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**Summary prepared by the Office of the High Commissioner
for Human Rights in accordance with paragraph 15 (c) of the
annex to Human Rights Council resolution 5/1**

Greece*

The present report is a summary of 11 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. 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), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. The Council of Europe Commissioner for Human Rights (CoE Commissioner) observed that Greece was party to most of the major international and European human rights instruments.²

2. The National Commission for Human Rights (NCHR) recommended that Greece ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Rights of All Migrant Workers and Members of their Families; the Convention on the Rights of Persons with Disabilities; Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms; European Social Charter (revised); Framework Convention for the Protection of National Minorities; Council of Europe Convention on Action against Trafficking in Human Beings; and the European Convention on Nationality.³ The European Roma Rights Centre (ERRC) recommended that Greece become a party to the UNESCO Convention against Discrimination in Education.⁴

B. Constitutional and legislative framework

3. The European Commission against Racism and Intolerance (CoE-ECRI) welcomed as a positive development the adoption, in 2005, 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. However, CoE-ECRI also drew attention to a number of lacunas in the law and recommended measures to ensure more vigorous implementation.⁵ NCHR and CoE-ECRI also made a number of recommendations for the amendment of the law.⁶ In particular, NCHR recommended that the law be amended so as to prohibit multiple discrimination and to prevent any prohibited discriminatory treatment against third country nationals on the grounds of their nationality.⁷

4. Lesbian and Gay Community of Greece (OLKE) drew attention to the 2006 Gender Equality Act, which set out rules governing the equal treatment of women and men in employment, education and employment conditions and introduced the notion of sexual harassment in Greek legislation.⁸

5. Conscience and Peace Tax International (CPTI) expressed concerns at the existence of provisions in Law 2510/1997 which, in time of war, provided for mandatory military service as well as for voluntary enlistment from the age of 17. Although Greece indicated that these provisions should be read as applicable only from the 18th birthday, CPTI was of the view that an explicit prohibition of mandatory recruitment before the age of 18 would be reassuring.⁹

C. Institutional and human rights infrastructure

6. NCHR indicated that, in recent years, Greece had experienced the establishment of a multitude of independent authorities and other bodies with responsibility for the protection of human rights.¹⁰ NCHR reported that it was accredited with 'A' status by the International Co-ordinating Committee and that four independent authorities and entities were member institutions of the NCHR.¹¹

7. Joint Submission 1 (JS1) reported that the Ombudsman Office had been effectively weakened since October 2009, with the departure of the Ombudsman and two deputy ombudsmen, and the time elapsed for their replacement.¹²

8. CoE-ECRI reported that the Ombudsman, the Committee for Equal Treatment and the Labour Inspectorate were entrusted with combating racism and racial discrimination in the public and private sectors.¹³ NCHR considered that the Greek Ombudsman should become a fully fledged equality body so as to promote and monitor the implementation of all aspects of the equal treatment principle in all sectors.¹⁴

D. Policy measures

9. While welcoming the 2010 launch of a National Plan for Substantive Gender Equality 2010-2013, NCHR reported that there were no national action plans on human rights, against racism, or for children's rights.¹⁵

10. NCHR regretted the lack of inclusion of human rights in school curricula and of a national action plan on human rights education.¹⁶

11. NCHR was of the view that the training of the police needed to be reformed, with emphasis on respect for human rights.¹⁷

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

Cooperation with treaty bodies

12. JS1 reported on the failure to execute a decision of the Human Rights Committee.¹⁸ JS1 also asserted that there was a systematic failure to submit reports to the United Nations treaty bodies on time, and that these reports and the ensuing recommendations remained unknown in Greece as they were not disseminated.¹⁹ JS1 stated that Greece systematically failed to implement the recommendations of human rights bodies and did not take them into account when submitting subsequent reports.²⁰ Similar concerns related to delays in reporting and the content of reports were expressed by NCHR.²¹

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

13. JS1 stated that Greece continued to be characterized by the persistence of patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society.²²

14. JS1 indicated that there was persistence in the under-representation of women at all levels of political and public life and in decision-making, particularly in Parliament, in the foreign service, in trade unions and employers' associations, and, including women from minority groups, in tertiary education.²³

15. JS1 reported that Greece had taken no action relating to impediments that Muslim minority women in Thrace might face as a result of the non-application of the general law of Greece to the Muslim minority on matters such as marriage and inheritance, where a very conservative version of the sharia law was applied by state-appointed muftis.²⁴ NCHR

called for the abrogation of the judicial competences of the Greek Muftis.²⁵ CoE Commissioner also raised concerns at this situation.²⁶

16. NCHR expressed deep concerns at the persistent inequalities experienced by the Greek Roma community in all aspects of life.²⁷

