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Greece

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	18 June 1970	None	Individual complaints (art. 14): No
ICESCR	16 May 1985	None	–
ICCPR	5 May 1997	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	5 May 1997	None	–
ICCPR-OP 2	5 May 1997	Reservation (art. 2)	–
CEDAW	7 June 1983	None	–
OP-CEDAW	24 Jan. 2002	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	6 Oct. 1988	None	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
CRC	11 May 1993	None	–
OP-CRC-AC	22 Oct. 2003	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	22 Feb. 2008	None	–

Treaties to which Greece is not a party: OP-ICESCR,³ OP-CAT, ICRMW, CRPD (signature only, 2007), OP-CRPD (signature only, 2010), CED (signature only, 2008).

<i>Other main relevant international instruments⁴</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁵	Yes
Refugees and stateless persons ⁶	Yes
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁷	Yes

<i>Other main relevant international instruments⁴</i>	<i>Ratification, accession or succession</i>
ILO fundamental conventions ⁸	Yes
UNESCO Convention against Discrimination in Education	No

1. The Committee on the Elimination of All Forms of Racial Discrimination (CERD), the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Special Rapporteur on the sale of children, child prostitution and child pornography encouraged Greece to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁹

2. CERD encouraged Greece to consider making the optional declaration provided for in article 14 of ICERD¹⁰ and ratify the amendments to article 8, paragraph 6, of that Convention.¹¹

3. CEDAW encouraged Greece to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention.¹²

4. The Committee against Torture (CAT) encouraged Greece to consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹³

B. Constitutional and legislative framework

5. CEDAW commended Greece on recent legal reforms aimed at eliminating discrimination against women and promoting gender equality, including the adoption, in 2006, of the Law on Combating Domestic Violence; and the Law on Equal Treatment between Men and Women in the Field of Employment, Labour and Occupation.¹⁴

C. Institutional and human rights infrastructure

6. The National Commission for Human Rights was accredited with “A” status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2001.¹⁵ In 2009, the Subcommittee on Accreditation stressed the importance of ensuring that the National Commission for Human Rights had financial autonomy, and expressed appreciation for the efforts made in this regard.¹⁶

7. With reference to sharing competence on discrimination issues between the Office of the Ombudsman, the Committee for Equal Treatment and the Labour Inspectorate, CERD recommended that Greece consider giving overall powers to receive complaints of racial discrimination to the Office of the Ombudsman, which could cooperate with the other bodies when examining complaints.¹⁷

D. Policy measures

8. In 2009, the ILO Committee of Experts noted the Integrated Action Plan for the social integration of vulnerable groups for the period 2006–08, which included the provision of vocational training to the unemployed, Greek language training, and subsidies for the creation of jobs.¹⁸ It also noted the Integrated Action Plan for the integration of third-country nationals legally residing in Greek territory for the period 2007–2013, which

inter alia focused on ensuring access by third-country nationals to employment and education.¹⁹

9. UNHCR noted that Greece had adopted a “National Action Plan for Migration Management”, which aimed to ensure that the migration challenges created by the large influx of migrants in irregular situations were met with a fair and efficient system.²⁰

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²¹</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2008	August 2009	Due in 2010.	Combined twentieth to twenty-first report due in 2013.
CESCR	2002	May 2004		Second report overdue since 2009.
HR Committee	2004	March 2005	Submitted in March 2007.	Second periodic report overdue since 2009.
CEDAW	2005	February 2007		Seventh report submitted in 2010.
CAT	2002	November 2004	Submitted in March 2006.	Combined fifth and sixth reports due in 2009, submitted in 2010.
CRC	2000	February 2002	–	Second and third reports due since 2000 and 2005, respectively, submitted in 2009.
OP-CRC-AC			–	Initial report due in 2005, submitted in 2010.
OP-CRC-SC			–	Initial report due in 2010

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Special Rapporteur on the question of torture (2010); independent expert on minority issues (2008); Special Rapporteur on the sale of children, child prostitution and child pornography (2005).
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	
<i>Facilitation/cooperation during missions</i>	
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, three communications were sent. The Government replied to all three communications.
<i>Responses to questionnaires on thematic issues</i>	Greece responded to 18 of the 26 questionnaires sent by special procedures mandate holders. ²²

3. Cooperation with the Office of the High Commissioner for Human Rights

10. Greece contributed financially to OHCHR in 2006, 2007, 2008, 2009 and 2010, including to the Voluntary Fund for Victims of Torture and the Voluntary Fund on Contemporary Forms of Slavery (2006 to 2009).²³

B. Implementation of international human rights obligations

1. Equality and non-discrimination

11. CEDAW noted with concern the persistence of patriarchal attitudes and stereotypes regarding the roles of women and men in the family and society.²⁴ CEDAW recommended that Greece aim to bring about changes, including through awareness-raising and public education campaigns, and that it further clarify the causes of persistent inequality.²⁵

