



MINORITY
RIGHTS
GROUP - GREECE

SOKADRE
Coordinated Organizations and
Communities for Roma Human
Rights in Greece

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

Address: P.O. Box 60820, GR-15304 Glyka Nera Tel.: (+30) 2103472259 Fax: (+30) 2106018760
e-mail: panayoteditimas@gmail.com website: <https://greekhelsinki.wordpress.com>

Joint NGO report on fulfillment by Greece of its human rights obligations and commitments

27 March 2021

This joint NGO report is submitted to the **United Nations' Human Rights Council** for the review of the fulfillment by **Greece** of its human rights obligations and commitments through the **Universal Periodic Review (UPR)** scheduled for the **39th UPR Session** in November 2021. Its focus is on most recommendations in **UPR of Greece (2nd Cycle – 25th session) - Thematic list of recommendations.**¹

Greek Helsinki Monitor (GHM), founded in 1993, monitors, publishes, lobbies, and litigates on human and minority rights and anti-discrimination issues in Greece. It also monitors Greek media for stereotypes and hate speech. It has been submitting parallel reports and communications to **UN Treaty Bodies** and the **UPR**; applications and third party interventions to the **ECtHR**; and communications on the execution of **ECtHR** judgments to the **Council of Europe Committee of Ministers**.

Minority Rights Group – Greece (MRG-G), founded in 1992, focuses on studies of minorities, in Greece and in the Balkans. In 1998, MRG-G co-founded with GHM the **Center of Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE)** focusing on minorities in the region. It has prepared comprehensive reports on ethno-national, ethno-linguistic, and religious communities in Albania, Bulgaria, Greece, Macedonia, and Romania, available [here](#).

The **Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE)** is a network founded in 2001; its members include 30 Roma communities and 5 Greek NGOs that have been working on Roma rights. It is legally registered in Greece through its managing NGO Communication and Political Research Society (ETEPE), accredited as NGO by the Greek Ministry of Foreign Affairs' Hellenic International Development Cooperation Department – Hellenic Aid (YDAS). SOKADRE advocates for and litigates on the rights of the destitute Roma of Greece, mainly in the areas of housing and preventing evictions, education, access to social services, proper civil registration, ill-treatment and non-discrimination including fighting racial profiling by law enforcement agencies. It operates through a network of volunteer representatives in the 30 member communities and in several other non-member communities.

¹http://lib.ohchr.org/HRBodies/UPR/Documents/Session25/GR/UPR25_Greece_Thematic_List%20of_Recommendations_E.docx [below all “recommendations” listed come from that document]

Theme: A12 Acceptance of international norms

1. The 2016 recommendations that Greece accedes to ICERD (meaning accepting individual communications), and ratifies the 1961 Convention on the Reduction of Statelessness, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the ILO Convention 189, the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure were supported by Greece but were not implemented.
2. In 2016, Greece noted but did not support the ratification of the Protocol No. 12 to the ECHR,² the Convention against Discrimination in Education of UNESCO,³ the European Charter for Regional or Minority Languages,⁴ the Framework Convention for the Protection of National Minorities,⁵ and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁶

Recommendation:

3. “Ratify and implement in full all the aforementioned international norms.”

Theme: A62 Statistics and indicators

4. Greece supported the recommendation to develop national human rights indicators, very crucial for the reasons stated,⁷ but failed to implement it.

Recommendation:

5. Please reiterate the recommendation to “Develop national human rights indicators, as suggested by OHCHR, as an instrument that allows for a more precise and coherent evaluation of its national human rights policies.”

Theme: B31 Equality & non-discrimination

B31-1. Racist motivation of crimes

6. Greece supported the recommendation that all crimes committed with a discriminatory motive are fully and effectively investigated and prosecuted, but has failed to implement it.⁸ Discriminatory motive is punishable with either Article 82A on crimes with racist characteristics that leads to an aggravation of the charges and eventual sentences or anti-racism Law 927/79. It is however rarely applied, even in very obvious cases of a presence of a racist motivation.
7. As part of its project “Racist Crimes Watch,”⁹ Greek Helsinki Monitor (GHM) has recorded a large number of such cases: in many of them GHM asked the prosecuting authority to add the racist motivation but this has almost never happened. Here are some examples.

