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Fulfillment by Greece of its human rights obligations and commitments

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This joint NGO report is submitted to the United Nations' **Human Rights Council** for the review of the fulfillment by **Greece** of its human rights obligations and commitments through the **Universal Periodic Review (UPR)** scheduled for the **25th UPR Session** in May-April 2016.

A. Information provided to the UPR by Greece

1. During the 2011 review process, Greece pledged that the outcome of the **UPR** would be widely disseminated, that civil society and national human rights institutions (NHRIs) would be closely associated to the follow-up and that translation into Greek of its **UPR** outcome and relevant treaty body concluding observations and special procedures country reports would be ensured. None of the above have taken place.
2. Moreover, there was no national consultation process for the preparation of the information provided by Greek authorities in this **UPR** cycle.
3. Greece must enhance accessibility of the United Nations human rights system for all members of Greek society by ensuring the translation into Greek of the **UPR** outcome and relevant treaty body concluding observations and special procedures country reports

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

4. In line with the recommendations it accepted in the previous **UPR** cycle, Greece ratified the **Convention on the Rights of Persons with Disabilities** in 2012, the **Optional Protocol to the Convention against Torture** in 2014, and the **Convention for the Protection of All Persons from Enforced Disappearance** in 2015, however, failing to recognize the competence of the Committee to receive and consider communications from or on behalf of individuals.
5. Contrary to the accepted recommendation, Greece has not yet ratified the **Convention on the Reduction of Statelessness**.
6. Greece has not ratified the **Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**, the **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights** and the **Optional Protocol to the Convention on the Rights of the Child**. Moreover, it has not accepted the individual complaints procedure under the **International Convention on the Elimination of All Forms of Racial Discrimination**.

C. Implementation and efficiency of normative and institutional framework

for the promotion and protection of human rights

7. Article 28 of the Greek Constitution stipulates that international treaties ratified by Greece shall be an integral part of domestic Greek law, and shall prevail over any contrary provision of the law. However, domestic jurisprudence indicates that this is not universally respected, even in cases where Greece is found in **ECtHR** judgments or **UN HRC** views to be in violation of international treaties.
8. While Greece has made positive efforts at legislative reforms in a number of areas, challenges persist with the implementation of laws and binding international instruments. As the **UN Working Group on Arbitrary Detention** noted, “*legislative developments are not always followed up by effective implementation in practice.*” Several issues will be outlined below.
9. During the previous review period, Greece has accepted the recommendation to develop and implement a **National Action Plan on Human Rights**. A draft action plan was presented to NGOs and to the public for input in late 2013-2014 and a final action plan for 2014-2016 was published in March 2014 but it has effectively not been implemented ever since.

D. Execution of international judgments

10. During the 2011 review, Greece committed to executing 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**. These judgments have not been executed and this is why the **ECtHR** is currently examining new applications of those minority NGOs (*Xanthi Turkish Union and others v. Greece* appl. nos. 55557/12, 73646/13 and 7050/14). Meanwhile, on 9 July 2015, the **ECtHR** found Greece to have violated again the freedom of association of the Macedonian minority association (“*Home of Macedonian Civilisation*” v. Greece appl. no. 1295/10) ignoring the **ECtHR**’s first judgment in this case dated 10 July 1998.
11. Moreover, Greece failed to fully implement more than 500 **European Court of Human Rights** (**ECtHR**) judgments (listed in the **Council of Europe**’s website), more than a dozen **European Committee for Social Rights** (**ECSR**) decisions and 4 **UN Human Rights Committee** (**UN HRC**) views, concerning issues related to right to life, freedom from torture, freedom of religion or belief, right to education, right to a fair trial, right to participation, right to home, right to remedy, freedom of association, as well as rights of ethnic, religious or linguistic minorities. In the April 2015 **UN HRC** “List of issues” Greece was asked: “2. *With reference to the recent Committee’s decision to suspend the follow-up procedure with regard to communication 1799/2008, Georgopoulos et al, due to its unsatisfactory implementation, please describe the current procedure for implementing the Views adopted by the Committee under the Optional Protocol to the Covenant. Please indicate what measures have been taken by the State party to follow up on the following communications: 1070/2002, Kouldis; 1486/2006, Kalamiotis; and 1558/2007, Katsaris.*”¹

E. Status of reporting to UN human rights bodies

12. Greece consistently submits to UN human rights bodies –often long- overdue reports. Currently, its periodic report to **UN CERD** has been outstanding since July 2013.