12. CEDAW expressed concern over high female unemployment, the concentration of women in low-paid sectors of employment and the wage gap between women and men.²⁶ CEDAW urged Greece to ensure equal opportunities in the labour market and recommended stronger efforts to lower female unemployment, eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. CEDAW also urged Greece to develop incentives to encourage more men to avail themselves of parental leave.²⁷

13. The ILO Committee of Experts similarly observed that the unemployment rate of women was much higher than that of men and that only about a quarter of persons in the occupational category of “legislators, senior officials and managers” were women.²⁸

14. While applauding the establishment of an obligatory one-third quota for each sex in the electoral lists of local elections and for the collective bodies of Government agencies, CEDAW was concerned about the underrepresentation of women at all levels of political and public life, particularly in Parliament and in the foreign service. CEDAW was further

concerned about the limited participation of women in trade unions and employers' associations.²⁹ CEDAW called for effective enforcement of the existing quota law and recommended temporary special measures as a means to accelerate the increase in women's political participation.³⁰

15. CERD was concerned that Greece was not effectively implementing legal provisions aimed at eliminating racial discrimination, in particular with regard to the prosecution and punishment of racially motivated crimes. CERD called upon Greece to ensure that racially motivated crimes are effectively prosecuted and punished.³¹ CERD recommended that Greece conduct research to evaluate the incidence of racial discrimination and take targeted measures to eliminate such discrimination.³²

16. CERD was concerned about reports on the propagation by certain organizations and media outlets of racist stereotypes and hate comments against persons belonging to different ethnic and racial groups. CERD recommended that Greece take effective measures to penalize organizations and media outlets involved in such acts. It further recommended that Greece ban Neo-Nazi groups from its territory and take effective measures to promote tolerance among persons of different ethnic origins.³³

17. CERD was also concerned about reported cases of ill-treatment of asylum seekers and "illegal immigrants", including unaccompanied children. CERD recommended that Greece take more effective measures to treat asylum-seekers humanely and to reduce the period of detention of asylum-seekers, in particular children.³⁴

18. UNHCR observed an increase in the ill-treatment of immigrants, asylum-seekers and refugees and highlighted their particular vulnerability.³⁵ UNHCR was concerned about the phenomena of racist violence in various areas, including areas in central Athens with a high concentration of immigrant and refugee populations. There were increasing reports of racist attacks or threats, and allegations of indifference by the police.³⁶ UNHCR was concerned about attacks on immigrants' residences, places of worship and refugees' shops, and about beatings and stabbings of immigrants and asylum-seekers in the streets as well as racist demonstrations organized by extreme right elements which had left some migrants injured. Incidents frequently remained unreported, also due to the fact that many of the victims were undocumented migrants or refugees, who feared arrest and deportation if they approached the police authorities.³⁷

19. The Human Rights Committee (HR Committee) was concerned at reports of continued discrimination against individuals on the basis of their sexual orientation. It recommended that Greece provide remedies against discriminatory practices and take informational measures to address prejudice and discrimination.³⁸

2. Right to life, liberty and security of the person

20. HR Committee was concerned at the overcrowding and poor conditions prevailing in some prisons and recommended that Greece continue to take measures to address such problems and consider alternative measures to imprisonment.³⁹ CAT raised similar concerns.⁴⁰

21. HR Committee was concerned about civil law provisions that appeared to authorize the imprisonment of a debtor for failure to pay a debt. Despite the interpretive use by Greece of ICCPR in mitigation of this statutory provision, this law could be applied in ways that were incompatible with article 11 of ICCPR.⁴¹

22. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, following a visit to Greece in October 2010, warned that prisons were overcrowded and law enforcement officials were overwhelmed by a constant flow of migrants in irregular situations entering on a daily basis. He observed poor conditions in

places of detention and noted that access to medical care, lawyers and interpreters was very limited. He noted that conditions of custody in the Criminal Investigation Department (CID) were particularly appalling, amounting to inhuman and degrading treatment, in violation of articles 7 and 10 of the ICCPR. The Special Rapporteur had received numerous allegations of beatings by police officers, although there was little forensic evidence. The Special Rapporteur believed that an independent and effective police complaints mechanism with monitoring and investigative powers needed to be established.⁴²

23. According to the Special Rapporteur, the specially designated migration detention centres currently operated outside the legal framework, since a joint decision of the four ministers concerned had not then been issued. In the absence of judicial review, it was extremely difficult for migrants to challenge their detention. Most migrants in irregular situations were held in administrative detention for up to six months pending deportation to their country of origin. Alternatives to detention were rarely considered.⁴³

24. UNHCR stated that the Greek asylum system did not adequately protect asylum-seekers against return to territories where there was a risk of persecution or serious harm. Even in cases where individuals managed to access the asylum procedure, they were not afforded a fair and effective examination of their claims. As a result, they risked refoulement.⁴⁴ The Special Rapporteur on the question of torture similarly observed that the principle of non-refoulement under article 3 of CAT was not sufficiently observed.⁴⁵

25. The Special Rapporteur encouraged the Government to undertake significant reforms to the criminal justice system such as: reducing the use of pretrial detention, ensuring judicial review, establishing an independent police complaints mechanism, decriminalizing certain offences, ensuring fair and speedy trials, reducing prison sentences and applying non-custodial measures.⁴⁶

