



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### 115th session

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Item 5 of the provisional agenda

**Consideration of reports submitted by States parties  
under article 40 of the Covenant**

## List of issues in relation to the second periodic report of Greece

### Addendum

## Replies of Greece to the list of issues\*

[Date received: 31 July 2015]

### Constitutional and legal framework within which the Covenant is implemented (art. 2)

#### Reply to the issues raised in paragraph 1 of the list of issues

1. According to Article 28 (1) of the Constitution, the International Covenant on Civil and Political Rights, as an international treaty ratified by Greece, constitutes an integral part of Greek domestic law and prevails over any contrary provision of law. Alleged violations of the provisions of the Covenant, which are directly applicable in the Greek legal order, may be brought before the competent domestic courts through the exercise of the legal remedies provided for in the national legislation. In addition, all courts have the power not to apply, in a specific case pending before them, a law contrary to the Covenant. The provisions of the Covenant are often referred to in the case law of the Greek courts, in particular articles 11, 14 and 26. In addition, national human rights institutions systematically mention the Covenant in their reports and recommendations.

#### Reply to the issues raised in paragraph 2 of the list of issues

2. With regard to the<sup>1</sup> Committee's Views in cases No. 1486/2006 (*Kalamiotis*) and 1558/2007 (*Katsaris*), measures have been adopted to avert arbitrary actions by state

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\* The present document is being issued without formal editing.



bodies, to prevent acts of torture by police officers in the performance of their duties and to address racism and xenophobia. See below, replies to the issues raised in paragraphs 7, 11 and 12. Furthermore, in both cases, a criminal investigation was conducted; however, the criminal responsibility of the alleged perpetrators was not established. The authors of the above communications, acting in accordance with the provisions of the Introductory Law to the Civil Code (Arts. 104, 105), were entitled to sue for civil damages against the State.

3. Regarding communication No. 1799/2008 (*Georgopoulos*), the persons accused of the acts examined by the Committee were brought to justice and prosecuted on charges of breaching their service duty under their official capacity. However, their criminal responsibility was not established and they were acquitted by judgment No. 3966/2012 of the first instance court of Patras.

4. Regarding case No. 1070/2006 (*Kouidis*), the author could file a lawsuit for compensation against the State under Article 105 of the Introductory Law to the Civil Code in order to seek compensation for any damage he has suffered.

5. It is to be noted that, in the Greek legislation, there is no provision allowing the reopening of domestic judicial proceedings, as a follow-up to the Views adopted by the Human Rights Committee on an individual communication. In cases where the Committee finds a violation of the author's rights and the domestic law provides for the liability of the State, the author, acting in accordance with the provisions of the Introductory Law to the Civil Code (Arts. 104, 105), may file a lawsuit for civil damages against the State (or Municipality in accordance with the provisions of domestic legislation) claiming that the unlawful act or omission violated his/her (Covenant) rights, on the basis of the Committee's Views (see, *mutatis mutandis*, Court of Cassation judgment 1816/2007).

**Reply to the issues raised in paragraph 3 of the list of issues.**

6. The Greek State acknowledges the valuable contribution of the National Commission for Human Rights (NCHR), at both the national and the European and international levels, and is committed to ensuring the Commission's smooth and effective functioning, despite the challenges arising from the severe economic crisis which has affected the country during the last five years. The General Secretariat of the Government has assumed the obligation to financially support and administratively facilitate the conduct of the activities of the NCHR, in particular to take the necessary steps towards the Commission's economic viability, the smooth participation of its members in the Plenary and its Departments, the filling of the scientific and administrative staff posts provided for its operation, the upgrade of its technological equipment and website, as well as the payment of the annual subscriptions of the NCHR to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, the European Network of National Human Rights Institutions, etc.

7. In particular, the signing of a joint decision of the Prime Minister and the Minister of Finance, concerning the remuneration of the President, the Vice-President and the members of the NCHR, is expected.

8. With regard to the NCHR's staff, two legal/research officers and an administrative officer are already employed in its Secretariat, while the filling of the third scientific staff post and the completion of the secondment of an administrative officer in NCHR's Secretariat are expected in the forthcoming period.

