

**GREEK HELSINKI MONITOR (GHM)  
MINORITY RIGHTS GROUP - GREECE (MRG-G)  
COORDINATED ORGANIZATIONS AND COMMUNITIES  
FOR ROMA HUMAN RIGHTS IN GREECE (SOKADRE)**

**Contact address:** P.O. Box 60820, GR-15304 Glyka Nera **Tel.:** (+30)2103472259  
**Fax:** (+30)2106018760 **e-mail:** [office@greekhelsinki.gr](mailto:office@greekhelsinki.gr) **website:** <http://cm.greekhelsinki.gr>

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## **Fulfillment by Greece of its human rights obligations and commitments**

**7 November 2010**

This joint NGO report is submitted to the United Nations' **Human Rights Council (HRC)** for the review of the fulfillment by **Greece** of its human rights obligations and commitments through the **Universal Periodic Review (UPR)** scheduled for the **11<sup>th</sup> UPR Session** on 9 & 11 May 2011.

### **A. Information provided to the UPR by Greece**

1. There was no national consultation process for the preparation of the information provided by Greek authorities.

### **B. Normative and institutional framework for the promotion and protection of human rights**

2. Greece's constitution, legislation, national action plans, and national human rights institutions are in theory adequate for the promotion and protection of human rights. Additionally, the possibility of every court, however low, to rule on the compatibility of legislation and policy measures with the constitution and the binding international instruments makes up –again in theory but also sometimes in practice too- for the inevitable existence of imperfections in the legislation. The last **Greek Ombudsman Professor George Kaminis** had aptly stated that "*Greece has ... a very advanced legislation [and] a good constitution. The problem lies in its implementation... There are courts, prosecutors ... have you seen them produce any results?*" "*If we really want to ameliorate the public sector, what is needed is not reconciliatory procedures, but sanctions.*"<sup>1</sup>

### **C. Implementation and efficiency of normative and institutional framework for the promotion and protection of human rights**

3. The existence of major human rights problems in a long-standing democracy like Greece –many are presented below- results from the frequent failure to uphold the constitution and the binding international instruments and to implement legislation and human national action plans, while the record of national human rights institutions is seriously deficient in crucial issues concerning the country's ethnic minorities.

### **D. Execution of international judgments**

4. In "*Greece's systematic failure to execute international judgments*"<sup>2</sup> documentation is provided on Greece's failure to implement 15 **European Court of Human Rights (ECtHR)** judgments, 2 **European Committee for Social Rights (ECSR)** decisions and 1 (and possibly 2) **UN Human**

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<sup>1</sup> Interview in the Athens-based magazine "**Tachydromos**" inserted in the the daily newspaper "**Ta Nea**" 24 April 2004; and interview in the Athens-based daily newspaper "**Ethnos on Sunday**," 13 April 2003.

<sup>2</sup> <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3712>

**Rights Committee** (UN HRC) views, in cases litigated by **Greek Helsinki Monitor** (GHM). They concern ill-treatment, injury or death of civilians by police forces; involuntary declaration of religious convictions in court proceedings; failure to provide schooling for Roma children and their subsequent placement in a segregated Roma-only school; denial of access to court because of parliamentary immunity of defendants for actions either unrelated to parliamentary activity or preceding their election to parliament; Roma living conditions that fail to meet minimum standards and/or forcible evictions, while legal remedies generally available are not sufficiently accessible to them. Moreover, Greek domestic courts refuse to execute 4 ECHR judgments concerning the dissolution or refusal to register associations established by persons belonging to the Turkish or the Macedonian minorities,<sup>3</sup> as they continue to deny registration to these associations.

### E. Status of reporting to UN human rights bodies

5. Greece stands out among EU countries for its systematic failure to submit reports to UN human rights bodies on time or with only short delays. Currently, Greece has not submitted its periodic reports to the **HRC** (CCPR) due on 01/04/2009, **CEDAW** due on 07/07/2008 (it has announced it will submit it soon), and **CESCR** due on 30/06/2009. Only thanks to the visit of the **UN Special Rapporteur of Torture** (UNSRT) on 10-20 October 2010, Greece rushed to submit on 20 September 2010 its report to CAT originally due 04/03/2005 and rescheduled for 04/11/2009. Greece also submitted on 6 July 2009 its report on **CRC** due 9 June 2000 and on 29 January 2010 its report on **CRC-OP-AC** due 22 November 2005.<sup>4</sup> Additionally, Greece has failed to submit to **CERD** the follow-up requested in August 2009 by the latter and due on 28/08/2010. **GHM**, **MRG-G** and **SOKADRE** would like to reiterate that, despite the bodies' recommendations, these state reports and the ensuing recommendations remain unknown in Greece as they are not at all disseminated and most are not even available on government sites.