26. HR Committee was similarly concerned about reports that undocumented aliens were detained in overcrowded facilities, were not informed of their rights and lacked effective means of communication with their families or lawyers. It stated that Greece should ensure that undocumented aliens were informed of their rights, including the right to appeal and to lodge complaints.⁴⁷

27. UNHCR also expressed concern at conditions in migration detention facilities and police and border guard stations. According to UNHCR, the situation had worsened since the entry into force in 2009 of the new law on administrative detention of irregular migrants. This deterioration was significantly more evident at border locations.⁴⁸ Men, women and children were crammed together in dire hygiene conditions and unable to communicate with the outside world. Essential services such as information to persons in detention, language interpretation and legal counselling on the asylum procedure were completely absent. Access to medical treatment or care was very limited. The situation was particularly serious for persons with special needs, such as unaccompanied and/or separated children and single women with small children. The current situation at the borders was characterized as a humanitarian crisis.⁴⁹

28. Moreover, there were a number of reports of police violence, insults or degrading and inhuman treatment suffered by persons in detention.⁵⁰ UNHCR noted reports of cases of ill-treatment of asylum-seekers by law enforcement officials.⁵¹ UNHCR recommended that incidents be effectively and objectively investigated and punished, and that an independent body be established to examine allegations of ill-treatment or torture.⁵²

29. UNHCR recommended ensuring that detention was used only as a last resort, in accordance with the requirements of international law, and that conditions in detention facilities be substantially improved.⁵³

30. CEDAW remained concerned about the persistence of trafficking in women and girls and about the insufficient enforcement of relevant legislation.⁵⁴ HR Committee expressed similar concerns.⁵⁵ CEDAW requested Greece to effectively implement the integrated National Plan of Action against Trafficking in Human Beings. It also called upon Greece to ensure that legislation on trafficking was fully enforced and to increase efforts to prevent trafficking and provide support to victims.⁵⁶

31. In 2006, the Special Rapporteur on the sale of children, child prostitution and child pornography acknowledged progress in combating child trafficking and exploitation, but noted that transnational trafficking remained a problem. The report highlighted both concerns and good practices in addressing the situation of unaccompanied minors seeking asylum, Roma children, domestic violence and child abuse, among others.⁵⁷ The Special Rapporteur recommended that clear rules for the identification of trafficking victims be established, that the detention of alien minors for illegal entry be ended, and that all forms of violence against children be prohibited.⁵⁸ Also in 2006, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women, its causes and consequences, sent a communication to the Greek Government in relation to allegations concerning the trafficking of Roma infants from a neighbouring country, noting that the complex and lengthy procedures for legal adoption in Greece might have brought about an increase in trafficking of children. Greece provided a detailed response outlining its law enforcement measures taken to combat such criminal activities.⁵⁹

32. In 2009, the ILO Committee of Experts requested Greece to redouble its efforts in providing effective protection, including witness protection, to child victims of human trafficking and providing them with all necessary assistance for their removal from forced labour and sexual exploitation and for their rehabilitation and social integration.⁶⁰

33. Notwithstanding a variety of programmes intended to deal with domestic violence, HR Committee regretted the prevalence of that phenomenon and recommended that Greece take measures to raise awareness of the problem and include specific provisions in its penal legislation.⁶¹

34. While noting that a legislative amendment to ban corporal punishment in secondary schools had been tabled in Parliament, HR Committee was concerned at reports of a widespread practice of corporal punishment in schools. HR Committee recommended that Greece prohibit all forms of violence against children and undertake public information efforts in this area.⁶²

35. The ILO Committee of Experts hoped that Greece would bring section 239 of the Code of Public Maritime Law, 1973, into conformity with the Abolition of Forced Labour Convention (No. 105), by clearly limiting sanctions involving compulsory labour applicable to seafarers to situations endangering the safety of the vessel or the life or health of persons.⁶³

3. Administration of justice and the rule of law

36. CAT expressed concern at reports that allegations of torture and ill-treatment were not investigated promptly and impartially.⁶⁴ It recommended that Greece take necessary measures to establish an effective and independent complaints system to undertake prompt and impartial investigations, including immediate forensic medical investigation, into allegations of ill-treatment or torture by police and other public officials.⁶⁵ In its follow-up response, Greece provided information about disciplinary proceedings and the code of ethics, guidelines, handbooks and manuals which should guide the behaviour of police officers.⁶⁶

37. While noting that national legislation provided for sanctions and remedies for gender discrimination, CEDAW was concerned that women might not be aware of, or not have easy access to, the remedies available.⁶⁷ CEDAW requested that Greece remove impediments that women might face in gaining access to justice and provide legal aid services and sensitization about how to utilize available legal recourse.⁶⁸