9. The upgrade of technological equipment of NCHR has already started. Technical support and upgrade of the NCHR's website have been scheduled, to facilitate and promote the widest possible dissemination of the Commission's work.

10. Finally, the issue of the payment of annual subscriptions to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and the European Network of National Human Rights Institutions is on track to be resolved.

**Non-discrimination, equality between men and women and rights of minorities  
(arts. 2, 3, 20, 26 and 27)**

**Non-discrimination, equality between men and women, and rights of  
minorities (arts. 2, 3, 20, 26 and 27)**

**Reply to the issues raised in paragraph 4 of the list of issues**

11. Measures to support the participation of women in positions of political responsibility at regional and local level: under the Project “Encouraging and supporting the participation of women in positions of political responsibility and representation at regional and local level”, among others, 17 training seminars (1,000 women elected) have been held in the 13 Regions of Greece. Four additional seminars were implemented in 2013 in four cities.

12. The implementation of Law 2839/2000, which introduced the compulsory, at least 1/3 quota of each gender in the councils, public bodies and local authorities will be monitored by the General Secretariat for Gender Equality through an online application (a relevant information circular is expected to be issued to public services).

13. Measures to support the participation of women in positions of political responsibility and representation at the national and the European policy level: an ongoing Project includes, among others, training seminars targeting women candidates in elections, as well as networking and counselling to support elected women or women interested in participating in politics.

14. Measures to empower women for their participation in economic decision-making centers: The European Union (EU) Program PROGRESS 2013-2014, entitled “Positive actions for women for their promotion in economic decision-making centers”, has included actions such as local, sectoral workshops for women and men corporate executives, human resources managers, etc. as well as coaching-leadership workshops and workshops for women (middle and senior managers). The Program is under implementation and is expected to be completed in December 2015.

15. Measures to encourage and support the participation of women in positions of political responsibility and representation at the regional and local level: Equality in Regions and Municipalities: Regional Committees on Gender Equality have been re-established following the latest regional elections (May 2014), as it is required by Law 3852/2010 on the Administrative Reform of the Local & Regional Government. Members of the Committees are representatives of the regional administration, local gender equality non-governmental organizations (NGOs) and the General Secretariat for Gender Equality. Furthermore, Greek municipalities and regions have signed the European Charter for Gender Equality in Local Life (2011) and committed themselves to make the most of opportunities and resources to promote gender equality for the benefit of all citizens.

**Reply to the issues raised in paragraph 5 of the list of issues**

16. During the first quarter of 2015, the unemployment rate in Greece was 26.6%, the rate of female unemployment standing at 30.6%, compared with 23.5% for men. The highest unemployment rate is recorded among young people, aged 15-24 (51.9%), which

reaches among young women 57.0%. Through the programs implemented, the Ministry of Labour, Social Security and Social Welfare is seeking to enhance female employment growth, through the promotion of equal opportunities for women in employment.

17. More specifically, in addition to the employment and vocational training programs, which are addressed to the entire unemployed population, the Ministry of Labour implements a special, two-year, employment promotion program, subsidizing insurance contributions to engage 25,000 unemployed, addressed to private companies and, generally, private sector employers, with priority given to small businesses, employing up to 50 persons.

The Ministry of Labour has also completed the implementation of the «Special four-year employment promotion program, subsidizing insurance contributions to hire 40,000 unemployed» including the same special provisions for women with the above two-year program.

18. For the new programming period 2014-2020, the Ministry implements the program “Reconciling work and family life 2014-2015”. In this year’s cycle, 2014-2015, 74,900 children in total have been placed in care facilities and 62,200 persons in total were beneficiaries. The action aims at increasing employment and equal participation of women in working life, by providing care and accommodation posts for children, and providing substantial assistance to parents — especially women who are disproportionately affected by unemployment — in order to reconcile their demanding roles between family and professional life.

19. Furthermore, the General Secretariat for Gender Equality is implementing the Project “Supporting NGOs (Women Organizations)”. Unemployed women are among the beneficiaries of the programme.

