

Greece

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate the index is described at the end of this document.

Geneva, 14 July 2014

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/greece>

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

9 stakeholders' reports were submitted for the UPR. 9 NGOs were contacted. 2 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

2 NGOs responded to our enquiry. None of the UN agencies responded. The State under Review and the NHRI responded to our enquiry.

The following stakeholders took part in the report:

1. **State** of Greece
2. **NHRI**: National Commission for Human Rights (NCHR)
3. **NGOs**: (1) Greek Rainbow Families Association - Oikogeneies Ouranio Tokso (GRFA-TOKSO) (2) Reporters sans frontières (RSF)

IRI: 16 recommendations are not implemented, 38 recommendations are partially implemented, and 65 recommendations are fully implemented. No answer was received for 21 out of 142 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).

2. Index

Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
1	Algeria	Disabilities,International instruments	fully impl.	page 69
29	Algeria	Racial discrimination	fully impl.	page 17
40	Algeria	Trafficking	partially impl.	page 123
102	Algeria	Development	fully impl.	page 31
6	Argentina	Disabilities,International instruments	fully impl.	page 70
11	Argentina	Enforced disappearances,International instruments	fully impl.	page 73
28	Argentina	Freedom of religion and belief,Minorities,Racial discrimination,Women's rights	fully impl.	page 112
82	Argentina	Asylum-seekers - refugees,Rights of the Child	fully impl.	page 56
12	Armenia	Enforced disappearances,International instruments	not impl.	page 73
111	Armenia	Detention conditions,International instruments,Torture and other CID treatment	fully impl.	page 76
16	Australia	Asylum-seekers - refugees,National plan of action	fully impl.	page 32
54	Australia	Detention conditions	-	page 89
61	Australia	Freedom of opinion and expression	fully impl.	page 13
2	Austria	Disabilities,International instruments	fully impl.	page 69
19	Austria	Special procedures	partially impl.	page 74
36	Austria	Rights of the Child,Women's rights	partially impl.	page 119
45	Austria	Human rights violations by state agents	not impl.	page 80
73	Austria	Asylum-seekers - refugees,Migrants,National plan of action	fully impl.	page 51
101	Austria	Civil society,NHRI,UPR process	not impl.	page 75
22	Bangladesh	Women's rights	fully impl.	page 100
30	Bangladesh	Racial discrimination	partially impl.	page 25
48	Botswana	Human rights education and training,Human rights violations by state agents	fully impl.	page 83
3	Brazil	Disabilities,International instruments	fully impl.	page 70
33	Brazil	Racial discrimination	partially impl.	page 27
79	Brazil	Asylum-seekers - refugees	partially impl.	page 33
110	Brazil	Detention conditions,International instruments,Torture and other CID treatment	fully impl.	page 76
117	Brazil	Sexual Orientation and Gender Identity	not impl.	page 99
15	Canada	Migrants,National plan of action	fully impl.	page 32
20	Canada	Special procedures,Treaty bodies,UPR process	partially impl.	page 75
74	Canada	Asylum-seekers - refugees	partially impl.	page 51
77	Canada	Asylum-seekers - refugees	partially impl.	page 55
18	Chile	National plan of action,Trafficking,Treaty bodies	partially impl.	page 103
81	Chile	Rights of the Child	partially impl.	page 133
113	Chile	International instruments	partially impl.	page 77
108	Cyprus	ESC rights - general,International instruments	not impl.	page 76
109	Cyprus	Detention conditions,International instruments,Torture and other CID treatment	fully impl.	page 76
53	Denmark	Detention conditions	fully impl.	page 89



rec. n°	Rec. State	Issue	IRI	page
85	Denmark	Rights of the Child	fully impl.	page 136
8	Ecuador	Disabilities, International instruments	fully impl.	page 70
34	Ecuador	Disabilities, Rights of the Child, Women's rights	fully impl.	page 116
95	Ecuador	Asylum-seekers - refugees, Migrants	fully impl.	page 33
96	Ecuador	Asylum-seekers - refugees, Human rights violations by state agents, Migrants, Impunity, Rights of the Child	partially impl.	page 62
97	Ecuador	Asylum-seekers - refugees	partially impl.	page 63
98	Ecuador	Asylum-seekers - refugees, Migrants	partially impl.	page 64
32	Egypt	Other	partially impl.	page 27
120	Egypt	Minorities, Racial discrimination	not impl.	page 66
4	France	Disabilities, International instruments	fully impl.	page 70
13	France	Enforced disappearances, International instruments	partially impl.	page 73
64	France	Women's rights	not impl.	page 130
118	France	Rights of the Child	partially impl.	page 127
50	Hungary	Detention conditions, Justice	partially impl.	page 85
7	India	Disabilities, International instruments	fully impl.	page 70
25	Indonesia	Women's rights	fully impl.	page 108
49	Indonesia	Human rights violations by state agents	fully impl.	page 85
100	Iraq	Asylum-seekers - refugees, Migrants	fully impl.	page 52
119	Iraq	Right to education, Trafficking	not impl.	page 137
46	Lebanon	Human rights violations by state agents	fully impl.	page 80
71	Lebanon	Asylum-seekers - refugees, Migrants	fully impl.	page 51
55	Mexico	Justice	fully impl.	page 91
60	Mexico	Freedom of association and peaceful assembly, Freedom of opinion and expression, Freedom of religion and belief, Minorities	fully impl.	page 10
99	Mexico	Asylum-seekers - refugees, Migrants	fully impl.	page 52
23	Moldova	Human rights education and training, Women's rights	fully impl.	page 107
39	Moldova	National plan of action, Rights of the Child, Trafficking, Women's rights	partially impl.	page 122
42	Moldova	Rights of the Child, Trafficking	fully impl.	page 126
62	Moldova	Women's rights	fully impl.	page 127
9	Morocco	Disabilities, International instruments, Labour	fully impl.	page 70
37	Morocco	Women's rights	fully impl.	page 119
56	Morocco	Justice	fully impl.	page 91
17	Netherlands	Asylum-seekers - refugees, Migrants, National plan of action	fully impl.	page 32
27	Netherlands	Freedom of religion and belief, Minorities, Women's rights	fully impl.	page 111
65	Netherlands	Women's rights	not impl.	page 131
86	Netherlands	Migrants, Rights of the Child	fully impl.	page 133
35	Norway	Sexual Orientation and Gender Identity	partially impl.	page 92
80	Norway	Civil society	not impl.	page 139
84	Norway	Rights of the Child	partially impl.	page 136
21	Palestine	Civil society	fully impl.	page 137
106	Palestine	ESC rights - general, International instruments	partially impl.	page 76
107	Palestine	Detention conditions, International instruments, Torture and other CID treatment	fully impl.	page 76
72	Poland	Asylum-seekers - refugees, Migrants	partially impl.	page 33



rec. n°	Rec. State	Issue	IRI	page
78	Poland	Asylum-seekers - refugees	partially impl.	page 55
89	Poland	Migrants	fully impl.	page 60
24	Portugal	Women's rights	partially impl.	page 107
26	Portugal	Women's rights	partially impl.	page 108
93	Qatar	Asylum-seekers - refugees, Migrants, Rights of the Child, Women's rights	fully impl.	page 51
94	Qatar	Asylum-seekers - refugees, Migrants	fully impl.	page 62
14	Russian Federation	Women's rights	fully impl.	page 100
38	Russian Federation	Trafficking	partially impl.	page 122
31	Senegal	Racial discrimination	partially impl.	page 17
63	Senegal	Women's rights	fully impl.	page 127
124	Senegal	Asylum-seekers - refugees, Detention conditions	fully impl.	page 67
58	Slovakia	Freedom of religion and belief	fully impl.	page 8
87	Slovakia	Migrants, National plan of action	fully impl.	page 33
88	Slovakia	Trafficking, Women's rights	fully impl.	page 123
114	Slovakia	International instruments	not impl.	page 77
66	Slovenia	Freedom of association and peaceful assembly, Freedom of opinion and expression, Freedom of religion and belief, Minorities	fully impl.	page 15
83	Slovenia	Asylum-seekers - refugees, Detention conditions, Migrants, Rights of the Child	partially impl.	page 59
112	Slovenia	Detention conditions, International instruments, Torture and other CID treatment	partially impl.	page 76
10	Spain	Disabilities, Enforced disappearances, International instruments	partially impl.	page 72
52	Spain	Detention conditions, Justice	partially impl.	page 88
115	Spain	National plan of action	partially impl.	page 141
116	Spain	Sexual Orientation and Gender Identity	fully impl.	page 95
67	Sweden	Minorities	partially impl.	page 43
92	Sweden	Asylum-seekers - refugees, Detention conditions, Migrants, National plan of action	fully impl.	page 51
47	Switzerland	Human rights violations by state agents, Torture and other CID treatment	not impl.	page 77
70	Switzerland	Asylum-seekers - refugees, International instruments	fully impl.	page 33
76	Switzerland	Asylum-seekers - refugees	partially impl.	page 55
43	Turkey	Human rights violations by state agents	fully impl.	page 77
44	Turkey	Migrants, Racial discrimination	partially impl.	page 39
69	Turkey	Freedom of religion and belief	not impl.	page 15
121	Turkey	Freedom of religion and belief, Minorities	partially impl.	page 16
122	Turkey	Freedom of religion and belief	-	page 16
123	Turkey	Freedom of association and peaceful assembly, Minorities	not impl.	page 66
5	Ukraine	Disabilities, International instruments	fully impl.	page 70
51	United Kingdom	Justice	not impl.	page 78
57	United Kingdom	Justice	fully impl.	page 91
75	United Kingdom	Asylum-seekers - refugees	fully impl.	page 33
91	United Kingdom	Detention conditions	fully impl.	page 33
41	United States	Trafficking	fully impl.	page 124
59	United States	Freedom of religion and belief	fully impl.	page 8



rec. n°	Rec. State	Issue	IRI	page
68	United States	Labour, Minorities, Right to education	fully impl.	page 48
90	United States	Migrants	not impl.	page 52

3. Feedback on recommendations

CP Rights

Recommendation n°58: *Consider appropriate, effective measures to provide for a better promotion and protection of the freedom of religion or belief (Recommended by Slovakia)*

IRI: *fully implemented*

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Recommendation n°59: *Continue to take measures to safeguard religious freedom and promote tolerance among its inhabitants (Recommended by United States)*

IRI: *fully implemented*

National Commission for Human Rights (NCHR) response:

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.).

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.

Every year following August 2011, the Hellenic Government, with the cooperation of all competent Ministries, concedes two housed places in Peace and Friendship stadium and the Olympic sports Center during the celebration of Ramadan (Id al Fitr) for all Muslims who want to participate.

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.

State of Greece response:

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.

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 Administrative Court on the appeal against the construction of the Mosque in the designated site is expected to be taken in 2014.

Every year since August 2011, the Hellenic Government, with the cooperation of all competent Ministries, concedes for free two housed places in 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.

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.

Furthermore, a draft law on the organization of the legal form of religious communities and their unions in Greece was submitted to an open, public consultation, concluded in April 2014.

The Government and the regional / municipal authorities are aware of the request, by representatives of a cultural association of Greek Muslims, living in Thessaloniki, to have a mosque opened there. This is being examined also within Greece's broader policy and programmes on the restoration and use of Islamic monuments in the Greek territory during the Ottoman era. Last year, students of the Hayriye Koranic School (madrasah) of Komotini visited the Yeni Cami Mosque in Thessaloniki and organized there a Muslim prayer. Furthermore at the same mosque a prayer was organized on the occasion of the festivities for the Seker Bayrami/Eid al-Fitr, in August 2013



Recommendation n°60: *Take appropriate measures to ensure the effective enjoyment of the right to freedom of expression, peaceful assembly and association, particularly in the case of national, ethnic and religious minorities (Recommended by Mexico)*

IRI: *fully implemented*

NCHR response:

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.

A number of important measures in favour of the members of the Muslim minority in Thrace have been adopted by the Greek Governments in recent years. These measures attest 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.

Due to its cardinal importance, particular attention has been paid to the field of education. 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. Moreover, the number of Muslim minority girls graduating from high school has significantly increased.

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. 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.

The number of minority students attending secondary school has significantly increased in the last 10 years. 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. Finally, a 0.5% quota for the admission to Universities and Higher Technical Educational Institutes of Muslim minority students of Thrace has been introduced.



Law 4115/2013 made possible, for the first time, the teaching of the Holy Koran in Greek public schools in Thrace, to the benefit of minority students who choose the public educational system. The Koran teachers will be 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 will receive a steady salary provided by the Greek State and will enjoy social security benefits.

A quota of 0.5 ‰ 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. 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.

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.

Reporters sans frontières (RSF) response:

La liberté d'expression s'est dangereusement dégradée ces 3 dernières années en Grèce, mettant en péril le droit des citoyens à l'information. Entre la fin 2011 et le printemps 2012, de nombreux journalistes ont subi de graves violences physiques de la part d'agents de police, alors qu'ils ne faisaient que couvrir de façon neutre et pacifique les manifestations secouant le pays. Si des consignes strictes ont été données par les autorités pour y mettre fin, il reste néanmoins à enquêter et sanctionner certains cas, y compris graves. Par ailleurs, certains professionnels des médias, tels que Lefteris Xaralambopoulos ou Xenia Kounalaki, continuent d'être la cible de menaces, intimidations et violences de la part aussi bien de groupuscules radicaux que de personnalités haut placées. Faute de réactions suffisamment vigoureuses de la part des forces de l'ordre et de la justice grecques afin de prévenir et poursuivre de telles pratiques, un climat de peur systématique risque de s'installer parmi les journalistes. Une telle situation empêcherait l'analyse critique de l'actualité, pilier fondamental de la liberté d'expression.

State of Greece response:

At the outset, it is to be recalled that the only officially recognized minority in Greece is the Muslim minority in Thrace, whose status was established by the 1923 Treaty of Lausanne. The Muslim minority consists of three distinct groups whose members are of Turkish, Pomak and Roma origin, the Muslim faith being the common denominator of the aforementioned components. Each of these groups has its own spoken language, cultural traditions and heritage, which are fully respected by the Greek state. Further to fully complying with the Lausanne Treaty, Greece's policy and legislation, over the last twenty five years, reflect and implement contemporary human rights norms and standards.

Greece fully respects the right of each person to self-identify as they wish and no disadvantage results from such an expression of wish. In keeping with the principle of individual self-identification, everyone living in Greece is free to declare their origin, speak their language, exercise their religion and observe their particular customs and traditions. Persons belonging to groups who do not fulfill the criteria set out in international law for their recognition as "minorities" fully enjoy their human rights and freedoms, including freedom of expression and freedom of association and peaceful assembly, under the conditions set out in the relevant universal and regional human rights treaties.

The Greek Government is considering ways and means of executing three judgments of the European Court of Human Rights finding a violation of the right to freedom of association under the European Convention on 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. Domestic courts apply in the cases before them the principles derived from the jurisprudence of the European Court of Human Rights. It is worth mentioning in this respect judgment No. 24/2012 of the Supreme Court in the case of "South Evros Educational and Cultural Association of Western Thrace Minority", overturning the decision of the competent appeals court, which had refused the registration of the said association.

It is to be noted that 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, some 50 minority associations have been registered by the local courts in Thrace.



Recommendation n°61: *Take steps to improve transparency, including by improving citizens' rights to access Government-held information* (Recommended by *Australia*)

IRI: *fully implemented*

NCHR response:

Greek Open Government Initiative:

In October 2009, the Greek Open Government Initiative was established in Greece in order to ensure the diffusion of information and to involve all citizens and stakeholders in the decision making mechanism, along with the creation of a website, which gives the opportunity for participation on the consultation of draft laws, ministerial decisions etc. Opengov.gr includes tree initiatives:

- a. Open calls for the recruitment of public administration officials. Top level and mid-level openings in the public sector are available on the Internet. Applications are submitted on-line using a platform available on the opengov.gr website.
- b. Electronic deliberation. Almost every piece of draft legislation or even policy initiative by the government, are posted in a blog like platform prior to their submission to parliament. Citizens and organisations can post their comments, suggestions and criticisms article-by-article.
- c. Labs Open Gov. An open innovation initiative that brings together ideas and proposals from citizens, the public and the private sectors.

From October 2009 to October 2013, 361 consultations on draft laws, JMDs, regulations and policy initiatives took place and 99.206 comments were received. A consultation report based on all comments is prerequisite for the submission of the draft bill to parliament

Public Consultation under the auspices of the Ministry of Environment, Energy and Climate Change (MoEECC):

With the purpose of ensuring the rights to information and participation during the decision making process, the Ministry of Environment, Energy and Climate Change (MoEECC) offers a public online platform for consultation on draft laws and governmental decisions. The public and the NGOs can, in other words, submit comments and proposals on environmental issues at the preliminary stages of the decision-making process, as well as during the public consultation processes. NGOs are officially registered and recognized as partners in various ministries. In this context, the Special Secretariat for Water of MoEECC, for instance, has conducted extensive public consultation on all draft Water Management Resources Plans, which are available on its official website.



Municipal Consultation Committees:

According to articles 76 and 178 of Law 3852/2010 (OJG A' 87) a Consultation Committee in all Municipalities and Regional Administrations must be established by decisions of the local or regional council, where representatives of the local society, scientific unions and trade unions take part. Their mission consists in consulting on issues of general local interest pertaining to developmental programmes, action plans, etc. carried out by the Municipality, as well as in commenting on decisions of a regulatory character which are issued under article 78 of the Municipalities and Communities Codex (Law 3463/2006) or addressing local problems and proposing solutions.

Their sessions are open to the public and the outcome is consultative to the local or regional council which takes the decisions on environmental matters.

Apart from the abovementioned committees, online consultation is provided for by Law 3852/2010

State of Greece response:

Program Diaygeia (Law 3861/2010) aims to achieve maximum publicity of government policy and administrative activity, ensuring transparency and consolidation of responsibility and accountability on the part of institutions exercising public power. Beginning October 1st, 2010, all government institutions are obliged to upload their acts and decisions on the Internet with special attention to issues of national security and sensitive personal data. Each document is digitally signed and assigned a unique Internet Uploading Number (IUN) certifying that the decision has been uploaded at the "Transparency Portal". Following latest legislative initiative (Law 4210/2013), administrative acts and decisions are not valid unless published online.

The main objectives of Diaygeia concern:

- Safeguarding transparency of government actions
- Eliminating corruption by exposing it more easily when it takes place
- Observing legality and good administration
- Reinforcing citizens' constitutional rights, such as the participation in the Information Society
- Enhancing and modernizing existing publication systems of administrative acts and decisions



- Making of all administrative acts available in formats that are easy to access, navigate and comprehend, regardless of the citizen's knowledge level of the inner processes of the administration.

Diaygeia introduced unprecedented levels of transparency within all levels of Greek public administration and established a new “social contract” between the citizen and the state. This initiative has a silent but profound impact on the way officials handle their executive power.

The direct accountability brought upon the administration by the radical transparency that the Transparency program introduces, leaves considerably less room for corruption, and exposes it much more easily when it takes place since any citizen and every interested party enjoy the widest possible access to questionable acts. Such a collective scrutiny can be extremely effective, since it allows citizens directly involved or concerned with an issue to scrutinize it in depth, rather than leaving public scrutiny to the media, whose choice of issues necessarily may be restricted and oriented towards sensational topics.

Recommendation n°66: *Uphold respect for and protection of the rights of all individuals to self-identification, freedom of expression and freedom of association, including for the members of ethnic, religious and linguistic groups that are not officially recognized as minorities (Recommended by Slovenia)*

IRI: *fully implemented*

NCHR response:

[See response to recommendation n°60]

State of Greece response:

[See response to recommendation n°60]

Recommendation n°69: *Accelerate the process for the building of a mosque in Votanikos, Athens, without further delay (Recommended by Turkey)*

IRI: *not implemented*

NCHR response:

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. In July 2013 companies were invited to tender for the construction of the Mosque but there has not been any result yet. 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.