### F. Implementation of human rights bodies' recommendations on torture

6. Greece systematically fails to (even attempt to) implement the recommendations of human rights bodies and usually ignores them when it submits subsequent reports to the same bodies. Characteristic is the most recently submitted report to **CAT**<sup>5</sup> which was supposed to reply to **CAT**'s list of issues.<sup>6</sup> Asked for information on steps taken to ensure effective implementation in practice of adopted legislation (paragraph 1), Greece provided new legislation, circulars or guidelines enacted but no information on, for example, some impact assessment of the implementation of the legislation.
7. Asked about the rights of detained persons from the very outset of detention, including prompt access to defense counsel and medical examination (par. 2), Greece replied that both rights –as well as that to interpretation- were guaranteed by law: one month later, however, the **UNSRT** reported however that “*Migrant detainees often face difficulties in accessing a lawyer and/or an interpreter... Access to medical care was very limited.*”<sup>7</sup> Greece provided no information on the existence of provisions regarding gender-based breaches of ICAT as well as monitoring and data on prosecution of such violations (par. 3) as there are no provisions, no monitoring and no

<sup>3</sup> [http://www.coe.int/t/DGHL/MONITORING/EXECUTION/Reports/Default\\_EN.asp?dv=1&StateCode=GRC](http://www.coe.int/t/DGHL/MONITORING/EXECUTION/Reports/Default_EN.asp?dv=1&StateCode=GRC) – see entry on 3 Turkish associations under *Bekir-Ousta and others v. Greece*; and, for the Macedonian association see <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=693773&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

<sup>4</sup> <http://www.unhcr.ch/tbs/doc.nsf/NewhvVAlISPRByCountry?OpenView&Start=1&Count=250&Expand=68#68>

<sup>5</sup> [http://www2.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT-C-GRC-5\\_6.pdf](http://www2.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT-C-GRC-5_6.pdf)

<sup>6</sup> <http://daccess-ods.un.org/TMP/7396269.html>

<sup>7</sup> [http://www2.ohchr.org/english/issues/torture/rapporteur/docs/PressStatement20102010\\_en.doc](http://www2.ohchr.org/english/issues/torture/rapporteur/docs/PressStatement20102010_en.doc)

data on prosecution of sexual violence not only when the victims are detainees but in society in general.

8. Regarding the questions on asylum procedures (par. 4-8), Greece provided a lengthy description of future legislation drafted in spring 2010 which however is not in place as it has not even been tabled before parliament, while it claimed that it upholds non-refoulement, and that asylum seekers are provided with information leaflets and adequate legal aid. However, in several texts, most recently in their unprecedented third party written and oral interventions before the **ECtHR** in the case of *M.S.S. v. Belgium and Greece*, the **UNHCR**<sup>8</sup> and the **Council of Europe Commissioner for Human Rights (CHR)**<sup>9</sup> assessed that –in the words of UNHCR- “*adequate safeguards and effective access to procedures and international protection are not generally available in Greece; ...inadequate reception conditions may give rise to a risk of refoulement and, in some circumstances, may constitute inhuman or degrading treatment; ... more recent Court decisions against Greece have highlighted the serious shortcomings within the asylum system in operation there including violations of Articles 3 and 5 during detention;... pending reform of the Greek asylum system, UNHCR thus continues to recommend against transfers to Greece.*” The **UNSRT** came to the same conclusion a few weeks later.<sup>10</sup> Additionally, all other EU states supporting Greece in that ECtHR hearing (**Belgium, the Netherlands, UK**) along with three more states (**Austria, Denmark and Norway**) have since suspended referrals to Greece of asylum seekers; after all, a Greek minister had declared “*No matter how perfectly we might organize a reception, hosting and asylum system, we will never be able to meet our international and European commitments, nor will we be able to do justice to our civilization, as long as we are called to handle these extraordinarily high numbers of irregular entrants all by ourselves.*” A comprehensive summary of the situation with additional sources is available in a November 2010 GHM third party intervention before ECtHR.<sup>11</sup> Greece did provide CAT with data on the asylum procedure, which confirmed that only 0.5% of the applicants are granted asylum. On the contrary, Greece failed to provide requested data on deportations in general and for rejected asylum-seekers (par. 8).
9. Greece did not provide data on persons tried and convicted on torture charges (par. 9) because the data will be a grand zero for such convictions. The State provided data on prison occupancy rates that indicate that there are 50% more prisoners than places causing inhuman overcrowding (para. 12) but left unanswered the question on whether NGOs are allowed to visit detention centers (para. 13), because in effect all such requests are being refused. As it had nothing to report, Greece did not answer either the question on introducing audio or videotaping, with a view to preventing torture and ill-treatment (para. 14). Additionally, no answer was provided on “*HRC and CPT reports that undocumented liens are detained in overcrowded facilities with poor living and sanitary conditions, are not informed of their rights, and lack any effective means of communication with their families and their lawyers*” (para. 17), a situation deplored by NGOs as well as **UNHCR, CHR and UNSRT**.<sup>12</sup>
10. Greece provided data indicating that in 2005-2009 281 complaints for ill-treatment were investigated leading to the removal from service of four police officers and the criminal conviction of six officers for unspecified charges at first instance that may be overturned on appeal (para. 18); in the same period, 186 complaints for use of firearms were investigated leading to the removal from service of one police officer and the criminal conviction of one