20. Aiming at enhancing employment of persons with disabilities, the following programs continued in 2014:

(a) A special, two-year, program supporting employers by subsidizing insurance contributions, to hire 2,300 unemployed persons with disabilities, former substance addicts, former inmates, young offenders or young people at social risk, and a program subsidizing 50 ergonomic workplace arrangement posts for persons with disabilities;

(b) A program subsidizing 800 young unemployed professionals with disabilities, former substance addicts, former inmates and a program subsidizing 50 ergonomic workplace arrangement jobs for persons with disabilities.

21. Through the Operational Program “Human Resources Development” (in the context of the National Strategic Reference Framework 2007-2013), the following programs were co-funded:

(a) The provision of integrated pre-training, vocational training and accompanying support services from specialized centers for the social and vocational inclusion of persons with disabilities, former substance addicts or persons under rehabilitation;

(b) Interventions in favor of vulnerable social groups by accredited specialized centers of social and vocational inclusion of persons with disabilities, former substance addicts or persons under rehabilitation, as well as by Vocational Training Centers;

(c) Implementation of integrated social inclusion interventions for vulnerable groups, addressed to unemployed persons from vulnerable groups, including persons with disabilities;

(d) With regard to children with disabilities, the European Social Fund, under the «Reconciling work and family lives» action, provides support for children with disabilities and / or adolescents and / or persons with mental retardation and / or physical disabilities, in the respective Creative Activity Centers for Children with Disabilities; it also provides support to children with disabilities in comprehensive care stations for children, which belong to a distinct group of structures.

22. Special measures have been adopted for the transportation of pupils with disabilities. The transportation of pupils attending schools for pupils with special educational needs takes place by suitable means of transportation provided by the municipal authorities, or through public procurements which lead to hiring private transports. Grants are available for pupils attending schools for pupils with special educational needs, in case such transportation services are not provided. Finally, compensation may be provided for escorts of schools for pupils with special educational needs, when required in the contract.

23. According to the legislation in force, in order to obtain a building licence (art. 3 (2) of Law 4030/2011) it is mandatory to submit an accessibility plan. This applies to new construction projects, except housing, as well as to renovations of existing buildings, in order to ensure the autonomous safe mobility and accommodation of persons with disabilities. For existing buildings, the timeline for the completion of the necessary modifications expires at the end of the year 2020.

24. The Directorate of Reform Policy and e-Government of the Ministry of Interior and Administrative Reconstruction has promoted actions, so that public sector agencies may take the necessary steps, in accordance with the applicable legislation, to establish structures which enable access for people with disabilities. In particular, programs which have been implemented concerned the accessibility of persons with disabilities to municipal public buildings and the publication of the Handbook entitled “Methodology of Accessibility Control to Public Services and Infrastructures”.

25. Finally, the Citizens’ Service Centers, tasked with handling an increasing number of transactions with the Administration, must be housed in places accessible to people with disabilities, as provided for in the General Building Regulation.

#### **Reply to the issues raised in paragraph 6 of the list of issues**

26. The National Programme for Gender Equality 2010-2013 is carried out with funding from the National Strategic Reference Framework and has been extended until the end of 2015. For this reason, the implementation of the Programme has not yet been assessed. The Government will proceed to the evaluation and policy planning for the next programming period 2014-2020 through consultation with relevant stakeholders.

27. Law 3896/2010 on “Application of the principle of equal opportunities and equal treatment between men and women in matters of labour and employment” explicitly guarantees the right to access to a court of all persons who consider themselves wronged by failure to apply the principle of equal treatment to them, even after the relationship in which the discrimination is alleged to have occurred has ended. Legal entities or unions of persons having a relevant legitimate interest may lodge, on behalf and with the approval of the victim, a legal remedy or a third party intervention before the competent judicial or administrative authorities. In addition, the law specifies the civil, administrative and penal sanctions in case of violation of the law, while the respondent bears the burden of proof in civil and administrative procedures. Furthermore, the Gender Equality Department of the Greek Ombudsman monitors the application of the principle of equal treatment for men and women in employment and occupation and may also investigate cases of gender discrimination in the field of the conditions of service of public sector employees, as well as in the private sector, also covering self-employed men and women.