38. CEDAW was concerned that the availability of the mediation procedure in criminal cases for certain types of domestic violence at the instance of the prosecutor could lead to the re-victimization of women who had suffered violence.⁶⁹ CEDAW recommended that Greece monitor closely the mediation procedure in order to ensure that women's human rights were respected and perpetrators did not escape punishment. CEDAW called on Greece to put in place training measures for judges who conduct mediation in criminal proceedings for domestic violence.⁷⁰

39. UNHCR stated that asylum-seekers did not have access to an effective remedy against negative decisions at first instance, noting that Presidential Decree 81/2009 had abolished the former independent appeals procedure.⁷¹ UNHCR recommended that Greece ensure a fair and effective asylum procedure, including by removing the asylum procedure from the competence of the police and transferring it to a new, autonomous, civilian authority; and by setting up an independent appeals authority.⁷²

4. Right to marriage and family life

40. CEDAW expressed concern that non-application of the general law to the Muslim minority (in Western Thrace) on matters of marriage and inheritance could lead to discrimination against Muslim women. CEDAW also noted with concern the continuing phenomenon of early marriage and polygamy in the Muslim community and called upon Greece to enforce its laws in this regard.⁷³ CEDAW urged Greece to increase efforts to raise the awareness of Muslim women of their rights and available remedies, and to ensure that they benefit from legal provisions on marriage and inheritance.⁷⁴ HR Committee raised similar concerns.⁷⁵

41. CEDAW also expressed concern about the lack of information on the situation of immigrant women who were unable to obtain birth certificates for their children. It called upon Greece to ensure that children of immigrant women were provided with birth certificates.⁷⁶

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

42. HR Committee was concerned at allegations of discrimination against members of minority religions, including in education. In particular, public school students were required to attend classes in the Christian Orthodox religion and could opt out only after declaring their religion. HR Committee encouraged Greece to hold consultations with representatives of minority religions in order to find practical ways to permit appropriate religious instruction to be given if desired. Pupils not wishing to attend religious education classes should not be obliged to declare their different religion.⁷⁷ CERD was concerned about information on certain difficulties encountered by Muslims to practise their religion.⁷⁸ A number of issues relating to minority religions were also identified by the independent expert on minority issues.⁷⁹

43. HR Committee was concerned that the length of alternative service for conscientious objectors was much longer than military service, and that the assessment of applications for such service was solely under the control of the Ministry of Defence. It recommended that Greece should ensure that the length of alternative service did not have a punitive character

and consider placing the assessment of applications for conscientious objector status under the control of civilian authorities.⁸⁰

44. In 2006, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, in an urgent appeal to the Greek Government, expressed concern at information about two separate court proceedings in first instance courts involving recourse to criminal sanctions for media related offences.⁸¹

45. CERD was concerned about obstacles encountered by some ethnic groups in exercising their freedom of association and took note of information on the forced dissolution and refusal to register some associations, including those whose name included words such as “minority”, “Turkish” or “Macedonian”. CERD recommended that Greece adopt measures to ensure the effective enjoyment by all persons of their right to freedom of association and their cultural rights, including the use of mother languages.⁸² HR Committee expressed similar concerns.⁸³ The independent expert on minority issues urged Greece to comply fully with judgments of the European Court of Human Rights that associations should be allowed to use the words “Macedonian” and “Turkish” in their names.⁸⁴

46. The ILO Committee of Experts called for the repeal of Legislative Decree No. 794 of 1970, which allowed the imposition of restrictions on the freedoms of assembly and expression and gave the police discretionary powers to forbid or disperse meetings, enforceable with sanctions of deprivation of liberty.⁸⁵

47. UNHCR noted that according to the law, the right to vote in municipal elections was established for refugees and subsidiary protection beneficiaries. Nevertheless, owing to bureaucratic obstacles and the lack of coordination between the competent authorities, beneficiaries were not registered in the electoral lists.⁸⁶

6. Right to work and to just and favourable conditions of work

48. UNHCR noted that, with regard to the issuance of work permits, asylum-seekers and refugees enjoyed equal treatment to Greek citizens under the law. However, practical barriers were often imposed by the authorities.⁸⁷

7. Right to social security and to an adequate standard of living

49. UNHCR recommended that Greece allow registration and provide access to basic social services for undocumented aliens, and that it draft a comprehensive social policy, in cooperation with refugee and migrant organizations/communities.⁸⁸

50. UNHCR noted that Greek implementing legislation of the 1951 Convention provided that refugees would be treated as equal to Greek citizens regarding access to employment, education, vocational training, health and social assistance. Nevertheless, deficiencies in the integration policy posed problems for recognized refugees with regard to their enjoyment of a number of civil, social and economic rights.⁸⁹

51. UNHCR highlighted obstacles in accessing medical care, subsidiary protection and allowances due to discrimination and inconsistent application of legal provisions.⁹⁰

52. CEDAW was concerned that abortion was often used as a method of birth control.⁹¹ CEDAW recommended that Greece implement programmes and policies aimed at providing effective access for women, including minority women and adolescent girls, to health-care information and contraceptives, and to family planning services.⁹²

53. While acknowledging the important special measures already adopted for the social integration of the Roma, CERD was concerned about obstacles encountered by Roma with regard to access to work, housing, health care and education. CERD recommended that