State of Greece response:

[...]

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 Administrative Court on the appeal against the construction of the Mosque in the designated site is expected to be taken in 2014.

[...]

Recommendation n°121: *Consider opening of one of the historical mosques in Thessaloniki, where significant number of Muslim population live* (Recommended by Turkey)

IRI: *partially implemented*

NCHR response:

Not implemented

State of Greece response:

[...]

The Government and the regional / municipal authorities are aware of the request, by representatives of a cultural association of Greek Muslims, living in Thessaloniki, to have a mosque opened there. This is being examined also within Greece's broader policy and programmes on the restoration and use of Islamic monuments in the Greek territory during the Ottoman era. Last year, students of the Hayriye Koranic School (madrasah) of Komotini visited the Yeni Cami Mosque in Thessaloniki and organized there a Muslim prayer. Furthermore at the same mosque a prayer was organized on the occasion of the festivities for the Seker Bayrami/Eid al-Fitr, in August 2013.

Recommendation n°122: *Be more flexible on the preconditions set for minaret construction* (Recommended by Turkey)

IRI: -

NCHR response:

[See response to recommendation n°69]



ESC Rights

Recommendation n°29: *Pursue its efforts to combat racism, racial discrimination, xenophobia and related intolerance* (Recommended by Algeria)

IRI: *fully implemented*

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Recommendation n°31: *Take effective measures to combat the persistence of stereotypes based on racial discrimination and intolerance* (Recommended by Senegal)

IRI: *partially implemented*

NCHR response:

Though Protocol no 12 to the ECHR (prohibition of discrimination) has been signed since November 4, 2000, Greece has not taken any action towards its ratification. However a parliamentary question was formulated by 2 MPs on 10 December 2013 on why there has been no ratification and if there is an intention to ratify it in 2014. According to the answer given by the Vice-president of the Government and Minister of Foreign Affairs, E. Venizelos, on December 20, 2013, the ECtHR has already developed a rich corpus of case-law to deal with discrimination issues, which should be enough.

Racist motivation as an aggravating circumstance - Article 79, par. 3, of the Criminal Code

Article 79, par. 3, of the Criminal Code states that an offence motivated by ethnic, racial, religious hatred or hatred due to sexual orientation constitutes an aggravating circumstance. In other words, the court must first prove the guilt of the perpetrator for the basic offense and it will then consider whether the threshold of an aggravating circumstance is actually met. The Greek Criminal Code introduces a general penalty which may be applied to all criminal offenses. In other legal orders, the aggravating circumstance of racial motivation is applied only in the case of some offences (specific penalty enhancement). This seems to be a good solution. Nevertheless, if the maximum penalty is inflicted, the racist motivation remains unseen, incapable of bearing a symbolic or deterrent value.

The subjectivity of the concept of hatred and the court's obligation to prove that the accused felt hatred while committing the offense constitutes a difficult task. The application of provisions which do not require proving the perpetrator's motivation by hatred is less complicated. Sadly, the state has not review, in cooperation with the investigating authorities and the judges,



the difficulties in proving hatred (or animosity) in practice ensuring that all participants involved in the process receives adequate information and training so as to facilitate the process.

Inadequate investigation of racist motive

Only a few racist violence cases have been investigated by the special police unit in Athens and subsequently submitted to the Athens First Instance Prosecutor Office, where they are not promptly handled by the latter leading to referral to trial or further investigation. That means that at least one third of the cases submitted by police units to Prosecutors remained unaccounted for in the offices of the latter.

In practice, the impunity of the perpetrators is a result of the fact that the relevant provision of article 9, par. 3, of the Criminal Code (which was added through a legislative amendment in 2008 and stipulates that the perpetration of an act of hatred on national, racial, or religious grounds or hatred due to differentiated sexual orientation constitutes an aggravating circumstance) is not applied by neither the police nor the Prosecutor at the stage of the criminal prosecution. It is applied only at the stage of the decision on the sentence, thus, after the guilt or innocence of the offender has been established.

It is, therefore, necessary to take an immediate legislative initiative related to the introduction of distinct offences (substantive offences) for crimes when they are accompanied by a racist motive. This proposal was recently presented by the Prosecutors of the Supreme Court to the Minister of Justice, while the recent Law Proposal on Combating racism and xenophobia is also in the same direction.

Along with the explicit commitment of the prosecuting authorities to record, from the moment a complaint has been filed, any events or suspicions of the victim that relate to racist motives, the adoption of law provisions is required as follows: a) provide that the crime committed with racist motive is a crime with distinct offences, or, b) provide, in relation to some specific types of crime (including, indicatively, those against life, physical integrity, personal freedom and property), for a sentence increase if the crime is committed with racist motive, or, c) provide for the racist motive to constitute a general aggravating circumstance, including as regards the criminal sentence. In that manner, the exercise and initiation of the prosecution will be enabled, based on a specific type of crime that will allow the investigation of the racist motive already from the beginning of the criminal proceedings, including the stages of interrogation and judicial process.



The new antiracism bill, introduced in Parliament by Minister of Justice Haralampos Athanassiou on November 20, 2013, which is still pending, contains no such provision. Moreover, it contains no provision for the protection of victims and main witnesses of racist violence acts, through the suspension of their arrest and deportation, as well as through the granting of a temporary residence permit.

It should also be stressed that special Departments and Offices within the Hellenic Police do not provide translation and interpretation services. As a consequence, the recording of the incidents is often practically impossible. The GNCHR deplores the fact that the support hotline 14144 for the victims is also provided only in Greek language and is not free of charge.

Adoption of 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.

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.

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.

Both the Greek Ombudsman and the NCHR have pointed out deficiencies in the relevant legislative framework. Law 3304/2005 has not developed its



full potential yet, with regard to the monitoring of its implementation. 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.

Moreover, Law 927/1979 punishes, inter alia, incitement to acts or activities which may result to discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter's racial or national origin or 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 abovementioned acts. A new bill, within the purpose of strengthening the above legislation, is expected to be adopted.

The most important measures taken in the field of law enforcement, as regards racism or xenophobia, 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).
- It is also 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 35 NGOs and other bodies, having as a primary goal the documentation of racist incidents.

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.

As far as the right to health care is concerned, according to article 84, par. 1, of Law 3386/2005 on Entrance, residence and social integration of third countries’ nationals in Greece (OJG A’ 212), hospitals and clinics are allowed to provide their services to adult undocumented migrants only in cases of emergency. Furthermore, according to paragraph 4 of the same article the employees of the aforementioned services who violate the above provision are disciplinarily and criminally liable for having abrogated their duties. The GNCHR has repeatedly asked for the abolition of this rule.

Instead of abolishing the aforementioned provision, which prohibits and criminally punishes the aiding of undocumented immigrants, the Ministry of Health has issued, in May 2012, a Circular which clarifies that access to the healthcare and nursing care system will not be available for non-legally residing third country nationals, with clear exceptions for specific categories of patient cases and incidents. Furthermore, there is an obligation to execute this rule and doctors are therefore forced to violate their duty, deriving from the Constitution and the Hippocratic Oath.

In April 2012, was established, by virtue of a Ministerial Act of the Minister of Health, the control of undocumented migrants and asylum seekers with



infectious diseases that are characterized as medical urgency according to the criteria of the WHO, ECDC and CDC. According to article 2, par. 4, of the aforementioned Act, doctors or other health care professionals, who become aware of any breach of the provisions concerning the established control process, have the obligation to inform the competent police or judicial authorities immediately. Undocumented immigrants therefore shall be reported.

Law 4070/2012 (OJG A' 82) included amendments of article 13, par. 2 (b) of the PD 114/2010 and article 76, par. 1 (d), of Law 3386/2005, which provide for the detention of asylum seekers and other third country nationals who are in need of emergency health care services and pose, therefore, a risk to public health, as well as for the deportation of third country nationals whose presence constitutes a danger for public health, because of their belonging to vulnerable groups suffering from infectious diseases.

Measures concerning healthcare and nursing of illegally residing third country nationals, as well as sanctions against employers of illegally staying third country nationals, were also adopted through Ministerial Acts and Law 4052/2012 transposing Directive 2009/52/EC, respectively.

Regarding migrants' deportation, according to article 44, par. 1 (e), of Law 3386/2005, residence permit can be provided for humanitarian reasons to third countries nationals having serious health problems. However, precondition of the said issuance is the previous possession of residence permit. That means that an individual who suffers from serious health problems may be deported. The GNCHR notes that this possibility, apart from potentially amounting to degrading treatment, in accordance with ECHR's jurisprudence, certainly does not comply with the obligation of human being's value protection.

In addition to undocumented migrants, all non-permanent foreign residents, both from the EU and third countries, are also affected by another measure introduced by the Greek Government. Through a Common Ministerial Act entered into force on November 23, 2012, all legally residing immigrants must pay at Greek Public Hospitals 2.09 times more than Greek patients.

State of Greece response:

In recent years, there has been an increase in the number of attacks against foreigners living in Greece. Extremist organizations or individuals have attempted to exploit the anger or the discontent of some segments of the population severely affected by the economic crisis. 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. 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”, a 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. 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. On the basis of the said provision, no payment to the abovementioned political party has been effected since then.

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. The Hellenic Police have also devoted part of their [website](#) to racist violence matters, allowing the public to report or complain about any wrongful act with racist characteristics or motives, on a 24-hour basis and in many different languages, by completing a special electronic form, to secure anonymity and secrecy of communications.
- Creation of a unified mechanism and database for registering alleged incidents of racist and xenophobic violence (including allegations against police personnel). 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 2013, the Network documented, upon interviews with victims, 166 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. The same applies to the disciplinary investigation of cases involving inappropriate behaviour of police officers against persons belonging to vulnerable groups or third-country nationals.

- Co-ordination with local and non-governmental organizations and training of police staff.

In the field of criminal legislation and prosecution:

- According to 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.
- 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.

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 criminal anti-racism legislation and adjusting the country's legislative framework with the 2008/913/JHA EU Council Framework Decision, on combating certain forms and expressions of racism and xenophobia by means of criminal law. The draft has been examined by the competent parliamentary committee and is currently pending before the Plenary of Parliament. Furthermore, 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 on the criminalization of racist and xenophobic actions.

In the framework of the training of judges on offences relating to racism, in 2013 the National School of Magistrates hosted conferences on hate speech and hate crimes following an initiative of the Ministry of Justice, Transparency and Human Rights in cooperation with the Council of Europe and OSCE/ODIHR. The National School of Magistrates education programme offers also courses on the legislative framework against racism



and xenophobia. In February 2014, two workshops were held on "A sociological approach to the phenomenon of racism" and the "Legal treatment of the racist phenomenon".

Recommendation n°30: *Effectively implement legal provisions aimed at eliminating racial discrimination* (Recommended by *Bangladesh*)

IRI: *fully implemented*

NCHR response:

Though Protocol no 12 to the ECHR [prohibition of discrimination has been signed since November 4, 2000, Greece has not taken any action towards its ratification. However a parliamentary question was formulated by 2 MPs on 10 December 2013 on why there has been no ratification and if there is an intention to ratify it in 2014. According to the answer given by the Vice-president of the Government and Minister of Foreign Affairs, E. Venizelos, on December 20, 2013, the ECtHR has already developed a rich corpus of case-law to deal with discrimination issues, which should be enough.

Adoption of 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.

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.

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.



Both the Greek Ombudsman and the NCHR have pointed out deficiencies in the relevant legislative framework. Law 3304/2005 has not developed its full potential yet, with regard to the monitoring of its implementation. 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.

Moreover, Law 927/1979 punishes, inter alia, incitement to acts or activities which may result to discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter's racial or national origin or 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 abovementioned acts. A new bill, within the purpose of strengthening the above legislation, is expected to be adopted.

The most important measures taken in the field of law enforcement, as regards racism or xenophobia, 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).
- It is also 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 35 NGOs and other bodies, having as a primary goal the documentation of racist incidents.
- 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.

State of Greece response:

[See response to recommendation n°29]

Recommendation n°32: *Contribute to the effective investigation, prosecution and punishment of incitement to hatred and hate speech* (Recommended by Egypt)

IRI: *partially implemented*

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Recommendation n°33: *Further ensure that racially motivated crimes are effectively prosecuted and punished and that research to evaluate the incidence of racial discrimination is conducted with the aim of adopting targeted measures to eliminate such discrimination* (Recommended by Brazil)

IRI: *partially implemented*

NCHR response:**Racist motivation as an aggravating circumstance - Article 79, par. 3, of the Criminal Code**

Article 79, par. 3, of the Criminal Code states that an offence motivated by ethnic, racial, religious hatred or hatred due to sexual orientation constitutes an aggravating circumstance. In other words, the court must first prove the guilt of the perpetrator for the basic offense and it will then consider whether the threshold of an aggravating circumstance is actually met. The Greek Criminal Code introduces a general penalty which may be applied to all criminal offenses. In other legal orders, the aggravating circumstance of racial motivation is applied only in the case of some offences (specific penalty enhancement). This seems to be a good solution. Nevertheless, if the maximum penalty is inflicted, the racist motivation remains unseen, incapable of bearing a symbolic or deterrent value.

The subjectivity of the concept of hatred and the court's obligation to prove that the accused felt hatred while committing the offense constitutes a difficult task. The application of provisions which do not require proving the perpetrator's motivation by hatred is less complicated. Sadly, the state has not review, in cooperation with the investigating authorities and the judges, the difficulties in proving hatred (or animosity) in practice ensuring that all participants involved in the process receives adequate information and training so as to facilitate the process.

Inadequate investigation of racist motive

Only a few racist violence cases have been investigated by the special police unit in Athens and subsequently submitted to the Athens First Instance Prosecutor Office, where they are not promptly handled by the latter leading to referral to trial or further investigation. That means that at least one third of the cases submitted by police units to Prosecutors remained unaccounted for in the offices of the latter.

In practice, the impunity of the perpetrators is a result of the fact that the relevant provision of article 9, par. 3, of the Criminal Code (which was added through a legislative amendment in 2008 and stipulates that the perpetration of an act of hatred on national, racial, or religious grounds or hatred due to differentiated sexual orientation constitutes an aggravating circumstance) is not applied by neither the police nor the Prosecutor at the stage of the criminal prosecution. It is applied only at the stage of the decision on the sentence, thus, after the guilt or innocence of the offender has been established.



It is, therefore, necessary to take an immediate legislative initiative related to the introduction of distinct offences (substantive offences) for crimes when they are accompanied by a racist motive. This proposal was recently presented by the Prosecutors of the Supreme Court to the Minister of Justice, while the recent Law Proposal on Combating racism and xenophobia is also in the same direction.

Along with the explicit commitment of the prosecuting authorities to record, from the moment a complaint has been filed, any events or suspicions of the victim that relate to racist motives, the adoption of law provisions is required as follows: a) provide that the crime committed with racist motive is a crime with distinct offences, or, b) provide, in relation to some specific types of crime (including, indicatively, those against life, physical integrity, personal freedom and property), for a sentence increase if the crime is committed with racist motive, or, c) provide for the racist motive to constitute a general aggravating circumstance, including as regards the criminal sentence. In that manner, the exercise and initiation of the prosecution will be enabled, based on a specific type of crime that will allow the investigation of the racist motive already from the beginning of the criminal proceedings, including the stages of interrogation and judicial process.

The new antiracism bill, introduced in Parliament by Minister of Justice Haralampos Athanassiou on November 20, 2013, which is still pending, contains no such provision. Moreover, it contains no provision for the protection of victims and main witnesses of racist violence acts, through the suspension of their arrest and deportation, as well as through the granting of a temporary residence permit.

It should also be stressed that special Departments and Offices within the Hellenic Police do not provide translation and interpretation services. As a consequence, the recording of the incidents is often practically impossible. The GNCHR deplores the fact that the support hotline 14144 for the victims is also provided only in Greek language and is not free of charge.

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abovementioned acts. A new bill, within the purpose of strengthening the above legislation, is expected to be adopted.

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- 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.

State of Greece response:

[See response to recommendation n°29]

Recommendation n°102: *Continue its commendable engagement in the field of the international development cooperation despite current challenges* (Recommended by Algeria)

IRI: *fully implemented*

NCHR response:

Ongoing implementation Impact of Crisis and Austerity Measures on Human Rights

The Greek National Commission for Human Rights (GNCHR), within the framework of its institutional capacity as an advisory body to the Greek State for the protection of Human Rights, observes with great concern the impact of the austerity measures on fundamental Human Rights, and more particularly social rights, irrespective of whether they are linked to financial benefits provided by the State. The NCHR draws attention to the findings of international monitoring bodies, regarding breaches of international human rights protection standards, as well as to the international concerns reflected in the decisions and recommendations of such bodies.

It results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures which lead to the degradation of living standards of a big part of the population, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective. Furthermore, the findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis



could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.

Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection. Memoranda concluded within the framework of international loan mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

The current international financial crisis had a significant negative effect on the economic situation of all donors, including Greece. Despite the difficulties in 2013, Greece has reached a level of 0.13% of Official Development Assistance (ODA)/GNI, a percentage higher compared to other countries. Nevertheless, our commitment to reaching the 0.7% ODA/GNI target on a long-term basis still remains. At the same time, we will put the emphasis on the quality parameters of our development assistance.

Minorities

Recommendation n°15: *Accelerate the implementation of the National Action Plan for Migration Management* (Recommended by Canada)

IRI: *fully implemented*

+

Recommendation n°16: *Continue to implement the National Action Plan on Asylum Reform and Migration Management to address legal and institutional shortcomings* (Recommended by Australia)

IRI: *fully implemented*

+

Recommendation n°17: *Give priority to the implementation of the National Action Plan for the reform of the asylum system and migration management* (Recommended by Netherlands)

IRI: *fully implemented*

+

Recommendation n°70: *Rapidly incorporate the adopted legislative amendments in order that its asylum system will be fully in conformity with regional and international norms in the field of human rights* (Recommended by Switzerland)

IRI: *fully implemented*

+

Recommendation n°72: *Consider establishing and implementing a comprehensive asylum system consistent with international and regional standards on protection and reception of asylum-seekers and irregular migrants, with an allocation of adequate resources* (Recommended by Poland)

IRI: *partially implemented*

+

Recommendation n°75: *Commit to speedily implement an effective asylum system consistent with EU standards* (Recommended by United Kingdom)

IRI: *fully implemented*

+

Recommendation n°79: *Take further measures to improve the treatment of asylum-seekers and to ensure that deportation processes are carried out after exhaustion of legal remedies* (Recommended by Brazil)

IRI: *partially implemented*

+

Recommendation n°87: *Continue addressing irregular migration as a matter of priority, reinforcing further its efforts, such as the recently adopted National Action Plan for Migration Management* (Recommended by Slovakia)

IRI: *fully implemented*

+

Recommendation n°95: *Design and implement a comprehensive policy on care and protection to migrants, refugees and asylum-seekers in Greece* (Recommended by Ecuador)

IRI: *fully implemented*

+

Recommendation n°91: *Ensure detention conditions for irregular migrants are in conformity with EU human rights standards* (Recommended by United Kingdom)

IRI: *fully implemented*

NCHR response:

As far as the Code of Immigration and Social Integration is concerned, after several months of waiting and repeated postponements, the bill of the Ministry of Interior on the new Code of Immigration and Social Integration, which features many changes and improvements of the current immigration system, was voted by the Parliament Plenum (Law 4251/2014). The



legislation comes too late and lacks certain important aspects, as it does not include any provisions for the return to legality of those who have lost their legal status due to the crisis, it does not engage systematically with issues of integration, by circumventing the granting of Greek nationality and, in short, does not avoid the usual path of dealing with immigration in a less than bold way.