² Recommendation 136.3 (Hungary, North Macedonia)

³ Recommendation 137.10 (Slovenia)

⁴ Recommendation 137.11 (Hungary)

⁵ Recommendations 136.4 (North Macedonia) and 136.5 (Hungary)

⁶ Recommendations 137.1 (Egypt), 137.2 (Philippines), 137.3 (Senegal), 137.4 (Turkey), 137.5 (Kenya), 137.6 (Algeria, Timor-Leste, Chile), 137.7 (Indonesia), 137.8 (Uruguay, Ecuador, Guatemala, Ghana), 137.9 (Albania)

⁷ Recommendation 134.8 (Portugal)

⁸ Recommendation 134.37 (Australia)

⁹ Racist Crimes Watch <https://racistcrimeswatch.wordpress.com>

8. On 11 January 2017, a Pakistani migrant worker was violently attacked in Elefsina: his attacker was referred to trial for threats and dangerous bodily harm but not with a racist motivation.
9. On 7 January 2017, a 22 year-old African-American tourist in Zante was beaten to death. The attackers were charged with murder but without racist motivation. It is noteworthy that the court of first instance acquitted them of murder and sentenced them for deadly assault to 5-15 years. It took an appeal by a prosecutor for a second instance trial to be held, still pending.
10. On 11 February 2018, in Peristeri (Greater Athens), football fans insulted an Egyptian football player with racist slurs and monkey chants. Then on 21 February 2018 he was violently attacked in the street by an unknown person: the ensuing case file had charges only for unlawful ownership and use of a firearm and they did not include racist motivation.
11. On 21 February 2018, in Chios, a person who claimed three refugees from Eritrea were attempting animal theft fired intimidating shots in the air: he was accused of unlawful ownership and use of a firearm but without racist motivation. The same person, on 4 March 2019, shot against two Afghan refugees who he claimed were attempting animal theft: this time he was charged with attempting murder in addition to unlawful ownership and use of a firearm but again without racist motivation.
12. On 10 July 2018, a 15 year-old Syrian refugee was seriously injured when an islander in Lesbos shot him: the perpetrator on 19 April 2019 was sentenced to 13 years in prison for attempted murder but without racist motivation.
13. On 19 March 2019, five young Afghan refugees were violently attacked by unknown hooded persons in Konitsa: the charges pressed included bodily harm, unprovoked insult by acts, and threats, but not racist motivation.
14. On 16 June 2019, a young person with intellectual disability was bullied by two youngsters who were charged with abduction, insult and bodily harm, but without racist motivation.
15. On 24 April 2020, four migrants in Lesbos were shot by a person who claimed they were attempting a robbery: the latter was arrested and charged for attempted murder without racist motivation.
16. On 6 June 2020, near the Greek-Turkish border in Evros, two police officers shot a fleeing van with migrants injuring two of them: they were arrested but the charges against them did not include the racist motivation.
17. On 6 October 2020, in Messini, an 18 year-old Rom fleeing the scene was shot dead by a 63 year-old who claimed that the victim was attempting to rob his home: the latter was charged with murder but without racist motivation.

Recommendation:

18. Actively ensure that, without fail, all crimes committed with an apparent discriminatory motive are fully and effectively investigated and prosecuted with the inclusion of the aggravating racist motivation in the charges.

B31-2. Full recognition of same-sex relationships¹⁰

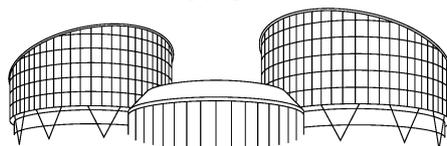
19. Greece supported the full legal recognition of same-sex relationships but failed to implement it as same-sex marriage and the possibility for same-sex couples to adopt children have not been introduced.

Recommendation:

20. Take steps towards full legal recognition of same-sex relationships; this should include marriage and the possibility to adopt children.

Theme: B32 Racial discrimination¹¹

21. The fact that there were 26 recommendations to combat racist crimes and hate speech is an accurate reflection of the widespread presence of these crimes in Greece coupled with an almost total absence of prosecution and punishment of such acts. The NGOs submitting the present report refer to the extensive section in the report recently submitted by the Humanist Union of Greece. Moreover, Greek Helsinki Monitor has filed about 1,000 complaints on alleged racist crimes and hate speech since the 2015-2016 ECRI – UN HRCtee – UN CERD recommendations (more than 80% of the total number of such cases reported to court authorities in Greece), with very few leading to prosecution and even fewer to convictions.¹² The following excerpt from the Council of Europe Committee of Ministers December 2019 Notes on the execution by Greece of the judgments Sakir v. Greece and Gjikondi and others v. Greece (the second submitted by GHM) is telling: “The data provided by the authorities indicate a continuous rise in the number of reported incidents of racially motivated violence between 2015 and 2018. Compared to the total of 615 incidents, the data provided by the authorities reveal that the criminal charges (127 in total) and especially the convictions (19 in total) that took place in 2015-2017 are low.”¹³
22. Greek Helsinki Monitor is on the other hand very gratified by the impact its work has made on the case-law of the ECtHR on hate speech crimes, as developed in two February 2021 judgments on anti-Semitism and anti-Gypsyism:



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

¹⁰ Recommendation 136.11 (Netherlands)

¹¹ Recommendations 134.44 (Israel), 134.60 (Romania), 134.36 (Malaysia), 136.8 (Pakistan), 134.48 (France), 134.49 (Peru), 134.50 (Germany), 134.51 (Argentina), 134.62 (Tajikistan), 134.35 (United Arab Emirates), 134.39 (China), 134.43 (Iceland), 134.52 (Algeria), 134.54 (Egypt), 134.56 (Holy See), 134.57 (Lebanon), 134.58 (Morocco), 134.59 (Poland), 134.41 (Guatemala), 134.40 (Ghana), 134.42 (Namibia), 136.9 (Qatar), 134.45 (Lebanon), 134.46 (Nigeria), 134.47 (Sierra Leone), 136.10 (United States of America).

¹² All available at the Racist Crimes Watch website: <https://racistcrimeswatch.wordpress.com>

¹³ “H46-10 Sakir group v. Greece (Application No. 48475/09) - Supervision of the execution of the European Court’s judgments” https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168098cffc

CASE OF BUDINOVA AND CHAPRAZOV v. BULGARIA
(Application no. 12567/13- <http://hudoc.echr.coe.int/fre?i=001-207928>)
CASE OF BEHAR AND GUTMAN v. BULGARIA
(Application no. 29335/13 <http://hudoc.echr.coe.int/fre?i=001-207929>)

STRASBOURG - 16 February 2021

(...) (iii) *The third parties*

(a) The Greek Helsinki Monitor

1/53. The Greek Helsinki Monitor, a non-governmental organisation based in Glyka Nera, Athens, referred at length to the practice of the United Nations Committee on the Elimination of Racial Discrimination regarding the question of whether individuals – even if not personally targeted – could be seen as sufficiently affected by offensive remarks directed against the ethnic or national group of which they were members. The intervenor also referred to judgments given by the Court of Justice of the European Union which, it argued, had a bearing on that question. It went on to note that various United Nations and Council of Europe bodies had emphasised the need to counter negative racial and ethnic stereotypes (in particular when spread by politicians), and cited reports that had expressed concern about the prevalence – particularly in Bulgaria – of such remarks. Lastly, it pointed out that while the Court’s case-law under Article 10 of the Convention with respect to hate speech was quite well developed, the same could not be said of its case-law regarding the same point under Article 8 of the Convention. The case at hand was thus an excellent opportunity to bring the Court’s case-law into line with emerging trends and provide the victims of hate speech proper protection. (...)

(...) 2/67. Based on the case-law summarised in paragraphs 54 to 62 above, the Court finds that in cases such as the present one, where the allegation is that a public statement about a social or ethnic group has affected the “private life” of its members within the meaning of Article 8 of the Convention, the relevant factors for deciding whether that is indeed so include, but are not necessarily limited to, (a) the characteristics of the group (for instance its size, its degree of homogeneity, its particular vulnerability or history of stigmatisation, and its position *vis-à-vis* society as a whole), (b) the precise content of the negative statements regarding the group (in particular, the degree to which they could convey a negative stereotype about the group as a whole, and the specific content of that stereotype), and (c) the form and context in which the statements were made, their reach (which may depend on where and how they have been made), the position and status of their author, and the extent to which they could be considered to have affected a core aspect of the group’s identity and dignity. It cannot be said that one of those factors invariably takes precedence; it is the interplay of all of them that leads to the ultimate conclusion on whether the “certain level” required under *Aksu* (cited above, § 58) and the “threshold of severity” required under *Denisov* (cited above, §§ 112-14) has been reached, and on whether Article 8 is thus applicable. The overall context of each case – in particular the social and political climate prevalent at the time when the statements were made – may also be an important consideration. (...)

Recommendation:

23. “Adopt the recently developed ECtHR definition of hate speech crimes and actively investigate, prosecute and condemn racist violence crimes and hate speech crimes against non-citizens, members of religious and ethnic minority groups, LGBTI+ and persons with disabilities, and condemn racist statements made by public officials.”

Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment¹⁴

¹⁴ Recommendations 134.68 (Belarus), 134.69 (Togo), 134.71 (Botswana), 134.72 (Czech Republic), 134.74 (Switzerland), 134.70 (Holy See), 136.12 (Albania), 134.73 (Ireland).