17. NCHR reported that incidents of racist violence had increased over the past two years. Especially in some areas of Athens attacks against foreigners had become a daily phenomenon and hate speech had reached its peak.²⁸ JS1 reported that there had been no effective prosecutions of authors, including politicians, of public statements and media articles made since August 2009 which propagate anti-Roma, Islamophobic, anti-Semitic or anti-minority stereotypes or hatred. In two recent trials based on anti-racism law No. 927/1979, Greek courts had acquitted the authors of notorious extreme right, neo-Nazi publications for anti-Semitic or anti-Roma texts.²⁹

18. CoE-ECRI recommended that Greece enable civil society actors to bring cases to court under the equal treatment legislation even if a specific victim was not referred to.³⁰ CoE-ECRI also recommended that Greece act more vigorously to ensure the punishment of breaches of Law 927/1979 in order to adequately combat incitement to racial hatred.³¹ CoE-ECRI also recommended that Greece take awareness-raising measures against racism, such as national campaigns, and that civil servants, elected representatives and politicians be provided training on issues of racism and racial discrimination.³²

19. OLKE observed that there was no legal provision regarding hate speech related to homophobia or discrimination on the ground of sexual orientation, and that expressions of homophobia by politicians and church leaders could be found in the media.³³ OLKE recommended that Greece adopt explicit legal measures to ensure that the exercise of freedom of opinion and expression did not violate the rights of persons of diverse sexual orientations and gender identities.³⁴

20. OLKE reported that the Gender Equality Act had explicitly included sexual orientation as a ground of discrimination and introduced the reversed “burden of proof”. However, transsexual and transgender persons were not protected from discrimination based on gender, gender identity or gender expression, as the Greek legislation did not differentiate “sex” from “gender”.³⁵ OLKE deplored the lack of jurisprudence on discrimination against LGBT persons and the lack of data and research on this group. OLKE recommended that Greece undertake public awareness-raising campaigns in order to combat prejudices relating to sexual orientation and gender identity in employment.³⁶

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

21. Amnesty International (AI) referred to reports of ill-treatment by law enforcement officials, especially against members of marginalized groups such as migrants, asylum-seekers and Roma.³⁷ Human Rights Watch (HRW) reported that, when forcibly returning migrants at the Evros River border, Greek police sometimes hit and kicked them.³⁸ HRW also gathered numerous and consistent testimonies from migrants who said they were ill-treated at the hand of police or coast guard officials upon apprehension and while detained. Both children and adults reported ill-treatment.³⁹ The Society for Threatened People (STP) raised similar concerns.⁴⁰ AI echoed concerns raised over the lack of effective execution by Greece of the judgments by the European Court of Human Rights in relation to actions by police and of their failure to provide reparation.⁴¹

22. CoE Commissioner expressed deep concerns at the existence of mined areas in the Evros Department where “illegal” migrants had been killed or seriously injured by land mines.⁴²

23. AI reported on the killing of a 15-year-old boy, Alexis Gregoropoulos, in December 2008 by a police officer in Athens and on allegations of excessive use of force and ill-treatment by police on peaceful demonstrators during the protests which resulted from this death. AI also mentioned large number of arbitrary transfers of protesters to police stations, excessive use of force and ill-treatment by police and the use of motorbikes by the police in a way that resulted in injury to some demonstrators during protests on the first anniversary of the shooting of Alexis Gregoropoulos.⁴³
24. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) indicated that apprehended persons continue to run a considerable risk of being ill-treated by law enforcement officials.⁴⁴ CoE-CPT emphasized that investigations on such ill-treatment should be conducted in a thorough and expeditious manner.⁴⁵ JS1 reported that there had not been any conviction on torture charges.⁴⁶
25. ERRC reported that ill-treatment of Roma by police was widespread throughout Greece. ERRC made reference to judgments of the European Court of Human Rights and to an individual communication of the Human Rights Committee in this regard.⁴⁷
26. ERRC recommended that Greece effectively investigate instances of police violence against Roma and establish effective and deterrent sanctions for police violence with racial motive and craft preventive education programmes in this regard.⁴⁸
27. AI noted that Greece was drafting a law which would establish an independent Bureau under the direct authority of the Ministry of Citizens' Protection to deal with incidents of arbitrary conduct by law enforcement officials.⁴⁹ AI recommended that Greece establish an independent and effective police complaints mechanism to investigate all allegations of human rights violations by the police.⁵⁰ HRW, NCHR and CoE-CPT made a similar recommendation.⁵¹
28. In light of the incidence of racist violence, CoE-ECRI recommended that Greece combat racist crimes more actively and carry out a long-term campaign against racist crimes aimed at the public in general and minorities in particular, to encourage the latter to report the crimes.⁵²
29. JS1 reported that out of the approximately 500 children who had gone missing from the Aghia Varvara institution between 1998 and 2002, only four children had been located to date, while the criminal investigation had been idle for several years.⁵³
30. JS1 reported that there was no known prosecution and conviction of persons under the 2006 Law on Combating Domestic Violence.⁵⁴ JS1 added that there was still an absence of national data on the incidence of child abuse and neglect. Physical, psychological, and sexual abuse continued to be frequent within the family and in the context of institutional care, while social, medical and other service resources were primarily limited to Athens and were even insufficient.⁵⁵
31. NCHR proposed, inter alia, the strengthening of victim support structures, the need for specialized training of the police and for the adoption of a comprehensive National Action Plan for the prevention of domestic violence. NCHR participated in the Drafting Committee of a new Law in this regard.⁵⁶
32. JS1 reported that there were no provisions, no monitoring and no data on prosecution of sexual violence not only when the victims were detainees but in society in general.⁵⁷
33. JS1 reported that all requests from non-governmental organizations to visit detention centers were rejected.⁵⁸ CoE-CPT called upon Greece to establish a system of frequent visits to law enforcement establishments by an independent authority.⁵⁹ CoE-CPT also reported about the poor conditions and overcrowding in detention facilities it visited, and