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 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, which was established under Law no. 3907/2011, 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 and is the first autonomous structure in our country that is in charge of the examination of asylum claims, and more broadly of the international protection claims.

The Asylum Service is composed of the Central Service, situated in Athens, and of thirteen (13) Regional Asylum Offices situated in the Greek administrative divisions that are gradually put into operation. On July 11, 2013 the Regional Asylum Office in the region of northern Evros started to register its first applicants for international protection in the First Reception Center in Fylakio. On 29 July 2013 a second Regional Asylum Office started operating in the region of southern Evros in Iasmos Komotini, while another Regional Asylum Office in the island of Lesbos started its operations on 15 October 2013. A small registration team started working as well in the Pre-removal Detention Centre of Amygdaleza in Attica region. The Regional Asylum Offices of Rhodes Thessaloniki, Samos, Chios, Heraklion and Patras are expected to begin operations in 2014.

The main policies to be pursued by the First Reception Service (FRS), which is established under Law no. 3907/2011, 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.

Furthermore, Greece is establishing new pre-removal centers. 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.

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 detention 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.

State of Greece response:

With regard to the legal framework in force, Law 3907/2011 established the First Reception Service, the Asylum Service and the Appeals Authority. Presidential Decree 113/2013 transposed into the Greek legal order EU Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, while Presidential Decree 141/2013 transposed Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

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 aim to ensuring access to international protection on the one hand and an effective border management and return system on the other.

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 and having as a sole task the examination of international protection claims, as well as on a new Appeals Authority. The Asylum Service is structured in full compliance with the EU acquis and the international legal framework regarding international protection, providing all necessary guarantees and requirements so that international protection (refugee status-subsidary protection status) is granted in a short period of time to all those who are eligible for such a status. In addition to the above, it is cooperating with local actors, independent authorities and non-governmental organizations, EU organs and organizations, as well as international organizations. Five Regional Offices of the Asylum Service (Athens, Northern Evros, Southern Evros, Lesbos, Rhodes) and four mobile units (Amygdaleza, Komotini, Thessaloniki, Patras) are currently operating. At the end of April 2014, 8102 international protection claims have been lodged and the recognition rate has risen to 24,1% (first instance).

As a response to the congestion of reception and detention facilities following the unprecedented rise of irregular migration over the last ten years, the first reception system was upgraded through the establishment of First Reception Centers (FRC) and Citizenship Identification Centers (within which operate mobile units as rapid response teams to perform first reception operations on the spot). Thus, a new system has been established 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 guidance to those entitled to international protection. Health care services for the FRCs and detention centers are under the responsibility of the Ministry of Public Order & Citizen Protection and the Ministry of Health in cooperation with the National Health Operations Centre (Na.H.O.C). First Reception Centers are not detention centers. Irregular migrants may stay therein up to fifteen days only, which 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. The First Reception Service is structured in full compliance with the EU acquis and the international legal framework regarding protection of human rights, providing all necessary guarantees and requirements so that protection of human rights is guaranteed to all those who illegally enter the territory of Greece. In addition to the above, it is cooperating with local



actors, independent authorities and non-governmental organizations, EU organs and organizations, as well as international organizations. Migrants staying in the FRCs have full access to the asylum procedure. Currently, 1 First Reception Center and 3 Citizenship Identification Centers with mobile units for first reception purposes are operating. Sites have been designated for 3 more FRCs.

It is to be noted that persons belonging to vulnerable groups, i.e. unaccompanied minors, older persons, victims of trafficking and persons with disabilities or suffering from incurable diseases leave the First Reception Centre after a short time, upon completion of the first reception procedures and the provision of all necessary health and psychosocial support services. Such persons are transferred either to a proper host structure, through the network of the National Centre for Social Solidarity (EKKA), or to public hospitals or to a corresponding support or hosting unit/service (run or supervised by the state, but under the administration of a body of the civil society).

Furthermore, new pre-departure detention centers have been established and are currently operating in different regions of the country. The need to create pre-removal facilities arises mainly from difficulties in the issuance of the necessary travel documents by the consular authorities of the countries of origin. Thus, migrants under removal procedures are to be detained in centers, which have the necessary infrastructure. 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. Five pre-departure detention centers have been put into operation since 2012.

In all detention centers, irregular migrants are comprehensively informed of their rights. In most detention 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.

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 already been a significant increase in the number of returns, 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.

The competent authorities attach great importance to the absorption, through the Return and External Borders Fund, of the financing granted by the European Union

As a rule, irregular foreign nationals under expulsion are detained in the abovementioned Pre-Departure Detention Centres until their return procedures have been completed, as well as in police detention facilities for a short time period. Foreign nationals arrested at the borders are detained until the completion of the necessary identification and registration procedures. Following that, an expulsion decision is issued, accompanied with a detention order until the finalization of the removal procedure. If, however, the departure from the country is not possible, due to exceptional circumstances, such as difficulties in identifying the person or establishing their citizenship, lack of cooperation of the competent consular authorities for the issuing of travel documents, war situation in the country of origin, etc., the expulsion decision is suspended until the removal has become feasible. To this end, the foreign nationals concerned are informed of their obligation to depart voluntarily from the country, within the delay prescribed.

As regards foreign nationals arrested in other parts of the country, they are held until finalization of the necessary identification and registration procedures. Following that, an expulsion decision is issued, accompanied with a detention order until the finalization of the removal procedure. In case their departure is not possible, a return decision without detention is issued; the foreign nationals concerned are informed of their obligation to depart voluntarily from the country, within the delay prescribed.

It is to be noted that the maximum detention time of the foreigners under expulsion in view of the implementation of the return procedures can be extended, under specific conditions, up to 18 months, by decisions which must be fully reasoned. The aforementioned extension may be ordered in case the third-country national refuses to co-operate in the return procedure or in case there are delays in obtaining the necessary documentation from the countries of origin. The detention of irregular migrants is periodically reviewed, taking also into account the availability of appropriate detention facilities and the possibility to ensure decent living conditions for the detainees. According to the legislation in force, irregular migrants have the



right to challenge the measure of expulsion and detention in view of the expulsion before the competent administrative court and to seek provisional measures.

Ever since the mixed migratory pressures in the Eastern Aegean Sea increased (August 2012), the Hellenic Coast Guard (HCG) reinforced the local HCG Authorities with additional surface assets to enhance its response capacity in distress situations of people at sea, safeguarding, in this way, the right to life at sea.

Moreover, suitable areas have been designated in the East Aegean islands, in cooperation with the local entities, for the temporary stay (up to 48 hours) of persons belonging to mixed migratory groups arriving by sea for the period they remain under the responsibility of the HCG local Authorities.

With the objective to fully integrate respect and protection of fundamental rights and human rights principles in the HCG daily workings, the HCG adopted FRONTEX Common Core Curriculum into the curricula of its schools of Basic Training. Furthermore, with the co-funding of the External Borders Fund, it launched a series of seminars on fundamental and human rights issues addressed to the HCG staff dealing with border management tasks at the field of operations. Finally, it aims to enhance its cooperation with the UNHCR, the IOM and various NGOs to improve its efficiency in respecting the fundamental and human rights of the individuals belonging to mixed migratory groups arriving by sea.

Recommendation n°44: *Take steps to prevent attacks against immigrants and hate speech* (Recommended by Turkey)

IRI: partially implemented

NCHR response:

As far as the Code of Immigration and Social Integration is concerned, after several months of waiting and repeated postponements, the bill of the Ministry of Interior on the new Code of Immigration and Social Integration, which features many changes and improvements of the current immigration system, was voted by the Parliament Plenum (Law 4251/2014). The legislation comes too late and lacks certain important aspects, as it does not include any provisions for the return to legality of those who have lost their legal status due to the crisis, it does not engage systematically with issues of integration, by circumventing the granting of Greek nationality and, in short, does not avoid the usual path of dealing with immigration in a less than bold way.



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 35 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.

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.

A 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.

State of Greece response:

In recent years, there has been an increase in the number of attacks against foreigners living in Greece. Extremist organizations or individuals have attempted to exploit the anger or the discontent of some segments of the population severely affected by the economic crisis. 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. 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”, a 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. 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. On the basis of the said provision, no payment to the abovementioned political party has been effected since then.

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. The Hellenic Police have also devoted part of their [website](#) to racist violence matters, allowing the public to report or complain about any wrongful act with racist characteristics or motives, on a 24-hour basis and in many different languages, by completing a special electronic form, to secure anonymity and secrecy of communications.
- Creation of a unified mechanism and database for registering alleged incidents of racist and xenophobic violence (including allegations against police personnel). 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 2013, the Network documented, upon interviews with victims, 166 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. The same applies to the disciplinary investigation of cases involving inappropriate behaviour of police officers against persons belonging to vulnerable groups or third-country nationals.
- Co-ordination with local and non-governmental organizations and training of police staff.

In the field of criminal legislation and prosecution:

- According to 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.

- 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.

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 criminal anti-racism legislation and adjusting the country's legislative framework with the 2008/913/JHA EU Council Framework Decision, on combating certain forms and expressions of racism and xenophobia by means of criminal law. The draft has been examined by the competent parliamentary committee and is currently pending before the Plenary of Parliament. Furthermore, 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 on the criminalization of racist and xenophobic actions.

In the framework of the training of judges on offences relating to racism, in 2013 the National School of Magistrates hosted conferences on hate speech and hate crimes following an initiative of the Ministry of Justice, Transparency and Human Rights in cooperation with the Council of Europe and OSCE/ODIHR. The National School of Magistrates education programme offers also courses on the legislative framework against racism and xenophobia. In February 2014, two workshops were held on "A sociological approach to the phenomenon of racism" and the "Legal treatment of the racist phenomenon".

Recommendation n°67: *Continue its work for the realization of human rights of the Roma population in the country and to focus on implementation of adopted strategies at a local level as well as on countering discrimination by private actors (Recommended by Sweden)*

IRI: *partially implemented*

NCHR response:

There is widespread prejudice against the Roma population in both the Greek public opinion as well as in the Greek Media, while, on the other hand, there is no concise fundamental and regulatory framework to ensure the effective social integration of the Roma.

The housing conditions are unacceptable for a large number of Roma and, in many cases, Roma families are forced to eviction, without any means of appeal. Furthermore, there are no municipal recordings on Roma, who either stay permanently in a specific area or just cross through it. However, being recorded by the municipality is a precondition for receiving housing loans.

As regards the Roma Women, there is no information concerning their occupation and their social exclusion. The GNCHR observes, in general, that they have a large number of difficulties in the enjoyment of basic commodities (e.g. access to health services, family benefits, education and participation in the political and public life etc.). With respect to the Roma Children, there is a need to ensure the equal enjoyment of their rights to health, education, housing and social inclusion.

With respect to the education provided to Roma children, the State should motivate teachers in order to work in schools with Roma children, as well as motivate Roma parents to register their children in schools (e.g. by granting them benefits as soon as the child graduates). Furthermore, the operative problems of the supplementary teaching should be solved and the State should take all the necessary measures in order to ensure the permanent operation of social-advisory services in schools and municipalities. The well-known system of 'learning mentors', which has already been successfully used in other European countries, such as Denmark and United Kingdom, could serve as a model in that regard. There should also be a provision for the education of Roma mediators, who will contribute to the better communication between the Roma society and the school.

As far as ill-treatment and discrimination against Roma is concerned, the State should take all the necessary measures in order to combat the ill-treatment of Roma by police officers and ensure that more Roma be employed and integrated into the police forces. Finally, the State should prioritize the establishment of a working group, which will examine the possibility of providing education to police officers regarding the protection of human rights.



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 EU documents and policies; focuses on fundamental priority areas (education, employment, health and housing) with a 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 rational 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 endeavors 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 their social integration.

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 the essential combat of discrimination and existing prejudices against Roma.

Finally, with regard to Roma participation in political structures, it is worth noting that 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. In effect, Greek Roma candidate 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 for the promotion and



safeguard of their rights either at the local level or through their cooperation with central administration. Worth mentioning too is that 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. The network has been established upon local authorities' initiative and encompasses Roma participation too in its administrative structures.

Impact of Crisis and Austerity Measures on Human Rights

The Greek National Commission for Human Rights (GNCHR), within the framework of its institutional capacity as an advisory body to the Greek State for the protection of Human Rights, observes with great concern the impact of the austerity measures on fundamental Human Rights, and more particularly social rights, irrespective of whether they are linked to financial benefits provided by the State. The NCHR draws attention to the findings of international monitoring bodies, regarding breaches of international human rights protection standards, as well as to the international concerns reflected in the decisions and recommendations of such bodies.

It results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures which lead to the degradation of living standards of a big part of the population, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective. Furthermore, the findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) "notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest".

Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection.



Memoranda concluded within the framework of international loan mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

In December 2011, Greece submitted to the European Commission the National Strategy for the Social Inclusion of Roma 2012-2020. The strategy 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. It focuses on fundamental priority areas (education, employment, health and housing) with a long-term planning at the local level and a combination of sectoral and territorial-regional programmes and horizontal interventions (civic status, culture, awareness-raising and social dialogue). The implementation of the Strategy will be ensured through the coherent planning of actions at the local, national, European and international level, the parallel participation of Roma people as a target group, the establishment of monitoring mechanisms, indicators and time-frame as well as the effective use of EU funding.

The National Strategy has initially been specialized in three pilot regional strategies (Eastern Macedonia and Thrace, Thessaly and West Greece) and the development of actions is planned to promote social inclusion and promotion of employment.

Supplementary measures have also been adopted in favor of persons of Roma origin including access to the labor market and promotion of Roma entrepreneurship, medical visits to Roma camps by Mobile Medical Units, 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.

In the field of education, the main priorities are schooling from an early age, timely enrollment in the 1st grade of primary school and extra tutorial support. 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. Throughout the implementation of the project special priority is given to the role and action of Roma school mediators. 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 upon submission of a certificate of regular school attendance.

Recommendation n°68: Take measures to provide Roma with increased opportunities for education and employment (Recommended by United States)

IRI: fully implemented

NCHR response:

There is widespread prejudice against the Roma population in both the Greek public opinion as well as in the Greek Media, while, on the other hand, there is no concise fundamental and regulatory framework to ensure the effective social integration of the Roma.

The housing conditions are unacceptable for a large number of Roma and, in many cases, Roma families are forced to eviction, without any means of appeal. Furthermore, there are no municipal recordings on Roma, who either stay permanently in a specific area or just cross through it. However, being recorded by the municipality is a precondition for receiving housing loans.

As regards the Roma Women, there is no information concerning their occupation and their social exclusion. The GNCHR observes, in general, that they have a large number of difficulties in the enjoyment of basic commodities (e.g. access to health services, family benefits, education and participation in the political and public life etc.). With respect to the Roma Children, there is a need to ensure the equal enjoyment of their rights to health, education, housing and social inclusion.

With respect to the education provided to Roma children, the State should motivate teachers in order to work in schools with Roma children, as well as motivate Roma parents to register their children in schools (e.g. by granting them benefits as soon as the child graduates). Furthermore, the operative



problems of the supplementary teaching should be solved and the State should take all the necessary measures in order to ensure the permanent operation of social-advisory services in schools and municipalities. The well-known system of 'learning mentors', which has already been successfully used in other European countries, such as Denmark and United Kingdom, could serve as a model in that regard. There should also be a provision for the education of Roma mediators, who will contribute to the better communication between the Roma society and the school.

As far as ill-treatment and discrimination against Roma is concerned, the State should take all the necessary measures in order to combat the ill-treatment of Roma by police officers and ensure that more Roma be employed and integrated into the police forces. Finally, the State should prioritize the establishment of a working group, which will examine the possibility of providing education to police officers regarding the protection of human rights.

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 programmes 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.

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.

The Ministry of Education, in cooperation with the local authorities, working within a general policy framework which favours diversity in education, enforce 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 two projects funded by the EU concerning the education of Roma children implemented by the University of Thessalonica 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.).

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.

Impact of Crisis and Austerity Measures on Human Rights

The Greek National Commission for Human Rights (GNCHR), within the framework of its institutional capacity as an advisory body to the Greek State for the protection of Human Rights, observes with great concern the impact of the austerity measures on fundamental Human Rights, and more particularly social rights, irrespective of whether they are linked to financial benefits provided by the State. The NCHR draws attention to the findings of international monitoring bodies, regarding breaches of international human rights protection standards, as well as to the international concerns reflected in the decisions and recommendations of such bodies.

It results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures which lead to the degradation of living standards of a big part of the population, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective. Furthermore, the findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.

Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis,



towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection. Memoranda concluded within the framework of international loan mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

[See response to recommendation n°67]

Recommendation n°71: *Continue giving priority to introducing legislative amendments and implementing actions aiming at respecting human rights of all migrants and speeding asylum procedures* (Recommended by Lebanon)

IRI: fully implemented

+

Recommendation n°73: *Ensure that asylum-seekers and irregular migrants are treated according to Greece's human rights obligations and strengthen all efforts to implement the national action plan on asylum reform and migration management* (Recommended by Austria)

IRI: fully implemented

+

Recommendation n°74: *Undertake a review of detention conditions for asylum-seekers to ensure they are fully in line with international and European standards* (Recommended by Canada)

IRI: partially implemented

+

Recommendation n°92: *Work for amelioration of the situation of migrants, particularly in regards to access to and quality of the asylum procedure, the conditions in detention centres and to ensure that protection is granted to refugees in line with its international obligations, by implementing the National Action Plan for Migration Management and taking necessary further actions* (Recommended by Sweden)

IRI: fully implemented

+

Recommendation n°93: *Continue efforts aimed at improving the administrative and legal services and the living conditions of irregular migrants and asylum-seekers, especially vulnerable categories, such as women and children* (Recommended by Qatar)

IRI: fully implemented

+



Recommendation n°90: *Increase its budget for migration detention centres and migrant care through intensified cooperation with EU partners* (Recommended by *United States*)

IRI: *not implemented*

+

Recommendation n°99: *Strengthen, in close cooperation with relevant stakeholders, the capacity to process, treat and shelter asylum-seekers and irregular migrants, in accordance with relevant regional and international standards* (Recommended by *Mexico*)

IRI: *fully implemented*

+

Recommendation n°100: *Improve the treatment of migrants, asylum-seekers and refugees* (Recommended by *Iraq*)

IRI: *fully implemented*

NCHR response:

As far as the Code of Immigration and Social Integration is concerned, after several months of waiting and repeated postponements, the bill of the Ministry of Interior on the new Code of Immigration and Social Integration, which features many changes and improvements of the current immigration system, was voted by the Parliament Plenum (Law 4251/2014). The legislation comes too late and lacks certain important aspects, as it does not include any provisions for the return to legality of those who have lost their legal status due to the crisis, it does not engage systematically with issues of integration, by circumventing the granting of Greek nationality and, in short, does not avoid the usual path of dealing with immigration in a less than bold way.

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 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, which was established under Law no. 3907/2011, 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 and is the first autonomous structure in our country that is in charge of the examination of asylum claims, and more broadly of the international protection claims.



The Asylum Service is composed of the Central Service, situated in Athens, and of thirteen (13) Regional Asylum Offices situated in the Greek administrative divisions that are gradually put into operation. On July 11, 2013 the Regional Asylum Office in the region of northern Evros started to register its first applicants for international protection in the First Reception Center in Fylakio. On 29 July 2013 a second Regional Asylum Office started operating in the region of southern Evros in Iasmos Komotini, while another Regional Asylum Office in the island of Lesbos started its operations on 15 October 2013. A small registration team started working as well in the Pre-removal Detention Centre of Amygdaleza in Attica region. The Regional Asylum Offices of Rhodes Thessaloniki, Samos, Chios, Heraklion and Patras are expected to begin operations in 2014.