Greece undertake an evaluation of the results of the “Integrated Action Program for the social integration of Greek Roma” in consultation with the respective communities, and adopt adequate measures to improve the living conditions of the Roma.⁹³ HR Committee raised similar concerns.⁹⁴ The independent expert on minority issues commended Government efforts for developing positive policies on Roma issues, but noted problems of implementation at the local level, particularly concerning living conditions, and segregation in certain public schools. The independent expert emphasized the importance of ensuring that national policies were not subverted or defied by local authorities.⁹⁵ In 2007, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the independent expert on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance sent a joint communication to the Government with regard to allegations concerning forced evictions of Roma communities in various localities.⁹⁶ Greece provided a detailed reply, highlighting also its efforts to improve the living conditions of the Roma.⁹⁷

8. Right to education and to participate in the cultural life of the community

54. CERD was concerned about the alleged limited access to quality education for the Turkish speaking minority in Western Thrace. CERD recommended that Greece improve the quality of education for vulnerable ethnic groups and the Muslim minority, including through training teachers belonging to these groups, ensuring a sufficient number of secondary schools and creating preschools that teach in the mother tongues of their students.⁹⁸

55. CEDAW expressed concern about the low representation of women, including women from minority groups, in tertiary education.⁹⁹ CEDAW urged measures to raise awareness of the importance of education as a human right. It recommended adoption of temporary special measures in order to increase the representation of women in tertiary education.¹⁰⁰

9. Minorities and indigenous peoples

56. The independent expert on minority issues, following a visit to Greece in September 2008, noted that Greece recognized only one minority, the Muslim religious community in Western Thrace, which was protected by the Treaty of Lausanne of 1923. In this regard, the independent expert observed that whether a State officially recognized a minority was not conclusive with regard to its obligations towards minority populations. The independent expert urged Greece to protect the right to self-identification and the freedoms of expression and association of minority communities.¹⁰¹ CERD similarly took note of the explanation by Greece for recognition of a single minority only and called upon Greece to ensure the non-discriminatory implementation, for all groups within the scope of the Convention, of the rights referred to in article 5 of the Convention.¹⁰²

57. Greece, in its response to the observations of the independent expert, affirmed its commitment to respecting the rights of minorities. Greece strongly disagreed with remarks suggesting that Greece promoted a singular national identity and that citizens wishing to freely express their ethnic identity were faced with obstacles. Although Greece did not recognize a distinct ethnic or linguistic minority by the name “Macedonian”, it assured that those claiming to belong to such minority enjoyed full respect for their individual rights. Greece also replied to remarks on the situation of the Muslim minority in Thrace, the situation of the Roma and freedom of religion.¹⁰³

58. CERD noted with concern information on cases of ill-treatment by the police against persons belonging to vulnerable groups, in particular the Roma. CERD encouraged Greece to take further measures to combat the abuse of authority and prevent the ill-treatment of

people belonging to different racial and ethnic groups by the police, to ensure that such acts are effectively prosecuted by the judicial authorities, and to integrate more members of the Roma community into the police.¹⁰⁴ HR Committee raised similar concerns.¹⁰⁵

59. While noting the measures taken by Greece to enhance the integration of minority women into Greek society, such as the Integrated Action Plan for the Social Integration of Roma Women, CEDAW remained concerned that women from ethnic minority groups, in particular Roma and Muslim women, continued to face multiple forms of discrimination with respect to access to education, employment and health care.¹⁰⁶ CEDAW called on Greece to implement effective measures to eliminate discrimination against ethnic minority women.¹⁰⁷

10. Migrants, refugees and asylum-seekers

60. UNHCR observed that the Greek asylum system, including the assessment of asylum claims, was characterized by poor procedures. Legal aid was generally absent and language interpretation resources were severely inadequate. As a result, nearly all asylum applications in Greece were rejected at first instance. In 2009 and 2010, less than one percent of cases decided at first instance had been granted refugee status or subsidiary protection.¹⁰⁸

61. UNHCR stated that asylum-seekers faced major obstacles in accessing the asylum procedure. There were no functioning screening mechanisms at the border areas, due to a shortage of interpreters, a shortage of state-funded legal aid and the fact that no information concerning the asylum procedure was provided. All “illegal immigrants” were issued with deportation and detention orders.¹⁰⁹ UNHCR was concerned that potential asylum-seekers could be subject to return without having had their asylum claims properly registered and examined.¹¹⁰

62. UNHCR characterized the situation, including reception conditions, in Greece, as a humanitarian crisis. Many asylum-seekers and unaccompanied and/or separated children were homeless, sleeping in parks and public squares together with unregistered asylum-seekers and other migrants. In other cases, they lived in precarious conditions that offended human dignity and raised concerns for their safety and survival as well as for public health.¹¹¹

63. UNHCR stated that most asylum-seekers had no material support. Most of the existing 11 reception centres were run by NGOs and depended on unstable funding. There was no financial allowance granted to asylum-seekers in Greece.¹¹² UNHCR recommends renovating existing reception facilities and constructing new ones. Particular attention should be paid to the needs of children.¹¹³