the fact that men and women were not always separated. CoE-CPT made a number of recommendations in this regard.⁶⁰ NCHR similarly expressed the need for Greece to improve conditions of detention in its detention facilities, although acknowledging the magnitude of the challenge this constituted for the country. NCHR encouraged Greece to implement recommendations made by all regional and international human rights monitoring bodies in this regard.⁶¹

34. CoE-CPT called on Greece to ensure that all persons deprived of their liberty had an effective right to notify a close relative, to have access to a lawyer, and were informed about these rights in an appropriate language, as from the very outset of their deprivation of liberty.⁶²

35. JS1 reported that there was no information on any final criminal convictions of traffickers with prison sentences exceeding ten years. JS1 made reference to a case in which three traffickers who had been sentenced to longer terms of imprisonment at first instance walked free as their sentence was suspended pending the examination of their appeal.⁶³ NCHR reported that Greece recently ratified the UN Convention against Transnational Organised Crime and its three Protocols. The framework protection included a better protection of victims and witnesses.⁶⁴

3. Administration of justice and the rule of law

36. NCHR noted major structural deficiency of the judicial system, in particular excessive delays and the absence of an effective domestic remedy for the violation of the right to a fair trial within a reasonable time.⁶⁵

37. NCHR indicated that post-correctional care should be substantially strengthened and that it was necessary to develop a new and comprehensive correctional policy, in particular regarding drug related offences, on the basis of substantiated scientific study emphasizing prevention.⁶⁶

38. NCHR indicated that non-compliance of the public administration with domestic judgments was a major problem in spite of the entry into force of Law 3068/2002, providing for a judicial monitoring system to ensure the administration's compliance with domestic judgments. NCHR recommended several amendments to this law so as to ensure prompt compliance of the administration.⁶⁷

39. NCHR highlighted deficiencies in the legal aid system, as the law did not cover cases before administrative courts or legal aid for asylum seekers in the context of the administrative examination of their application. NCHR also noted the lawyers' unwillingness to register with the legal aid catalogues of the Bar Associations due to the low fees and excessive delays in their reimbursement.⁶⁸

40. The Council of Europe's Groups of States against Corruption (CoE GRECO) stated that Greece had not yet an appropriate mechanism to efficiently protect from retaliation whistleblowers who report in good faith suspicions of corruption.⁶⁹

41. JS1 indicated that juvenile justice standards with regard to arrest and detention proceedings were not respected. Occasional detention of children with adults still occurred. The right of children to legal representation or other appropriate assistance was not always systematically guaranteed.⁷⁰

4. Right to privacy, marriage and family life

42. JS1 also stated that there was persistence in early marriages and polygamy in the Muslim community although it was against the Greek constitutional order.⁷¹

43. JS1 reported that children's opinions were insufficiently taken into consideration in the context of judicial or administrative decisions, including in the context of child custody procedures following parental separation and decisions to place a child in a State institution, foster care, or other form of alternative care.⁷² JS1 added that after the separation of some Muslim parents, custody of children below a certain age was systematically awarded to mothers while custody of children above a certain age was systematically awarded to fathers, without due regard for the best interests and opinion of the child.⁷³

44. JS1 reported that persons who speak a language other than Greek, including refugees and asylum seekers, had difficulty in registering names for their children in their native language.⁷⁴

45. NCHR recommended that parental leave be granted as an autonomous, non-transferable right to all employees of both sexes. Special measures should be taken for single-parent families and unilateral arrangement by the employer should be excluded.⁷⁵

46. NCHR underlined the need for legal recognition of same sex couples, noting that the civil union pact, enacted in 2008, expressly excluded these couples, which constituted discrimination.⁷⁶ In this context, OLKE noted that there were two pending cases of same sex couples before the courts regarding the validity of their marriage, based on the premise that domestic law generally did not explicitly exclude same sex marriage.⁷⁷ JS1 recommended that Greece recognize same sex couples so that they cease to be discriminated against on matters of inheritance, tax, social security, health and welfare, pensions, and work.⁷⁸