The main policies to be pursued by the First Reception Service (FRS), which is established under Law no. 3907/2011, 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.

Furthermore, Greece is establishing new pre-removal centers. 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.

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 detention 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.



Impact of Crisis and Austerity Measures on Human Rights

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It results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures which lead to the degradation of living standards of a big part of the population, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective. Furthermore, the findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.

Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection. Memoranda concluded within the framework of international loan mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

[See response to recommendation n°15]

Recommendation n°76: *Resort to forced expulsions only within the strict respect of regional and international norms* (Recommended by Switzerland)

IRI: *partially implemented*

+

Recommendation n°77: *Take steps to protect asylum-seekers and ensure respect for the principle of non-refoulement in accordance with international refugee law and international human rights law* (Recommended by Canada)

IRI: *partially implemented*

+

Recommendation n°78: *Ensure that no individual is directly or indirectly "refouled" to their country of origin, or any other country where they may face persecution* (Recommended by Poland)

IRI: *partially implemented*

NCHR response:

Victims of trafficking receive protection in case of grave danger to their life, physical integrity and personal and sexual freedom. 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.

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 UN 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.

State of Greece response:

[See response to recommendation n°15]



Recommendation n°82: *Continue its efforts to ensure the observance of fundamental rights and international standards in the context of asylum procedures, particularly with regard to the treatment of unaccompanied minors (Recommended by Argentina)*

IRI: *fully implemented*

NCHR response:

According to article 19 of the PD 220/2007, which provides that the competent authorities should take the appropriate measures to ensure the child's necessary representation through the appointment of a legal guardian irrespective of the child's status as asylum seeker, all unaccompanied children in Greece are entitled to temporary guardians, who are public prosecutors by law. However, this provision is rarely implemented in practice, due to a number of difficulties which prosecutors experience while assuming responsibility as temporary guardians and in their attempt to appoint a permanent guardian. Among those difficulties is the sheer volume of work that the prosecutors' offices face, the limited human resources within the court's existing services who can follow up the cases and the limited number of Public Prosecutors exclusively competent for minors.

Furthermore, there is no relevant institution or body the prosecutors can refer to in order to appoint permanent guardians and individuals cannot easily assume the guardianship due to the fact that the target group very often absconds and is difficult to be traced. There are cases where the prosecutors pass the full guardianship to the directors of the reception centres or to social workers of state institutions (e.g. municipalities, courts), although this practice is not always effective, considering the existing obstacles. The prosecutor may, thus, appoint an adult to execute a specific act of guardianship, for instance only for school registration.

Due to these challenges, there is no standardized practice followed by prosecutors in Greece. It seems that the procedures followed in order to ensure the representation and protection of unaccompanied children depends on the discretion of the prosecutor and on the supporting services that the prosecutor may have at his or her disposal (such as NGOs, social services).

As far as the asylum procedure is concerned, in practice, usually due to the prosecutors' heavy workload, nothing is done to implement the safeguarding of the interest of the child. Indicative of this inability to comply with the abovementioned fundamental principles relating to unaccompanied minors, is the failure to appoint a guardian for the minor, who actually goes



through the entire international protection granting process all alone, without a legal guardian.

Although article 11, par. 6, of PD 113/2013 provides that “applications for international protection of unaccompanied minors are always examined under the regular procedure”, in practice, in a number of cases, no international protection status is granted before the child reaches the age of 18. In practice, it is often reported that their asylum applications are examined and their status is determined when they become adults, rather than during their minority. This may lead to a completely different assessment of the case, as child-specific forms of persecution are not examined. Additionally, such a delay in the procedure does not respect the best interests of the child and does not lead to assessing a durable solution in accordance with the child’s needs and profile.

Impact of Crisis and Austerity Measures on Human Rights

The Greek National Commission for Human Rights (GNCHR), within the framework of its institutional capacity as an advisory body to the Greek State for the protection of Human Rights, observes with great concern the impact of the austerity measures on fundamental Human Rights, and more particularly social rights, irrespective of whether they are linked to financial benefits provided by the State. The NCHR draws attention to the findings of international monitoring bodies, regarding breaches of international human rights protection standards, as well as to the international concerns reflected in the decisions and recommendations of such bodies.

It results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures which lead to the degradation of living standards of a big part of the population, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective. Furthermore, the findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.



Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection. Memoranda concluded within the framework of international loan mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

According to the legislation in force, the competent prosecution or police authorities take the necessary steps to establish the identity and nationality of unaccompanied children as well as the fact that they are unaccompanied. They also make every effort for the fastest possible identification of their families and immediately put into effect all necessary measures to ensure their legal representation. 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 National Action Plan on Human Rights. 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.

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. Two open accommodation centers are already available in the district of Athens to accommodate vulnerable groups, mainly unaccompanied minors. The running costs for both facilities have been secured for one year under EEA Grants. After the first year of operation, the running costs will need to be covered by the New Multiannual Financial Framework (2014-2020).



The competent authorities are aware of the fact that the framework governing the status of unaccompanied minors should be assessed and that concrete and immediate solutions are required.

Recommendation n°83: When reforming the asylum system and migration management, pay special attention to the needs of unaccompanied minors in all processes that pertain to solving their cases, and prevent administrative detention from being a standard practice for new irregular migrants (Recommended by Slovenia)

IRI: partially implemented

NCHR response:

As far as the Code of Immigration and Social Integration is concerned, after several months of waiting and repeated postponements, the bill of the Ministry of Interior on the new Code of Immigration and Social Integration, which features many changes and improvements of the current immigration system, was voted by the Parliament Plenum (Law 4251/2014). The legislation comes too late and lacks certain important aspects, as it does not include any provisions for the return to legality of those who have lost their legal status due to the crisis, it does not engage systematically with issues of integration, by circumventing the granting of Greek nationality and, in short, does not avoid the usual path of dealing with immigration in a less than bold way.

According to article 19 of the PD 220/2007, which provides that the competent authorities should take the appropriate measures to ensure the child's necessary representation through the appointment of a legal guardian irrespective of the child's status as asylum seeker, all unaccompanied children in Greece are entitled to temporary guardians, who are public prosecutors by law. However, this provision is rarely implemented in practice, due to a number of difficulties which prosecutors experience while assuming responsibility as temporary guardians and in their attempt to appoint a permanent guardian. Among those difficulties is the sheer volume of work that the prosecutors' offices face, the limited human resources within the court's existing services who can follow up the cases and the limited number of Public Prosecutors exclusively competent for minors.

Furthermore, there is no relevant institution or body the prosecutors can refer to in order to appoint permanent guardians and individuals cannot easily assume the guardianship due to the fact that the target group very often absconds and is difficult to be traced. There are cases where the prosecutors pass the full guardianship to the directors of the reception



centres or to social workers of state institutions (e.g. municipalities, courts), although this practice is not always effective, considering the existing obstacles. The prosecutor may, thus, appoint an adult to execute a specific act of guardianship, for instance only for school registration.

Due to these challenges, there is no standardized practice followed by prosecutors in Greece. It seems that the procedures followed in order to ensure the representation and protection of unaccompanied children depends on the discretion of the prosecutor and on the supporting services that the prosecutor may have at his or her disposal (such as NGOs, social services).

As far as the asylum procedure is concerned, in practice, usually due to the prosecutors' heavy workload, nothing is done to implement the safeguarding of the interest of the child. Indicative of this inability to comply with the abovementioned fundamental principles relating to unaccompanied minors, is the failure to appoint a guardian for the minor, who actually goes through the entire international protection granting process all alone, without a legal guardian.

Although article 11, par. 6, of PD 113/2013 provides that “applications for international protection of unaccompanied minors are always examined under the regular procedure”, in practice, in a number of cases, no international protection status is granted before the child reaches the age of 18. In practice, it is often reported that their asylum applications are examined and their status is determined when they become adults, rather than during their minority. This may lead to a completely different assessment of the case, as child-specific forms of persecution are not examined. Additionally, such a delay in the procedure does not respect the best interests of the child and does not lead to assessing a durable solution in accordance with the child's needs and profile.

State of Greece response:

[See response to recommendation n°82]

Recommendation n°89: *Devise a long-term Government strategy aimed at integration of immigrants (Recommended by Poland)*

IRI: fully implemented

NCHR response:

[See response to recommendation n°15]

State of Greece response:

Recently, Parliament adopted Law 4251/2014 on “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.

Article 78 of Law 3852/2010 provides for the establishment of Migrant Integration Councils (MIC). MICs are composed of 5-11 members namely municipal councilors (one of them is the Chair of the Council and representatives from local social stakeholders on immigrant issues. They aim at identifying integration problems encountered by foreign nationals and submit to the Municipal Council relevant proposals for the smooth integration of local migrant populations. The Councils play a significant role in the integration of foreign citizens as they ensure, through participation of representatives from the local migrant communities, the representation of migrants in local public life and promote active participation of migrants in local decision-making. Up to now 220 Migrant Integration Councils have been established all over the country. Their establishment and everyday running has been financially and technically supported by actions undertaken in the context of the European Integration Fund of third country nationals (EIF) - Greece.

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. The Ministry of Interior, as the Responsible Authority for the European Integration Fund (EIF) for third country nationals in Greece for the period 2007-2013, has launched and funded a series of actions concerning the social integration of third country nationals in Greece, such as: awareness raising of the host society with regard to migration issues, language courses for migrants, support and information campaigns for migrants, intercultural projects and festivals, intercultural mediation programmes in hospitals, exchange of best practices between policy actors in the field of integration, training of civil servants who deal with third country nationals, etc.

Under the legislative framework in force, steps will be taken to simplify the procedures and improve the existing framework for the social inclusion of immigrants.



Recommendation n°94: *Establish a new unit in the Ministry for Citizen Protection, and continue the reform aimed at training police officers in order to deal with asylum-seekers and migrants in accordance with international criteria for human rights* (Recommended by Qatar)

IRI: *fully implemented*

NCHR response:

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.

State of Greece response:

[See response to recommendation n°15]

Recommendation n°96: *Implement measures to curb abuses against refugees and migrants, including minors, regardless of their immigration status, perpetrated by police authorities, and punish adequately those responsible, so to avoid impunity* (Recommended by Ecuador)

IRI: *partially implemented*

NCHR response:

Not implemented

State of Greece response:

Law 3938/2011 established, within the Ministry of Public Order and Citizens' Protection, an Office, subject to the Minister, responsible for handling alleged instances of arbitrary conduct by law enforcement personnel. 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 reexamine cases for which a violation has been found by the European Court of Human Rights. The Office is not yet operational, due to difficulties which have arisen in relation to its staffing.

Law 4249/2014 aims at overcoming the aforementioned difficulties, by expanding membership of the relevant committee within the Office to include lawyers who are members of a Greek Bar Association, facilitating thus the staffing of the Office. The same Law also foresees the participation, without the right to vote, of a representative of the Greek Ombudsman.

Furthermore, Law 4249/2014 widens the scope of the Office, which now covers allegations of illegal conduct on the grounds of racism or other forms of discriminatory treatment on the grounds of racial or ethnic origin,



religious or other beliefs, disability, age, sexual orientation or gender identity and, more generally, any offending conduct against persons living in Greece.

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. Relevant provisions are also included in the 2004 Code of Ethics for Police Officers. A 2012 Circular Order addressed to the Department of Internal Affairs gives absolute priority to the investigation of allegations of ill-treatment of foreign citizens by police personnel, including complaints about racist violence.

A 2010 Order of the Prosecutor at the Supreme Court sets out the procedure for an effective and impartial criminal investigation of allegations of ill-treatment of detainees. The Disciplinary Code adopted in 2008 has brought about considerable progress in ensuring an effective investigation of allegations of abuse by the police. It is to be noted that the Greek Ombudsman has the power to control the lawfulness of such disciplinary proceedings.

It is also to be recalled that Greece has recently ratified the Optional Protocol to the UN Convention against Torture and designated the Office of the Ombudsman as the National Preventive Mechanism.

Finally, 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.

Recommendation n°97: Take the necessary measures to ensure that no asylum-seeker is sent back immediately to its country of origin or any other country where his/her life is in danger, in accordance with applicable international norms (Recommended by Ecuador)

IRI: partially implemented

NCHR response:

Victims of trafficking receive protection in case of grave danger to their life, physical integrity and personal and sexual freedom. 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.

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 UN 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.

State of Greece response:

[See response to recommendation n°15]

Recommendation n°98: *Improve the space and sanitary conditions of shelters for migrants, refugees and asylum-seekers, so that they comply with international and regional standards (Recommended by Ecuador)*

IRI: *partially implemented*

NCHR 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. The FRS will be the sole competent service with regard to the reception of asylum seekers, unaccompanied minors and migrants belonging to vulnerable groups.



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It results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures which lead to the degradation of living standards of a big part of the population, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective. Furthermore, the findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.

Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection. Memoranda concluded within the framework of international loan mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

[See response to recommendation n°15]



Recommendation n°120: *Collect disaggregated data on the dissemination of hate speech against minorities* (Recommended by *Egypt*)

IRI: *not implemented*

NCHR response:

The most important measures taken in the field of law enforcement, as regards racism or xenophobia, 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).
- It is also 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 35 NGOs and other bodies, having as a primary goal the documentation of racist incidents.

State of Greece response:

[See response to recommendation n°44]

Recommendation n°123: *Execute the judgments of the European Court of Human Rights regarding the applications of the Turkish Union of Xanthi, the Cultural Association of Turkish Women of Rodopi and the Evros Minority Youth Association* (Recommended by *Turkey*)

IRI: *not implemented*

NCHR response:

Ongoing implementation.

State of Greece response:

At the outset, it is to be recalled that the only officially recognized minority in Greece is the Muslim minority in Thrace, whose status was established by the 1923 Treaty of Lausanne. The Muslim minority consists of three distinct groups whose members are of Turkish, Pomak and Roma origin, the Muslim faith being the common denominator of the aforementioned components. Each of these groups has its own spoken language, cultural traditions and heritage, which are fully respected by the Greek state. Further to fully complying with the Lausanne Treaty, Greece’s policy and legislation, over the last twenty five years, reflect and implement contemporary human rights norms and standards.

Greece fully respects the right of each person to self-identify as they wish and no disadvantage results from such an expression of wish. In keeping with the principle of individual self-identification, everyone living in Greece is free to declare their origin, speak their language, exercise their religion and



observe their particular customs and traditions. Persons belonging to groups who do not fulfill the criteria set out in international law for their recognition as “minorities” fully enjoy their human rights and freedoms, including freedom of expression and freedom of association and peaceful assembly, under the conditions set out in the relevant universal and regional human rights treaties.

The Greek Government is considering ways and means of executing three judgments of the European Court of Human Rights finding a violation of the right to freedom of association under the European Convention on 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. Domestic courts apply in the cases before them the principles derived from the jurisprudence of the European Court of Human Rights. It is worth mentioning in this respect judgment No. 24/2012 of the Supreme Court in the case of “South Evros Educational and Cultural Association of Western Thrace Minority”, overturning the decision of the competent appeals court, which had refused the registration of the said association.

It is to be noted that 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, some 50 minority associations have been registered by the local courts in Thrace.

Recommendation n°124: On the one hand, constantly reflect on human rights when processing the request of asylum-seekers and refugees, specifically focusing on their individual situation, their detention conditions and the eventual organization of their repatriation and, on the other hand, solicit the necessary support of the European Union in this regard (Recommended by Senegal)

IRI: fully implemented

NCHR response:

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 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, which was established under Law no. 3907/2011, 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 and is the first autonomous structure in our country that is in charge of the examination of asylum claims, and more broadly of the international protection claims.

The Asylum Service is composed of the Central Service, situated in Athens, and of thirteen (13) Regional Asylum Offices situated in the Greek administrative divisions that are gradually put into operation. On July 11, 2013 the Regional Asylum Office in the region of northern Evros started to register its first applicants for international protection in the First Reception Center in Fylakio. On 29 July 2013 a second Regional Asylum Office started operating in the region of southern Evros in Iasmos Komotini, while another Regional Asylum Office in the island of Lesbos started its operations on 15 October 2013. A small registration team started working as well in the Pre-removal Detention Centre of Amygdaleza in Attica region. The Regional Asylum Offices of Rhodes Thessaloniki, Samos, Chios, Heraklion and Patras are expected to begin operations in 2014.

The main policies to be pursued by the First Reception Service (FRS), which is established under Law no. 3907/2011, 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.

Furthermore, Greece is establishing new pre-removal centers. 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.

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 detention 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.

The personnel of the new autonomous Asylum Service and the Appeals' Authority is 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. Furthermore, 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 detention 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, 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 35 NGOs and other bodies, having as a primary goal the documentation of racist incidents. Finally, it is the issue of guardianship of unaccompanied minors which demands a close cooperation on this issue between the Government, the Ombudsman, the UNHCR and NGOs.

State of Greece response:

[See response to recommendation n°15]

International Instruments

Recommendation n°1: *Ratify the Convention on the Rights of Persons with Disabilities that is has already signed in 2007* (Recommended by *Algeria*)

IRI: *fully implemented*

+

Recommendation n°2: *Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol* (Recommended by *Austria*)

IRI: *fully implemented*

+

Recommendation n°3: *Ratify the Convention on the Rights of Persons with Disabilities* (Recommended by *Brazil*)

IRI: *fully implemented*

+

Recommendation n°4: *Ratify the Convention on the Rights of Persons with Disabilities* (Recommended by *France*)

IRI: *fully implemented*

+

Recommendation n°5: *Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol* (Recommended by *Ukraine*)

IRI: *fully implemented*

+

Recommendation n°6: *Consider ratifying the Convention on the Rights of Persons with Disabilities* (Recommended by *Argentina*)

IRI: *fully implemented*

+

Recommendation n°7: *Consider ratifying the Convention on the Rights of Persons with Disabilities to which it is a signatory* (Recommended by *India*)

IRI: *fully implemented*

+

Recommendation n°8: *Adopt or ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol* (Recommended by *Ecuador*)

IRI: *fully implemented*

+

Recommendation n°9: *Redouble efforts to ensure access to public places and labour market to persons with disabilities and to ratify the Convention on the Rights of Persons with Disabilities* (Recommended by *Morocco*)

IRI: *fully implemented*

NCHR response:

Ratification of the Convention by Law 4074/2012 on the Ratification of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol (OJG A' 88).

State of Greece response:

Greece has already ratified the Convention of the Rights of Persons with Disabilities and its Optional Protocol (Law 4074/2012).

Recently, by virtue of a decision of the Prime Minister, the Ministry of Labour, Social Security and Welfare was designated as focal point for the monitoring of the implementation of the Convention, and as coordinating mechanism for facilitating relevant activities, in accordance with Article 33 (1) of the Convention (decision No. 426/28.2.2014). Moreover, the same



decision provides, in accordance with Article 33(3) of the Convention, that civil society, in particular persons with disabilities and their representative organizations, will be involved and fully participate in the monitoring process.

An action called “Accessibility Program in Local Level” has been implemented in all big municipalities, under the responsibility of the General Inspector of Public Administration. This program includes all necessary measures for the creation of a chain of accessibility, which connects, through accessible side-walks and passages, the way to specific buildings and infrastructures. Moreover, in order to offer more specialized services to disabled persons, an initiative concerning the area of “electronic accessibility” has been launched.

According to Article 8 of Law 3304/2005 implementing the «principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation », direct or indirect discrimination as well as harassment, inter alia, on the grounds of disability, is prohibited in the public and private sector with regard to : access to employment, access to all types and levels of vocational guidance, working terms and conditions, including those relating to dismissals and remuneration, membership or involvement in workers and employers organizations.