¹ http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/GRC/INT_CCPR_LIT_GRC_20261_E.doc

F. Impact of the economic crisis on the enjoyment of human rights

13. The **UN Working Group on Arbitrary Detention** noted, during its visit in January 2013, that access to justice is significantly curtailed by the reported overburdening and understaffing of courts. *“Many judges call work stoppages to protest against salary and pension cuts, which further increased the backlog.”* While free legal defense is guaranteed in penal and civil cases, though not for administrative ones, **the Working Group** reported complaints by lawyers that the fees are very low, sometimes not compensating for their travel expenses, and that they are paid with considerable delay.
14. Following the invitation by the government of Greece, the **Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights** conducted his official visit in April 2013. The **Independent Expert** stressed that while the economic and social costs of the economic adjustment program have been substantial, the burden of adjustment appeared not to be shared fairly given that its impact has been particularly severe for the most vulnerable sectors of the population: the poor, older persons, pensioners, women, children, people with disabilities and immigrants. Specifically, the rate of unemployment among women is significantly higher than for men, coupled with a strong increase in involuntary part-time work among women.

G. Human rights of migrants

15. Greece is faced with an unprecedented influx of refugees mainly from Syria and less from Afghanistan and Iraq. Although not unexpected, the state did not make early enough necessary efforts to acquire the capacity to deal with these refugees which live in extremely precarious and inhuman conditions during their stay in Greece. As the **UNHCR** stated in August 2015: *“Greece is facing an unprecedented refugee emergency with new record arrival numbers, whilst the congestion on the islands further increased. The reception infrastructure, services and registration procedures are falling far short of needs. On all main entry points, substandard conditions result in serious hygiene, health and protection risks.”*²
16. There was also a dismal failure of the European Union to provide a coordinated response based on EU values, solidarity and the international legal obligations of member states, including assisting the two states with the largest influx, Greece and Italy.
17. During the previous review, Greece pledged to ensure that asylum-seekers and irregular migrants are treated according to Greece’s human rights obligations and to strengthen all efforts to implement the **National Action Plan on Asylum and Migration Management**. The **UN Special Rapporteur on the human rights of the migrants** conducted a mission in 2012. He acknowledged the government’s progress on laws and policies related to migration and border management, however he stressed that much remains to be done in order to ensure the full respect for the human rights of migrants in Greece. He expressed particular concern over the lack of automatic judicial review of deportation orders and lack of guaranteed access to interpreters and lawyers, whereby persons in need of international protection are placed at risk of refoulement and other violations of international human rights law. These problems persist.
18. A **National Action Plan on Asylum and Migration Management** is operational. The plan entails the provision of first reception services, asylum services and the appeal authority. In

² http://www.unhcr.gr/fileadmin/Greece/Extras/Arrivals/operational/Greece_Operational_Update_2.pdf

April 2015, the **UNHCR** issued a detailed set of recommendations on how to improve these services. The recommendations have yet to be implemented in full.³

19. The **Special Rapporteur** expressed concern over the excessive duration of detention of migrants and the inappropriate conditions in detention, including limited ability by detainees to contact their families, limited access to legal assistance or consular services and little or no professional interpretation services. These concerns were reiterated by the **UN Working Group on Arbitrary Detention** which recommended that the policy of systematic detention of all migrants in an irregular situation be ended and that alternatives to detention be explored instead. The problem persists.
20. Irregular migrants employed in the informal sector have faced particular risks of exploitative labor conditions and lacked protection given their limited access to legal remedies. In April 2013, 33 migrant workers were shot at a strawberry farm following a labor dispute. They never obtained adequate redress as in a criminal trial the alleged perpetrators of the attacks and their trafficking were acquitted of the related charges.