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

47. JS1 reported that the hundreds of thousand Muslim migrants outside the Muslim-minority populated regions of Thrace had no mosques to pray and no cemeteries to be buried, having to resort instead to unauthorized makeshift mosques and ship their dead to Thrace or their countries of origin.⁷⁹ The tolerance by the State of Islamophobia helped explain why even the legally secured construction of a mosque in Athens had been delayed for years.⁸⁰

48. NCHR considered as problematic the appointment process of the Greek Mufti in Thrace by the Greek State and requested the abrogation of religious oath, provided for in several laws, and its replacement by the civil oath.⁸¹

49. JS1 also reported that public school students were still required to attend instructional classes in the Christian Orthodox religion and could opt out only after declaring their different religion.⁸²

50. CoE-ECRI recommended that proselytism be decriminalised.⁸³

51. CPTI, AGCO and the European Bureau for Conscientious Objection (EBCO) observed that Greece still had a compulsory military service for men and that a form of civilian service had been introduced by law in 1997.⁸⁴ The Association of Greek Conscientious Objectors (AGCO) reported that Law 3883/2010, introduced in September 2010, provided for a duration of civilian service which was twice as long as the military one and thus punitive in nature. While the duration could be decreased by decision of the Minister of Defence, it had to be equal to the maximum duration of the military service increased by at least two months.⁸⁵ AGCO, CPTI and EBCO reported that Greece did not inform conscripts of their right to conscientious objection⁸⁶ AGCO, AI and EPCO stated that applications for conscientious objection needed to be submitted through a time consuming procedure to a special advisory committee, under the jurisdiction of the Ministry

of Defence.⁸⁷ AGCO reported that applicants were subjected to discriminatory and offensive treatment during their interview by this committee.⁸⁸ CPTI and EBCO reported that there was evidence of discrimination between applicants based on the grounds on which their conscientious objection was based.⁸⁹ AGCO stated that, as of November 2010, the committee had rejected around 50 percent of applications.⁹⁰ In case of rejection, no adequate justification was given.⁹¹ AGCO petitioned the office of the Greek Ombudsman asking for an investigation into the constitutional legitimacy of this committee.⁹² CPTI recommended that assessment of applications should be under the control of civilian authorities.⁹³

52. AGCO reported that, when men were denied the right to perform civilian service but refused to serve in the armed forces, they were charged with insubordination through a military court, which might happen several times until they reached the age of 45 years.⁹⁴ EBCO provided specific examples in this regard.⁹⁵ CPTI reported that male citizens within the age range of liability for military service, who had not satisfied the requirements, experienced severe restrictions of their civil rights.⁹⁶ AI recommended that Greece end the prosecution of conscientious objectors and amend the legislation providing for a punitive and discriminatory length of alternative service.⁹⁷ EBCO made similar recommendations and added that information on the status of conscientious objector and the means of obtaining such status should be readily available to all those liable to be conscripted to the armed forces.⁹⁸

53. AGCO and EBCO also drew attention to the criminalization of inciting on purpose a person to disobey the call-up to the army.⁹⁹

54. EBCO expressed concerns about acts of violence directed against conscientious objectors, including an attack with a hand grenade against a building hosting a meeting of AGCO in 2009 and a bomb threat telephone call against a public event on conscientious objection in 2008.¹⁰⁰

55. OLKE noted that public demonstrations, pride marches and other mass events were allowed by national law if they were peaceful and unarmed. Freedom of expression and assembly was guaranteed by the Constitution.¹⁰¹

56. JS1 reported that Greece refused to execute four judgments of the European Court of Human Rights concerning the dissolution or refusal to register associations established by persons belonging to the Turkish or the Macedonian minorities, as Greece continued to deny registration to these associations.¹⁰²

57. OLKE reported that the National Council for Radio and Television dealt with LGBT issues in a way which practically sanctioned the presence of LGBT fictional characters on Greek television. OLKE recommended that Greece ensure that the outputs of media were pluralistic and non-discriminatory in respect of issues of sexual orientation and gender identity.¹⁰³

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

58. While welcoming measures taken by Greece relating to inequalities in employment, CoE-ECRI noted that Roma, Muslims in Western Thrace and immigrants continued to lag behind and were confronted with discrimination in this area. It urged Greece to take further measures to improve the integration of these vulnerable groups into the labour market.¹⁰⁴

59. NCHR examined the conditions of work in the context of the increasing number of contract works and other flexible forms of occupation and recommended that existing legislative gaps should be filled by specific provisions consolidating workers' rights and imposing financial and insurance guarantees for them under the threat of serious and direct

sanctions. The effectiveness of the inspection mechanisms should be assured by increasing their resources.¹⁰⁵

60. The European Committee on Social Rights (CoE-ECSR) concluded that self-employed workers were not sufficiently covered by occupational safety and health regulations.¹⁰⁶ Moreover, CoE-ECSR could not establish that the labour inspections services were effective.¹⁰⁷