24. There continues to be an almost total absence of accountability, prosecution and punishment of law enforcement officers who are perpetrators of acts of torture in accordance with the law, while the national mechanism for investigations established within the Ombudsman is inadequate. The following summary of CPT's 2019 report on Greece is fully subscribed by the NGOs submitting this report:¹⁵

25. **“Police establishments:** The CPT has been highly critical about the treatment of criminal suspects by elements of the Hellenic Police and remains concerned that, despite overwhelming indications to the contrary, the Greek authorities have to date consistently refused to accept that police ill-treatment is a serious problem in Greece.

26. The findings of the 2019 visit indicate once again that the infliction of ill-treatment by the police, especially against foreign nationals and persons from the Roma community, remains a frequent practice throughout Greece. The CPT's delegation received a high number of credible allegations of excessive use of force and unduly tight handcuffing upon apprehension and of physical and psychological ill-treatment of criminal suspects during or in the context of police interviews. Alleged ill-treatment mainly consisted of slaps, punches and kicks as well as blows with truncheons and metal objects to the body and head. It also received some allegations involving blows with a stick to the soles of the feet (*falaka*) and the application of a plastic bag over the head during police interviews, reportedly with the aim of obtaining a confession and a signed statement. None of the persons who alleged ill-treatment had been allowed to make a phone call or to contact a lawyer during their initial questioning by the police. Further, a great number of allegations of verbal abuse of detained persons was received, including of racist/xenophobic remarks by police officers.

27. The Greek authorities must ensure that all police officers understand clearly that any form of ill-treatment of detained persons constitutes a criminal offence and will be prosecuted accordingly. The authorities should also actively promote a culture change within the ranks of the Hellenic Police and provide regular professional training for police operational officers and investigators, including on appropriate interview and investigation techniques.

28. In the CPT's view, the current system of investigations into allegations of ill-treatment cannot be considered effective. The establishment of a “National Mechanism for the Investigation of Arbitrary Incidents” within the Ombudsman's Office, operational since June 2017, represents a step in the direction of creating a fully independent police complaints body. However, the CPT has a number of concerns as to whether it is able to be fully effective, particularly as it provides no oversight of the criminal investigation into alleged ill-treatment cases. The CPT recommends that the Mechanism be provided with significantly more resources and be granted supplementary powers.

29. The Committee's own findings confirm that investigations are still not carried out promptly or expeditiously and often lack thoroughness. Further, the criteria for deciding to investigate cases under the torture provision of Article 137 A of the Criminal Code appear unclear. Consequently, most cases of alleged police ill-treatment are not criminally prosecuted and only very few result in criminal sentences or even disciplinary sanctions. This picture is reinforced by the fact that none of the 21 outstanding cases of alleged serious police ill-treatment raised by the Internal Affairs Directorate of the Hellenic Police in April 2014, including two cases examined *in extenso* by the CPT in 2015, has resulted in a successful prosecution. These flaws in turn undermine any message of zero-tolerance and foster a culture of impunity. It is important that all allegations of ill-treatment by law enforcement officials are investigated effectively, and that the Greek criminal justice system adopts a

¹⁵ “Report to the Greek Government 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 28 March to 9 April 2019” <https://rm.coe.int/16809e2058>

firm attitude with regard to torture and other forms of ill-treatment.

30. Regrettably, the CPT's standards as regards procedural safeguards against ill-treatment are still not effectively implemented in Greece, as they do not for the most part apply in practice from the very outset of a person's deprivation of liberty (i.e. during the first hours of police custody, and particularly during the initial questioning by security police officers). The authorities should notably clarify the legislative provisions on the rights of notification of custody and access to a lawyer by extending their application to criminal suspects as from the very outset of deprivation of liberty and ensure that these rights become fully effective in practice."
31. Moreover, Greece has failed to execute the 16 ECtHR judgments of the *Makaratzis and others v. Greece* group of cases (9 were submitted by GHM), under examination by the Committee of Ministers of the Council of Europe,¹⁶ concerning the use of potentially lethal force or ill-treatment, the absence of effective administrative and criminal investigations, the inadequate criminal proceedings and penalties, and the failure to investigate potential racist motives. On the contrary, new cases are communicated by the ECtHR including, on 18 March 2021, the most recent *Panayotopoulos and others v. Greece* (submitted by GHM) concerning allegations of ill-treatment or torture of three Roma by police in 2016 as well as the absence of adequate investigation that also did not include racist motivation.¹⁷

Recommendations:

32. The NGOs submitting this report support the related CPT's recommendations, relevant as well for law enforcement authorities' use of excessive violence during arrests or in other actions outside police stations like demonstrations and crowd control (that does not fall into the CPT mandate): "In the light of the foregoing, the CPT recommends that the Greek authorities take the necessary steps to ensure that all allegations of ill-treatment by law enforcement officials are investigated effectively, promptly and expeditiously. Further, it is important to ensure that the parameters set by law and its interpretation make it clear that the Greek criminal justice system adopts a firm attitude with regard to torture and other forms of ill-treatment, in line with the European Court of Human Rights' case-law."
33. Additionally, the NGOs support the Committee of Ministers of the Council of Europe's recommendations that Greece "issues written apologies to the successful applicants, takes due account of the CPT's recommendations, suspends statute of limitation period for such offences, reopen disciplinary investigations in cases where criminal or disciplinary liability has already been decided, ensures the investigation of possible racist motives, and fully aligns the conduct of criminal investigations into ill-treatment and the relevant sanctions with the requirements of the Court's case-law, in particular as regards the definition of torture and the possibilities to convert terms of imprisonment imposed for torture and other ill-treatment into non-custodial sentences."¹⁸

Theme: D26 Conditions of detention¹⁹

34. Again, the NGOs submitting this report find CPT's report on condition of detention in prisons and police establishments telling and equally relevant today:²⁰

¹⁶ <http://hudoc.exec.coe.int/ENG?i=004-15563>

¹⁷ Application no. 44758/20 to be uploaded by the ECtHR –and hence given a link- on 6 April 2020

¹⁸ <http://hudoc.exec.coe.int/ENG?i=004-15563>

¹⁹ Recommendations 134.75 (Austria), 134.76 (France), 134.77 (Germany), 134.78 (Jamaica).

²⁰ "Report to the Greek Government 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 28 March to 9 April 2019" <https://rm.coe.int/16809e2058>

35. “The findings of the 2019 visit demonstrate once again that the two overarching problems of overcrowding and chronic shortage of staff continue to compound the many additional shortcomings in the prisons visited. (...) Currently, the Greek authorities are unable to fulfil their minimum obligation to keep both prisoners and staff safe. Prisoners, not staff, control the wings and increasingly high levels of inter-prisoner violence and intimidation are evident in the prisons visited. Once again, cases of hospitalisation of inmates due to severe (and sometimes fatal) injuries inflicted by other inmates are a feature in every establishment visited. (...) As regards living conditions at the time of the 2019 visit, they were generally adequate in some wings of Chania, Nigrita and Trikala Prisons. In contrast, in other parts of these prisons and in much of Korydallos Men’s and Thessaloniki Prisons far too many prisoners (usually those prisoners with no financial resources or relatives to support them) continue to be held in conditions which represent an affront to their human dignity. (...)”
36. As regards conditions of detention, most police establishments visited were totally unsuitable for holding detained persons for periods of longer than 24 hours. In particular, conditions of detention were appalling in the cell on the third floor of Omonia Police Station and in the basement cells and the ground floor cell of Kypseli Police Station, and, in both of these stations, certain cells should not be used for holding persons overnight. More generally, the current system of food provision for persons deprived of their liberty by the police should be reviewed to ensure that they are all provided with adequate and appropriate food, and the manifest lack of cleaning, hygiene and maintenance in the police detention areas visited must be remedied. Further, the Greek authorities must put an end to holding unaccompanied minors under “protective custody” in police stations, a practice which has been found by the European Court of Human Rights to be degrading and unlawful. Steps must also be taken to ensure that women and unaccompanied minors are never detained together with unrelated adult men.
37. The CPT found that the material conditions in the Athens transfer centre for prisoners were appalling, while those in the centre in Thessaloniki were poor. The Greek authorities should review the way in which the two transfer centres operate and ensure that they are kept in a decent state of repair through regular maintenance and cleaning. As a matter of principle, women with infants or in later stages of pregnancy should never be detained in an environment such as that in the two transfer centres visited. Further, medication should only be dispensed and administered by qualified health care staff.
38. As regards the vehicles used for transferring prisoners around the country, they were mostly out-dated and hardly fit-for-purpose, and they presented a heightened security risk. The CPT found that up to four persons were squeezed together in one of the filthy secure 1.2m² compartments in the transfer coaches, their knees touching each other for periods of up to eleven hours, without always being provided with food or water and with insufficient toilet stops; some prisoners alleged that they had to urinate in a bottle in the presence of their co-detainees. Transferring women and their children in such conditions, prone to intimidation and verbal abuse by male prisoners, is an abnegation of the State’s duty of care towards them. The CPT considers that transfers of prisoners should always be carried out in a humane, secure and safe manner and it recommends that the Greek authorities urgently review the current arrangements in this regard. Further, the number of escort officers should be increased to meet the transfer demands placed upon the escort service.”