H. Minority rights

21. During the 2011 review, Greece committed to taking appropriate measures to ensure the effective enjoyment of the right to freedom of expression, of peaceful assembly and of association, particularly in the case of national, ethnic and religious minorities, as well as to 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. Unfortunately, Greece continues to deny the existence of ethnic, national and linguistic minorities, including, as stated above, by refusing to register ethnic minority – Turkish and Macedonian – associations despite repeated **ECtHR** judgments against her.
22. Additionally, there is a completely ignored Turkish minority in **Rhodes** and **Kos**, whose size is estimated at 4-5,000 persons. *“Most seem to think of themselves as Muslims and ethnic Turks, and also as members of a specific Muslim community.”*⁴ The Muslims of Rhodes and Kos are denied the minority status of the Muslims of Thrace: Greek authorities claim that only the Muslims covered by the **Treaty of Lausanne** (1923) may be recognized as a minority. An authoritative report on *“The situation of the inhabitants of Rhodes and Kos with a Turkish cultural background”* was published in 2011 by the **Parliamentary Assembly of the Council of Europe (PACE)’s Committee on Legal Affairs and Human Rights**, followed by a 2012 **PACE Resolution** on *“The situation of the Greek citizens of Turkish descent in Rhodes and Kos.”*⁵ Greece should therefore be asked why the Muslims of Rhodes and Kos are not granted a special minority protection regime as the Muslims of Thrace; why both Muslim communities are denied the right to freely choose their religious leaders and administer their religious foundations; why religious leaders are not restricted to religious duties; what specific steps have been taken to implement the recommendations of **PACE** on the rights of Muslims of Rhodes and Kos, including the right to be offered classes in their mother Turkish language; and why Greece has not ratified the **FCNM** which it signed in 1997.
23. During the 2011 review, Greece committed to accelerating the process of building a mosque in Votanikos, Athens. Four years later construction work has yet to start. More generally, outside

³ http://www.unhcr.gr/fileadmin/Greece/Extras/Greece/2015_EN_R.pdf

⁴ <http://www.helsinki.fi/slavicahelsingiensia/preview/sh41/pdf/3.pdf>

⁵ <http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=18075&lang=EN>

the Thrace region where a “Muslim” minority lives, there are no legally operating mosques for the hundreds of thousands Muslims living in Greece.

24. In 2011, Greece pledged to collect disaggregated data on hate speech against minorities and to effectively investigate, prosecute and punish incitement to hatred and hate speech. Although the government confirmed that a state database on hate crime and hate speech incidents was created, regrettably, it also reiterated that it does not collect statistical data based on criteria such as the origin of persons living in the country, citing protection of privacy, which makes any such database meaningless.
25. There is generalized use of hate speech in Greece not only by extremists but also by mainstream media and public figures. The **Hellenic League of Human Rights** has accurately stated in 2011 that: *“Currently in Greece, the racist discourse is so pervasive in parts of public opinion, political parties of the extreme right – mainly but not only, the Church and the media, that its criminalization would potentially lead to the criminal prosecution of a massive number of people.”*⁶ As pervasive is impunity for hate speech. There were some 60 complaints based on the old anti-racism Law 927/79, all filed by **GHM**, of which only one led to a final conviction. In some additional cases, first instance convictions were overturned on appeal or time-barred through amnesty laws. There were no such *proprio motu* investigations launched by police or prosecutors. In Law 4285/2014 amending Law 927/79, the criminalization of 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 (i.e. hate speech in Article 2 of the old Law 927/79) was abolished. If the current anti-racism legislation were applicable in the past, some 55 of the 60 complaints filed by **GHM** would not have legal basis to be filed, while the one and only final conviction and all but one first instance convictions under the old anti-racism law would have been impossible. Greece is now in violation of Article 20.2 of **ICCPR** and in defiance of the related recommendations of **ECRI** and **CERD**. **CERD**’s recommendation:⁷ *“10. (...) The Committee further requests the State party to provide in its next report updated information concerning the application by courts of criminal law provisions punishing acts of racial discrimination, such as those contained in Law 927/1979. Such information should include the number and nature of cases brought, convictions obtained and sentences imposed, and any restitution or other remedies provided to victims of such acts.”* During the **UPR**, there should be a similar request for explanation of the amendments of Law 927/79 that led to the decriminalization of hate speech by abolishing the old Article 2 of 927/79.
26. In 2011, Greece committed to taking measures to provide Roma with increased opportunities for education and employment and to focus on the implementation of adopted strategies at the local level, as well as to counter discrimination by private actors. In the same year, Greece published a **National Roma Inclusion Strategy** aimed at combating discrimination and social exclusion of Roma in the areas of education, employment, health care and housing. The Strategy has effectively not been implemented.
27. The **Human Rights Council** is reminded of the **UN HRC** views in the communication *Georgopoulos family v. Greece* finding Greece in violation of the **ICCPR** for the multiple evictions of that family in Riganokampos Patras in 2006.⁸ This was one of the scores of forced evictions without relocation that occurred in July-September 2006 in the Riganokampos and