**Reply to the issues raised in paragraph 7 of the list of issues**

28. Law 927/1979 as amended by the new anti-racism law 4285/2014, articles 81 A of the Criminal Code and 61 b of the Criminal Code (as amended or inserted by the same Law) provide for criminal sanctions in case of hate crimes and hate speech, on the ground, among others, of sexual orientation and gender identity. The implementation of the respective legislation is under review by the Ministry of Justice, Transparency and Human Rights with a view to enhancing its effectiveness and visibility.

29. The Ministry of Justice, Transparency and Human Rights has undertaken initiatives aimed at combatting hate speech and hate crimes based on bias motivation, including sexual orientation or gender identity (see below, reply to issues raised in paragraph 8).

30. Moreover, the Ministry is currently consulting with an international body on measures to intensify awareness-raising of the wider public concerning discrimination based on sexual orientation and gender identity. Very recently, the Ministry made public a legislative initiative for the new civil (registered) partnership, which will be available to adult persons regardless of gender and will confer rights equivalent to those deriving from marriage. It is considered that the recognition of same-sex unions will contribute to the fight against discrimination and racist violence based on sexual orientation or gender identity.

31. With respect to law 3304/2005, it should be mentioned that it prohibits discrimination, among others, on the grounds of sexual orientation in the employment and occupation sectors (art. 8) and in the provision of goods or services which are available to the public (art. 16). The Law is currently under review by the competent authorities (Ministry of Justice, Transparency and Human Rights, Ministry of Labour, Social Security and Social Solidarity and the Greek Ombudsman). The establishment of a new Equality Body within the Greek Ombudsman and the inclusion of gender identity in the grounds of non-discrimination protected by L. 3304/2005 are some of the measures under consideration.

32. During the period 2009-2014, the Greek Ombudsman, in its capacity as anti-discrimination body, received around 10 complaints related to discrimination on the ground of sexual orientation. Such a low number of complaints, according to the Ombudsman, does not mean that there is no discrimination on the abovementioned ground, but rather that there is a problem of underreporting of relevant cases. It is to be noted that in 2013 the Office of the Ombudsman established a cooperation network with organizations of lesbian, gay, bisexual and transgender persons, which contributed to the improvement of the contacts between the independent authority and those who experience discrimination on the ground of sexual orientation and to the awareness-raising of the latter on the access to mechanisms addressing such issues.

33. Finally, the Office of the Ombudsman published in March 2014 a “diversity guide” addressed to civil servants, aimed at filling potential gaps on the awareness of public sector employees about the specific characteristics and needs of persons belonging to different groups, so as to improve the treatment by the Administration of persons who might be victims on the grounds, inter alia, of sexual orientation and gender identity.

**Reply to the issues raised in paragraph 8 of the list of issues**

34. In September 2014, Parliament adopted Law 4285/2014, amending Law 927/1979 and strengthening the country’s criminal anti-racism legislation. The law punishes, inter alia, public incitement to acts or activities which may result to discrimination, hatred or violence against individuals or groups of individuals defined by reference to race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity, or disability, the establishment or participation in an organization or union of persons systematically

pursuing the commission of the abovementioned acts, and the malicious denial or trivialization of genocide. Furthermore, the law provides for more severe penalties, in case, in particular, the perpetrator is a public official or servant, as well as for racist crimes. The punishable acts are prosecuted ex officio; victims are exempted from the obligation to pay a fee when submitting a criminal complaint or participating as a civil party in a criminal procedure.

35. In addition, according to Law 4332/2015 (and a previous Joint Ministerial Decision), victims or material witnesses of the racist acts penalized under the relevant legislation may be granted, under certain conditions, a residence permit on humanitarian grounds, until a judgment has been delivered or the case has been closed.

36. The new article 81A introduced in the Criminal Code raises the minimum penalty (confinement in a penitentiary, imprisonment) and doubles the monetary penalties that may be imposed for racist crimes, i.e. for crimes committed out of hatred on the grounds of race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity, or disability of the victim.

37. Moreover, in accordance with Article 2 of Law 4203/2013, state financing of political parties whose leaders or a number of their elected officials are charged with the crime, in particular, of membership of a “criminal organization” and put on pretrial detention, is suspended by decision taken by the Parliament.