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

61. CoE-ECSR reported that the State health care budget in 2006 represented 9.9 percent of the Gross Domestic Product, which was among the highest proportions in Europe.¹⁰⁸

62. JS1 reported that there was a shortage of qualified personnel to provide health and educational support to children with disabilities. Access facilities for persons, including children, with physical disabilities to public areas, buildings and transport remained poor and legislation in this regard was not sufficiently enforced.¹⁰⁹

63. ERRC reported that, out of approximately 265,000 Roma living in Greece, a large proportion lived in 52 improvised and dangerous tent encampments while most others resided in poorly constructed dwellings lacking access to basic services such as electricity and water. ERRC added that substandard housing conditions of Roma were rampant and provided examples.¹¹⁰ ERRC indicated that there had been over 20 documented forced evictions of Roma in Greece since 2004. Threats of evictions by municipal authorities vis-à-vis Roma were common throughout Greece.¹¹¹

64. ERRC recommended that Greece guarantee adequate housing conditions for all Roma through effective government programmes, including the provision of basic services and infrastructure in Roma settlements and neighborhoods. ERRC also recommended that Greece stop forced evictions of Roma, respect procedural guarantees with regard to evictions of Roma and secure Roma victims of evictions alternative accommodation.¹¹²

65. JS1 noted that the amount of financial “allowances” provided by the State to assist in the care of children under certain circumstances were extremely low, and that many Roma families did not receive these allowances at all.¹¹³ CoE-ECSR stated that the minimum unemployment benefits for beneficiaries without dependants was manifestly inadequate and that there was no legally established general assistance scheme that would ensure that everyone in need has an enforceable right to social assistance.¹¹⁴

66. JS1 stated that abortion continued to be often used by women and adolescent girls as a method of birth control, due to inadequate access to family planning and contraceptive methods, while Greece did not keep disaggregated data about the incidence of abortion.¹¹⁵

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

67. ERRC reported that discrimination of Roma children in accessing education was wide-spread throughout Greece. In a 2010 study carried out in 28 localities, ERRC noted that Roma children were not enrolled into kindergartens and primary schools, or when in school, were kept in segregated environments, although a judgment of the European Court of Human Rights had ordered Greece to remedy this situation. ERRC reported that, in some cases, Roma children were separated from non-Roma children within the same school or in the vicinity thereof.¹¹⁶ The ERRC also documented instances, where Roma children had considerable difficulty accessing the school where they were enrolled due to difficult commuting.¹¹⁷ JS1 also indicated that there was a high dropout rate and a very high illiteracy rate among Roma children.¹¹⁸

68. ERRC recommended that Greece take all necessary steps to include Roma children in desegregated kindergartens and primary schools, as well as to establish effective support measures between Roma communities and schools to prevent high drop out rates among Roma pupils.¹¹⁹

69. CoE-ECRI extended concerns relating to education of children living in Western Thrace and children of immigrants and made recommendation in this regard.¹²⁰

9. Minorities and indigenous peoples

70. CoE Commissioner indicated that Greece recognized only one minority, namely the Muslim one in Western Thrace and made reference to the serious concerns expressed by regional and United Nations monitoring bodies about the policy and practice followed so far by Greece vis-à-vis minorities.¹²¹

71. ERRC recommended that Greece protect the human rights of Roma in Greece, and investigate and strongly condemn racial discrimination and other rights violations.¹²² CoE-ECRI recommended that Greece create more systematic and long-term mechanisms for monitoring and evaluating the implementation of the Integrated Action Plan for Roma.¹²³

72. CoE Commissioner and CoE-ECRI drew attention to the persons who had lost Greek citizenship by virtue of article 19 of the Greek Nationality Code which had been applied from 1955 until 1998. Out of 60'000 affected persons, 200 stateless persons remained in Greece. It was expected that soon Greek citizenship would be granted to them.¹²⁴

10. Migrants, refugees and asylum-seekers

73. CoE Commissioner indicated that asylum applications had increased from under 5000 in 2004 to over 25000 in 2007.¹²⁵ AI reported that asylum-seekers were frequently denied access to asylum determination procedure and a fair hearing of their claim. There was little access to legal counselling, interpretation services and relevant information. In 2009 and 2010, refugee and other protection status recognition rates had continued to be very low and the CoE Commissioner expressed concerns in this regard.¹²⁶ HRW reported that the low approval rate was due, at least in part, to the poor quality of asylum interviews and poor interpretation during those interviews.¹²⁷

74. HRW stated that asylum seekers were often fearful of lodging claims in the border region and islands and reported about conflicting and confusing information provided to asylum seekers. Many asylum seekers fell out of the procedure because they did not understand that their application had been rejected and that deadlines to lodge an appeal had expired.¹²⁸ AI and HRW reported that in 2009 the Appeals Board had been abolished within the asylum determination procedure, thus depriving asylum-seekers from an effective right of appeal against decisions at first instance.¹²⁹ HRW and NCHR indicated that there was a backlog of almost 45.000 applications.¹³⁰ CoE Commissioner noted the lack of asylum processing centres and human resources and the centralisation of asylum procedures in Athens.¹³¹