Recommendation:

39. “Reduce overcrowding and ensure that prison conditions in Greece meet international human rights standards, by implementing the full set of recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or

Punishment.”

Themes: F12 Discrimination against women, F13 Violence against women, and F14 Participation of women in political and public life

40. In view of the word limitation for the present report, the NGOs submitting it refer for the review of these themes to their Parallel Report on Greece’s compliance with the International Convention on the Elimination of All Forms of Discrimination against Women submitted to CEDAW on 13 October 2020²¹ and its Addendum submitted on 10 November 2020.²²

Themes: D45 Freedom of association and G1 Members of minorities

41. The recommendations supported by Greece (only on Roma) as compared to the recommendations not supported (but merely noted – on Turks and Macedonians) plus the recommendation partly supported and partly noted with a lengthy comment by Greece on why it does not accept the first part on the recognition of Roma as a minority²³ are indicative of the persistent attitude of Greece to be the only European state that does not recognize any ethnic or national minority, despite several convictions by the ECtHR.

G1-1. Ethnonational minorities (Turks and Macedonians)²⁴

42. On 11 October 2007 and 27 March 2008 the ECtHR found Greece in violation of Article 11 ECHR due to the refusal to register associations (cases Bekir-Ousta and others and Emin and others) and to the dissolution of an association (case Tourkiki Enosi Xanthis and others) on the grounds that their aim was to promote the idea that a Turkish ethnic minority existed in Greece as opposed to the religious minority recognized by the Lausanne Treaty in 1923.
43. On 10 July 1998 and 9 July 2015 the ECtHR found Greece in violation of Article 11 ECHR due to the double refusal to register the association House of Macedonian Civilization (respectively cases Sidiropoulos and others and House of Macedonian Civilization and others) suspected of undermining the country’s territorial integrity and on the grounds of the use of the word “Macedonian.”
44. It is noteworthy that Tourkiki Enosi Xanthis was founded in 1927 and was dissolved in 1983, while the other three associations were refused registration in 1990 (House of Macedonian Civilization), 1995 (Minority Youth Association at the Evros Prefecture – case Bekir Ousta and others) and in 2001 (Cultural Association of Turkish Women at the Rodopi Prefecture – case Emin and others).
45. Moreover, the Cultural Association of Turkish Women in the Prefecture of Xanthi was refused registration in 2011 while the Brotherhood of Natives from Serres - Cyril and Methodius [of Macedonian-speakers] was dissolved in 2019.

²¹ https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GRC/INT_CEDAW_ICJ_GRC_4350_6_E.doc

²² https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GRC/INT_CEDAW_ICJ_GRC_4363_5_E.doc

²³ Recommendation 136.19 (Germany).

²⁴ Recommendations 136.18 (North Macedonia), 137.16 (Turkey), 137.12 (Turkey), 137.15 (Turkey), 137.19 (Turkey), 137.13 (Albania) 137.17 (North Macedonia), 137.18 (North Macedonia).

46. So, for a period of 20 to 38 years, the members of the ethnic Turkish and ethnic Macedonian minorities have been denied one of the most fundamental rights, their freedom of association.
47. On 11 March 2021, the Committee of Ministers of the Council of Europe “expressed deep concern about the fact that (...) 13 years after the European Court’s judgments [on the Turkish associations], the applicants’ applications have still not been re-examined by domestic courts on their merits in the light of the Court’s case-law; (...) noted with deep concern that it has been reported that domestic courts have rejected similar applications; (...) requested the authorities to provide the Committee with information on the above-mentioned points, and decided to resume the examination of this group of cases at the 1406 meeting (June 2021) (DH); and, in the event that no tangible progress has been made by then to implement the individual measures, instructed the Secretariat to prepare a draft interim resolution for the Committee’s consideration.”
48. Additionally, there is a completely ignored Turkish minority in Rhodes and Kos, whose size is estimated at 4-5,000 persons. Most seem to think of themselves as Muslims and ethnic Turks, and also as members of a specific Muslim community. The Muslims of Rhodes and Kos are denied the minority status of the Muslims of Thrace: Greek authorities claim that only the Muslims covered by the Treaty of Lausanne (1923) may be recognized as a minority. An authoritative report on “The situation of the inhabitants of Rhodes and Kos with a Turkish cultural background” was published in 2011 by the Parliamentary Assembly of the Council of Europe (PACE)’s Committee on Legal Affairs and Human Rights, followed by a 2012 PACE Resolution on “The situation of the Greek citizens of Turkish descent in Rhodes and Kos.” The recommendations of PACE on the rights of Muslims of Rhodes and Kos, including the right to be offered classes in their mother Turkish language were not implemented.
49. After the NGOs submitting this report made a similar submission to UN CERD, Greece failed to convince the Committee which, in its concluding observations issued on 26 August 2016, made history by asking Greece expressly to grant minority rights to the Turks of Rhodes and Kos: “The Committee is concerned that Muslims living in Thrace region covered by the provisions of the Treaty of Lausanne of 1923 and who belong to various ethnicities are recognized only as a religious minority by the State party. The Committee is also concerned that other Muslims including those living in the islands of Rhodes and Kos, and not covered by the Treaty of Lausanne, may be denied the right to self-identification and therefore cannot fully enjoy their rights under the Convention. As a result the effective enjoyment by persons belonging to ethnic minorities of their rights to preserve their language, culture and freedom of association is curtailed (arts. 1, 2 and 5). Notwithstanding the explanation provided by the State party that ethnic groups are not considered as minorities, the Committee believes that in a multi-ethnic society recognition of ethnic groups of smaller size may help them to protect their existence and their identity. The Committee also notes that the Treaty of Lausanne does not prohibit the consideration of other groups as minorities nor does it prevent persons belonging to various ethnic groups to exercise their right to self-identification. The Committee therefore recommends that the State party review its position and consider recognizing other groups that may qualify as being ethnic, or religious minorities, and encourages the State party to implement the relevant decisions of the European Court of Human Rights.”²⁵
50. The Law on Foundations has not been effectively amended; hence the mostly Turkish Muslim minority in Thrace does not have full power over the control and supervision of its