38. The position of the Hellenic Police as regards racist and/or xenophobic behaviour on the part of police personnel during the discharge of their duties, is clearly laid down in a Hellenic Police Chief’s Circular Order, dated 8 November 2014, which has been forwarded to all Police Services, following the adoption of the anti-racism Law 4285/2014. The Circular Order lays down the general obligation of State agents not to infringe, during the discharge of their duties, upon the rights of any person, but instead to proceed, with impartiality and objectivity, to positive acts to avert human rights violations and abuses.

39. Two new Sections have been established within the State Security Subdivisions/Security Divisions of Attica and Thessaloniki, as well as 68 Offices within the Country’s regional Security Services, tasked with the investigation of acts of racist violence.

40. In March 2015, a Working Group was established by the Secretary General for Transparency and Human Rights of the Ministry of Justice, Transparency and Human Rights, consisting of representatives of the police force (special antiracist units), NGOs (in particular the Racist Violence Recording Network, created by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the National Commission for Human Rights with the participation of 33 NGOs), UNHCR, the National Commission for Human Rights, the Ministry of Justice and the Special Prosecutor on racist violence. The WG has a coordinating role in the field of hate crimes and racist violence, with a special initial assignment to review different data collection systems in place and to foster clear-cut technics of racist crimes recording. It also aims at bringing together police authorities with civil society organizations through the Racist Violence Recording Network, especially those recording racist crimes, and to increase their cooperation and trust.

41. In addition, the Ministry of Justice, Transparency and Human Rights, following the recommendation of the Council of Europe’s European Commission against Racism and Intolerance, has already drafted a bill on the establishment of the “National Board against Racism and Intolerance”, an inter-ministerial body with the participation of the National Commission for Human Rights, UNHCR, the Racist Violence Recording Network and other important stakeholders and in cooperation with the Ombudsman. The main goal of the above mentioned body will be to assist the Secretary General for Transparency and Human Rights in developing anti-racist policies and in particular in drafting a National Action Plan

against Racism and Intolerance. In this framework the establishment of a hate speech observatory will also be examined. This body is mandated to consult with civil society organizations and all other competent national authorities in order to supervise the implementation of anti-racist legislation and to increase its effectiveness.

42. It should also be mentioned that a Special Prosecutor on racist violence was recently appointed in Piraeus region (a Special Prosecutor on racist violence has also been appointed in Athens region).

43. Moreover, as regards efforts to collect and analyse reliable and comprehensive data, following an initiative of the Hellenic Police and the Ministry of Justice, Transparency and Human Rights, a state database on hate crime and hate speech incidents was created, updated on an annual basis. It should be noted that the Ministry of Justice, Transparency and Human Rights makes efforts to review different data collection systems in place, in order to introduce common criteria and to standardize fields of categorization. Data on bias motivated crimes are expected to improve following the implementation of the new computerization system of the courts that will be applied by the end of 2015.

44. In the field of training, several programmes take place in the framework of the on-going training of members of the judiciary. Very recently, two prosecutors, one from Athens and one from Thessaloniki, participated in OSCE/ODIHR's training program for prosecutors on hate crimes (PAHCT).

45. Concerning statistics on alleged hate crime and hate speech incidents and according to the joint records of the Hellenic Police and the Ministry of Justice:

- 2013: 109 incidents, 44 prosecutions, 5 convictions, 9 cases filed;
- 2014: 80 incidents, 11 prosecutions, 4 convictions, 24 cases filed. In 66 of those incidents, criminal proceedings have been initiated, while disciplinary measures only have been taken in 14 cases. More specifically: in 36 incidents, police officers were involved, in 16, citizens, in 11, organized groups, while in 17 of them the offenders remain unknown.

**Reply to the issues raised in paragraph 9 of the list of issues.**

46. Within the EU framework, Greece launched in 2011 the National Roma Inclusion Strategy, aiming at combating discrimination and social exclusion by adopting or further developing a comprehensive approach to the inclusion of the Roma in the crucial areas of access to education, employment, health care and housing. The strategy comprises sufficiently funded policies at the national, regional and local levels and targeted actions. Twelve out of thirteen Regions of Greece have developed Regional Strategies for Roma inclusion (the final state of approval varies among the 12 Regions) focusing on the specific needs of the Roma.