Moreover, Article 10 of the abovementioned Law provides for the appropriate adjustments for the persons with disabilities, in a workplace. The employer is required, among others, to take all the appropriate measures so that the principle of equal treatment for persons with disabilities be respected, ensuring that these persons have access to a job, perform their duties, advance their careers and have the opportunity to participate in vocational training, unless these measures impose a disproportionate burden on the employer.

The Ministry of Labour, Social Security and Welfare in cooperation with the National Confederation of Persons with Disabilities (ESAMEA) published a handbook on discrimination and reasonable accommodation for workers with disabilities. The purpose of this handbook is both to educate the officials of the Labour Inspectorate (S.E.P.E) on issues of discrimination and reasonable accommodation and to enable them to inspect whether the employers make all reasonable accommodations, by taking all measures as appropriate, so that, the access and the retention of persons with disabilities, in particular, as well as their participation in vocational training, be ensured.



With the adoption of Law 3996/2011 «Reforming the Labour Inspectorate, regulating Social Security issues and other provisions», the Labour Inspectorate, «monitors compliance with the principle of equal treatment for persons with disabilities, including persons who are HIV-positive.

Furthermore, the Ministry of Labour, Social Security and Welfare has implemented a project entitled «Measures to promote the principle of equal treatment», with a view to promoting the principle of equal treatment which is reflected every year in the national action plan to combat discrimination and in the national legal framework. In this context, the establishment of an «Observatory on Combating Discrimination», by three partners, i.e., the National Center for Social Research (EKKE), the Economic and Social Council of Greece (OKE) and the Local Self-Government Agencies' Network "Efxini Poli", as well as the elaboration of the "Code of Conduct" by the Vocational Training Center of the Labour Institute of the Greek General Confederation of Labour (INE-GSEE) constitute individual subprojects.

In addition, the Greek Ministry of Culture and sports is working towards improving access of persons with disabilities to cultural facilities and services. It also implements educational programs in museums, so as to contribute to the enjoyment of cultural life.

For the International Convention for the Protection of All Persons from Enforced Disappearance, see below.

Recommendation n°10: Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Recommended by Spain)

IRI: partially implemented

NCHR response:

Ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol by Law 4074/2012 on the Ratification of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol (OJG A' 88). Signature of the Convention for the Protection of all Persons from Enforced Disappearance on October 1st, 2008, but still not ratified.

State of Greece response:

[See response to recommendation n°1]



Recommendation n°11: *Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by Argentina)

IRI: *fully implemented*

NCHR response:

Signature of the Convention for the Protection of all Persons from Enforced Disappearance on October 1st, 2008, but still not ratified.

State of Greece response:

A law-drafting Committee, established by the Ministry of Justice, Transparency and Human Rights, has elaborated a draft law ratifying the Convention and amending, where appropriate, the Criminal Code, to implement the Convention. The draft was submitted to an open public consultation in April 2014 and was tabled before Parliament on 30 May 2014. The recognition of the competence of the Committee on Enforced Disappearance, as provided for in articles 31 and 32 of the Convention is under active consideration.

Recommendation n°12: *Ratify the International Convention for the Protection of All Persons from the Enforced and Involuntary Disappearance* (Recommended by Armenia)

IRI: *not implemented*

+

Recommendation n°13: *Proceed to the ratification of International Convention for the Protection of All Persons from Enforced Disappearance as soon as possible and fully recognize the competence of the Committee on Enforced Disappearance, as provided for in articles 31 and 32 of the Convention* (Recommended by France)

IRI: *partially implemented*

NCHR response:

Signature of the Convention for the Protection of all Persons from Enforced Disappearance on October 1st, 2008, but still not ratified.

State of Greece response:

A law-drafting Committee, established by the Ministry of Justice, Transparency and Human Rights, has elaborated a draft law ratifying the Convention and amending, where appropriate, the Criminal Code, to implement the Convention. The draft was submitted to an open public consultation in April 2014 and was tabled before Parliament on 30 May 2014. The recognition of the competence of the Committee on Enforced Disappearance, as provided for in articles 31 and 32 of the Convention is under active consideration.



Recommendation n°19: *Implement recommendations and decision of human rights protection mechanisms, including special procedures* (Recommended by *Austria*)

IRI: *partially implemented*

NCHR response:

Impact of Crisis and Austerity Measures on Human Rights

The Greek National Commission for Human Rights (GNCHR), within the framework of its institutional capacity as an advisory body to the Greek State for the protection of Human Rights, observes with great concern the impact of the austerity measures on fundamental Human Rights, and more particularly social rights, irrespective of whether they are linked to financial benefits provided by the State. The NCHR draws attention to the findings of international monitoring bodies, regarding breaches of international human rights protection standards, as well as to the international concerns reflected in the decisions and recommendations of such bodies.

It results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures which lead to the degradation of living standards of a big part of the population, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective. Furthermore, the findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.

Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection. Memoranda concluded within the framework of international loan mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

The competent authorities thoroughly examine and take fully into consideration the recommendations and decisions of all human rights protection mechanisms, including special procedures, and engage in a meaningful follow-up dialogue with the aforementioned mechanisms.

The UPR outcome was translated into Greek and served as one of the main background documents for the elaboration of the first National Action Plan for Human Rights. The translation of future treaty body concluding observations and recommendations, at the least, contained in special procedures country reports will be assured.

Recommendation n°20: *Enhance accessibility of the United Nations Human Rights system for all members of Greek society by ensuring the translation into Greek of its UPR outcome and relevant treaty body concluding observations and special procedures country reports* (Recommended by Canada)

IRI: *partially implemented*

NCHR response:

Not implemented.

State of Greece response:

[See response to recommendation n°19]

Recommendation n°101: *Undertake the process of consultations with civil society stakeholders and the National Commission for Human Rights in the follow-up to the UPR review* (Recommended by Austria)

IRI: *not implemented*

NCHR response:

Not implemented.

State of Greece response:

National human rights institutions and civil society stakeholders will be consulted in view of the preparation of the next UPR report and the assessment of the follow-up to the first cycle of UPR review. It is to be noted that UPR recommendations have been fully taken into account and largely incorporated in the first National Action Plan on Human Rights, the implementation of which will be monitored with the participation of NHRIs and civil society.

Recommendation n°106: *Ratify a certain number of human rights treaties such as the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Recommended by Palestine)*

IRI: *partially implemented*

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Recommendation n°108: *Proceed with the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Recommended by Cyprus)*

IRI: *not implemented*

State of Greece response:

Greece ratified the OPCAT in December 2013 (Law 4228/2014). The ratification instrument has already been deposited with the Secretary-General of the UN; the Protocol entered into force in respect of Greece on 13 March 2014. It is to be noted that the law ratifying the OPCAT designates the Ombudsman as the National Preventive Mechanism.

Recommendation n°107: *Ratify the Optional Protocol to the Convention Against Torture (Recommended by Palestine)*

IRI: *fully implemented*

+

Recommendation n°109: *Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommended by Cyprus)*

IRI: *fully implemented*

+

Recommendation n°110: *Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommended by Brazil)*

IRI: *fully implemented*

+

Recommendation n°111: *Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommended by Armenia)*

IRI: *fully implemented*

+

Recommendation n°112: *Ratify the remaining human rights instruments, especially the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommended by Slovenia)*

IRI: *partially implemented*

+



Recommendation n°113: *Consider the gradual ratification of pending international instruments* (Recommended by *Chile*)

IRI: *partially implemented*

NCHR response:

Ratification of the Optional Protocol to the Convention Against Torture by Law 4228/2014 of 10 January 2014 on the Ratification of the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.

State of Greece response:

Greece ratified the OPCAT in December 2013 (Law 4228/2014). The ratification instrument has already been deposited with the Secretary-General of the UN; the Protocol entered into force in respect of Greece on 13 March 2014. It is to be noted that the law ratifying the OPCAT designates the Ombudsman as the National Preventive Mechanism.

Recommendation n°114: *Ratify the 1961 Convention on the Reduction of Statelessness* (Recommended by *Slovakia*)

IRI: *not implemented*

NCHR response:

Not implemented

State of Greece response:

Ratification of the 1961 Convention on the Reduction of Statelessness is still under consideration.

Justice

Recommendation n°43: *Take an initiative to draft a law that would establish an independent bureau under the direct authority of the Ministry of Citizen's Protection to deal with incidents of arbitrary conduct by law enforcement officials* (Recommended by *Turkey*)

IRI: *fully implemented*

+

Recommendation n°47: *Regarding the use of excessive force by the police, implement an independent complaint mechanism, which will investigate any allegation concerning violence, acts of torture and other mistreatments by the police* (Recommended by *Switzerland*)

IRI: *not implemented*

+



Recommendation n°51: *Quickly establish an independent and effective police complaints mechanism* (Recommended by *United Kingdom*)

IRI: *not implemented*

NCHR response:

Racist violence should be one of the most important concerns. Racist incidents are rarely reported to the police. This is due to police's impunity and the climate of tolerance towards the perpetrators, which contribute to this phenomenon.

Incidents of violence involving police officers are rarely investigated and are unlikely to reach a fair punishment. The police as an unconcerned observer of attacks by extremist organizations or groups do not fulfill its obligation to protect the victims. After all, the non-investigation of recurring allegations about the underground links between police and groups responsible for racist incidents nullifies any effort to denounce the racist crime.

Direct or indirect involvement of the police – by tolerating acts perpetrated by racist groups and by refraining from any in-depth investigation – amounts to the acceptance and approval of those facts by the state. The attitude of Hellenic Police's superior officers is crucial for the conduct of the rest. In periods when superior officers are intolerant to such incidents of violence and when the recommendations issued by international bodies are appropriately disseminated to all relevant services, incidents involving police officers seem to reduce.

Members of the Racist Violence Recording Network participated as trainers in the two-day training organized for the newly appointed officials, which by no means is considered sufficient for the increased training needs on such a sensitive and complex issue. The GNCHR therefore suggests a mandatory process of continuous training, including on up-to-date developments and providing expert knowledge, for the police officers appointed in these Departments. On July 2013, the Racist Violence Recording Network has already addressed to the Central Police Department for Racism Violence in Athens a letter proposing a training program with the participation of the ODHIR, to which there has been no answer up to this date.

Law 3938/2011 establishes, 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 reexamine 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.

State of Greece response:

Law 3938/2011 established, within the Ministry of Public Order and Citizens' Protection, an Office, subject to the Minister, responsible for handling alleged instances of arbitrary conduct by law enforcement personnel. 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 reexamine cases for which a violation has been found by the European Court of Human Rights. The Office is not yet operational, due to difficulties which have arisen in relation to its staffing.

Law 4249/2014 aims at overcoming the aforementioned difficulties, by expanding membership of the relevant committee within the Office to include lawyers who are members of a Greek Bar Association, facilitating thus the staffing of the Office. The same Law also foresees the participation, without the right to vote, of a representative of the Greek Ombudsman.

Furthermore, Law 4249/2014 widens the scope of the Office, which now covers allegations of illegal conduct on the grounds of racism or other forms of discriminatory treatment on the grounds of racial or ethnic origin, religious or other beliefs, disability, age, sexual orientation or gender identity and, more generally, any offending conduct against persons living in Greece.

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. Relevant provisions are also included in the 2004 Code of Ethics for Police Officers. A 2012 Circular Order addressed to the Department of Internal Affairs gives absolute priority to the investigation of allegations of ill-treatment of foreign citizens by police personnel, including complaints about racist violence.



A 2010 Order of the Prosecutor at the Supreme Court sets out the procedure for an effective and impartial criminal investigation of allegations of ill-treatment of detainees. The Disciplinary Code adopted in 2008 has brought about considerable progress in ensuring an effective investigation of allegations of abuse by the police. It is to be noted that the Greek Ombudsman has the power to control the lawfulness of such disciplinary proceedings.

It is also to be recalled that Greece has recently ratified the Optional Protocol to the UN Convention against Torture and designated the Office of the Ombudsman as the National Preventive Mechanism.

Finally, 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.

Recommendation n°45: *Ensure prompt and impartial investigations of cases of excessive use of force by the police and law enforcement officials* (Recommended by *Austria*)

IRI: *not implemented*

+

Recommendation n°46: *Continue pursuing measures aimed at improving police accountability and prioritizing alleged instances of misconduct* (Recommended by *Lebanon*)

IRI: *fully implemented*

NCHR response:

Racist violence should be one of the most important concerns. Racist incidents are rarely reported to the police. This is due to police's impunity and the climate of tolerance towards the perpetrators, which contribute to this phenomenon.

Incidents of violence involving police officers are rarely investigated and are unlikely to reach a fair punishment. The police as an unconcerned observer of attacks by extremist organizations or groups do not fulfill its obligation to protect the victims. After all, the non-investigation of recurring allegations about the underground links between police and groups responsible for racist incidents nullifies any effort to denounce the racist crime.

Direct or indirect involvement of the police – by tolerating acts perpetrated by racist groups and by refraining from any in-depth investigation – amounts to the acceptance and approval of those facts by the state. The attitude of Hellenic Police's superior officers is crucial for the conduct of the rest. In periods when superior officers are intolerant to such incidents of



violence and when the recommendations issued by international bodies are appropriately disseminated to all relevant services, incidents involving police officers seem to reduce.

Members of the Racist Violence Recording Network participated as trainers in the two-day training organized for the newly appointed officials, which by no means is considered sufficient for the increased training needs on such a sensitive and complex issue. The GNCHR therefore suggests a mandatory process of continuous training, including on up-to-date developments and providing expert knowledge, for the police officers appointed in these Departments. On July 2013, the Racist Violence Recording Network has already addressed to the Central Police Department for Racism Violence in Athens a letter proposing a training program with the participation of the ODHIR, to which there has been no answer up to this date.

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.

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.

Another Order issued on December 2007, 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



(ECHR), 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 ICCPR).

A new Disciplinary Code was adopted in September 2008 (PD 120/2008). It 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, par. 1, the above disciplinary offences are prioritized over other disciplinary offences, while, pursuant to article 10, par. 1 (c), actions that constitute torture or other offences against human dignity, within the meaning of article 137A of the Criminal 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, par. 1, of PD 120/2008), while disciplinary interrogations are mandatorily assigned to offices of other Directorates (article 26, par. 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.

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.

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 reexamine 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.

RSF response:

Entre la fin 2011 et le printemps 2012, de nombreux journalistes ont subi de graves violences physiques de la part d'agents de police, alors qu'ils ne faisaient que couvrir de façon neutre et pacifique les manifestations secouant le pays. Si des consignes strictes ont été données par les autorités en avril 2012 pour y mettre fin, il reste néanmoins à enquêter et sanctionner certains cas, y compris graves, faute de quoi un climat d'impunité risque de s'installer.

State of Greece response:

[See response to recommendation n°43]

Recommendation n°48: *Build upon its achievement in the area of human rights education and training, particularly for public officials, to strengthen the fight against alleged police violence* (Recommended by Botswana)

IRI: *fully implemented*

NCHR response:

Racist violence should be one of the most important concerns. Racist incidents are rarely reported to the police. This is due to police's impunity and the climate of tolerance towards the perpetrators, which contribute to this phenomenon.

Incidents of violence involving police officers are rarely investigated and are unlikely to reach a fair punishment. The police as an unconcerned observer of attacks by extremist organizations or groups do not fulfill its obligation to protect the victims. After all, the non-investigation of recurring allegations about the underground links between police and groups responsible for racist incidents nullifies any effort to denounce the racist crime.

Direct or indirect involvement of the police – by tolerating acts perpetrated by racist groups and by refraining from any in-depth investigation – amounts to the acceptance and approval of those facts by the state. The attitude of Hellenic Police's superior officers is crucial for the conduct of the rest. In periods when superior officers are intolerant to such incidents of violence and when the recommendations issued by international bodies are appropriately disseminated to all relevant services, incidents involving police officers seem to reduce.



Members of the Racist Violence Recording Network participated as trainers in the two-day training organized for the newly appointed officials, which by no means is considered sufficient for the increased training needs on such a sensitive and complex issue. The GNCHR therefore suggests a mandatory process of continuous training, including on up-to-date developments and providing expert knowledge, for the police officers appointed in these Departments. On July 2013, the Racist Violence Recording Network has already addressed to the Central Police Department for Racism Violence in Athens a letter proposing a training program with the participation of the ODHIR, to which there has been no answer up to this date.

Police training (basic level, post-training) on human rights courses takes place, both from a constitutional law and an international law perspective.

Impact of Crisis and Austerity Measures on Human Rights

The Greek National Commission for Human Rights (GNCHR), within the framework of its institutional capacity as an advisory body to the Greek State for the protection of Human Rights, observes with great concern the impact of the austerity measures on fundamental Human Rights, and more particularly social rights, irrespective of whether they are linked to financial benefits provided by the State. The NCHR draws attention to the findings of international monitoring bodies, regarding breaches of international human rights protection standards, as well as to the international concerns reflected in the decisions and recommendations of such bodies.

It results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures which lead to the degradation of living standards of a big part of the population, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective. Furthermore, the findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.



Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection. Memoranda concluded within the framework of international loan mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

[See response to recommendation n°43]

Recommendation n°49: *Continue efforts to combat human rights violations in the public administration* (Recommended by *Indonesia*)

IRI: *fully implemented*

RSF response:

Entre la fin 2011 et le printemps 2012, de nombreux journalistes ont subi de graves violences physiques de la part d'agents de police, alors qu'ils ne faisaient que couvrir de façon neutre et pacifique les manifestations secouant le pays. Si des consignes strictes ont été données par les autorités en avril 2012 pour y mettre fin, il reste néanmoins à enquêter et sanctionner certains cas, y compris graves, faute de quoi un climat d'impunité risque de s'installer.

State of Greece response:

[See response to recommendation n°43]

Recommendation n°50: *Reduce the use of pretrial detention, ensuring judicial review, establishing an independent police complaints mechanism and speeding up trials* (Recommended by *Hungary*)

IRI: *partially implemented*

NCHR response:

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. Moreover, 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, 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



is expected to be effectively reduced and the separation between pre-trial and convicted detainees to be improved.

State of Greece response:

With regard to pre-trial detention, the number of persons in custody in the penitentiary premises was 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. Following the adoption of relevant legislation since 2010, 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.

One of the measures applied to overcrowded detention facilities was the conditional release of certain categories of prisoners, provided for, more recently, by Laws 4043/2012, 4111/2013 and 4139/2013. In particular, 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. Furthermore, Law 4139/2013 introduced favorable provisions for the release, subject to recall, of prisoners convicted to fixed-term sentences for violating drug laws. 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.

Law 4205/2013 introduced the institution of house arrest into the Greek legal order, using electronic surveillance of detainees and convicts as a reliable intermediate alternative to the already existing institution of detention.

Two detention facilities were completed in 2013, one of which is partly in operation and the other will soon be fully operational.

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.



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.

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, Members of Parliament have free access to detention facilities. As already mentioned, Greece recently ratified the Optional Protocol to the UN Convention against Torture and designated the Office of the Ombudsman as the National Preventive Mechanism.

With regard to police detention facilities, the most important challenges are the existence of deficiencies related to the buildings used (old, rented buildings with sewage problems, lacking natural lighting and ventilation), as well as to the non-existence of sufficient space, due mainly to the large number of persons awaiting expulsion. Continuous efforts are being made to improve detention facilities and repair immediately any damage (regular painting, replacement of equipment), to maintain a high hygiene standard for detainees (meticulous cleaning and disinfection, sufficient ventilation of the areas, personal hygiene of detainees), to give detainees access to guarded outdoor spaces, to provide food and medical care on a regular basis, and to ensure the regular health inspection of detention facilities by the competent Health Service of the relevant Regional Unit (see also below on pre-removal facilities).

