victims, etc. Law 3860/2010 further updated and strengthened Greek legislation on minors, taking into account the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). By that law the establishment of the Central Scientific Council for the Prevention and Control of Victimization and Criminality of Minors (KESATHEA) was provided for.

167. Law 4020/2011 ratified the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children.

168. Children are also protected on the basis of several provisions of Presidential Decree 109/2010, which has incorporated EU Council Directive 2010/13/EU, in particular against potentially harmful audiovisual content in broadcasts and commercial communications. The above Presidential Decree strengthens the provisions aiming to protect the physical, mental and moral development of minors, as well as human dignity in all audiovisual media services, including audiovisual commercial communications. The same Presidential Decree also expands its provisions to on-demand audiovisual media services in order to ensure that the said services (by media service providers under the jurisdiction of the Member States), which might seriously impair the physical, mental and moral development of minors, are

only made available in such a way that ensures that minors will not normally have access thereto.

169. Law 3454/2006 on the “Support of families” recognizes families with three children as beneficiaries of financial and institutional allowances and benefits. Article 6 of Law 3631/2008 provides that a monthly benefit is granted to mothers of three children for every unmarried child under 23 years of age. According to articles 42 and 43 of Law 3918/2011, “Family benefits to multi-child families and three-child families”, a prerequisite for granting family benefits to beneficiaries is the permanent and constant stay in Greece for 10 years. Article 21 of Law 4025/2011 establishes means-tested family benefits for the granting of family benefits (total annual net family income over fifty-five thousand euros).

170. Furthermore, Law 3730/2008 has been adopted “for the protection of minors from tobacco and alcoholic drinks”, while Law 3668/2010 foresees the total banning of smoking in public places.

171. The legal framework regulating the protection of minors in employment (minimum age for the employment of minors and basic working terms and conditions) is set out in Law 1837/1989 “on the protection of minors in employment and other provisions”, as well as in Presidential Decree 62/1998 “Measures for the protection of young persons at work in conformity with Directive 94/33/EC”. Also, by means of Ministerial Decision No130621/2003 certain types of work and working activities are prohibited for young persons under the age of eighteen.

172. The monitoring of the employment of minors falls within the competence of the Labour Inspectorate (SEPE). The SEPE Services are responsible for the issuing of minors’ booklets – following a medical opinion, so that minors aged over 15 might be allowed to be employed in enterprises. The competent inspection bodies prohibit the continuation of employment in cases where minors are employed under conditions that do not safeguard their physical or mental health. Imprisonment and fines are provided for in the cases of employers and representatives of employers that violate the provisions on the protection of minor workers. In 2010, in accordance with Law 3850/2010 “Ratification of the Code of Laws on the health and safety of workers”, 1,463 minors’ booklets were granted, following a medical examination. 781 of those were for boys and 682 for girls.

173. Moreover, article 74 (9) of Law No 3863/2010 aims to facilitate young people’s access to the labor market so that they might acquire work experience. In particular, it provides that special apprenticeship contracts of up to one (1) year’s duration may be concluded between employers and persons who are between 15 and up to 18 years of age, in order for the latter to acquire skills.

174. In 2011, the national child line for the psychological and social support of minors was established, operating in the National Center for Social Solidarity (EKKA), having as main responsibilities counseling, along with psychological and social support, immediate notification and information, emergency social assistance, mobilization of local mechanisms, cooperation with the competent Prosecutor and public institutions for social care and social protection, etc. EKKA also keeps the National Registry of Children protection, comprising special Registries, in which there shall be entered data of minors according to various characteristics related to requests for social care, protection or assistance, Public Prosecutor orders concerning minors, social investigation findings regarding living conditions of minors at risk of abuse, neglect, exploitation, trafficking, et al., or juvenile offenders, minors protected through social care services (institutional care, fostering, etc.) and of the beneficiaries of welfare benefits. All units and organizations that provide welfare benefits and social services providing care, protection and solidarity are required to be linked with the above system.

175. EKKA and the Central Scientific Council for the Prevention and Control of Victimization and Criminality of Minors (KESATHEA) undertake, within the network operation “Orestis”, in collaboration with the municipalities, the establishment – in each Municipality – of the Minors’ Protection Team staffed by social workers. The Minors’ Protection Team is responsible for the accomplishment of social research and investigation on issues of minors’ abuse and neglect, following a notice from the Children’s National Helpline, a complaint, even anonymous, of a child’s abuse within the limits of the Municipality or a Prosecutor’s order to conduct the related research.