75. AI and HRW reported that many asylum-seekers, including women and children, were forced to live on the streets without assistance due to the limited number of reception facilities.¹³² STP and CoE Commissioner expressed similar concerns.¹³³ HRW added that unaccompanied children were regularly hired for agricultural and construction work, with poor working conditions. The high numbers of destitute migrants had also caused tensions with the local population in central Athens.¹³⁴ HRW recommended that Greece create sufficient numbers of appropriate reception places and ensure that all unaccompanied children were correctly identified and immediately referred to adequate care arrangements that protect them from exploitation and abuse, irrespective of whether they seek asylum.¹³⁵

CoE Commissioner and CoE-ECRI raised also concerns and made recommendations in this regard.¹³⁶

76. AI expressed concerns about the routine detention of irregular migrants and asylum-seekers, including unaccompanied children, without proper consideration being given to alternatives to detention.¹³⁷ STP mentioned that in 2008 nearly 150'000 irregular migrants had been arrested in Greece.¹³⁸ HRW described the conditions at the two detention facilities for migrants of the old Ellinikon airport as unacceptable.¹³⁹ CoE-CPT also reported on poor conditions of the sites it had visited, with the notable exception of the site of Filakio.¹⁴⁰ AI indicated that Law No. 3772 (2009) had increased the maximum period that an alien could be held in temporary detention pending deportation from three to six months. The maximum period could be extended by a further 12 months under certain circumstances.¹⁴¹ AI echoed recommendations made by UNHCR and the Special Rapporteur on Torture in this regard.¹⁴² STP mentioned cases of hunger strike and protests by detainees.¹⁴³ AI recommended that Greece halt the administrative detention of asylum-seekers and irregular migrants for immigration purposes other than in the most exceptional circumstances, and that it immediately end the practice of detaining unaccompanied children.¹⁴⁴

77. HRW found summary forcible expulsions across the Evros River by Greek police and security forces to be routine and systematic. HRW added that, even with regard to formal deportations, Greece had failed to observe its international obligations on the principle of *non-refoulement*¹⁴⁵. AI recommended that Greece ensure that no individual was directly or indirectly *refouled* to their country of origin, or any other country in respect to which they claim persecution.¹⁴⁶ HRW also made a recommendation to respect the principle of *non-refoulement* and to ensure that deportations were lawful and in accordance with due process and after exhaustion of legal remedies.¹⁴⁷

78. AI reported that Greece had adopted a National Action Plan on Asylum Reform and Migration Management and announced that it was taking temporary measures to ameliorate the situation of detained asylum-seekers and irregular migrants.¹⁴⁸ However, AI recommended that Greece establish and implement without delay 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.¹⁴⁹ STP made a similar recommendation.¹⁵⁰ HRW added that Greece should place the asylum system out of the hands of the police and train a specialized corps of asylum interviewers, interpreters, and decision-makers. It should also reinstitute an appeals procedure.¹⁵¹

79. CoE-ECRI urged Greece to address structural problems within the administration which continued to slow down the process for issuing and renewing residence permits. It encouraged Greece to continue measures taken to integrate immigrants into Greek society and strongly recommended that a long-term government funded integration strategy be devised.¹⁵²

80. AI expressed concern at Article 76(1) of Law No. 3386/2005, which allowed for the deportation of aliens solely on the grounds that they had been charged with a crime punishable by three months imprisonment. Recognized refugees and asylum-seekers were not excluded from the scope of the provision.¹⁵³ AI recommended that Greece repeal this provision.¹⁵⁴

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with “A” status).

Civil society

AGCO	Association of Greek Conscientious Objectors, Greece;
AI	Amnesty International, London, United Kingdom*;
CPTI	Conscience and Peace Tax International, Leuven, Belgium*;
EBCO	European Bureau for Conscientious Objection, Brussels, Belgium;
ERRC	European Roma Rights Centre, Budapest, Hungary*;
HRW	Human Rights Watch, New York, United States of America*;
JS1	Joint Submission 1: Greek Helsinki Monitor (GHM), Minority Rights Group – Greece (MRG-G), Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE); Glyka Nera, Greece;
OLKE	Lesbian and Gay Community of Greece, Athens, Greece;
STP	Society for Threatened People, Göttingen, Germany*.