⁶ <http://www.hlhr.gr/index.php?MDL=pages&SiteID=617>

⁷ <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhshHeRjjq81EP%2b%2bIb%2feJjif8qVBWYzbcZtMnDQGpfU0cG9sERoEJ6XwL%2fx5VTbKBPh9ykweVM10F5VmFTErPT09rtRD0xD0o1arFQtb47g%2bvRBGoHYrt6RU4nb%2b9qA%3d%3d>

⁸ http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/GRC/INT_CESCR_ICO_GRC_19296_E.doc

Makrigianni areas of Patras.⁹ Currently, a second communication on an eviction of an Albanian Roma family from Makrigianni at that time (*Isiu v. Greece no. 2582/2015*) is being examined by the **UN HRC** which decided to join the examination of merits to the examination of admissibility. Yet, in June 2015, local municipal and police authorities carried out a new series of forced evictions of Roma from Riganokampos without any provision of alternative accommodation with the result that, as in 2006, the evicted Roma resettled squatting illegally in the Makrigianni area as was widely reported in local media.¹⁰ Another communication to the **UN HRC** concerns the on-going effort to evict Halandri (Greater Athens) Roma who had been living in that Greater Athens area since the mid-1970s without prior relocation and despite interim measures taken by the **UN HRC** on 10 May 2013 and maintained on 14 August 2013, 4 February 2014, and 26 September 2014, in the framework of the communication “*Cultural Association of Greek Gypsies Originating from Halkida and Suburbs “I Elpida” and Mr. Stylianos Kalamiotis v. Greece*” (No. 2242/2013) under examination by **HRC!** No progress has been made to find adequate alternative housing for these Roma in 2015.

28. Most compelling are the related excerpts from documents released in 2015 by the **Council of Europe’s ECRI** and the **United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance**:

Full text of the press statement delivered by the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance M. Mutuma Ruteere on 8 May 2015 in Athens, Greece¹¹

(...) “Finally, the Romas of Greece, while being for the vast majority Greek citizens, continue to face discrimination and remain economically and socially vulnerable. I had the opportunity to visit the Spata settlement outside of Athens and followed-up on a number of issues raised by other UN special procedures mandate-holders and European mechanisms. I am concerned about their housing conditions, access to health care and other social services that have remained unchanged even after various recommendations from these international processes. It is unacceptable that their children are unable to attend schools and unable to complete basic primary education as they have been living in the same settlement for more than 15 years. The fact that this settlement does not have electricity has implications for both the education of the children as well as their health. While I have been made aware of plans to come up with a comprehensive strategy for Roma integration, I call upon the Government to take into account and urgently implement the numerous recommendations of my predecessors from the UN and European mechanisms.”



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⁹ <http://www.nytimes.com/2006/10/23/world/europe/23iht-roma.3261502.html>

¹⁰ «Πάτρα: Έφυγαν οι ρομά από τον Ρηγανόκαμπο – Μαζική «μετανάστευση»» (“Roma left Riganokampos – mass “migration””) **Patrasevents.gr** 25 June 2015 <http://www.patrasevents.gr/article/171088-patra-efigan-oi-roma-apon-riganokabo-maziki-metanasteusi>

¹¹ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15943&LangID=E>

(...) 110. The living conditions in many Roma settlements in Greece continue to be a cause of concern. Some settlements are in complete isolation from the rest of the population, without running water or electricity, with no heating in winter and leaking roofs in some cases, and without a sewage system or access to public transport. Furthermore, many forced evictions of Roma took place without specifying a suitable place to install a safe and legal settlement and without adequate access to legal remedies.⁷⁶

111. According to data from the International Romani Network, following a study conducted in cooperation with the Greek Ministry of Labour, some 80% of Roma makeshift settlements and 20% of settlements that consist of a combination of houses and makeshift constructs, were not connected to the national power grid. 31 out of 37 makeshift settlements were not connected to the water supply system and 26 had no sewage facilities.⁷⁷

112. ECRI recommends that the Greek authorities take action to address the situation of Roma who live in settlements of inadequate standards.

113. ECRI's delegation visited a Roma settlement in Spata. It lay on an isolated site. Its residents were moved there by the local authority from another settlement.⁷⁸ They were provided with some pre-fabricated houses, but no other facilities. The lack of access to water, sewage and electricity systems has never been addressed. On at least one occasion, the authorities allegedly explained that the settlement cannot be connected to the utility grids due to its location in the vicinity to Athens Airport, where in fact no housing is normally permitted.