Since 2011, a number of laws have been adopted to rationalize, accelerate and improve the efficiency of judicial (civil, criminal and administrative) proceedings. A major piece of legislation is Law 4055/2012, in terms of which 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 introduced in case of breach of the reasonable time requirement in administrative proceedings (a similar remedy was established by Law 4239/2014 in civil and criminal proceedings as well as before the Court of Auditors).



In the same vein, the Code of Civil Procedure, the Code of Criminal Procedure and the Criminal Code are currently being revised.

At the same time, alternative methods of dispute resolution have been introduced, such as judicial mediation (pre-trial conciliation) and mediation in civil and commercial law cases by certified mediators.

Finally, the Ministry of Justice, Transparency and Human Rights is implementing an Action Plan on e-Justice and Administrative Enhancement, which includes strategic guidance, administrative interventions and a project plan.

Recommendation n°52: Make the necessary efforts so that judicial proceedings do not suffer undue delay, and implement a system that prevents people of different sex being detained in the same facilities, and sometimes even mixed with minors (Recommended by Spain)

IRI: partially implemented

NCHR response:

Recent legislative efforts have been made to improve judicial procedures. More specifically, the adoption and implementation of Laws 3900/2010 on the Acceleration of proceedings in administrative courts and other provisions (OJG A' 213/17.12.2010), 3994/2011 on the Rationalization and improvement of the award of civil justice and other provisions (OJG A' 165/25.7.2011), 4055/2012 on the Fair trial and its reasonable duration (OJG A' 51/12.3.2012) and, recently, 4239/2014 on the Fair satisfaction for exceeding the reasonable duration of proceedings in civil and criminal courts and in the Court of Audit, constitute a decisive step towards addressing a constantly growing problem and contributing to the effectiveness of judicial protection in Greece.

Thus, Law 3994/2011 makes an effort to rationalize 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.

Law 4055/2012 on “fair trial and reasonable length thereof” aims at ensuring a more effective administration of justice. 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 introduced in case of breach of the reasonable time requirement in administrative proceedings, etc.

State of Greece response:

[See response to recommendation n°50]

Recommendation n°53: Continue its efforts in improving the situation of detainees in Greek prisons and those held in police custody (Recommended by Denmark)

IRI: fully implemented

NCHR response:

In implementation of Law 4111/2013, doctors of various specialties from the National Organization for the Provision of Health Services (EOPYY) have been placed in a number of prisons. Several initiatives have also been undertaken with regard to the treatment of drug dependent detainees.

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, Members of Parliament have free access to detention facilities. Greece has signed the Optional Protocol to the UN Convention against Torture, which also provides for a national preventive mechanism, and is preparing its ratification.

State of Greece response:

[See response to recommendation n°50]

Recommendation n°54: Establish prison conditions that comply with the provisions of the 1999 Prison Law (Recommended by Australia)

IRI: -

NCHR response:

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 3200 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.



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 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 is expected to be effectively reduced and the separation between pre-trial and convicted detainees to be improved.

Furthermore, Law 3904/2010 enhances the conversion of prison sentences to fines, early -conditional release of detainees, suspension of the execution of sentences as well as non-custodial measures. 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. Law 4139/2013 introduced favorable provisions for the release, subject to recall, of prisoners convicted to fixed-term sentences for violating drug laws. Also, the provisions of paragraph 11, article 40 of Law 4111/2013 provide for a detention in closed sections of Rural Detention Centers for prisoners serving sentences of up to 10 years, provided there is sufficient space and under overcrowding for the other Centers.

In implementation of Law 4111/2013, doctors of various specialties from the National Organization for the Provision of Health Services (EOPYY) have been placed in a number of prisons. Several initiatives have also been undertaken with regard to the treatment of drug dependent detainees.

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, Members of Parliament have free access to detention facilities. Greece has signed the Optional Protocol to the UN Convention against Torture, which also provides for a national preventive mechanism, and is preparing its ratification.

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 Labour 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.

State of Greece response:

[See response to recommendation n°50]

Recommendation n°55: *Adopt appropriate legislative or administrative measures for effective access to justice, including the right to legal redress in the courts* (Recommended by Mexico)

IRI: *fully implemented*

+

Recommendation n°56: *Take all necessary, prompt and effective measures to remedy the problem of the length of the judicial procedure* (Recommended by Morocco)

IRI: *fully implemented*

+

Recommendation n°57: *Implement measures to ensure speedier resolution of legal cases, for example, encouraging out of courts settlements and better use of information technology* (Recommended by United Kingdom)

IRI: *fully implemented*

NCHR response:

Recent legislative efforts have been made to improve judicial procedures. More specifically, the adoption and implementation of Laws 3900/2010 on the Acceleration of proceedings in administrative courts and other provisions (OJG A´ 213/17.12.2010), 3994/2011 on the Rationalization and improvement of the award of civil justice and other provisions (OJG A´ 165/25.7.2011), 4055/2012 on the Fair trial and its reasonable duration (OJG A´ 51/12.3.2012) and, recently, 4239/2014 on the Fair satisfaction for exceeding the reasonable duration of proceedings in civil and criminal courts and in the Court of Audit, constitute a decisive step towards addressing a constantly growing problem and contributing to the effectiveness of judicial protection in Greece.

Thus, Law 3994/2011 makes an effort to rationalize 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.

Law 4055/2012 on “fair trial and reasonable length thereof” aims at ensuring a more effective administration of justice. 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 introduced in case of breach of the reasonable time requirement in administrative proceedings, etc.

Finally, it is Law 4239/2014 on the Fair satisfaction for exceeding the reasonable duration of proceedings in civil and criminal courts and in the Court of Audit, which provides that the litigant can submit an application in each instance in order to ask for a fair satisfaction for exceeding the reasonable length of trial which took place in a previous instance.

State of Greece response:

[See response to recommendation n°50]

SOGI

Recommendation n°35: Include sexual orientation and gender identity as grounds for protection in anti-discrimination legislation and policies (Recommended by Norway)

IRI: partially implemented

NCHR response:

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). 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.

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, par. 2, 7, par. 1 and 10, par. 1 and the same provisions apply to radio stations (article 8, par. 4 of Law 2328/1995), as well as subscriber radio and television stations (article 10, par. 1 of Law 2644/1998)

Incitement to acts or activities which may result to 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, par. 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.

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 November 7, 2013, the Grand Chamber of the European Court of Human Rights held that the blanket exclusion of same-sex couples living in Greece from registering a “civil union” – a legal form of partnership available to opposite-sex couples – violates rights protected by article 14 taken in conjunction with article 8 of the European Convention on Human Rights.

Greek Rainbow Families Association - Oikogeneies Ouranio Tokso (GRFA-TOKSO) response:

- 1) Not much have been done in the direction of a full and thorough inclusion of sexual orientation and gender identity as grounds of protection in the anti-discrimination legislation and policies since my last report.
- 2) Sexual orientation and gender identity and expression were not included in Presidential Decree 132/2012 (Government’s Gazette 239/Dec. 11, 2012) on the Establishment of Offices to Combat Hate Crimes. These offices are dealing, documenting and investigating hate crimes that are only motivated against people ONLY on the ground of race, nationality and religious beliefs.



3) The much anticipated anti-discrimination bill against hate speech and crimes - that is still in the parliamentary agenda – does not include sexual orientation and gender identity and expression as grounds of protection. There have been versions of the original bill subjected for consultation, but nothing has been done so far.

4) The anti-discrimination law in employment, namely 3304/2005, has many flaws, does not protect gender identity and is not easily applicable.

5) Sexual orientation and gender identity were included in Law 4139/2013 (Government's Gazette 73, March 20, 2013) "Drug Abuse and Other Provisions", in Article 66. This article amends Article 79, paragraph 3 of the Greek Penal Code and regards any hate motivated action against people due to their race, colour, nationality or national origin, or sexual orientation or gender identity as an aggravating instance and the sentence imposed is not suspended.

6) Gender identity was included in the recent amendments in Law 3938/2011 (Government's Gazette A61/2011, March 31, 2011) "Establishment of Offices that will deal with incidents of Arbitrary Conduct performed by the law enforcement officers". More specifically, Paragraph d was added in Article 1: d. any illegal behaviour with sound evidence that it was racially biased or involves other racist motivation on grounds of racial or ethnic origin, or religious or other beliefs, disability, age, sexual orientation, or gender identity.

State of Greece response:

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. The Office of the Ombudsman is responsible for monitoring the implementation of the law by public agencies. Furthermore, article 3 of Law 3896/2010 provides that any less favorable treatment of a person related to gender reassignment constitutes discrimination on grounds of gender.

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.

Recently, Law No. 4249/2014 extended the mandate of the Office, subject to the Minister of Public Order and Citizen Protection, responsible for handling alleged instances of abuse by Police, Coast Guard and Fire Brigade officers to include complaints of abuse on the grounds, inter alia, of sexual orientation and gender identity.



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. The Grand Chamber of the European Court of Human Rights has found that the legislation on “cohabitation pacts”, which concerns persons of different sexes only, is not in conformity with Article 14 of the European Convention on Human Rights (prohibition of discrimination) taken in conjunction with Article 8 ECHR (right to private and family life). The authorities are considering ways and means of implementing the abovementioned judgment.

Recommendation n^o116: *Incorporate in the legislation the combat against discrimination based on gender identity or expression* (Recommended by Spain)

IRI: *fully implemented*

NCHR response:

Though Protocol no 12 to the ECHR [prohibition of discrimination] has been signed since November 4, 2000, Greece has not taken any action towards its ratification. However a parliamentary question was formulated by 2 MPs on 10 December 2013 on why there has been no ratification and if there is an intention to ratify it in 2014. According to the answer given by the Vice-president of the Government and Minister of Foreign Affairs, E. Venizelos, on December 20, 2013, the ECtHR has already developed a rich corpus of case-law to deal with discrimination issues, which should be enough.

The General Secretariat for Gender Equality, which is the competent governmental agency for designing and monitoring the implementation of policies for gender equality in all sectors, has launched a National Action Plan on Substantive Gender Equality for the period 2010-2013. The aim of the Action Plan is to achieve substantive gender equality in all spheres of social life. The Plan has a national scope, addresses a wide range of national and regional public policies and comprises three pillars, concerning, respectively, improvement of the relevant legislation, gender equality policies and gender mainstreaming. The implementation of the Action Plan is financially supported by the National Strategic Reference Framework (NSRF) - the programming of European Union Funds at national level for the 2007-2013 period. As a consequence of the severe economic crisis, the main policy axes in the field of gender equality have been geared towards promoting equal participation in the labor market, as well as decision-making and public life, gender mainstreaming in social protection and health and monitoring implementation, as follows:

- 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.
- Participation of women in rural activities, aiming at promoting local development.
 - Promotion of women’s participation in public life and increase of women’s participation in political, social and economic decision-making.
 - 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 on the traditional social roles of women and men.
 - 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 GSGE’s website, etc.
 - 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.
 - Integrating gender equality in public policy: 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.

In accordance with Law 3996/2011 (article 2, par. 2 (g)), the Labour 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 labour collective agreements. Adoption of 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.

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.

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.

Both the Greek Ombudsman and the NCHR have pointed out deficiencies in the relevant legislative framework. Law 3304/2005 has not developed its full potential yet, with regard to the monitoring of its implementation. 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.

Moreover, Law 927/1979 punishes, inter alia, incitement to acts or activities which may result to discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter’s racial or national origin or 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 abovementioned acts. A new bill, within the purpose of strengthening the above legislation, is expected to be adopted.

The most important measures taken in the field of law enforcement, as regards racism or xenophobia, 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).
- It is also 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 35 NGOs and other bodies, having as a primary goal the documentation of racist incidents.

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.

GRFA-TOKSO response:

1) Sexual orientation and gender identity were included in Law 4139/2013 (Government's Gazette 73, March 20, 2013) “Drug Abuse and Other Provisions”, in Article 66. This article amends Article 79, paragraph 3 of the Greek Penal Code and regards any hate motivated action against people due to their race, colour, nationality or national origin, or sexual orientation or gender identity as an aggravating instance and the sentence imposed is not suspended. 2) Gender identity was included in the recent amendments in Law 3938/2011 (Government's Gazette A61/2011, March 31, 2011) “Establishment of Offices that will deal with incidents of Arbitrary Conduct performed by the law enforcement officers”. More specifically, Paragraph d was added in Article 1: d. any illegal behaviour with sound evidence that it was racially biased or involves other racist motivation on grounds of racial or ethnic origin, or religious or other beliefs, disability, age, sexual orientation, or gender identity. 3) Law 3896/2010 (Application of the principle of equal opportunities and equal treatment of men and women in employment - implementing Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006), Article 3, paragraph 2b states the following: “discrimination on the grounds of gender is also any less favorable treatment of a person due to gender reassignment”.

State of Greece response:

[See response to recommendation n°35]

Recommendation	n°117: <i>Consider</i>	<i>recognizing</i>	<i>same-sex</i>
<i>couples (Recommended by Brazil)</i>			

IRI: not implemented

NCHR response:

Not implemented

GRFA-TOKSO response:

1) There is no progress in legal recognition of same-sex couples in Greece. The Greek Family Law does not recognize same-sex couples as a stable and sound relation, nor are their families (next to kin in inheritance and social security rights, taxation, pensions and children born by any of the partners or adopted). 2) Law 3719/2008 (Government's Gazette A 241-2008, November 26, 2008) that introduced civil partnership, recognizes ONLY different sex couples and there is no provision for amendment.

State of Greece response:

[See response to recommendation n°35]

Women & Children

Recommendation n°14: *Continue efforts directed to achieving gender equality, and fully implement the National Programme for Substantive Equality for 2010-2013* (Recommended by *Russian Federation*)

IRI: *fully implemented*

+

Recommendation n°22: *Take more efforts to eliminate discrimination against women* (Recommended by *Bangladesh*)

IRI: *fully implemented*

NCHR response:

The General Secretariat for Gender Equality, which is the competent governmental agency for designing and monitoring the implementation of policies for gender equality in all sectors, has launched a National Action Plan on Substantive Gender Equality for the period 2010-2013. The aim of the Action Plan is to achieve substantive gender equality in all spheres of social life. The Plan has a national scope, addresses a wide range of national and regional public policies and comprises three pillars, concerning, respectively, improvement of the relevant legislation, gender equality policies and gender mainstreaming. The implementation of the Action Plan is financially supported by the National Strategic Reference Framework (NSRF) - the programming of European Union Funds at national level for the 2007-2013 period. As a consequence of the severe economic crisis, the main policy axes in the field of gender equality have been geared towards promoting equal participation in the labor market, as well as decision-making and public life, gender mainstreaming in social protection and health and monitoring implementation, as follows:



- 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.
- Participation of women in rural activities, aiming at promoting local development.
- Promotion of women’s participation in public life and increase of women’s participation in political, social and economic decision-making.
- 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 on the traditional social roles of women and men.
- 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 GSGE’s website, etc.
- 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.
- Integrating gender equality in public policy: 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.



In accordance with Law 3996/2011 (article 2, par. 2 (g)), the Labour 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 labour collective agreements.

Impact of Crisis and Austerity Measures on Gender Equality

However, it results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures that lead to the degradation of living standards of a big part of the population, including women, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective.

The findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.

Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection. Memoranda concluded within the framework of international loan mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

The National Program for Substantive Gender Equality 2010 – 2013 is currently being implemented. The national strategy for the promotion of gender equality has been streamlined to respond to emerging challenges and social priorities arising from the economic crisis. A newly designed and



reality-informed policy frame for gender equality was timely included into the EU Partnership Agreement for Greece for the programming period 2014-2020. A range of 8 strategic priorities will ensure the effective and efficient use of the structural funds drawn from the Community Support Framework for Greece, focusing on the protection of women against the economic crisis, unemployment, poverty and exclusion.

Recommendation n°18: Strengthen further the effective implementation of the National Plan of Action against Trafficking in Human Beings, in line with suggestions made by CEDAW (Recommended by Chile)

IRI: partially implemented

NCHR response:

A National Coordination Mechanism (NCM), based in the Ministry of Foreign Affairs, coordinates all competent authorities and NGOs in the field of anti-trafficking, and plans, implements and evaluates anti-trafficking activities at the national and international level. The NCM is 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: harmonizing the criteria and guidelines for victim identification, referral and support (participation of NCM along with counterparts from six EU countries); implementing large-scale education and “train the trainers” projects for government authorities and civil society stakeholders; establishing a comprehensive and systematically updated database for victims of trafficking and monitoring the progress of relevant legal cases; 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 the National Strategic Reference Framework (NSRF) for 2007-1013.

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 UN 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.

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.

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.

State of Greece response:

Greece ratified the Council of Europe Convention on Action against Trafficking in Human Beings (Law 4216/2013). Furthermore, 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. Under the said Law, the Minister of Foreign Affairs along with eight competent Ministers formally established the Office of the National Rapporteur (NR), giving a stronger mandate to the informal, but widely acknowledged, Coordination Mechanism, operating in the MFA since 2007. The NR will cooperate closely with focal points to be designated in other 9 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 NR 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.

During the first semester of 2014, the NR assumed the Presidency of the EU Network of National Rapporteurs, having as a priority the issue of cooperation with the private sector on fighting demand for the services provided by victims of trafficking. A relevant action plan of the European Business Coalition was presented last May in Brussels.

The legislation in force extends the scope of protective legislative measures to victims of smuggling of migrants, sex tourism and child pornography. Special care is provided to unaccompanied minors-victims of trafficking in human beings or smuggling of migrants. 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 and the child’s family from potential reprisals or intimidation, etc.). Minors who are victims of acts of trafficking may be beneficiaries of legal aid with regard to any criminal or civil claims (Article 1 (3) of Law 3226/2004).

Specific actions have also been implemented by the General Secretariat for Gender Equality in 2011 such as the launching of a national telephone hotline for victims of trafficking, offering advice, support and counseling to women victims of all forms of violence (including trafficking). In addition, the operation of the abovementioned Counseling Centers of the General Secretariat for Gender Equality along with the Counseling Centers and the Shelters established in the largest Greek municipalities (see recommendation [n°37] hereabove), also concerns women victims of trafficking. Moreover, the National Centre for Social Solidarity runs two emergency shelters and two short term shelters for women victims of trafficking in Athens and Thessaloniki.

Moreover, taking into account that awareness-raising of the general public, as well as education and training of competent authorities is an intrinsic part of our anti-THB policy, the NR has included several different projects that engage human rights education (THB included) in schools in cooperation with competent stakeholders.

Towards that direction, the NR in cooperation with the Ministry of Education, IOM, UNICEF, the US State Department, and other partners,



organized an awareness raising trans-media and sports youth event in the Olympic stadium that gathered almost 10.000 high-school students.

In addition three NGO projects, supported by the NR, (the 'No' Project, A21, and the Smile of the Child), have gained access to dozens of schools, and work closely with students to engage them in performance art campaigns against THB.

Our intention is to capitalize on such best practices and establish a formal and systematic partnership with the Ministry of Education in various anti-THB education projects involving students. Greece is exploring how to reduce 'demand' through human rights education in schools, namely, to address the 'demand side' and the role of the 'client' before it is 'too late' and the commodification of sexuality has affected male gender norms and stereotypes.

The National Center for Social Solidarity of the Ministry of Labour, Social Security and Welfare, 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. Finally, 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.

The Ministry of Labour, Social Security and Welfare protects children growing up in an environment that is unsuitable for their physical and mental health without family care (orphans, abused children whose parents suffer from physical or mental health problems, children affected by the current economic crisis, unprotected or abandoned children, street children), by applying a set of social welfare measures mainly through twelve (12) Child Protection - Social Welfare Centers (Public Bodies Corporate).