<sup>8</sup> [http://cm.greekhelsinki.gr/uploads/2010\\_files/unhcr\\_interv\\_in\\_mss\\_june\\_2010.pdf](http://cm.greekhelsinki.gr/uploads/2010_files/unhcr_interv_in_mss_june_2010.pdf)

<sup>9</sup> [http://cm.greekhelsinki.gr/uploads/2010\\_files/chr\\_interv\\_in\\_mss\\_may\\_2010.pdf](http://cm.greekhelsinki.gr/uploads/2010_files/chr_interv_in_mss_may_2010.pdf)

<sup>10</sup> [http://www2.ohchr.org/english/issues/torture/rapporteur/docs/PressStatement20102010\\_en.doc](http://www2.ohchr.org/english/issues/torture/rapporteur/docs/PressStatement20102010_en.doc)

<sup>11</sup> [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm\\_third\\_party\\_intervention\\_to\\_belgium\\_greece\\_dublin\\_case\\_1-11-10.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm_third_party_intervention_to_belgium_greece_dublin_case_1-11-10.doc)

<sup>12</sup> See notes 7, 8 and 9 above.

officer for unspecified charges at first instance that may be overturned on appeal (para. 19). The State concluded that these were “*isolated events*” and that the very low number of officers sanctioned indicates that police behavior is generally correct and thus the allegations unfounded. On the contrary, **GHM, MRG-G** and **SOKADRE**, as well as **CAT, CPT** and the **UNRST** have considered this data as evidence of prevailing impunity adding, in the words of the UNSRT, that “*the lack of an effective complaints mechanism, independent investigation and monitoring create an environment of powerlessness for victims of physical abuse.*”<sup>13</sup> Again, Greece failed to provide data on compensation awarded and medical rehabilitation offered to torture victims (paras. 22-23), as there would be very little to nothing to report.

11. Worse, Greece totally ignored the request for information following **CAT, CESC**R and **UN Special Rapporteur on the Sale of Children** concerns on racist and discriminatory attitude of public officials especially in cases of Roma evictions and relocations and on possible recruitment into law-enforcement agencies of members from Roma and other minority groups (para. 25). **GHM, MRG-G** and **SOKADRE** would reiterate that the concerns remain equally relevant today while the absence of minority law-enforcement officers continues.
12. The State provided extensive information on measures, action plans and cooperation with NGOs selected by the State (that exclude **GHM, MRG-G** and **SOKADRE**) in combating trafficking (para. 26). Yet there is no information on final criminal convictions of traffickers to long firm imprisonment for the simple reason that there is no such sentence known exceeding ten years. On the contrary, **GHM** knows that a trafficker convicted at first instance to 34 years imprisonment saw his prison sentence reduced on appeal to ... 5 years (**Five-Member Appeals Court of Athens** Judgment 1378 & 1384/26 & 28 May 2010). While **Amnesty International** reported that, on 23 May 2009, the same court reduced the sentence of another trafficker from 19 to 7 years’ imprisonment.<sup>14</sup> In both cases, trial observers expressed concern about the court’s lenience towards racist and demeaning remarks by the defense lawyers as well as bullying of NGO advocates and witnesses by the defendants’ associates. Additionally, in cases involving three Russian trafficking victims recognized by state authorities as such in 2003 and represented by **GHM** before courts (A.T., I.T. and K.V.), two criminal investigations (one including the alleged criminal involvement of Greek consular authorities in Moscow) drag on whereas, in one case, there is no final judgment while the three traffickers convicted to 15-17 years’ imprisonment at first instance walk free as their sentence was suspended pending the examination of their appeal!
13. In the question on the enforcement of the 2006 Law on Combating Domestic Violence (para. 27), Greece offered no data on prosecution and convictions as no one is aware of its use by the courts to date. Greece did not offer any information either on the fate of the 500 missing “Aghia Varvara” Albanian Roma street children, as well as the status of any judicial investigation (para. 28). **UN HRC** had also made a related specific recommendation: “*The State party should conduct a judicial investigation concerning the approximately 500 children who went missing from the Aghia Varvara institution between 1998 and 2002, and provide the Committee with information on the outcome.*”<sup>15</sup> **GHM, MRG-G** and **SOKADRE** that represent the children’s families before all authorities would like to report that only four children have been located to date, while the criminal investigation (in which victims have civil claimant status) has been idle for several years.