47. With regard to the measures taken in the abovementioned fields, the following should be mentioned:

- Housing: The development of basic infrastructures in Roma settlements is the main measure promoted so far, focused on environmental upgrading and recovery of urban landscape, road network constructions, creation of playground and recreation areas, construction of sewerage system and waste-water collector system, etc.
- Employment: Projects such as Local Employment Pacts and Local Integrated Interventions for vulnerable groups (the so-called TOPSA / TOP-VG at regional level) have been running during the period 2013-2015 and involve either actions exclusively addressed to the Roma or integrated actions involving both the Roma and other vulnerable groups. Moreover, the Social Support Centers for Roma and



other vulnerable social groups (see below) focus on helping Roma and other unemployed people to find a job.

- Health care: Social Support Centers for Roma and other vulnerable social groups (former Socio-Medical Centers), provide first degree health services and family planning and counselling services, make referrals, and organize vaccinations, especially for Roma children, with the co-operation of public health services or NGOs. The Centers are established in areas of permanent establishment of Roma persons in the province and are staffed by professionals such as doctors, health visitors, psychologists, social workers and Roma mediators.
- By virtue of Law 3463/2006, municipalities are allowed to cede free of charge full ownership of municipal property to the Roma, in order to cover their housing needs, on condition that they are under state programs for housing rehabilitation.

48. Education: Roma children are entitled by law to the same schooling as all other Greek citizens. Nevertheless, the Ministry of Education has continued to apply additional proactive measures and special programmes considering the particular needs of the Romani population and the prejudice or exclusion that Roma children might face during their schooling.

49. The main axes of the Greek Ministry of Education policy for Roma education are reflected in the project “Education of Roma children”, which is implemented by the University of Thessalonica and the University of Athens, and run under the supervision of the Ministry. It is implemented throughout the country and, specifically in areas where there is a large concentration of Roma population. In general, the project aims on the one hand to enhance access and participation of Roma children in education, with particular emphasis on preschool education and early enrollment in the first grade of primary school. On the other hand, emphasis is placed on in-school interventions for the improvement of the education provided to Roma children in order to achieve regular attendance and reduce students’ dropping out of school, in some cases by means of employing Roma school mediators.

50. What is more, since 2008, at the beginning of every school year, a Circular is issued by the Ministry according to which all Heads of School Units are reminded of their obligation to enroll Roma pupils in Primary Schools and to cooperate with the Regional Directors of Primary and Secondary Education as well as with School Advisors in order to overcome any problems that may arise during enrolment.

51. Additionally, Roma families with low income can benefit from an annual allowance for every child enrolled in public school of compulsory education which can be granted to them only at the end of each school year, upon submission of a certificate of regular school attendance.

52. Polygamy is not practiced in Greece. According to the Civil Code, the existence of a valid marriage is an impediment to the celebration of another marriage; such a marriage will be declared void by the competent court. Furthermore, article 356 of the Penal Code punishes bigamy as criminal offence.

53. According to article 1350 (2) of the Civil Code, the legal minimum age to enter a marriage in Greece is 18 years. However, the court, after having heard the future spouses and their guardians, may allow the celebration of a marriage before the completion of that age, if such a celebration is required for serious reasons. It is to be noted in this respect that marriages between members of the Muslim minority in Thrace are performed by the Muftis who also exercise judicial functions in family law matters.

**Right to life, violence against women, including domestic violence, and prohibition of torture and cruel, inhuman or degrading treatment (arts. 3, 6 and 7)****Reply to the issues raised in paragraph 10 of the list of issues**

54. The General Secretariat for Gender Equality has implemented the “National Programme on Preventing and Combating Violence against Women” which covers all forms of gender-based violence. Within the framework of this Programme the following structures and actions have been established and operated:

- The bilingual (Greek and English) SOS helpline 15900 accompanied by the e-mail address sos15900@isotita.gr, which is in operation since March 2011. During the four years of its operation, 19,481 telephone calls and 203 e-mails have been received.
- 40 new Counselling Centres (operated by the General Secretariat for Gender Equality and the largest Municipalities).
- 21 shelters for Abused Women operated by 19 large Municipalities.
- During a period of less than 3 years of operation, 8,000 women have visited the abovementioned structures.