64. UNHCR indicated that, in spite of the adoption of a National Action Plan for Migration Management and discussions on reform of the asylum system that had started in October 2009, the situation for people seeking asylum in Greece had not improved. With increasing numbers of land arrivals, UNHCR monitoring missions found that detention conditions in the Evros region had significantly deteriorated.¹¹⁴

65. UNHCR noted that measures aimed at removing “illegal” immigrants included “sweep” operations with mass arrests, evacuations and increased police patrols in central locations and areas with high concentration of immigrants.¹¹⁵ In the case of evacuations, no alternative accommodation was offered.¹¹⁶ This had resulted in high numbers of asylum-seekers, unregistered asylum-seekers and refugees living on the streets or in deprived neighbourhoods with increased criminality, thus exposing them to the risk of different types of violence.¹¹⁷ Asylum-seekers and other irregularly present people faced difficulties in their attempts to survive on the streets of Athens, without shelter or any other form of reception support.¹¹⁸

66. Noting that Greece was bound by European Union legislation, including the European Union asylum acquis, UNHCR observed that in June 2010, the European Commission had confirmed the initial step of an infringement procedure initiated against Greece for non-compliance with European Union law before the Court of Justice of the European Communities, by sending Greece a supplementary letter of formal notice, reportedly to seek clarification on the implementation of provisions of the Reception Conditions Directive, the Qualification Directive and the Asylum Procedures Directive. An initial letter of formal notice, sent on 3 November 2009, had covered the issues of access to the asylum procedure, respect of fundamental rights including the principle of non-refoulement when conducting border controls, and treatment of asylum-seeking unaccompanied minors.¹¹⁹

67. HR Committee was concerned at the reported neglect of the situation of unaccompanied minors seeking asylum or residing illegally in the country. HR Committee recommended that Greece develop a procedure to address the specific needs of unaccompanied non-citizen children and to ensure their best interests in the course of any immigration, expulsion and related proceedings.¹²⁰

III. Achievements, best practices, challenges and constraints

68. The Special Rapporteur on the question of torture highlighted that Greece was facing a national crisis regarding irregular migration, noting that in 2010 almost all arrests of irregular migrants in the European Union had taken place in Greece. Law enforcement officials were overwhelmed under the pressure of a constant flow of irregular migrants entering on a daily basis. The unprecedented numbers had put border guard stations, police stations and migrant detention centres into a critical state.¹²¹

69. To address the challenges, it would be important to implement new policies and practices, although Greece should not carry the burden of receiving the vast majority of irregular migrants entering the European Union on its own. This was a truly European problem which needed a joint European solution.¹²² The Special Rapporteur was encouraged by the legislative developments which the Government had said it would introduce to the migration and asylum procedures.¹²³

70. UNHCR highlighted as a positive practice that, under Greek law, asylum-seekers and refugees enjoyed equal treatment to Greek citizens with regard to the issuance of work permits.¹²⁴

IV. Key national priorities, initiatives and commitments

A. Pledges by the State

71. In 2006, Greece undertook to ratify a number of international instruments, including with regard to human trafficking, and pledged *inter alia* to maintain good cooperation in promoting and protecting human rights nationally with civil society and the private sector, and internationally with the United Nations human rights mechanisms, including in particular the treaty bodies, the special procedures and the Human Rights Council and UPR.¹²⁵

B. Specific recommendations for follow-up

72. In 2009, CERD requested Greece to provide information, within one year, on its follow-up to recommendations on reported cases of ill-treatment of asylum-seekers and illegal immigrants; and ill-treatment and excessive use of force by Greek police against persons belonging to vulnerable groups, in particular the Roma.¹²⁶ Greece provided the requested information in December 2010.¹²⁷

73. In 2005, HR Committee requested information relating to alleged police violence against migrants and Roma, and the investigation of cases of torture, ill-treatment and disproportionate use of force by police officers.¹²⁸ Greece submitted follow-up responses in March 2007.¹²⁹

74. In 2004, CAT requested information concerning the prevention of torture and ill-treatment, redress and compensation to victims of torture; strict application of new legislation on the use and possession of firearms, prison conditions, non-discrimination against Roma and protection of street children.¹³⁰ Greece submitted a follow-up response in March 2006.¹³¹

75. In March 2006, HR Committee, in its views on communication No. 1070/2002, found a violation of article 14, paragraph 3 (g), of the Covenant (confession under duress), and recommended that Greece provide the author with an effective remedy.¹³² In July 2008, in its views on communication No. 1486/2006, the Committee found a violation to articles 2, paragraph 3, and 7 of the Covenant (right to a remedy in relation to ill-treatment) and requested that the author be provided with an effective remedy and reparation.¹³³ Follow-up dialogue on measures to compensate the victims is ongoing.¹³⁴