176. The Hellenic Police has laid down rules, which include guidance to police personnel on how to deal with and handle issues concerning minors. The Hellenic Police personnel who are specialized on issues related to minors, attend training and further training seminars organized by the Hellenic Police Academy and by other state and private bodies (NGOs) in Greece and abroad. Moreover, an official updated manual on Public Security issues, which includes a special chapter on the Protection of Minors, was published in 2010 and has been used since then in Police Schools.

177. As regards the handling of cases involving under-age victims, the Services of the Hellenic Police cooperate with judicial authorities, state and private bodies, organizations, services, etc. at a national and an international level.

178. The international experience has proven that the disappearance of a minor is for certain associated with criminal behavior against them; for this reason, the “Amber Alert Hellas” program has been activated. It operates through the joint action of forty (40) state and private bodies and is engaged in the search of missing children. The role of the Hellenic Police is of great importance as it is the competent authority to give the permission for the activation of the mechanism, since reasons of police nature may forbid the notification of the disappearance. Moreover, a special telephone line is in operation, through which the disappearance of a minor may be made immediately known all over Europe.

179. Measures to promote the right of children to be heard include the cooperation of pupils with the Children’s Ombudsman, among others within the framework of a 20-member Youth Advisory Panel, consisting of young persons aged 14–17 years living in various parts of the country. Furthermore, Local Youth Councils were introduced in 2006, in order to strengthen the participation of young people and children over 15 years in local issues management.

180. Families with low income can benefit from an annual allowance for every child enrolled in public school of compulsory education which can be granted to them only at the end of each school year, upon submission of a certificate of regular school attendance.

## **Article 27 (para. 20 of the Committee’s concluding observations)**

### **Existence of a “Macedonian” minority in Greece**

181. Greece fully respects the right of each person to self-identify as he/she wishes and no disadvantage results from such an expression of wish. However, Greece does not recognize that a distinct national, ethnic or linguistic minority exists in its territory by the name “Macedonian”. In fact, there is a small number of people in the Greek region of Macedonia, who, apart from Greek, speak a Slav dialect, which is confined to family or colloquial use. These individuals fully enjoy all human rights and fundamental freedoms under the Greek constitution and international treaties and are free to manifest their traditions and culture. A proof of this are the festivities and cultural events that are regularly held in the region, as an expression of the local population’s culture, without any interference or impediments on the part of the Greek authorities. It is noteworthy, to give an idea about the actual support all those circles promoting the existence of a so-called

“Macedonian” minority in Greece really enjoy, that the political party in Greece which claims to represent such a minority has obtained in the most recent elections in which it participated, the 2009 elections for the European Parliament, some 4,500 votes, that is a percentage of 0.09%.

182. The promotion of the existence of a “Macedonian” minority in Greece not only does not advance respect for human rights, but risks to create tensions in the region, as this name is also used in the cultural/regional sense by hundreds of thousands of Greek Macedonians living in the region of Northern Greece and constitutes an integral part of their identity and cultural heritage.

183. On a more general note, according to modern standards in the field of human rights and minority protection, all ethnic, cultural, linguistic or religious differences do not necessarily lead to the creation of ethnic or national minorities. Moreover, subjective claims or perceptions of a small number of persons, which are not based on objective facts and criteria, are not sufficient by themselves to impose on a State an obligation to officially recognize a group as a minority and to provide to its members specific minority rights, additional to those guaranteed by human rights treaties. What really matters is that the non-recognition of numerically small groups as a national minority does not lead to a discriminatory treatment or the creation of a “protection gap” and that the members of such groups fully enjoy their human rights and freedoms under the conditions set out in the relevant universal and regional human rights treaties.

#### **Freedom of association**

184. It is true that the European Court of Human Rights has found a violation of the right to freedom of association on the grounds that Greek courts have refused to register an association bearing the name of “Home of Macedonian Civilization”. It is to be noted that the use of the qualifier “Macedonian” in the statute of the said association creates confusion since the same qualifier is used by hundreds other associations established by Greek Macedonians, which however use the adjective “Macedonian” to denote the regional and/or cultural provenance of their members and not a distinct national identity. This confusion, which also creates problems of public order and infringes upon the human rights of others, could have been avoided if the founders of the said association had used a name for the latter which corresponds to their Slav-oriented identity.

185. The European Court of Human Rights in three judgments delivered in 2007 and 2008, concerning an equal number of associations, found a violation by Greece of freedom of association, as protected in the European Convention of Human Rights. It is to be noted that there is no specific legislation on minority associations, the general provisions of the Civil Code being applicable in this respect. The decision to register any association falls within the exclusive competence of the courts, exercising a control of legality, and not of opportunity, with no government interference. These procedures have recently been simplified and accelerated by the adopted modifications to article 80 of the Greek Civil Code, which clearly provide that associations are registered with the Court by simply fulfilling the requirements of the law (Law 4055/2012, articles 1 and 17).