## **G. Implementation of human rights bodies’ recommendations on minorities and racism**

<sup>13</sup> [http://www2.ohchr.org/english/issues/torture/rapporteur/docs/PressStatement20102010\\_en.doc](http://www2.ohchr.org/english/issues/torture/rapporteur/docs/PressStatement20102010_en.doc)

<sup>14</sup> <http://www.amnesty.org/en/region/greece/report-2009>

<sup>15</sup> <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/CCPR.CO.83.GRC.En?Opendocument>

14. Greece's reaction to CERD's concluding observations published in August 2009<sup>16</sup> is another characteristic example of how the State ignores such documents and persists in the violation of the corresponding binding international provisions. First, Greece failed to submit the follow-up report due in August 2010 on its recommendations concerning reported cases of ill-treatment of asylum seekers and illegal immigrants, including unaccompanied children, and the need to take more effective measures necessary to treat asylum seekers humanely and to reduce as much as possible the period of detention of asylum-seekers, in particular children; as well as information on cases of ill-treatment and excessive use of force by Greek police against persons belonging to vulnerable groups, in particular the Roma, and the need to take further measures to combat the abuse of authority and to prevent the ill-treatment of people belonging to different racial and ethnic groups by the police, to ensure that such acts are effectively prosecuted and punished by the judicial authorities, and to integrate more members of the Roma community into the police. As reported above, Greece has taken no effective measure towards the implementation of these recommendations, while draft legislation prepared in the spring of 2010 has never been tabled before Parliament. The UNSRT's observations after his October 2010 visit to Greece confirm the **GHM, MRG-G** and **SOKADRE** conclusions.
15. CERD also drew the attention of the Greece to the particular importance of three recommendations and requested that the State party provide detailed information in its next periodic report due on 18 July 2013 on concrete measures taken to implement these recommendations. Two recommendations concerned the effective non-implementation of legal provisions aimed at eliminating racial discrimination and in particular those relating to prosecution and punishment of racially motivated crimes and the propagation by certain organizations and media outlets of racist stereotypes and hate comments against persons belonging to different ethnic and racial groups. Greece was asked to ensure the effective implementation of all related legal provisions aimed at eliminating racial discrimination and that racially motivated crimes are effectively prosecuted and punished; as well as to take effective measures to penalize organizations and media outlets that are guilty of hate speech, ban Neo-Nazi groups and take more effective measures to promote tolerance towards persons of different ethnic origins. CERD also requested Greece to provide in its next report updated information concerning the application by courts of criminal law provisions punishing acts of racial discrimination, such as those contained in Law 927/1979. GHM, the only organization that has been litigating cases involving Law 927/1979 in Greece, can report that authorities have taken no action to that effect, as no prosecution of any of the authors (including politicians) of the thousands of public statements or media articles that propagated anti-Roma, Islamophobic, anti-Semitic or anti-minority stereotypes if not outright hatred made since August 2009 has been prosecuted. On the contrary, in the only two trials based on Law 927/1979 since then, Greek courts acquitted notorious extreme right, neo-Nazi publications for anti-Semitic (**Athens Three-Member Appeals Court** Judgment 7237/25 July 2010) or anti-Romani (**Athens Three-Member Misdemeanors Court** Judgment 79234/20 October 2010) texts, in trials where GHM represented Jewish or Roma civil claimants. Worse is the case of the **Supreme Court's Criminal Plenary**, which, with a 24-12 majority, rejected the motion for cassation for the benefit of the law filed by the **Prosecutor of the Supreme Court** against the acquittal by an Appeals Court of self-professed Nazi and anti-Semite **Costas Plevris** for his notorious anti-Semitic book (Judgment 3/2010): the wording of the judgment indicates that even the majority of the country's top judges express anti-Semitic stereotypes!<sup>17</sup> At the same time, the advocates of **GHM**, the **Central Board of Jewish Communities in Greece**, and the **Antinazi Initiative**, who had brought charges against Costas Plevris for that book, have been referred to trials for

<sup>16</sup> <http://daccess-ods.un.org/TMP/8502858.28113556.html>

<sup>17</sup> [http://cm.greekhelsinki.gr/uploads/2010\\_files/supreme\\_court\\_judgment\\_plevris\\_book\\_3-2010.doc](http://cm.greekhelsinki.gr/uploads/2010_files/supreme_court_judgment_plevris_book_3-2010.doc)



dissemination of false information through the press because of their criticism of judicial officials who had expressed anti-Semitic views (**Athens Three-Member Appeals Court** on 6 December 2010) and for false accusations, perjury and aggravated defamation against Costas Plevris (**Athens Three-Member Misdemeanors Court** on 24 January 2011)!<sup>18</sup> Indicative of the prevailing climate in Greece is **Prime Minister George Papandreou**' statement on 5 November 2010, opposing the prosecution of persons for hate speech in the name of freedom of expression.<sup>19</sup>