76. UNHCR recommended ensuring, at points of entry, unhindered access to a fair and effective asylum procedure, immediate registration and fair and efficient processing of asylum applications.¹³⁵ The Government should implement reforms to the legal framework.¹³⁶ Screening mechanisms at the main points of entry should be developed to identify persons in need of international protection and the needs of particularly vulnerable persons.¹³⁷

77. UNHCR recommended that Greece: cease imposing administrative detention as a standard practice for new irregular migrants; create new reception facilities; increase the number of spaces in already existing structures and improve conditions in those facilities; and reinforce the institution of guardianship for unaccompanied and/or separated children.¹³⁸

V. Capacity-building and technical assistance

N/A

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights

OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

⁴ Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Greece before the Human Rights Council, as contained in the letter dated on 6 April 2006 sent by the Aide-Memoire on the candidature of Greece to the Human Rights Council, available at <http://www.un.org/ga/60/elect/hrc/greece.pdf>, accessed on 26 November 2010.

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁸ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁹ CERD/C/GRC/CO/16-19, para. 19; CEDAW/C/GRC/CO/6, para. 40; and E/CN.4/2006/67/Add.3, para. 111 (a).

¹⁰ CERD/C/GRC/CO/16-19, para. 22

- ¹¹ Ibid., para. 23.
- ¹² CEDAW/C/GRC/CO/6, para. 37.
- ¹³ CAT/C/CR/33/2, para. 8.
- ¹⁴ CEDAW/C/GRC/CO/6, para. 8.
- ¹⁵ For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/65/340, annex 1.
- ¹⁶ A/HRC/13/45, annex III, para. 9.1.
- ¹⁷ CERD/C/GRC/CO/16-19, para. 18.
- ¹⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009GRC111, first paragraph.
- ¹⁹ Ibid.
- ²⁰ UNHCR submission to the UPR on Greece, p. 2.
- ²¹ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child. |
- ²² The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 October 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2; (x) A/HRC/14/ 46/Add.1; (y) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see http://www2.ohchr.org/english/issues/water/ixexpert/written_contributions.htm; (z) A/HRC/15/32, para. 5.
- ²³ OHCHR 2006 Annual Report, pp. 158 and 160; OHCHR 2007 Report, Activities and Results, pp. 147, 151, 154 and 163; OHCHR 2008 Report, Activities and Results, pp. 174, 179, 182 and 192; OHCHR 2009 Report, Activities and Results, pp. 190, 195, 198 and 206; OHCHR 2010 Report, Activities and Results (forthcoming).
- ²⁴ CEDAW/C/GRC/CO/6, para. 13.
- ²⁵ Ibid., para. 14.
- ²⁶ Ibid., para. 29.
- ²⁷ Ibid., para. 30.
- ²⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 062009GRC111, second paragraph.
- ²⁹ CEDAW/C/GRC/CO/6, para. 23.
- ³⁰ Ibid., para. 24.
- ³¹ CERD/C/GRC/CO/16-19, para. 10.
- ³² Ibid., para. 8.
- ³³ Ibid., para. 11.
- ³⁴ Ibid., para. 12.
- ³⁵ UNHCR submission to the UPR on Greece, p. 10.
- ³⁶ Ibid., p. 10.
- ³⁷ Ibid., p. 10.
- ³⁸ CCPR/CO/83/GRC, para. 19.

- ³⁹ Ibid., para. 12.
- ⁴⁰ CAT/C/CR/33/2, para. 5 (i).
- ⁴¹ CCPR/CO/83/GRC, para. 13.
- ⁴² Press release of 20 October 2010.
- ⁴³ Ibid.
- ⁴⁴ UNHCR submission to the UPR on Greece, p. 4.
- ⁴⁵ Press release of 20 October 2010.
- ⁴⁶ Ibid.
- ⁴⁷ CCPR/CO/83/GRC, para. 11.
- ⁴⁸ UNHCR submission to the UPR on Greece, p. 7.
- ⁴⁹ Ibid., pp. 7–8.
- ⁵⁰ Ibid., p. 7.
- ⁵¹ Ibid., p. 10.
- ⁵² Ibid., p. 11.
- ⁵³ Ibid., p. 8.
- ⁵⁴ CEDAW/C/GRC/CO/6, para. 21.
- ⁵⁵ CCPR/CO/83/GRC, para. 10.
- ⁵⁶ CEDAW/C/GRC/CO/6, para. 22.
- ⁵⁷ E/CN.4/2006/67/Add.3, pp. 2–3.
- ⁵⁸ Ibid., paras. 112, 113 and 119.
- ⁵⁹ A/HRC/4/23/Add.1, paras. 96–104.
- ⁶⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009GRC182, sixth and seventh paragraphs.
- ⁶¹ CCPR/CO/83/GRC, para. 7.
- ⁶² Ibid., para. 16.
- ⁶³ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Abolition of Forced Labour Convention, 1957 (No. 105), 2010, Geneva, doc. No. (ILOLEX) 062010GRC105, first to sixth paragraph.
- ⁶⁴ CAT/C/CR/33/2, para. 5 (e).
- ⁶⁵ Ibid., para. 6 (f).
- ⁶⁶ CAT/C/GRC/CO/4/Add.1, paras. 1 to 15.
- ⁶⁷ CEDAW/C/GRC/CO/6, para. 15.
- ⁶⁸ Ibid., para. 16.
- ⁶⁹ Ibid., para. 19.
- ⁷⁰ Ibid., para. 20.
- ⁷¹ UNHCR submission to the UPR on Greece, p. 6.
- ⁷² Ibid., p. 6.
- ⁷³ CEDAW/C/GRC/CO/6, paras. 33–34.
- ⁷⁴ Ibid., para. 34.
- ⁷⁵ CCPR/CO/83/GRC, para. 8.
- ⁷⁶ CEDAW/C/GRC/CO/6, paras. 31–32.
- ⁷⁷ CCPR/CO/83/GRC, para. 14.
- ⁷⁸ CERD/C/GRC/CO/16-19, para. 14.
- ⁷⁹ A/HRC/10/11/Add.3, paras. 11–39, 103 and 104.
- ⁸⁰ CCPR/CO/83/GRC, para. 15.
- ⁸¹ A/HRC/4/27/Add.1, paras. 249–250.
- ⁸² CERD/C/GRC/CO/16-19, para. 15.
- ⁸³ CCPR/CO/83/GRC, para. 20.
- ⁸⁴ A/HRC/10/11/Add.3, para. 90.
- ⁸⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Abolition of Forced Labour Convention, 1957 (No. 105), 2010, Geneva, doc. No. (ILOLEX) 062010GRC105, twelfth to fourteenth paragraphs.
- ⁸⁶ UNHCR submission to the UPR on Greece, p. 12.
- ⁸⁷ Ibid., pp. 11–12.
- ⁸⁸ Ibid., p. 11.