National Human Rights Institution

NCHR	National Commission for Human Rights, Athens, Greece**.
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Regional intergovernmental organization

CoE	Council of Europe UPR submission: <ul style="list-style-type: none"> • CoE GRECO: Group of States against Corruption (GRECO): Second Evaluation Round, Compliance Report on Greece adopted by GRECO, 11-15 February 2008, Greco RC-II (2007) 14E; • CoE-Commissioner: Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe following his visit to Greece on 8-10 December 2008, CommDH(2009)6, 4 February 2009; • CoE-Commissioner: Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe following his visit to Greece on 8-10 December 2008, CommDH(2009)9, 19 February 2009; • CoE-CPT: Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 29 September 2008, CPTInf(2009)20, 30 June 2009; • CoE-ECRI: European Commission against Racism and Intolerance Report on Greece (fourth monitoring cycle), adopted on 2 April 2009, published on 15 September 2009, CRI(2009)31; • CoE-ECSR: European Committee on Social Rights, Conclusions XIX-2(2009)(GREECE), Articles 3, 11, 12, 13, 14 and Article 4 of the Additional Protocol of the Charter, January 2010; • CoE Commissioner: Letter of Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe to Mr. Mihalis Chrysochoidis, Minister for Citizen Protection of Greece, CommDH(2010)13, 8 March 2010; • CoE Commissioner: Letter of Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe to Mr. Haris Kastanidis, Minister of Justice,
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- CoE Commissioner: Letter of Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe to Ms. Theodora Tzakri, Deputy Minister of Interior, Decentralization and e-Governance of Greece, CommDH(2010)15, 8 March 2010.

- 2 CoE Commissioner (2009)6, para. 3.
- 3 NCHR, paras. 2 and 11.
- 4 ERRC, para. 5.
- 5 CoE-ECRI, paras. 20–21, 25–26.
- 6 CoE-ECRI, para. 25, NCHR, para. 6.
- 7 NCHR, para. 6.
- 8 OLKE, p. 2.
- 9 CPTI, para. 21.
- 10 NCHR, para. 3.
- 11 NCHR, para. 3.
- 12 JS1, para. 16.
- 13 CoE-ECRI, paras. 28–42.
- 14 NCHR, para. 6.
- 15 NCHR, para. 4.
- 16 NCHR, para. 22.
- 17 NCHR, para. 13.
- 18 JS1, para. 4.
- 19 JS1, para. 5.
- 20 JS1, para. 6.
- 21 NCHR, para. 5.
- 22 JS1, para. 27.
- 23 JS1, para. 27.
- 24 JS1, paras. 22 and 27.
- 25 NCHR, para. 18.
- 26 CoE Commissioner CommDH(2009)9, paras. 28–36 and paras. 60–61.
- 27 NCHR, para. 9; see also CommDH(2010)15; CoE-ECRI, paras. 100–102.
- 28 NCHR, para. 23.
- 29 JS1, para. 15.
- 30 CoE-ECRI, para. 25.
- 31 CoE-ECRI, para. 18 and paras. 86–89.
- 32 CoE-ECRI, para. 96.
- 33 OLKE, p. 3.
- 34 OLKE, p. 3; see also JS1, para. 24.
- 35 OLKE, pp. 1–2.
- 36 OLKE, p. 2.
- 37 AI, p. 2; see also CoE-ECRI, paras. 172–179.
- 38 HRW, p. 2.
- 39 HRW, p. 3.
- 40 STP, p. 2.
- 41 AI, p. 3.
- 42 CoE Commissioner (2009)6, paras. 33–36.
- 43 AI, p. 2.
- 44 CoE-CPT, paras. 8–13.
- 45 CoE-CPT, paras. 13–14.
- 46 JS1, para. 9.
- 47 ERRC, para. 4.1; see also CoE-ECRI, para. 175.
- 48 ERRC, para. 5.
- 49 AI, p. 3; see also CommDH(2010)13.
- 50 AI, p. 5.
- 51 HRW, p. 4, NCHR, para. 13, CoE-CPT, para. 17.