16. **CERD**'s third recommendation of particular importance was that Greece should consider giving the Ombudsman, the only independent body, overall powers to receive complaints of racial discrimination, while cooperating with the other not so independent bodies when examining them. Regrettably, since the coming to power of the socialist party (PASOK) in October 2009, the **Greek Ombudsman** has been effectively weakened. First, two Deputy Ombudsmen (including the one responsible for human rights) left to the authority for government jobs and were not replaced before several months elapsed. By the time the new team could coordinate itself, the Ombudsman himself resigned in August 2010 to run in a government-supported ticket for Mayor of Athens but he has not been replaced by November 2010: in both cases, those assuring the interim refused to handle sensitive complaints, and, as a result, for example such GHM complaints filed in November 2009 have yet to be examined!
17. In other recommendations, **CERD** expressed concern about information on difficulties encountered by Muslims belonging to different ethnic groups to practice their religion, asking Greece to ensure that all persons enjoy their right to freedom of thought, conscience and religion, without any discrimination. These concerns reflected mainly the fact that the several hundreds of thousand Muslim migrants around Greece (outside the Muslim-minority populated regions of Thrace) have no mosques to pray and no cemeteries to be buried, having to resort instead to unauthorized makeshift mosques and ship their dead to Thrace or their countries of origin. The tolerance by the State of widespread Islamophobia helps explain why even the legally secured construction of a mosque in Athens has been delayed for years, while several candidates in the November 2010 regional and municipal elections ran unhindered with a slogan "No to the mosque!"
18. **CERD**, like **UN HRC**,<sup>20</sup> **CHR**,<sup>21</sup> the **UN Independent Expert on Minority Issues (UN IEMI)**,<sup>22</sup> and **European Commission against Racism and Intolerance (ECRI)**,<sup>23</sup> have criticized the forced dissolution of and refusal to register some associations including in their titles words such as "minority", "Turkish" or "Macedonian", as well as of the explanation for such refusal, calling on Greece to ensure the effective enjoyment by persons belonging to every community or group of their right to freedom of association and of their cultural rights, including the use of mother languages. As mentioned above, Greece does not intend to implement such recommendations. Domestic courts have again rejected the registration of all these associations, with the expressed approval of the Minister of Justice, who on 3 May 2010 said before Parliament that "*Greek courts have in my opinion correctly decided that domestic legal order cannot change because of a different ECtHR case law.*"<sup>24</sup>

<sup>18</sup> [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm1353\\_antinazi\\_ghm\\_kis\\_trials\\_english.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm1353_antinazi_ghm_kis_trials_english.doc)

<sup>19</sup> <http://www.ana-mpa.gr/anaweb/user/showprel?service=3&maindoc=9279678>

<sup>20</sup> <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/CCPR.CO.83.GRC.En?Opendocument>

<sup>21</sup> [https://wcd.coe.int/ViewDoc.jsp?id=1409353&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FE6666&BackColorLogged=FFC679#P83\\_15167](https://wcd.coe.int/ViewDoc.jsp?id=1409353&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FE6666&BackColorLogged=FFC679#P83_15167)

<sup>22</sup> [http://cm.greekhelsinki.gr/uploads/2009\\_files/special\\_rapporteur\\_on\\_minorities\\_visit\\_to\\_greece\\_2008.pdf](http://cm.greekhelsinki.gr/uploads/2009_files/special_rapporteur_on_minorities_visit_to_greece_2008.pdf)