55. In the context of the Hellenic Police “Anti-Crime Policy Program”, the competent Department of the Hellenic Police has forwarded instructions to all Police Services on how to deal with domestic violence incidents and how to handle victims and offenders. In 2014, 3,914 victims of domestic violence have been identified, among which 3,354 Greek nationals, and 3,859 offenders.

**Reply to the issues raised in paragraph 11 of the list of issues**

56. The Penal Code provides for particularly strict sanctions against agents of the State who violate human rights, including those who commit acts of violence or insults to human dignity. In case of violation of Articles 137A’-137D’ (including the commission of acts of torture or breach of human dignity) by police officers, the relevant preliminary examination is carried out by the Internal Affairs Division of the Hellenic Police Headquarters, which is an independent Central Service subject to the Chief of the Hellenic Police and supervised by the Public Prosecutor at the Court of Appeals.

57. In this respect, by order of the Chief of the Hellenic Police dated 24 October 2012, the afore-mentioned Division undertakes, as a matter of absolute priority, the investigation of complaints made by foreign citizens (whether detained or not) alleging ill-treatment, affront to their personality and/or physical abuse by police officers and, in particular, by police officers who were called to intervene in racist violence incidents against aliens.

58. Moreover, in accordance with a Circular Order of the Supreme Court of Appeal Public Prosecutor, dated 23 March 2010, in the event of complaints lodged by persons detained by Police Services alleging ill-treatment in the context of their preliminary examination or their arrest, the Public Prosecutor at the competent Court of the First Instance must be promptly informed and the complaints must be investigated by police officers of the same Service, as well as by prosecutorial and judicial authorities, while, at the same time, the competence of the Internal Affairs Division must not be limited.

59. Police officers are also subjected to disciplinary control, carried out as a matter of utmost priority. Acts constituting torture or other insults to human dignity incur the penalty of dismissal. In this context, by order of the Hellenic Police Headquarters, police officers are obliged to investigate whether offences under disciplinary investigation were motivated

by racist hatred on the part of police officers displaying unlawful behavior against persons belonging to vulnerable ethnic, religious or social groups or against foreign citizens. In such cases, the findings of administrative investigations must obligatorily mention that the existence or not of racist motives has been explicitly ascertained.

60. It is to be noted that, at the basic training level, Police Schools' curricula include the teaching of human rights, as an independent subject. At the post-graduate level, the Hellenic Police personnel is trained in subjects related to racism, xenophobia, gender and domestic violence and in issues concerning the safeguarding of the defendants' rights and the adoption of security and order measures during demonstrations. There are also further education programs, lectures, seminars, etc., which sensitize trainees to human rights protection and to the upholding and promotion of the core values of the Republic.

61. As regards the use of weapons, it is to be noted that the last legislative amendment dates back to 2011. The Committee of Ministers of the Council of Europe has noted that the legislation in force constitutes a modern and comprehensive legislative framework for the use of firearms by the police.

#### **Reply to the issues raised in paragraph 12 of the list of issues**

62. Article 1 of Law 3938/2011, as amended by Article 18 (5) of Law 4058/2012 and again by Article 10 of Law 4249/2014, established the "Office responsible for handling alleged instances of abuses" as a mechanism for the investigation of complaints against law enforcement personnel, subject to the Deputy Minister of the Interior and Administrative Reorganization, responsible for issues of Public Order and Citizen Protection. The Office in question is tasked with collecting, recording, evaluating and forwarding for investigation to the competent Services or Authorities all complaints regarding torture or affronts to human dignity within the meaning of Article 137 A' of the Penal Code, intentional actions against the life, physical integrity, health, personal or sexual freedom, and every other insult against the personality of any person being on Greek territory, as well as the illegal use of firearms.