Charities and church organizations perform work which is similar to that of the above mentioned public foundations.

More specifically, in the welfare field, there is the free National Child Protection telephone line operating on a 7 X 24 hour basis, according to Joint Ministerial Decision No. 49540/2011 on «Coordinating Child Protection Actions and Services».

With this line immediate information and emergency counseling services are provided to children and adolescents who are at risk and in need of

psychological and social support on issues of concern by ensuring the protection of their interests and referring them to the competent Child Protection Authorities. The Helpline "1107" is cooperating closely with a network of specialized Child Protection Teams in most of the municipalities of the country.

Recommendation n°23: *Take steps to bring about changes in attitudes with a view to eliminating patriarchal attitudes and stereotypes regarding the roles of women and men in the family and society, including through awareness-raising and public education campaigns* (Recommended by Moldova)

IRI: *fully implemented*

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Recommendation n°24: *Intensify its efforts to change stereotypical images and discriminatory attitudes and perceptions about the roles and responsibilities of women and men in the family and in society* (Recommended by Portugal)

IRI: *partially implemented*

NCHR response:

The General Secretariat for Gender Equality (GSCE), which is the competent governmental agency for designing and monitoring the implementation of policies for gender equality in all sectors, has launched a National Action Plan on Substantive Gender Equality for the period 2010-2013. The aim of the Action Plan is to achieve the promotion of women's participation in public life and increase of women's participation in political, social and economic decision-making. To this end, 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 on the traditional social roles of women and men. Another objective of the National Action Plan is to combat gender stereotypes. 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.

State of Greece response:

Countering gender stereotypes is a horizontal policy incorporated into all thematic priorities of the National Program for Substantive Gender Equality. All forms of education, vocational training and media, including the internet,



are the main tools for combating the reproduction of gender stereotypes and the representation of genders along sexist lines. The General Secretariat for Gender equality 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. Efforts to promote equal participation of women in the labour market and the public life, including in political, social and economic decision-making, contribute also to the fight against gender stereotypes.

Recommendation n°25: Take further measures in order to fully implement the already existing domestic legislation in the field of gender equality (Recommended by Indonesia)

IRI: fully implemented

NCHR response:

[See response to recommendation n°14]

State of Greece response:

The competent authorities fully implement the relevant legislative framework, in particular laws transposing into the national legal order EU Directives promoting gender equality, such as Law 4097/2012 on implementing the principle of equal treatment between men and women engaged in an activity in a self-employed capacity, Law 4075/2012 (Articles 49-55) on parental leave and Law 3896/2010, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. To improve the implementation of the existing domestic legislation, an enhanced monitoring mandate has been entrusted to the Greek Ombudsman. 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, since 2012, self-employed men and women. 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.

Recommendation n°26: Develop measures aimed at addressing women's low occupational representation and the promotion of diversification of

women's academic and professional choices, including in non-traditional fields (Recommended by Portugal)

IRI: *partially implemented*

NCHR response:

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” 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.

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.

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.

Over the years, the Greek Ombudsman has assumed new responsibilities. Since 2006, he has been operating, 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.

Moreover, the Gender Equality Department of the Greek Ombudsman, established in 2008, 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.

Nevertheless, both the Greek Ombudsman and the Greek National Commission for Human Rights 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.

Impact of Crisis and Austerity Measures on Gender Equality

However, it results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures that lead to the degradation of living standards of a big part of the population, including women, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective.

The findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.

Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection. Memoranda concluded within the framework of international loan mechanisms cannot override international human rights standards,



especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

As a consequence of the economic crisis, gender gaps have intensified in the labor market and economic conditions. Among the strategic priorities for the use of the structural funds drawn from the Community Support Framework for Greece is the promotion of the equal participation of women in the labour market, which includes the upgrading of professional skills of working women and self-employment skills, as well as a 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. The actions undertaken concern 2500 women, while an equal number of actions have been implemented in favour of female and young entrepreneurship throughout the country through the creation of new enterprises by women.

Furthermore, law 3896/2010 prohibits a less favourable treatment of women on the grounds of pregnancy or maternity.

Recommendation n°27: Take action with regard to the impediments that Muslim minority women in Thrace may face when sharia law is applied on family and inheritance law matters (Recommended by Netherlands)

IRI: fully implemented

NCHR response:

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.

State of Greece response:

Women members of the Muslim minority in Thrace are fully included in gender equality policies and participate in relevant programs implemented by the competent authorities. 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 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. In this respect, courts shall not enforce decisions of the Muftis which are contrary to the Greek



Constitution. Greece is firmly committed to strengthening the substantive review and control, by domestic Courts, of Muftis' decisions on family and inheritance law matters and will consider possible re-adjustments with regard to the application of the Sharia Law in Thrace, bearing in mind the expressed preferences and visible trends within the majority of the Muslim minority on religious, social and legal matters.

Recommendation n°28: Take measures to strengthen legal and institutional mechanisms aimed at preventing, punishing and eliminating all forms of discrimination, including discrimination based on gender, racial and national origin, and religion (Recommended by Argentina)

IRI: *fully implemented*

NCHR response:

Adoption of 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.

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.

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.

Both the Greek Ombudsman and the NCHR have pointed out deficiencies in the relevant legislative framework. Law 3304/2005 has not developed its full potential yet, with regard to the monitoring of its implementation. 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. On the other hand, though Protocol no 12 to the ECHR [prohibition of discrimination has been signed since November 4, 2000, Greece has not taken any action towards its ratification. However a parliamentary question was formulated by 2 MPs on 10 December 2013 on why there has been no ratification and if there is an intention to ratify it in 2014. According to the answer given by the Vice-president of the Government and Minister of Foreign Affairs, E. Venizelos, on December 20, 2013, the ECtHR has already developed a rich corpus of case-law to deal with discrimination issues, which should be enough.

As far as the right to health care is concerned, according to article 84, par. 1, of Law 3386/2005 on Entrance, residence and social integration of third countries' nationals in Greece (OJG A' 212), hospitals and clinics are allowed to provide their services to adult undocumented migrants only in cases of emergency. Furthermore, according to paragraph 4 of the same article the employees of the aforementioned services who violate the above provision are disciplinarily and criminally liable for having abrogated their duties. The GNCHR has repeatedly asked for the abolition of this rule.

Instead of abolishing the aforementioned provision, which prohibits and criminally punishes the aiding of undocumented immigrants, the Ministry of Health has issued, in May 2012, a Circular which clarifies that access to the healthcare and nursing care system will not be available for non-legally residing third country nationals, with clear exceptions for specific categories of patient cases and incidents. Furthermore, there is an obligation to execute this rule and doctors are therefore forced to violate their duty, deriving from the Constitution and the Hippocratic Oath.

In April 2012, was established, by virtue of a Ministerial Act of the Minister of Health, the control of undocumented migrants and asylum seekers with infectious diseases that are characterized as medical urgency according to the criteria of the WHO, ECDC and CDC. According to article 2, par. 4, of the aforementioned Act, doctors or other health care professionals, who become aware of any breach of the provisions concerning the established control process, have the obligation to inform the competent police or judicial authorities immediately. Undocumented immigrants therefore shall be reported.

Law 4070/2012 (OJG A' 82) included amendments of article 13, par. 2 (b) of the PD 114/2010 and article 76, par. 1 (d), of Law 3386/2005, which provide for the detention of asylum seekers and other third country



nationals who are in need of emergency health care services and pose, therefore, a risk to public health, as well as for the deportation of third country nationals whose presence constitutes a danger for public health, because of their belonging to vulnerable groups suffering from infectious diseases.

Measures concerning healthcare and nursing of illegally residing third country nationals, as well as sanctions against employers of illegally staying third country nationals, were also adopted through Ministerial Acts and Law 4052/2012 transposing Directive 2009/52/EC, respectively.

Regarding migrants' deportation, according to article 44, par. 1 (e), of Law 3386/2005, residence permit can be provided for humanitarian reasons to third countries nationals having serious health problems. However, precondition of the said issuance is the previous possession of residence permit. That means that an individual who suffers from serious health problems may be deported. The GNCHR notes that this possibility, apart from potentially amounting to degrading treatment, in accordance with ECHR's jurisprudence, certainly does not comply with the obligation of human being's value protection.

In addition to undocumented migrants, all non-permanent foreign residents, both from the EU and third countries, are also affected by another measure introduced by the Greek Government. Through a Common Ministerial Act entered into force on November 23, 2012, all legally residing immigrants must pay at Greek Public Hospitals 2.09 times more than Greek patients.

State of Greece response:

In recent years, there has been an increase in the number of attacks against foreigners living in Greece. Extremist organizations or individuals have attempted to exploit the anger or the discontent of some segments of the population severely affected by the economic crisis. 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. 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", a 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. 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. On the basis of the said provision, no payment to the abovementioned political party has been effected since then.

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. The Hellenic Police have also devoted part of their [website](#) to racist violence matters, allowing the public to report or complain about any wrongful act with racist characteristics or motives, on a 24-hour basis and in many different languages, by completing a special electronic form, to secure anonymity and secrecy of communications.
- Creation of a unified mechanism and database for registering alleged incidents of racist and xenophobic violence (including allegations against police personnel). 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 2013, the Network documented, upon interviews with victims, 166 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. The same applies to the disciplinary investigation of cases involving inappropriate behaviour of police officers against persons belonging to vulnerable groups or third-country nationals.
- Co-ordination with local and non-governmental organizations and training of police staff.



In the field of criminal legislation and prosecution:

- According to 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.
- 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.

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 criminal anti-racism legislation and adjusting the country's legislative framework with the 2008/913/JHA EU Council Framework Decision, on combating certain forms and expressions of racism and xenophobia by means of criminal law. The draft has been examined by the competent parliamentary committee and is currently pending before the Plenary of Parliament. Furthermore, 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 on the criminalization of racist and xenophobic actions.

In the framework of the training of judges on offences relating to racism, in 2013 the National School of Magistrates hosted conferences on hate speech and hate crimes following an initiative of the Ministry of Justice, Transparency and Human Rights in cooperation with the Council of Europe and OSCE/ODIHR. The National School of Magistrates education programme offers also courses on the legislative framework against racism and xenophobia. In February 2014, two workshops were held on "A sociological approach to the phenomenon of racism" and the "Legal treatment of the racist phenomenon".

Recommendation n°34: Adopt mitigating measures to protect its most vulnerable population: women heads of household, the unemployed,

farmers, retired people, children, persons with disabilities, et alia (Recommended by Ecuador)

IRI: *fully implemented*

NCHR response:

Implemented, examples provided in the answers formulated supra and infra.

Impact of Crisis and Austerity Measures on Human Rights

The Greek National Commission for Human Rights (GNCHR), within the framework of its institutional capacity as an advisory body to the Greek State for the protection of Human Rights, observes with great concern the impact of the austerity measures on fundamental Human Rights, and more particularly social rights, irrespective of whether they are linked to financial benefits provided by the State. The NCHR draws attention to the findings of international monitoring bodies, regarding breaches of international human rights protection standards, as well as to the international concerns reflected in the decisions and recommendations of such bodies.

It results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures which lead to the degradation of living standards of a big part of the population, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective. Furthermore, the findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.

The NCHR reiterates its statements that any labour protection policy will be ineffective, unless the Labour Inspectorate is adequately staffed and appropriately strengthened.

Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on



every State Party and set minimum universal standards of protection. Memoranda concluded within the framework of international loan mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

Law 4254/2014 as well as special programs and activities for homeless provided a social lump-sum dividend. The lump-sum amount of payment is handed out based on eligibility criteria such as: income threshold, marital status, single parent households and disability. Furthermore, Programs and activities for homeless (providing food, housing and social care) are financed with the amount of 20.000.000 €.

Law 4093/2012 established the “Guaranteed Minimum Income Pilot Programme”, which is targeted to the extreme poor -individuals and families- living in two areas of the country with different socioeconomic characteristics. The beneficiaries will receive income support based on income and assets criteria, together with a network of social benefits (health, welfare, etc.) as well as actions aiming at their integration / reintegration in the labour market (for those who are able to work). Program terms and conditions (eligibility threshold, benefit level, business process, payment system, pilot areas) will be determined by a Joint Ministerial Decision (Minister of Finance and Minister of Labour, Social Security & Welfare) in the following period. The pilot programme is to be implemented in 2014. The experience gained by the implementation of this pilot programme will be used in order to establish a Guaranteed Minimum Income Programme for the whole country.

Furthermore, low-income households in mountainous and disadvantaged areas, including single- parent families, continue to be granted with an allowance of 600 euros per year, for an annual income up to 3.000 euros and an allowance of 300 euros per year, for an annual income up to 4.700 euros (Law 3016/2002, Article 27 (2)).

Moreover, within the framework of institutionalizing social economy and entrepreneurship in Greece, by virtue of Law 4019/2011, a new legal form has been established, the Social Cooperative Enterprise. Depending on their special purpose, Social Cooperative Enterprises are divided into three categories. In the Integration SCEs that aim at integrating people belonging to vulnerable social groups into the economic and social life, at least 40% of the employees belong to such groups.



The National Centre for Social Solidarity runs three shelters for homeless people. One of them is only for single mothers, who suffer from serious social and economic problems and are threatened by social exclusion and the other two for other vulnerable groups (older persons, released prisoners, refugees etc.).

Recommendation n°36: *Ensure the effective and full implementation of the law adopted in 2006 to fight domestic violence (Recommended by Austria)*

IRI: *partially implemented*

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Recommendation n°37: *Strengthen efforts to effectively fight against the phenomenon of violence against women (Recommended by Morocco)*

IRI: *fully implemented*

NCHR response:

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 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.

The “National Action Plan on Preventing and Combating Violence against Women 2009 – 2013” 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 favour 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. The horizontal actions include the following:

- Establishment and operation of the bilingual SOS telephone helpline 15900 and the e-mail address sos15900@isotita.gr, which operates since 11/3/2011, 24 hours / 365 days a year, offering advice, support and counselling to women victims of violence. The SOS Helpline is



nationwide, charged as local call, confidential and staffed by counsellors trained in counselling with a gender perspective. Counselling 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 10176 calls, 8040 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 counsellors who will staff the Counselling 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.)
- 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, Counselling Centers and Shelters).

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, counselling and referral to any citizen facing a crisis, including women victims of domestic violence or trafficking or any other kind of violence. The Organisation also runs 3 shelters for women victims of domestic violence or trafficking – with or without children. Finally, there is a penal mediation programme according to Law 3500/2006.
- Operation of 13 new Counselling Centers of the General Secretariat for Gender Equality at the corresponding Regions of the country.
- 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 hereabove 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 operate, within the same project, by the Ministry of Health/National Centre for Social Solidarity. The budget of each shelter is estimated at 700,000 Euros.

The services provided by the above mentioned structures will be free of charge and include psychosocial support, legal counselling, 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. The main 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.

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.

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.

State of Greece response:

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. 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, with a total budget of 30,000,000 Euros. The horizontal actions include the following: establishment and operation of a bilingual SOS telephone helpline; cooperation with the Hellenic Police on the appropriate handling of cases of domestic violence and with the Forensic Services on collecting qualitative and quantitative data on cases of



domestic violence; elaboration of training material as well as protocols of operation and counseling of the Counseling Centers; training of counselors who will staff the Counseling Centers and the SOS telephone line; awareness-raising campaigns. Vertical actions comprise: the operation of 14 new Counseling Centers of the GSGE at the corresponding Regions of the country (which have started their operation during the period 2012-2014); the establishment of 25 new Counselling Centres operated by the 25 largest Municipalities nationwide; the development of 18 shelters for Abused Women operated by an equal number of large Municipalities; the upgrading of the existing Counseling Center of the GSGE in Athens; a SOS Helpline run by the National Centre of Social Solidarity, 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 same Centre also runs 2 shelters for women victims of domestic violence or trafficking.

Furthermore, 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.

Moreover, an awareness-raising campaign has been implemented, which includes relevant seminars, a thematic conference, informational material in 4 languages, TV and radio spots, cultural events, publicity on public transport, entries in national and migrant Press, a webpage and a facebook page as well as banners in web pages.

It is also to be noted that, in 2011, the GSGE, in collaboration with the UNHCR and the Ministry of Public Order and Citizen Protection published, both in Greek and in English, a manual titled “Guidelines for Protecting Women and Girls during first entry and asylum procedures in Greece”. The Hellenic Police has issued a manual on the handling by the Police of domestic violence cases. Specialized training is already provided at the National School of Magistrates.

Recommendation n°38: Take necessary steps to implement the relevant plan of action adopted by the National Coordination Mechanism, as a part of its ongoing fight against trafficking in human beings (Recommended by Russian Federation)

IRI: partially implemented

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Recommendation n°39: Increase efforts to prevent trafficking in women and girls and provide support to victims effectively by implementing the



integrated National Plan of Action against Trafficking in Human Beings and fully enforcing the legislation on trafficking (Recommended by Moldova)

IRI: *partially implemented*

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Recommendation n°40: *Intensify its efforts to combat trafficking in human beings with a special attention to the needs of the victims (Recommended by Algeria)*

IRI: *partially implemented*

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Recommendation n°88: *Reinforce implementation of the relevant legal and policy framework with a view to combating efficiently trafficking in women, providing victims with all necessary assistance including legal redress, rehabilitation and social integration (Recommended by Slovakia)*

IRI: *fully implemented*

NCHR response:

In December 2005, a Memorandum of Cooperation has been signed between the competent Ministries, IOM (International Organization for Migration) and 12 NGOs, which establishes a coordination framework of the interested stakeholders. A draft law transposing 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 tabled before Parliament in August 2013; the said draft provides, inter alia, for the establishment of the Office of the National Rapporteur.

A National Coordination Mechanism (NCM), based in the Ministry of Foreign Affairs, coordinates all competent authorities and NGOs in the field of anti-trafficking, and plans, implements and evaluates anti-trafficking activities at the national and international level. The NCM is 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: harmonizing the criteria and guidelines for victim identification, referral and support (participation of NCM along with counterparts from six EU countries); implementing large-scale education and “train the trainers” projects for government authorities and civil society stakeholders; establishing a comprehensive and systematically updated database for victims of trafficking and monitoring the progress of relevant legal cases; 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 the National Strategic Reference Framework (NSRF) for 2007-1013.



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.

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.

State of Greece response:

[See response to recommendation n°18]

Recommendation n°41: *Take additional measures to prevent and combat trafficking in human beings, and to protect victims and prosecute traffickers* (Recommended by *United States*)

IRI: *partially implemented*

NCHR response:

In December 2005, a Memorandum of Cooperation has been signed between the competent Ministries, IOM (International Organization for Migration) and 12 NGOs, which establishes a coordination framework of the interested stakeholders. A draft law transposing 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 tabled before Parliament in August 2013; the said draft provides, inter alia, for the establishment of the Office of the National Rapporteur.

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Protection of victims of trafficking:

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 UN 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.

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.

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.

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 considerable number of NGOs that provide shelters for accommodation, psycho-social and legal support to victims of trafficking, offered by specialized personnel.

State of Greece response:

[See response to recommendation n°18]

Recommendation n°42: *Continue its efforts to combat transnational child trafficking and exploitation* (Recommended by Moldova)

IRI: *fully implemented*

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Recommendation n°118: *Take supplementary measures to remedy the situation reported by the NGO ARSIS which would suggest that efforts to reinforce by legislation the fight against exploitation and sexual abuse have not eliminated the problem of child exploitation, in particular for "street children"* (Recommended by France)

IRI: *partially implemented*

State of Greece response:

[See response to recommendation n°18]

Recommendation n°62: *Take measures to accelerate the increase in women's political participation at all levels of political and public life, particularly in Parliament and in the foreign services* (Recommended by Moldova)

IRI: *fully implemented*

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Recommendation n°63: *Allocate a greater space for women's participation in the political sphere* (Recommended by Senegal)

IRI: *fully implemented*

NCHR response:

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 Brigades Academies have been abolished.