<sup>23</sup> <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>

<sup>24</sup> <http://www.parliament.gr/ergasies/praktika/txt/es100503.doc>

19. **CERD**, like **UN HRC**,<sup>25</sup> **UN IEMI**,<sup>26</sup> and **ECRI**,<sup>27</sup> expressed concern about obstacles encountered by Roma persons with regard to access to work, housing, health care and education. CERD recommended that Greece undertakes an evaluation of the results of the “*Integrated Action Program for the social integration of Greek Roma*” in consultation with the respective communities, and adopts adequate measures to effectively improve the living conditions of the Roma. No such action was taken, nor is there any improvement on the living conditions. As Roma in Greece, like in most other countries where they live, are the object of more widespread racism and human rights violations than any other group, **GHM**, **MRG-G** and **SOKADRE** summarize here the extensive references in the **ECRI** report. **ECRI** expressed its concern that schools (including in Aspropyrgos and Spata) refused to register Roma children, in some instances due to pressure by some non-Roma parents, and Roma children were separated from other children within the same school or in the vicinity thereof. **ECRI** urged Greek authorities to combat exclusion, discrimination and under-performance, in full compliance with the European Court of Human Rights’ judgment (on Aspropyrgos Roma) in this regard. Concerning housing, **ECRI** noted in an on-site visit to Roma settlements in Aspropyrgos and Spata near Athens that the living conditions of some Roma continue to fall unacceptably below international standards. They live in complete isolation from the rest of the population, without running water or electricity and without a sewage system or access to public transport. These settlements are not easily accessible as there are no tarmacked roads leading to them and their inhabitants live in makeshift or pre-fabricated houses, with no heating in winter and leaking roofs in some cases, thus leaving the vulnerable such as children, pregnant women and the elderly particularly susceptible to illness. Roma living in those settlements also face at best indifference and at worst hostility (in Aspropyrgos) on the part of local authorities and non-Roma. **ECRI** recommended that the authorities act more vigorously to address the situation of Roma who live in settlements of inadequate standards by, among others, imparting on local authorities their obligations under international and national law, as concerns housing rights, including the right to non-discrimination. Concerning the housing loan scheme, **ECRI** mentioned that reports [by **GHM**, **MRG-G** and **SOKADRE**] indicate that there may have been irregularities in the implementation of this scheme, such as loans not being provided to the intended beneficiaries. **ECRI** called for all such allegations to be duly investigated and sanctions taken should they prove grounded. Finally, **ECRI** strongly recommended the creation of more systematic and long-term mechanisms for monitoring and evaluating the implementation of the Integrated Action Plan in order to assess results and make any necessary adjustments and announced a process of interim follow-up for this recommendation by **ECRI** no later than two years following the publication of this report.
20. Finally, CERD recommended that Greece improves the reported poor quality of education for the vulnerable ethnic groups and the Muslim minority, including through the training of teachers belonging to these groups, to ensure that there is a sufficient number of secondary schools, and to create pre-schools that teach in the mother tongue of their students. No such action was taken.
21. **GHM**, **MRG-G** and **SOKADRE** would like to urge the **Human Rights Council** to take into consideration the very detailed report by the **UNIME**<sup>28</sup> who visited Greece in September 2008. Her visit included destitute Roma settlements as well as the Turkish, Pomak and Muslim Roma inhabited area of Thrace and –the first ever international expert- the Macedonian-inhabited area of Western Macedonia, where in fact she was bullied by reporters and local nationalists. Her report not only details all problems faced by Greece’s minorities, but also the hostility

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<sup>25</sup> <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/CCPR.CO.83.GRC.En?Opendocument>

<sup>26</sup> [http://cm.greekhelsinki.gr/uploads/2009\\_files/special\\_rapporteur\\_on\\_minorities\\_visit\\_to\\_greece\\_2008.pdf](http://cm.greekhelsinki.gr/uploads/2009_files/special_rapporteur_on_minorities_visit_to_greece_2008.pdf)

<sup>27</sup> <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>

<sup>28</sup> [http://cm.greekhelsinki.gr/uploads/2009\\_files/special\\_rapporteur\\_on\\_minorities\\_visit\\_to\\_greece\\_2008.pdf](http://cm.greekhelsinki.gr/uploads/2009_files/special_rapporteur_on_minorities_visit_to_greece_2008.pdf)

minorities are faced with, as a direct result of official state policy: “*One also senses an interest in promoting a singular national identity. This approach may leave little room for diversity. It can contribute to a climate in which citizens who wish to freely express their ethnic identities face government blockages and in some instances, intimidation from other individuals or groups. In the northern part of the country some people expressed their view that the term “minority” implies “foreign.” Some consider those who want to identify as a person belonging to a minority ethnic group to be conspirators against the interest of the Greek state.*” In its reaction (full text below), Greece (governed then by conservative New Democracy) stated “*its firm conviction that the mechanisms for protection and strengthening of human rights should ultimately contribute to the harmonic coexistence of a country’s citizens. Therefore these mechanisms should not be transformed, directly or indirectly, into an opportunity or alibi for some that consciously attempt to exploit them for their own purposes on the level of interstate relations. Also, they should not become a tool in the hands of some who, for their own ends, seek the cultivation of division and a climate of tension within a society.*”<sup>29</sup> The sweeping majority of Greek media that routinely cover minority issues following the official Greek state line attacked in much stronger terms the report. The latter was also criticized by the then opposition parties socialist PASOK, communist KKE and extreme-right LAOS. The left opposition party Synaspismos has as usual remained silent as have all “NGOs” that deal with (other less controversial) human rights issues in Greece.