- ⁸⁹ Ibid., p. 11.
⁹⁰ Ibid., p. 12.
⁹¹ CEDAW/C/GRC/CO/6, para. 25.
⁹² Ibid., para. 26.
⁹³ CERD/C/GRC/CO/16-19, para. 16.
⁹⁴ CCPR/CO/83/GRC, para. 18.
⁹⁵ A/HRC/10/11/Add.3 p. 2 and paras. 96–98.
⁹⁶ A/HRC/7/16/Add.1, paras. 50–51.
⁹⁷ A/HRC/10/7/Add.1, paras. 45–51.
⁹⁸ CERD/C/GRC/CO/16-19, para. 17.
⁹⁹ CEDAW/C/GRC/CO/6, para. 27.
¹⁰⁰ Ibid., para. 28.
¹⁰¹ A/HRC/10/11/Add.3, p. 2, and paras. 83, 88 and 90.
¹⁰² CERD/C/GRC/CO/16-19, para. 8.
¹⁰³ A/HRC/10/G/5, pp. 2–7.
¹⁰⁴ CERD/C/GRC/CO/16-19, para. 13.
¹⁰⁵ CCPR/CO/83/GRC, para. 9.
¹⁰⁶ CEDAW/C/GRC/CO/6, para. 17.
¹⁰⁷ Ibid., para. 18.
¹⁰⁸ UNHCR submission to the UPR on Greece, p. 6.
¹⁰⁹ Ibid., p. 5.
¹¹⁰ Ibid., p. 4.
¹¹¹ Ibid., p. 8.
¹¹² Ibid., pp. 8–9.
¹¹³ Ibid., p. 9.
¹¹⁴ Ibid., pp. 7–8.
¹¹⁵ Ibid., p. 9.
¹¹⁶ Ibid., p. 9.
¹¹⁷ Ibid., p. 9.
¹¹⁸ Ibid., p. 3.
¹¹⁹ Ibid., p. 2.
¹²⁰ CCPR/CO/83/GRC, para. 17.
¹²¹ Press release of 20 October 2010.
¹²² Ibid.
¹²³ Ibid.
¹²⁴ UNHCR submission to the UPR on Greece, pp. 11–12.
¹²⁵ Pledges and commitments undertaken by Greece before the Human Rights Council, as contained in the letter dated on 6 April 2006 sent by the Aide-Memoire on the candidature of Greece to the Human Rights Council, available at <http://www.un.org/ga/60/elect/hrc/greece.pdf>, accessed on 26 November 2010.
¹²⁶ CERD/C/GRC/CO/16-19, para. 26.
¹²⁷ CERD/C/GRC/CO/16-19/Add.1.
¹²⁸ CCPR/CO/83/GRC, para. 22.
¹²⁹ A/62/40 (Vol. I), pp. 134–135.
¹³⁰ CAT/C/CR/33/2, para. 10.
¹³¹ CAT/C/GRC/CO/4/Add.1.
¹³² CCPR/C/86/D/1070/2002.
¹³³ CCPR/C/93/D/1486/2006.
¹³⁴ A/64/40 (Vol. I), p. 143.
¹³⁵ UNHCR submission to the UPR on Greece, p. 5.
¹³⁶ Ibid., p. 6.
¹³⁷ Ibid., p. 5.
¹³⁸ Ibid., pp. 8–9.