Despite the steps that have been taken to increase women's participation in decision-making centers, women continue to be under-represented in the 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. 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.



Greece has adopted a series of legislative measures and multi-faceted policies with a view to ensuring effective gender equality. The General Secretariat for Gender Equality, which is the competent governmental agency for designing and monitoring the implementation of policies for gender equality in all sectors, has launched a National Action Plan on Substantive Gender Equality for the period 2010-2013. The aim of the Action Plan is to achieve substantive gender equality in all spheres of social life. The Plan has a national scope, addresses a wide range of national and regional public policies and comprises three pillars, concerning, respectively, improvement of the relevant legislation, gender equality policies and gender mainstreaming. The implementation of the Action Plan is financially supported by the National Strategic Reference Framework (NSRF) - the programming of European Union Funds at national level for the 2007-2013 period. The main policy axes in the field of gender equality have been geared towards promoting inter alia decision-making and public life, as follows:

- Promotion of women’s participation in public life and increase of women’s participation in political, social and economic decision-making.
- 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 on 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 GSGE’s website, etc.

State of Greece response:

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. Recently, Law 4255/2014 extended the abovementioned quota to the European Parliament elections. Furthermore, political parties themselves constantly enhance the participation of women in their lists through quotas, both in parliamentary elections and the elections for the European Parliament as well as in the election of party bodies. Despite progress made, women continue to be under-represented in the political life. In the Hellenic Parliament, for instance, following the 2012 national elections, 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. Further measures to promote participation of women in decision-making and in public life include the following: establishment of Gender Equality Units at the Union of Regions of Greece and the Central Union of Municipalities of Greece; counselling and training seminars in 17 cities for 1000 women, both elected and candidates in local and regional administration; information and sensitization campaigns in progress in favour of women in decision-making (local, regional and national elections, as well as European elections), in public administration at all levels (central, regional, local), in trade unions; implementation of gender equality actions in 153 Municipalities and 13 Regions; financial support of 52 NGOs for the implementation of projects on the promotion of gender equality; coordinated action for combating gender stereotypes in schools and the media; collection and codification of relevant legislation and decisions on national and E.U. level, the evaluation of 100 key legislative texts on gender equality and the publication of relevant proposals in favour of the simplification of legislation on equality between women and men.



Recommendation n°64: *Take measures to encourage the return of women to the labour market after a long absence due to maternity* (Recommended by France)

IRI: *not implemented*

NCHR response:

Impact of Crisis and Austerity Measures on Social Rights

The Greek National Commission for Human Rights (GNCHR), within the framework of its institutional capacity as an advisory body to the Greek State for the protection of Human Rights, observes with great concern the impact of the austerity measures on fundamental Human Rights, and more particularly social rights, irrespective of whether they are linked to financial benefits provided by the State. The NCHR draws attention to the findings of international monitoring bodies, regarding breaches of international human rights protection standards, as well as to the international concerns reflected in the decisions and recommendations of such bodies.

It results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures which lead to the degradation of living standards of a big part of the population, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective. Furthermore, the findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.

The NCHR reiterates its statements that any labour protection policy will be ineffective, unless the Labour Inspectorate is adequately staffed and appropriately strengthened.

Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection. Memoranda concluded within the framework of international loan



mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

[See response to recommendation n°26]

Recommendation n°65: *Take special measures for unemployed women* (Recommended by *Netherlands*)

IRI: not implemented

NCHR response:

[See response to recommendation n°64]

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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. 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, participation to 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 private or in public sector, referring to the access to the employment, to establishment, to promotion and to dissolution of employment relationship is abolished. The law also prohibits a less favourable 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.



The abovementioned 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, par. 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.

Greece has adopted a series of legislative measures and multi-faceted policies with a view to ensuring effective gender equality. The General Secretariat for Gender Equality, which is the competent governmental agency for designing and monitoring the implementation of policies for gender equality in all sectors, has launched a National Action Plan on Substantive Gender Equality for the period 2010-2013. The aim of the Action Plan is to achieve substantive gender equality in all spheres of social life. The Plan has a national scope, addresses a wide range of national and regional public policies and comprises three pillars, concerning, respectively, improvement of the relevant legislation, gender equality policies and gender mainstreaming. The implementation of the Action Plan is financially supported by the National Strategic Reference Framework (NSRF) - the programming of European Union Funds at national level for the 2007-2013 period. As a consequence of the severe economic crisis, the main policy axes in the field of gender equality have been geared towards promoting equal participation in the labor market, as well as decision-making and public life, gender mainstreaming in social protection and health and monitoring implementation, as follows:

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



- Combating gender stereotypes: countering gender stereotypes has been defined as a horizontal policy and has been incorporated into all thematic priorities.
- Integrating gender equality in public policy: 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.
- In accordance with Law 3996/2011 (article 2, par. 2 (g)), the Labour 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 labour collective agreements.

State of Greece response:

[See response to recommendation n°26]

Recommendation n°81: *Continue to implement measures within the framework of the presidential decree that set the framework for addressing the situation of unaccompanied minors* (Recommended by Chile)

IRI: *partially implemented*

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Recommendation n°86: *Pay special attention to the position of unaccompanied minor immigrants* (Recommended by Netherlands)

IRI: *fully implemented*

NCHR response:

According to article 19 of the PD 220/2007, which provides that the competent authorities should take the appropriate measures to ensure the child's necessary representation through the appointment of a legal guardian irrespective of the child's status as asylum seeker, all unaccompanied children in Greece are entitled to temporary guardians, who are public prosecutors by law. However, this provision is rarely implemented in practice, due to a number of difficulties which prosecutors experience while assuming responsibility as temporary guardians and in their attempt to appoint a permanent guardian. Among those difficulties is the sheer volume of work that the prosecutors' offices face, the limited human resources within the court's existing services who can follow up the



cases and the limited number of Public Prosecutors exclusively competent for minors.

Furthermore, there is no relevant institution or body the prosecutors can refer to in order to appoint permanent guardians and individuals cannot easily assume the guardianship due to the fact that the target group very often absconds and is difficult to be traced. There are cases where the prosecutors pass the full guardianship to the directors of the reception centres or to social workers of state institutions (e.g. municipalities, courts), although this practice is not always effective, considering the existing obstacles. The prosecutor may, thus, appoint an adult to execute a specific act of guardianship, for instance only for school registration.

Due to these challenges, there is no standardized practice followed by prosecutors in Greece. It seems that the procedures followed in order to ensure the representation and protection of unaccompanied children depends on the discretion of the prosecutor and on the supporting services that the prosecutor may have at his or her disposal (such as NGOs, social services).

As far as the asylum procedure is concerned, in practice, usually due to the prosecutors' heavy workload, nothing is done to implement the safeguarding of the interest of the child. Indicative of this inability to comply with the abovementioned fundamental principles relating to unaccompanied minors, is the failure to appoint a guardian for the minor, who actually goes through the entire international protection granting process all alone, without a legal guardian.

Although article 11, par. 6, of PD 113/2013 provides that “applications for international protection of unaccompanied minors are always examined under the regular procedure”, in practice, in a number of cases, no international protection status is granted before the child reaches the age of 18. In practice, it is often reported that their asylum applications are examined and their status is determined when they become adults, rather than during their minority. This may lead to a completely different assessment of the case, as child-specific forms of persecution are not examined. Additionally, such a delay in the procedure does not respect the best interests of the child and does not lead to assessing a durable solution in accordance with the child's needs and profile.

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.

State of Greece response:

According to the legislation in force, the competent prosecution or police authorities take the necessary steps to establish the identity and nationality of unaccompanied children as well as the fact that they are unaccompanied. They also make every effort for the fastest possible identification of their families and immediately put into effect all necessary measures to ensure their legal representation. 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 National Action Plan on Human Rights. 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.

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. Two open accommodation centers are already available in the district of Athens to accommodate vulnerable groups, mainly unaccompanied minors. The running costs for both facilities have been secured for one year under EEA Grants. After the first year of operation, the running costs will need to be covered by the New Multiannual Financial Framework (2014-2020).

The competent authorities are aware of the fact that the framework governing the status of unaccompanied minors should be assessed and that concrete and immediate solutions are required.



Recommendation n°84: *Take immediate measures to make sure that all unaccompanied children are given a guardian and a safe residence when they arrive in Greece (Recommended by Norway)*

IRI: *partially implemented*

NCHR response:

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. 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.

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 drafted. There is a close cooperation on this issue between the Government, the Ombudsman, the UNHCR and NGOs.

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.

State of Greece response:

[See response to recommendation n°81]

Recommendation n°85: *Take further steps to enhance the number and quality of available accommodation facilities and other services offered to minors and vulnerable groups arriving in Greece (Recommended by Denmark)*

IRI: *fully implemented*

NCHR 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. The FRS will be the sole competent service with regard to the reception of asylum seekers, unaccompanied minors and migrants belonging to vulnerable groups.

State of Greece response:

[See response to recommendation n°81]

Recommendation n°119: *Include information about Greece being a country of destination and transit for human trafficking in school curriculums at secondary and university levels (Recommended by Iraq)*

IRI: *not implemented*

NCHR response:

Not implemented

State of Greece response:

[See response to recommendation n°18]

Other

Recommendation n°21: *Continue its activities in full cooperation with NGOs and civil society organizations in order to guarantee the effective and equal application of all human rights (Recommended by Palestine)*

IRI: *fully implemented*

NCHR response:

Such a cooperation is indeed implemented. For instance, Greece has ratified the Council of Europe ted stakeholders.

Another example consists in the National Coordination Mechanism (NCM), which is based in the Ministry of Foreign Affairs and which coordinates all competent authorities and NGOs in the field of anti-trafficking, at the national and international level.



There is also a close cooperation between the Government, the Ombudsman, the UNHCR and NGOs on the issue of the protection provided to unaccompanied minors entering Greece illegally. 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.

Impact of Crisis and Austerity Measures on Human Rights

The Greek National Commission for Human Rights (GNCHR), within the framework of its institutional capacity as an advisory body to the Greek State for the protection of Human Rights, observes with great concern the impact of the austerity measures on fundamental Human Rights, and more particularly social rights, irrespective of whether they are linked to financial benefits provided by the State. The NCHR draws attention to the findings of international monitoring bodies, regarding breaches of international human rights protection standards, as well as to the international concerns reflected in the decisions and recommendations of such bodies.

It results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures which lead to the degradation of living standards of a big part of the population, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective. Furthermore, the findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.

Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection. Memoranda concluded within the framework of international loan



mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

The competent authorities cooperate with NGOs and civil society organizations in a number of fields, in particular protection of refugees and asylum seekers, including unaccompanied children, assistance to persons in vulnerable situations due to the economic crisis, fight against trafficking in human beings, promotion and protection of women's and children rights, etc. Six of the most representative NGOs are members of the National Commission of Human Rights; NGOs will be closely involved in monitoring the implementation of the National Action Plan for Human Rights.

Recommendation n°80: Formalize a closer cooperation with local and international NGOs, in order to make a better use of available resources, when addressing the difficult humanitarian situation in Greece today (Recommended by Norway)

IRI: not implemented

NCHR response:

The personnel of the new autonomous Asylum Service and the Appeals' Authority is 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. Furthermore, in all detention centers, information sheets prepared by the UNHCR are distributed, setting out in detail the rights of migrants who have entered illegally the country and asylum seekers. In most detention 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, 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 35 NGOs and other bodies, having as a primary goal the documentation of racist incidents. Finally, it is the issue of guardianship of unaccompanied minors which demands a close cooperation on this issue between the Government, the Ombudsman, the UNHCR and NGOs. As far as the Racist Violence victims' and main witnesses' protection is concerned, providing victims and witnesses with support could entirely reverse their reluctance to report the incident. It is widely known that police departments are understaffed and that they do not dispose psychological services. However, as a first step the police should envisage the cooperation with NGOs in providing psychological support.



Despite the GNCHR's recommendations, the police do not aim at a permanent and regular cooperation with specific stakeholders such as the UN High Commissioner for Refugees, NGOs which provide primary health care to victims and specialised NGOs, such as anti-discrimination organizations that have regularly deal with vulnerable groups. Alliances are not developed either with communities of immigrants and refugees which have proved their representativeness and their proximity to vulnerable groups.

Impact of Crisis and Austerity Measures on Human Rights

The Greek National Commission for Human Rights (GNCHR), within the framework of its institutional capacity as an advisory body to the Greek State for the protection of Human Rights, observes with great concern the impact of the austerity measures on fundamental Human Rights, and more particularly social rights, irrespective of whether they are linked to financial benefits provided by the State. The NCHR draws attention to the findings of international monitoring bodies, regarding breaches of international human rights protection standards, as well as to the international concerns reflected in the decisions and recommendations of such bodies.

It results from the texts of the international bodies that international human rights law sets limits to national economic and social policy. Austerity measures which lead to the degradation of living standards of a big part of the population, leading many under the poverty threshold and causing a general feeling of insecurity, constitute breaches of international human rights standards and make the measures ineffective. Furthermore, the findings of international bodies highlight the disproportionate impact of the crisis and austerity measures on women and the systematic discrimination against young people in the area of work.

The ILO Committee of Experts (CEACR) “notes with regret that the evolution of the situation in Greece confirms its previous conclusion that applying exclusively financial solutions to the economic and social crisis could eventually lead to the collapse of the internal demand and the social functioning of the State, condemning the country to years of economic recession and social unrest”.

Finally, in light of the findings of international bodies, the GNCHR stresses that the commitments of Greece, and other States facing a debt crisis, towards their international creditors, cannot be an argument for restricting human rights guaranteed by International Treaties, which are binding on every State Party and set minimum universal standards of protection.



Memoranda concluded within the framework of international loan mechanisms cannot override international human rights standards, especially when these standards also bind State-Parties to these mechanisms, such as EU Member-States.

State of Greece response:

The Greek State, recognizes and emphasizes the importance of the work and role of civil society and also acknowledges that Non-Governmental Organisations (NGOs), around the world, have dedicated their efforts to protect human rights. Greek State fosters and supports the social work that NGOs, charities and church organizations perform in collaboration with local authorities, in order to provide assistance to those in need, due to present economic crisis.

Recommendation n°115: Develop and implement a National Action Plan on Human Rights in order to have a systematic strategy for the promotion and protection of human rights (Recommended by Spain)

IRI: partially implemented

NCHR response:

A Human Rights National Action Plan 2014-2016 has been elaborated and published on March 2014 under the auspices of the General Secretariat Transparency And Human Rights Hellenic Ministry Of Justice.

State of Greece response:

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, government agencies and national human rights institutions. The National Action Plan has been drafted in accordance with relevant UN guidelines and the requirements of the Vienna Declaration and Program of Action. The draft has been submitted to an open and public consultation, following which a large number of comments and proposals were incorporated into the final text. The Action Plan aims to form the basis of a coherent human rights policy at the national level, covers a wide range of civil and political, economic and social rights and focuses mainly on the recommendations of international monitoring bodies (both at the universal and the regional level) in the field of human rights, as well as the UPR recommendations. Under each human right or fundamental freedom, a number of relevant sets of action to be implemented are listed, comprising the objective pursued, the action to be taken, the competent body and implementation indicators.



The inter-ministerial team which drafted the Action Plan will continue its work as a body responsible for monitoring the implementation and evaluating the actions included in the Action Plan, with the assistance of the competent authorities, the national human rights institutions and civil society.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we apply the same procedure for data collection about all States:

1. We contact the Permanent Mission to the UN either in Geneva or New York;
2. We contact all NGOs that took part in the process. Whenever NGOs were part of coalitions, each NGO is contacted individually;
3. The National Institution for Human Rights is contacted, whenever one exists.
4. UN Agencies, which sent information for the UPR, are also contacted.

We post our requests to the States and send e-mails to NHRIs, NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation are not contacted and those stakeholders' submissions are not taken into account.

However, since the UPR is meant to be a process that aims to share best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet, which we provide, that includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or “not implemented”, *UPR Info* usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation is given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
103	Accede to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Ukraine	Rejected	5	ESC rights - general, International instruments
104	Sign and ratify the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights	Spain	Rejected	5	ESC rights - general, International instruments
105	Sign and ratify the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights allowing individual complaints of alleged violations of these rights to be heard by CESCR	Portugal	Rejected	5	ESC rights - general, International instruments
125	Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Egypt	Rejected	5	International instruments, Labour, Migrants
126	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Albania	Rejected	5	International instruments, Labour, Migrants
127	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Senegal	Rejected	5	International instruments, Labour, Migrants
128	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Palestine	Rejected	5	International instruments, Labour, Migrants
129	Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as another significant step in the protection of human rights	Guatemala	Rejected	5	International instruments, Labour, Migrants
130	Continue its efforts by ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Morocco	Rejected	5	International instruments, Labour, Migrants
131	Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Argentina	Rejected	3	International instruments, Labour, Migrants
132	Adopt or ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Ecuador	Rejected	5	International instruments, Labour, Migrants
133	Consider adhering to the Convention on the Rights of All Migrant Workers and the Members of Their Families as recommended by the Parliamentary Assembly of the Council of Europe in its recommendation number 1737 of 17 March 2006	Algeria	Rejected	3	International instruments, Labour, Migrants



rec. n°	Recommendation	SMR	Response	A	Issue
134	Create a mechanism to overcome the difficulties faced by non-Greek speakers during detention and court ruling phases	Turkey	Rejected	5	Detention conditions
135	Ensure equal rights for minority citizens such as the Roma, particularly the right to vote	Australia	Rejected	4	Elections, Minorities
136	Take necessary steps to ensure the election of the muftis by the Turkish Muslim Minority and repeal the relevant articles of the Law No. 3536 regarding the appointment of imams, which the minority has severely opposed	Turkey	Rejected	4	Freedom of religion and belief, Minorities
137	Revise the relevant legislation concerning the Waqfs in consultation with the minority with a view to enabling the minority to directly control and to use its own Waqf properties, and to put an end to misuse and expropriation of Waqf properties	Turkey	Rejected	3	Minorities
138	Initiate procedures for the opening of Turkish-language kindergartens for minority children in Komotini and Xanthi	Turkey	Rejected	5	Minorities, Rights of the Child
139	Speed up the process of reinstating the citizenship of approximately 60,000 Greek citizens who were deprived of Greek citizenship, because of the later repelled article 19 of the Greek Citizenship Law. Create a mechanism to compensate their losses in terms of ownership rights that occurred as a result of the process	Turkey	Rejected	4	Other
140	Start a dialogue with the NGOs of the Turkish communities in Rhodes and Kos for the solution of their problems in the field of religious freedom and resume Turkish-language education, which has been denied since 1972	Turkey	Rejected	4	Civil society, Freedom of religion and belief, Minorities, Right to education
141	Implement effectively the National Action Plan for migrants and protect the rights and interests of migrants without prejudice to their status, and minorities including Muslims and Roma population	Bangladesh	Rejected	5	Freedom of religion and belief, Migrants, Minorities, National plan of action
142	Greece pledges to continue to pursue policies and initiatives in all critical fields of human rights protection, in cooperation with national human rights institutions and civil society, taking into account the outcome of the UPR process, as well as the recommendations of relevant monitoring mechanisms, in order to ensure full, equal and effective realization of all human rights.	Greece	Voluntary Pledge	2	Civil society, NHRI, UPR process

A= Action Category (see on [our website](#))

SMR = State making recommendation

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