²⁵ CERD “Concluding observations on the twentieth to twenty-second periodic reports of Greece” https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/GRC/CO/20-22&Lang=En 3 October 2016

foundations. Moreover, there are no Turkish-Greek bilingual kindergartens.

Recommendations:

51. “Promptly execute the European Court of Human Rights judgments by allowing the registration or by cancelling the dissolution the rest of all Turkish and Macedonian minority associations.”
52. “Recognize for all groups who claim an ethnic or national minority identity their right to self-determination throughout Greece and provide the indigenous Muslim Turkish groups in Rhodes and Kos the same rights granted to the indigenous Muslim Turkish groups in Thrace.”
53. “Grant the Muslim Turkish minority the right to administer their charitable foundations throughout Greece and accede to their demand to be provided with bi-lingual kindergartens according to demand.”

G1-2. Roma²⁶

54. The widespread discrimination and marginalization of Roma in Greece, more than in any other European country, continues and hence the recommendations made in the previous examination of Greece remain valid and are listed below with some adaptations.
55. Roma rights violations include evictions or attempted evictions stopped by Greek or international court decisions. On 6 July 2020, an eviction of several Roma families from Aspropyrgos was averted only thanks to an interim measure indicated by the UN Human Rights Committee requested in the GHM communication *Theodoropoulos and others v. Greece* (No. 3782/2020). It had taken another such interim measure to avert the eviction of a large Roma community in Halandri in 2013 (GHM communication *Elpida and others v. Greece* No. 2242/2013).²⁷

Recommendations:

56. “Take steps to fully integrate Roma children in the education system, including by ending discrimination and segregation of Roma children in schools, to increase the attendance rates of Roma students and their retention in school by, inter alia, providing sufficient comprehensive measures to cover education-related expenses and raising awareness of the importance of education among Roma families.”
57. “Intensify the actions which ensure the integration of the Roma community and their full enjoyment of human rights, in particular the rights to adequate housing, work and education. Specifically, prevent all evictions without adequate relocation and prosecute authorities which attempt or carry out forced evictions.”
58. “Adopt a national plan to combat social exclusion and vulnerability of women belonging to Muslim communities, Roma women, migrants and women living in rural areas.”

²⁶ Recommendations 134.120 (Argentina), 136.23 (State of Palestine), 134.122 (Sweden), 134.116 (Australia), 134.119 (Honduras), 134.121 (Peru), 134.53 (Uruguay), 134.117 (Brazil), 134.118 (Switzerland), 134.67 (Albania), 134.63 (Algeria).

²⁷ “*I Elpida*” — *The Cultural Association of Greek Gypsies from Halandri and Suburbs, and Stylianos Kalamiotis v. Greece*” <https://juris.ohchr.org/Search/Details/2180>

Theme: G4 Migrants²⁸

59. On 30 March 2017, the ECtHR found Greece in violation of Article 4§2 ECHR on account of its failure to prevent the human trafficking of 42 applicants, nationals of Bangladesh, and their subjection to agricultural labor exploitation, its failure to provide them with victim protection, as well as the lack of an effective investigation into the offences and the failure to sanction those responsible for the trafficking/exploitation in *Chowdury and others v. Greece*.²⁹ There are several other such cases of migrant labor exploitation.
60. Moreover, Greece has a National Strategy for Integration, updated in July 2019, but the prescribed annual evaluation has not been carried out while most of its provisions have not been implemented. In general, Greece introduces action plans and strategies to show off internationally but they are hardly ever applied and are never evaluated.