- ⁵² CoE-ECRI, paras. 82–85.
⁵³ JS1, para. 13.
⁵⁴ JS1, para. 13.
⁵⁵ JS1, para. 28.
⁵⁶ NCHR, para. 14.
⁵⁷ JS1, para. 7.
⁵⁸ JS1, para. 9.
⁵⁹ CoE-CPT, para. 16.
⁶⁰ CoE-CPT, paras. 24–36.
⁶¹ NCHR, para. 10.
⁶² CoE-CPT, para. 20.
⁶³ JS1, para. 12.
⁶⁴ NCHR, para. 15.
⁶⁵ NCHR, para. 18.
⁶⁶ NCHR, para. 12.
⁶⁷ NCHR, para. 16.
⁶⁸ NCHR, para. 17.
⁶⁹ CoE GRECO, paras. 33–35 and 59.
⁷⁰ JS1, para. 28.
⁷¹ JS1, para. 27.
⁷² JS1, para. 28.
⁷³ JS1, para. 28.
⁷⁴ JS1, para. 28.
⁷⁵ NCHR, para. 8.
⁷⁶ NCHR, para. 7.
⁷⁷ OLKE, pp. 4–5.
⁷⁸ JS1, para. 24; see also OLKE, p. 5.
⁷⁹ JS1, para. 17; see also NCHR, para. 19; CoE-ECRI, paras. 106–107.
⁸⁰ JS1, para. 17.
⁸¹ NCHR, para. 19.
⁸² JS1, para. 23.
⁸³ CoE-ECRI, paras. 104 and 108.
⁸⁴ CPTI, para. 8; AGCO, para. 2; EBCO, para. 1.
⁸⁵ AGCO, para. 4.
⁸⁶ AGCO, para. 7; CPTI, para. 9; EBCO, para. 2.
⁸⁷ AGCO, para. 5; AI, p. 2; EBCO, para. 2.
⁸⁸ AGCO, para. 8; see also CPTI, para. 10.
⁸⁹ CPTI, para. 14; EBCO, para. 4.
⁹⁰ AGCO, para. 12.
⁹¹ AGCO, para. 5; AI, p. 2; EBCO, para. 2.
⁹² AGCO, para. 9.
⁹³ CPTI, para. 10.
⁹⁴ AGCO, para. 12, see also AI, p. 5; CPTI, para. 18.
⁹⁵ ECBO, paras. 5–7.
⁹⁶ CPTI, para. 19.
⁹⁷ AI, p. 5.
⁹⁸ EBCO, para. 13.
⁹⁹ EBCO, para. 3; AGCO, para. 19.
¹⁰⁰ EBCO, para. 11.
¹⁰¹ OLKE, p. 3.
¹⁰² JS1, paras. 4 and 18, see also CoE Commissioner CommDH(2009)9, paras. 14–20 and paras. 37–57, CoE Commissioner CommDH(2010)14; CoE-ECRI, paras. 111–120.
¹⁰³ OLKE, p. 4; see also JS1, para. 24.
¹⁰⁴ CoE-ECRI, paras. 43–51.
¹⁰⁵ NCHR, para. 20.
¹⁰⁶ CoE-ECSR, pp. 5–6.

- 107 CoE-ECSR, pp. 7–8.
108 CoE-ECSR, p. 12.
109 JS1, para. 28.
110 ERRC, paras. 3.1–3.2.
111 ERCC, paras. 3.3–3.5; see also CoE-ECRI, paras. 69–71.
112 ERRC, para. 5; see also CoE-ECRI, paras. 72–73.
113 JS1, para. 28.
114 CoE-ECSR, pp. 20–21 and pp. 27–29.
115 JS1, para. 27.
116 ERRC, paras. 2.1–2.3; see also NCHR, para. 21.
117 ERRC, para. 2.4.
118 JS1, para. 28, see also CoE-ECRI, paras. 52–55.
119 ERRC, para. 5, see also CoE-ECRI, para. 56.
120 CoE-ECRI, paras. 57–68.
121 CoE Commissioner, CommDH(2009)9, paras. 7–13.
122 ERCC, para. 5; see also CommDH(2010)15.
123 CoE-ECRI, para. 99.
124 CoE Commissioner CommDH(2009)9, paras. 21–27 and paras. 58–59; CommDH(2010)15; CoE-ECRI, paras. 10–12.
125 CoE Commissioner (2009)6, para. 7.
126 AI, p. 3; see also NCHR, para. 24; STP, p. 1; CoE Commissioner 2009(6), para. 10 and paras. 25–26; CoE-ECRI, paras. 129–134.
127 HRW, p. 2.
128 HRW, pp. 1–2.
129 AI, p. 1; see also HRW, p. 1-2; NCHR, para. 24.
130 HRW, p. 2; NCHR, para. 24; see also CommDH(2010)13.
131 CoE Commissioner (2009) 6, paras. 22–24.
132 AI, p. 3; HRW, p. 3.
133 STP, p. 1; CoE Commissioner (2009)6, paras. 17–19.
134 HRW, p. 3.
135 HRW, p. 1; see also NCHR, para. 23; CoE Commissioner CommDH(2010)14.
136 CoE Commissioner CommDH(2009)6, paras. 49-52.; CoE Commissioner CommDH(2010)14; CoE-ECRI, paras. 165–166.
137 AI, p. 3; see also CoE-ECRI, paras. 159–164.
138 STP, p. 1; see also CoE Commissioner (2009)6, para. 7.
139 HRW, p. 3.
140 CoE-CPT, paras. 37–44.
141 AI, pp. 1 and 4.
142 AI, p. 4.
143 STP, p. 2.
144 AI, p. 5.
145 HRW, p. 2; see also STP. P. 3; CoE Commissioner (2009)6, para. 16.
146 AI, p. 5.
147 HRW, p. 4.
148 AI, p. 4, see also HRW, p. 1; STP. p. 2; CommDH(2010)13.
149 AI, p. 5.
150 STP, p. 3.
151 HRW, p. 4.
152 CoE-ECRI, paras. 138–155.
153 AI, p. 1.
154 AI, p. 5.
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