114. The Roma living on the settlement have been refused registration with the local authority because they cannot provide electricity or water bills as proof of residence. Some Roma children from the settlement had initially been enrolled in the local school, were then expelled and their re-enrolment subsequently refused due to lack of registration of residence. This problem is recognised by the Ministry of Education and Religious Affairs as a widespread obstacle to school enrolment of Roma children.

⁷⁶ In December 2009, the European Social Committee found, for the second time in five years, violations of Article 16 of the European Social Charter on the grounds that a significant number of Roma families continued living in conditions that failed to meet minimum standards, and that Roma families continued to be forcibly evicted in breach of the Charter. The complaint detailed the Greek government's continuing failure to provide adequate housing and related infrastructure for the Roma as well as its involvement in over 20 forced evictions since 2004. It also highlighted the systematic discrimination experienced by the Roma and lack of adequate safeguards and remedies.

⁷⁷ ERTF, 2013, p.10.

⁷⁸ Decision 177/1995 of the Spata Municipal Council, carried out in October 2000.

29. Following the **Special Rapporteur on Contemporary Forms of Racism**'s report, **GHM** filed a formal request for the registration of 37 mandatory school-age Roma children to school on 31 August 2015. On 4 September 2014, the **Deputy Regional Governor of Attica** informed **GHM** that efforts will be made to integrate in pre-school or first grade the 15 children of that age, but that for the others a ghetto class will be created in that far away community without electricity "to prepare them for school integration" in violation of international norms and Greek legislation and practice outside Spata which calls for such preparatory classes to operate in the premises of existing schools.

¹² <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-V-2015-001-ENG.pdf>

30. Greece has failed to implement the ECtHR judgments in the cases *Sampanis and others*, *Sampani and others* and *Lavida and others v. Greece*. The first *Sampanis* judgment issued in 2008 concerned the initial exclusion from school and the ensuing segregation in a ghetto school of Psari, Aspropyrgos (Attica) Roma pupils in 2004-2007. Greece failed to integrate the Roma pupils in the nearby regular school for all children, Roma and non-Roma. This led to a second application and a second *Sampani* judgment against Greece issued in December 2012 for the segregation of the pupils from the same community through 2012. The applicants asked to be transferred to the same nearby regular school for all children, Roma and non-Roma. The authorities failed to do so and the ghetto school continued to operate with minimal staff as a token through June 2014. Subsequently, the ghetto school was closed and the pupils were formally transferred to a regular school but as they were not provided with the means of transportation available for non-Roma pupils, they were effectively denied access to school. The *Lavida* judgment issued in May 2013 concerned the segregation through 2013 of all Roma pupils in Sofades in one ghetto school with the non-Roma pupils attending two other schools. The applicants asked for the desegregation of the Sofades (Thessaly) school system so that all three schools have a mixed Roma and non-Roma pupil population, but the authorities refused it.
31. All around Greece, Roma pupils are excluded from schools, or attend ghetto schools, or attend regular schools but with a high dropout rate. Two government reports on Western Greece and on Eastern Macedonia and Thrace have provided telling data for scores of Roma communities in these regions. In all cases, the government has not taken any action other than issuing circulars about the importance of securing Roma pupils' attendance.
32. Contrary to the stated efforts to combat discrimination of Roma, the **Working Group on Arbitrary Detention** reported that as part of the Operation Xenios Zeus, police had detained members of the Roma community with Greek citizenship, releasing them soon thereafter without charge. The **Working Group** recalled that any detention on discriminatory grounds constitutes arbitrary detention and that detention without any legal basis also renders the detention arbitrary. The **Council of Europe's Human Rights Commissioner**, in his 2013 report on Greece, had "*urged the authorities to put an end to the practice of ethnic profiling by the police, reportedly widely used concerning Roma and as part of the 'Xenios Zeus' police operation under which the legal status of migrants is verified. Racial profiling is discriminatory and seriously undermines confidence in the police among the social groups targeted. Drawing on ECRI's General Policy Recommendation N° 11 on combating racism and racial discrimination in policing, the authorities are invited to introduce in the law enforcement rules a "reasonable suspicion standard", whereby powers relating to control, surveillance or investigation activities can only be exercised on the basis of a suspicion that is founded on objective criteria.*"¹³ The **Minister of Public Order**, answering **Democratic Left MP Maria Yannakaki** questions, informed **Parliament** on 18 October and 23 November 2013 that, in 2013, police had made 1131 operations in Roma settlements, almost always at around 5am to 6am, where they had checked 52,431 Roma (Greece's Roma population is estimated at 350,000 persons), taken in 19,067 Roma and arrested just 1,305 Roma, with only about half of them (ca. 650) for serious crimes (drugs, thefts, guns etc.).¹⁴ So, less than 7% of the Roma taken to police stations (where they usually spend several hours losing a day's income) ended up being arrested! At the same time, police issued hundreds of statements naming each and every time the Roma ethnic identity, even though this is not registered in the identity cards, in a deliberate effort to