Recommendations:

61. Hence, it is necessary to reiterate the recommendations “Supervise the working conditions of migrant workers effectively,” and “Ensure that the human rights of migrants, and migration policy and practice are fully respected by national legislation, and strengthen all efforts to implement the National Strategy for Integration including through carrying out annual evaluations.”

Theme: G5 Refugees & asylum seekers³⁰

62. On 16 March 2021, the “Campaign for the access to asylum” (a network of 10 NGOs including GHM) published a statement on “Illegal pushbacks, lives at risk, NGOs under prosecution: Investigations on pushbacks at the EU level, targeting of those highlighting them in Greece” co-signed by another 17 NGOs.³¹ Its main points and recommendations follow:

63. “In the past year we have become witnesses of an escalation in the number of reported refugee and migrant pushbacks from the Greek borders (land and sea) to Turkey. Without undergoing registration, without access to the asylum procedure or any other legal procedure, men, women and children who have just entered and/or are already in the country seeking protection are summarily, violently and indiscriminately returned to Turkey, in violation of any notion of national, European and international law.

64. The modus operandi places frequently in danger the lives of refugees and migrants and includes the use of physical and psychological violence against them. Particularly at sea, there are reported incidents where refugees and/or migrants are arrested, evidently by Greek security forces during their attempt to access the territory or after they have already disembarked on Greek shores, and, after being violently embarked on sea rafts, are abandoned in the sea area between Greece and Turkey or even on uninhabited islands, with

²⁸ Recommendations 134.124 (Morocco), 134.125 (Nigeria), 134.126 (Senegal), 134.136 (Holy See), 134.127 (Belarus), 134.135 (Poland).

²⁹ <http://hudoc.echr.coe.int/eng/?i=001-172701>

³⁰ Recommendations 134.128 (Austria), 134.130 (Spain), 134.129 (Austria), 134.150 (Belgium), 134.143 (United States of America), 134.152 (Norway), 134.153 (Panama), 134.154 (Russian Federation), 134.131 (Norway), 134.132 (Canada), 134.134 (Egypt), 134.140 (Malaysia), 134.144 (Costa Rica), 134.145 (Finland), 134.148 (Timor-Leste), 134.149 (Uganda), 134.137 (Iceland), 134.133 (Sweden), 134.141 (Namibia), 134.146 (Mexico), 134.147 (Namibia), 134.151 (United Kingdom of Great Britain and Northern Ireland), 136.26 (Belgium), 134.139 (Ireland), 134.142 (Canada), 136.24 (Norway), 136.25 (Honduras), 137.23 (Qatar), 137.21 (Ecuador).

³¹ <https://asylum-campaign.blogspot.com/2021/03/campaign-for-access-to-asylum.html>

their lives being in direct danger. Furthermore, during incidents that have recently come to light, the victims had allegedly already been admitted to reception facilities, before being found in the same forcible way in the middle of the sea, at night, to be rescued by Turkish authorities. The Greek government persists in downplaying any relevant publication as fake news. This reaction is also combined with the systematic defamation of NGOs and those working with them, particularly on the islands. It results in the targeting of organisations, employees and volunteers who support asylum cases, denounce rights violations, pushbacks or simply provide humanitarian relief. It creates a generalized state of mistrust, which incites attacks by racist groups which, while lynching, harassing and injuring employees and citizens that show solidarity, have attacked NGO facilities through arsons and vandalisms. Moreover, Greek authorities are publicly attacking organizations that bring to light the aforementioned practices, as well as anyone who might dare provide assistance to refugees either during the attempted entry into Greece or even after they have disembarked on the Greek shores, indiscriminately relating them with migrant smuggling networks.”

Recommendations:

65. “Stop illegal pushbacks and use of force against refugees and migrants, and effectively investigate and prosecute relevant incidents.”
66. “Safeguard the independence of Non-Governmental Organizations that engage in the support of refugees and migrants and protect them from unjust and unsubstantiated accusations, which also puts at risk the principle of solidarity that binds their work”
67. “Safeguard the search and rescue operation of both the competent authorities, as well as all actors that can provide assistance at Europe’s land and sea borders, where human lives are constantly put at risk.”
68. “Establish appropriate mechanisms to contribute to the search and rescue of all people that find themselves in danger at Europe’s borders and in any area under their jurisdiction or over which they exert effective control.”