186. The Greek Government is considering ways and means to execute the above judgments of the European Court of Human Rights. Full implementation of the said judgments is pending, due to procedural reasons identified by the competent courts, not related to the statute or the activities of any particular association. In 2012, the Supreme Court delivered its judgment No. 24/2012 in the case of “South Evros Educational and Cultural Association of Western Thrace Minority”, overturning the decision of the competent appeals court refusing the registration of the said association. The Supreme Court fully applied the principles derived from the jurisprudence of the European Court of Human Rights. It is to be expected that the lower courts will follow the case-law of the

Supreme Court in freedom of association cases. Implementing the Supreme Court's judgment, the competent Court of Appeal allowed recently the registration of the abovementioned association.

187. In Thrace, there is a thriving civil society comprising a large number of Muslim minority associations and NGOs that have been registered by the competent courts and operate unimpeded, thus preserving, highlighting and promoting all aspects of the cultural, educational and economic life of the minority. Since January 2008, more than 40 minority associations have been registered.

188. In a broader context, the cultural heritage of all the three components of the Muslim minority is fully respected. Further to the various activities of minority associations and NGOs in this field, during the last years, an increasing number of cultural/artistic events and festivities have been hosted in Thrace, through the co-operation of Greek and Turkish municipal authorities, with the involvement of minority associations and NGOs, including artists invited from Turkey. Sometimes, this favorable and free environment for the Muslim minority has been exploited by its Turkish-origin component, by means of cultural assimilation tactics on the members of the other two components. These tactics were reflected in Resolution 1704/2010 of the Parliamentary Assembly of the Council of Europe (see para. 18.6, "ensure that no attempts are made to impose an identity on a person or group of persons, even by representatives of other groups within the minority concerned, in keeping with the spirit of Article 3 of the Framework Convention for the Protection of National Minorities").

#### **The Muslim minority in Thrace**

189. As explained in Greece's initial report, the Muslim minority in Thrace consists of three distinct groups whose members are of Turkish, Pomak and Roma origin. Each of these groups has its own spoken language, cultural traditions and heritage, which are fully respected by the Greek state.

190. The 1923 Treaty of Lausanne that establishes the status of the minority in Thrace refers to it as being a religious minority, the Muslim faith being the common denominator of the aforementioned components.

191. In keeping with the principle of individual self-identification, persons belonging to 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.

192. Greece fully respects its obligations under the 1923 Treaty of Lausanne, an international instrument which provides, in some areas, a more enhanced protection than the contemporary minority rights instruments. At the same time, while implementing the Lausanne Treaty, Greece has adopted legislation and policies based on modern human rights norms and standards and has improved the living conditions of the members of this minority.

193. Muslims in Thrace, like all Greek citizens, enjoy the benefits and advantages of Greece's membership of the European Union, and their rights and freedoms are guaranteed in accordance with the provisions of the Greek constitution and the universal and regional human rights treaties. The policies implemented by the competent authorities aim at guaranteeing the smooth integration of this minority in the social fabric of the country, while safeguarding its cultural and religious identity, and preventing any tendency which would lead to marginalization or favor segregation or an inward-looking mentality.

194. Indeed, persons belonging to the Muslim minority in Thrace actively participate in all aspects of everyday, public, civil and political life on the regional as well as the national level.

195. A number of important measures in favor of the members of the Muslim minority in Thrace have been adopted by the Greek Governments in recent years. These measures attest to Greece's commitment to further pursue, promote and enhance the integration of persons belonging to the Muslim minority in Thrace to the wider society they live in and prosper.

196. Due to its cardinal importance, particular attention has been paid to the field of education. Other measures adopted aim at promoting and safeguarding the cultural identity of the persons belonging to the Muslim minority and facilitating their access to employment in the public sector.

197. Additional steps have also been initiated in order to enable members of the Muslim minority, especially women and young persons, to be beneficiaries of nationwide programs and projects, co-financed, in some cases, by the European Union, designed for vulnerable social groups, focusing, in particular, on issues of gender equality, combating racism and xenophobia and promoting equal opportunities, access to employment and inter-cultural dialogue.

### **The right to education**

198. The Greek Government maintains policies implemented to uphold the right to education for Muslim minority students. The State continues to provide strong support to minority schools, while, at the same time, the increasing preference of Muslim minority students for the public educational system has been appropriately accommodated. In fact, the number of minority students who prefer to attend public schools at all levels has tripled since 1996. Moreover, the number of Muslim minority girls graduating from high school has significantly increased.