¹³[https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2013\)6&Language=lanEnglish&Ver=original&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2013)6&Language=lanEnglish&Ver=original&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679)

¹⁴ http://www.hellenicparliament.gr/Koinovoulftikos-Elenchos/Mesa-Koinovoulftikou-Elegxou?pcm_id=baf155b2-8a0e-4f4d-8712-e56b84761d1d and http://www.hellenicparliament.gr/Koinovoulftikos-Elenchos/Mesa-Koinovoulftikou-Elegxou?pcm_id=fbbdb428-2ac4-4085-9cda-bca5f58bcbad

show that there is Roma criminality which is combated by police. The reference to ethnic identity of Greek citizens is in violation of the Greek data protection legislation.

33. In its 2009 report on Greece, following a 2008 visit, **ECRI** stated:¹⁵ *“ECRI has also received reports of Roma not being treated equally in the judicial system, with cases brought against members of this group being investigated promptly while those in which Roma are plaintiffs often take longer to solve and/or yield results which are not always in full respect of the Roma plaintiff’s rights... ECRI recommends that the Greek authorities take vigorous measures to combat the discrimination faced by Roma in various areas, including the justice system... ECRI also recommends that any allegations of discrimination brought by Roma be promptly investigated and appropriate sanctions meted out where they prove founded.”* The problem persists as evidenced also by the Roma’s need to seek justice through **ECtHR** judgments or **HRC** views.

I. Equality and non-discrimination

34. During the 2011 review, Greece pledged to include sexual orientation and gender identity as grounds for protection in anti-discrimination legislation and policies, as well as to consider recognizing same-sex couples. The amended anti-racism Law 4285/2014 provides for criminal sanctions on the grounds of sexual orientation and gender identity. However, in its reply to the **CESCR** list of issues,¹⁶ Greece admitted that Law 3304/2005 does not fully conform with the Covenant as it does not cover discrimination on the grounds of sex (covered though by other legislation), language, political or other opinion, national or social origin, property, and birth. Ethnic origin mentioned in the law is not identical to national origin let alone social origin. Moreover, Greece admitted that the law prohibits discrimination on the grounds of religion or other belief, disability, age or sexual orientation, but only in employment and occupation and not also in social protection, education, access to goods and services, etc. In fact, in several cases litigated by **GHM** and **SOKADRE** related to discrimination against Roma in housing, competent judicial officials ruled that even for discrimination on the grounds of racial or ethnic origin the law prohibits discrimination only in employment and occupation basing such argument on the Article 1 of the Law that limits the scope of the law in *“establishing a general regulatory framework to combat discrimination ... in the area of employment and occupation!”*¹⁷ In general, as the State admitted, there has been hardly any litigation on the basis of Law 3304/2005.

35. In February 2005, the **National Commission for Human Rights**¹⁸ called *inter alia* for the abolition of Article 347 of the Criminal Code that describes the homosexual male act as “unnatural indecency” and criminalizes it if carried out in an abuse of a dependant situation, but also if done for money (male prostitution) or with a child under 17 years of age (as opposed to 15 for heterosexual relations). This was reported to the **HRC** by **GHM** and **MRG-G** on 22 March 2005,¹⁹ contributing to a related concern of the **HRC**. In its recent report to **HRC**, Greece made no reference to this discrimination which is still in existence.