22. Additional concerns on Greece’s minorities can be found in the **UN HRC** recommendations.<sup>30</sup> HRC expressed concern about the impediments that Muslim minority women in Thrace might face as a result of the non-application of the general law of Greece to the Muslim minority on matters such as marriage and inheritance, where a very conservative version of the sharia law is applied by state-appointed muftis who are also empowered with judicial functions on family law. Greece has taken no action remedy the situation.
23. **UN HRC** also recorded that public school students are required to attend instructional classes in the Christian Orthodox religion and can opt out only after declaring their religion. It encouraged Greece to permit religious instruction only to those desiring such opportunities, while pupils not wishing to attend religious education classes should not be obliged to declare their religion. Yet, the problem remains the same.
24. **UN HRC** expressed concerns too at reports of continued discrimination against individuals on the basis of their sexual orientation, and asked Greece to provide remedies against discriminatory practices on the basis of sexual orientation, as well as informational measures to address patterns of prejudice and discrimination. The reports mentioned were submitted by **GHM** and **MRG-G**. It was mentioned therein that Greece refused to recognize homosexual relationships. **GHM** & **MRG-G** welcomed the December 2004 **Greek National Commission for Human Rights** (NCHR) opinion on homosexual rights<sup>31</sup> that recommended to the Greek government to recognize same sex couples so that they cease be discriminated against on matters of inheritance, tax, social security, health and welfare, pensions, and work. The NCHR also recommended the amendment of the anti-racism law 927/79 (see above) to include protection against incitation to discrimination or hatred on the basis of sexual orientation. Most importantly, the NCHR called for the abolition of Article 347 of the Criminal Code that describes the homosexual male act as “unnatural indecency” and criminalizes it if carried out in an abuse of a dependant situation, but also if done for money (male prostitution) or with a child

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<sup>29</sup> [http://www.mfa.gr/www.mfa.gr/Articles/en-US/06032009\\_ALK1127.htm](http://www.mfa.gr/www.mfa.gr/Articles/en-US/06032009_ALK1127.htm)

<sup>30</sup> <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/CCPR.CO.83.GRC.En?Opendocument>

<sup>31</sup> [http://www.nchr.gr/media/gnwmateuseis\\_eeda/meionotites/apofasi\\_eeda\\_gia\\_diakriseis\\_se\\_varos\\_sexoualikwn\\_meionotitwn\\_kai\\_politiko\\_gamo2004.doc](http://www.nchr.gr/media/gnwmateuseis_eeda/meionotites/apofasi_eeda_gia_diakriseis_se_varos_sexoualikwn_meionotitwn_kai_politiko_gamo2004.doc)



of less than 17 years (as opposed to 15 for heterosexual relations). The NCHR also called on the **National Council for Radio and Television** to sanction programs where there are insulting or discriminatory references to homosexuals; on the **Ministry of Public Order** to take measures so that humiliating and discriminatory behavior of law enforcement officers towards homosexuals in stop and searches ceases and to facilitate granting asylum to people persecuted in their countries for their sexual orientation; and on the **Ministry of Education** to see to it that sexual orientation does not lead to discrimination against teaching personnel, and to include references to sexual orientation in sexual education classes that need be introduced at schools. No action to address these problems was taken by Greece since. On the contrary, on 26 November 2008, Law 3719/2008 was promulgated. Articles 1-13 established for the first time in Greece the “cohabitation contract”. Article 1 made clear that the cohabitation contract was valid only for “heterosexual” couples, thus introducing an additional element of discrimination on the basis of sexual orientation. The matter is now pending before the **ECtHR**.

25. A final discriminatory set of provisions, pointed out by **UN IEMI**<sup>32</sup> and **ECRI**<sup>33</sup> is related to the implementation of measures of reconciliation taken for those who fled the Greek civil war in the 1940s as concerns the reinstatement of their citizenship and the return of their confiscated property. These measures were introduced in the 1980s and are discriminatory as they apply only to ethnic Greeks. UN IEMI and ECRI recommended that the Greek authorities take steps to apply in a non-discriminatory manner the measures of reconciliation taken for all those who fled the civil war.

#### **H. Implementation of human rights bodies’ recommendations on children and women rights**

26. **GHM, MRG-G** and **SOKADRE**, because of the ten-page limit to the present joint report, cannot detail how Greece has essentially failed to implement the recommendations by **CRC**<sup>34</sup> and **CEDAW**.<sup>35</sup> The **Human Rights Council** is requested to compare these recommendations with the new reports that Greece has submitted with delay to **CRC**<sup>36</sup> or is expected to submit soon to **CEDAW**<sup>37</sup> to see that there is no material submitted by Greece that it has implemented most of these recommendations. Below are CEDAW and CRC concerns about problems that persist.
27. Greece continues to be characterized by what **CEDAW** described as “*the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of violence against women, as well as of the disadvantaged position of women in a number of areas, including in all sectors of the labour market and in political and public life.*” In particular, “*women from ethnic minority groups, in particular Roma and Muslim women, continue to face multiple forms of discrimination with respect to access to education, employment and health care.*” CEDAW regretted the lack of information and data in the report about those groups of women and will be