199. **Pre-school Education:** according to the legislation in force, pre-school education of one year is mandatory. This is a prerequisite for all children in order to enter primary schools. The authorities have tried to accommodate parents whose children did not manage to attend pre-school for a justifiable reason.

200. **Primary and Secondary Education:** In accordance with the 1923 Treaty of Lausanne, Greece guarantees the proper functioning of the existing minority schools, which are supported and funded by the State. Currently, there are 169 primary minority schools and 2 Seminaries (Koranic schools) in Thrace. In addition, there are 2 secondary minority schools.

201. As previously mentioned, an increasing number of Muslim minority students in Thrace demonstrate a preference for the public educational system. The authorities have successfully accommodated this preference, while offering courses aimed at preserving the cultural and linguistic characteristics of this group of students who attend public schools.

202. Greek language and civilization courses are available for Muslim parents in an effort to enable parents to get more involved in their children's education.

203. The number of minority students attending secondary school has significantly increased in the last 10 years. About one quarter attend a minority school, while three quarters of students are in public schools. The programme for the "Education of the Children of the Muslim Minority in Thrace" is an additional measure to support Muslim minority children in their schooling in terms of performance, attendance and assistance. Muslim minority students of Thrace are accommodated by special educational policies implemented, as well as by national social and educational policies.



204. **Higher Education:** a 0.5% quota for the admission to Universities and Higher Technical Educational Institutes of Muslim minority students of Thrace has been introduced. Due to this special measure, the number of Muslim minority University students has increased eightfold since 1996. Additionally, this quota along with the general positive policies in favor of Muslim minority students has led to their increased number of entrance in the School of Primary Education Teachers at University level.

#### **The Muftis selection process**

205. Law No. 1920/1991 provides for the selection of the religious leaders of the Muslim minority in Thrace through fully transparent and inclusive procedures, by a pool of esteemed teachers of Islam, who are members of the minority. The Greek State is involved at the very last stage of the process and only after the selection has been made. The reason for the State's involvement is linked to the judicial functions that the Muftis exercise in family and inheritance law matters of the Muslim minority in Thrace, in addition to their religious duties. Greece is examining possible ways that would further improve the process for the selection of the Mufti. All matters related to the religious rights of the members of the Muslim minority and the role of its Muftis are dealt with in a constructive spirit and in consultation with the Muslim minority in Thrace.

#### **Appointment of religious teachers – Extension of benefits**

206. Law 4115/2013 made possible, for the first time, the teaching of the Holy Quran in Greek public schools in Thrace, to the benefit of minority students who choose the public educational system. The Quran teachers have been selected, through a fully transparent and inclusive procedure, by a qualified 5-member Committee, which is composed exclusively of eminent Muslim personalities and is presided by the local Mufti. They receive a steady salary provided by the Greek State and enjoy social security benefits. Their standing in society, at a time of a severe economic crisis, will improve and they will not depend on other uncertain or unspecified sources of income. It is important to stress that Quran teachers have the right to freely choose whether they want to join this scheme. The entire philosophy of the law is based on this principle. The same applies to the teaching of the Holy Quran in public schools. Children of the minority can freely decide whether they wish of not to attend religious classes.

#### **Participation in public and political life**

207. A quota of 0.5% with respect to the State exams system for civil service, has been established in favor of persons belonging to the Muslim minority with the obvious intention to enhance their active participation in the public sector.

208. In almost all successive parliamentary elections held in Greece since 1927, candidates belonging to the Muslim minority in Thrace have been elected as members of the Parliament. At the last legislative elections (June 2012), three MPs – members of the Muslim minority in Thrace – were elected, through two different parties. Furthermore, 120 members of the minority have been elected at the municipal and regional councils in Thrace, participating actively in the region's local administration.

209. The Greek Government is committed to preserve the distinct cultural heritage of all three components of the Muslim minority in Thrace. To this effect, it undertakes and sponsors initiatives that highlight inter-cultural dialogue, integration and social coherence, including through projects in the context of the EU. An example of such a project is the initiative to establish Youth Councils, with the participation and active involvement of young Christians & Muslims alike, as part of the Local Administration network in Thrace.

210. Additional steps have been taken to enable members of the Muslim minority, especially women and young persons, to be beneficiaries of projects co-financed by the EU. Such projects are designed for vulnerable social groups and focus on gender equality, combating racism and xenophobia, promoting equal opportunities, access to employment and intercultural dialogue.

211. The Greek Government attaches great importance to the dialogue with local society. This dialogue is an all-inclusive process and aims at promoting and enhancing prosperity, stability and equal opportunities for all Greek citizens. It is through this process, involving all citizens, irrespective of their religious beliefs, that the Greek Government will continue to seek further ways and means to enhance their progress, prosperity and well-being.

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