¹⁵ <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>

¹⁶ http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/GRC/E_C-12_GRC_Q_2_Add-1_21181_E.doc & http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/GRC/INT_CESCR_ARL_GRC_21182_E.docx

¹⁷ In a **GHM/SOKADRE** litigated case to prevent an eviction of a Roma family from a state-owned home, a prosecutor rejected the representation of the Roma by **GHM/SOKADRE** that was based on Article 13 of Law 3304/2005 arguing that the law is applicable only in labor cases as stated in Article 1 of Law 3304/2005 (**Prosecutor of Cephalonia Decision 1/2008** on file with **GHM/SOKADRE**).

¹⁸ http://elawyer.blogspot.gr/2008/03/h_12.html

¹⁹ <http://cm.greekhelsinki.gr/index.php?sec=194&cid=400>

36. In November 2013, **ECtHR Grand Chamber** published a judgment in *Vallianatos and others v. Greece* (No. 29381/09 and 32684/09) finding Greece in violation of Article 14 in conjunction with Article 8 for the discriminatory legislation on civil partnerships that excludes same sex couples from them. Since that judgment, despite calls for the abolition of the discrimination, the Greek government has refused to execute the judgment and abolish the discriminatory character of the related legislation. A new application of 162 same-sex couples was submitted to the **ECtHR** in July 2014.
37. Additionally, the **National Radio and Television Council** (ESR) has repeatedly imposed on television and radio stations homophobic fines, while refusing to sanction homophobic programs even when specific requests are made by individuals affected. For example, fines have been imposed for an episode in a series with a gay kiss, for an advertisement with a lesbian kiss, for the film parody “Straight Story” where homosexuality is supposed to be mainstream, for a radio program on gay and lesbian issues, for the participation of trans persons in talk shows, while an Athens Pride social message was not allowed to be broadcast.²⁰
38. Greece has never provided information about the application of Law 3304/2005 or any other related anti-discrimination legislation in cases of discrimination against persons with disability. Moreover, there are no data on unemployed persons with disability or the employment and unemployment rates disaggregated for persons with disability, that would indicate if persons with disabilities are discriminated against in employment, occupation, social services, education, etc. Such data are not included even in the “**Initial Report on the implementation of the UN Convention on the Rights of Persons with Disabilities**” submitted with one-year delay on 1 June 2015.²¹ Hence, claims by advocates of the rights of persons with disabilities of the existence of widespread discrimination cannot be confirmed or challenged.
39. As **ActionAid Greece** stated based on their 2014 research, “*the most shameful element of our survey is that only 15% of the children with disabilities in Greece go to school! Only 15%! The remaining 85%, that is some 170,000 children remain invisible to the education community, limiting their chances to become visible in the future to our society.*”²² “*According to head ActionAid researcher Pelagia Papanikolaou, a PhD candidate at Athens Law School, the main obstacles keeping disabled children from receiving an education are shortages in transportation, infrastructure such as ramps, audiovisual aids, staff and regular funding.*”²³ In the survey it was also highlighted that there is no national database of children with disabilities or of persons with disabilities in general. Additionally, data is provided to the effect that for the school year 2014-2015 only 1,500 out of 4,000 applications for provision of parallel support to children with disabilities to attend general schools were approved, while it is not known if and where the remaining 2,500 children attended school in the same school year. The limited number of applications approved is attributed to the lack of funds as a result of the crisis. Moreover, there is no updated database and evaluation of the functioning and the needs of special education schools especially at the time of financial crisis and the effects of the latter on those schools. There is a general promise by the Ministry of Education that such databases will be created in 2015-2016.

J. Police violence and excessive use of force

²⁰ <http://www.eleftheriaonline.gr/stiles-sxolia/apopseis/item/47861-deka-xronia-thliveris-omofovias-tou-esr-themos-rizos>

²¹ http://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/GRC/CRPD_C_GRC_1_6953_E.doc

²² <http://www.actionaid.gr/gine-campaigner/aoratapaidia/>

²³ <http://www.ekathimerini.com/196680/article/ekathimerini/news/eight-five-percent-of-disabled-children-in-greece-not-receiving-an-education-study-finds>

40. During the 2011 review, Greece committed to ensuring prompt and impartial investigations of cases of excessive use of force by the police and law enforcement officials, as well as to establish quickly an independent and effective police complaints mechanism. The **Office Responsible for Handling Alleged Instances** of abuses was formally set up in 2014 to investigate complaints against law enforcement officers. To date, however, the Office has remained inoperative. In any case, the Office lacks the necessary independence as it is dependent on and appointed by the **Minister of Public Order**, unlike existing independent authorities that are appointed with reinforced majority by Parliament and formally report only to it.