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<sup>32</sup> [http://cm.greekhelsinki.gr/uploads/2009\\_files/special\\_rapporteur\\_on\\_minorities\\_visit\\_to\\_greece\\_2008.pdf](http://cm.greekhelsinki.gr/uploads/2009_files/special_rapporteur_on_minorities_visit_to_greece_2008.pdf)

<sup>33</sup> <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>

<sup>34</sup> [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7ad07bede689f193c1256bd70037dce9/\\$FILE/G0240976.doc](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7ad07bede689f193c1256bd70037dce9/$FILE/G0240976.doc)

<sup>35</sup> [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/239a466c03ee0db0c12572a4003ca7bf/\\$FILE/N0724374.doc](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/239a466c03ee0db0c12572a4003ca7bf/$FILE/N0724374.doc)

<sup>36</sup> They are available only at the Greek MFA’s website: <http://www.mfa.gr/www.mfa.gr/en-US/Policy/Multilateral+Diplomacy/Global+Issues/Human+Rights/Convention+for+the+rights+of+the+children/>

<sup>37</sup> A Greek version is available at the Greek Gender Equality Secretariat General’s website: [http://www.isotita.gr/var/uploads/PLHROFORIAKO%20YLIKO/7\\_ETHNIKH\\_PERIODIKH\\_EKTHESH\\_CEDAW\\_ELLADA\(1\).pdf](http://www.isotita.gr/var/uploads/PLHROFORIAKO%20YLIKO/7_ETHNIKH_PERIODIKH_EKTHESH_CEDAW_ELLADA(1).pdf)

led to regret it once more as Greece will not submit them. There is also persistence in the under-representation of women at all levels of political and public life and in decision-making, particularly in Parliament, in the foreign service, in trade unions and employers' associations, and, including women from minority groups, in tertiary education. Due to inadequate access to family planning and contraceptive methods, abortion continues to be often used by women and adolescent girls as a method of birth control, while Greece does not keep data about the incidence of abortion disaggregated by age and ethnic group of the persons undergoing it. A high number of caesarean sections continue to be performed. As explained above, the general law of Greece does not apply to the Muslim minority on matters of marriage and inheritance, as Muslim communities can choose to be governed by Sharia law, leading to discrimination against Muslim women, in contravention of the Greek Constitution and article 16 of ICERD. Finally, there is persistence in early marriages and polygamy in the Muslim community notwithstanding the fact that they are in conflict with the Greek constitutional order and the Convention.

28. Persistent problems already highlighted in 2002 by CRC include that children's opinions are insufficiently taken into consideration in the context of judicial or administrative decisions, including in the context of child custody procedures following parental separation and decisions to place a child in a State institution, foster care, or other form of alternative care. Also, persons who speak a language other than Greek, including refugees and asylum seekers, have difficulty in registering names for their children in their native language. Administrative and social pressures are placed on children from religious minorities including, for example, the requirement that a student's secondary school graduation certificate indicate, where this is the case, that the student does not practice the Greek Orthodox religion. Moreover, financial "allowances" provided by the State to assist in the care of children under certain circumstances, such as low family income, are not provided to children themselves but rather to mothers, irrespective of whether they are caring for their children. The amount of such financial allowances is extremely low and, in addition, many Roma families do not receive these allowances at all. There is still an absence of national data on the incidence of child abuse and neglect. Physical, psychological, and sexual abuse continues to be frequent within the family and in the context of institutional care, while social, medical and other service resources through which Greece can respond to abuse and neglect are primarily limited to Athens and that even these are insufficient. After the separation of some Muslim parents, custody of children below a certain age is systematically awarded to mothers and custody of children above a certain age is systematically awarded to fathers, without due regard for the best interests and opinion of the child. There is a shortage of qualified personnel to provide health and educational support to children with disabilities. Access facilities for persons, including children, with physical disabilities to public areas, buildings and transport remains poor and legislation in this regard is not sufficiently enforced. There is a very school high drop-out rate among Roma children, while compulsory education requirements are not systematically enforced. As a result, there still is a very high illiteracy rate among Roma children. Juvenile justice standards with regard to arrest and detention proceedings are not respected. Occasional detention of children with adults still occurs. There is still proportionally high number of children from distinct ethnic, religious, linguistic and cultural groups involved in juvenile justice proceedings, especially involving arrest and imprisonment. The right of children to legal representation or other appropriate assistance is not always systematically guaranteed. The lack of a sufficient number of probation officers in all cities and regions of the country persists. Last, but by no means least, the level of effective respect for the rights of Roma children is alarmingly low.