63. Up to now, the staffing of the aforementioned Office has not been possible, mostly because of financial reasons. Article 10 of Law 4249/2014 enlarges the circle of persons who may be appointed as members of the three-member Committee of the Office, in order to render its operation possible with qualified persons wishing to offer their services.

64. Finally, it should be pointed out that constant efforts are being made for the prompt operation and the staffing of the Office, in conformity with the political leadership's explicit will.

65. During the period 2012-2014, there were 91 incidents in which members of the law enforcement personnel were involved.

66. During the period 2010-2014, 18 cases of complaints of violence allegedly committed by prison service personnel were lodged.

67. During the same period, there were 28 cases of investigations opened and prosecutions lodged against prison service personnel for violence/injury.

#### **Reply to the issues raised in paragraph 13 of the list of issues.**

68. The forced shutting down of psychiatric hospitals has caused patients thronging community-based and primary healthcare services. Moreover, the National Healthcare System, including mental health and other services involved in the welfare and protection of individuals with developmental disorders, is currently suffering from understaffing. The Directorate of Mental Health of the Ministry of Health, together with the Special Committee for the Monitoring of the Protection of Rights of Persons with Mental Disorders, are committed to guarantee placement or relocation of individuals with

developmental disorders in the appropriate mental healthcare or welfare facilities, although this entails great difficulties due to a lack of human and financial resources.

69. A limited use of restraining methods, such as those referred to in paragraph 13 of the list of issues, has been observed, as it is imperative to prevent self-injuries and to ensure better protection of the patients themselves, given the severe lack of means and alternatives. However, as of today, the Ministry's Directorate for the Development of Healthcare Units has had no information that could confirm that such practices are currently used. It is to be noted that issues related to the rights of patients are regulated by Article 1 of Law 2519/1997 and Article 2 of Law 2716/1999, while a 2008 decision of the Central Health Council provides guidelines for the use of restraining methods for psychiatric inpatients.

70. The competent authorities agree on the need to create new community mental health services, but also to guarantee the sustained funding and enhanced staffing of the present ones, so that every person cared-for gets the personalized care they deserve.

71. It is also to be noted that in the specific Social Welfare Centre, where the phenomenon described in the List of Issues emerged, a tender procedure has been initiated to construct six soft rooms. Meanwhile, there are plans to improve the living conditions of patients of all Social Welfare Centers in Greece.

## **Elimination of slavery and servitude (art. 8)**

### **Reply to the issues raised in paragraph 14 of the list of issues**

72. The number of identified perpetrators has been decreasing since 2010. This may imply that traffickers have resorted to new, tacit means of exploitation and that, more often than before, traffickers are choosing different routes other than Greece.

73. In 2014, 64 victims of trafficking in human beings were identified (48 victims of sexual exploitation, 5 of forced labour and 11 of forced begging). The Hellenic Police reported an increase on the number of minors victims of trafficking in 2014 (14 minors victims). Of the 64 victims identified in 2014, 7 received official victim status. The police investigated 36 human trafficking cases in 2014 (30 investigations for sexual exploitation, 4 investigations for forced labour and 2 investigations for forced begging). In 2014, the number of suspected traffickers reached 125. Judgments against traffickers were issued by courts in 14 cases (out of 40 criminal prosecutions). The state-run shelter provided assistance to 30 victims of trafficking and sheltered 18. As stipulated in the new legal framework, sheltering and victim assistance is provided regardless of whether or not the victim is cooperating with the authorities.

74. Although most cases involve male perpetrators, an alarming new trend is the significant number of women recruiters. Only four female minors have been identified as victims of trafficking in human beings in 2014. Most commentators and grass-root organizations, however agree that this number may be much higher, given the thousands of unaccompanied minors entering Greece at risk of being exploited. The identification process for minor victims of trafficking in human beings is currently being revised.

75. Furthermore, traffickers are taking advantage of new sophisticated technology and on-line recruitment methods through the extensive use of the internet and social media networks.

76. The main deliverables of the Office of the National Rapporteur focus on: improving the National Referral Mechanism for the first-level identification, assistance of and support to victims of trafficking; establishing a comprehensive and systematically updated database for victims and perpetrators, in accordance with Eurostat standards; promoting public-private partnerships between state agencies, NGOs and other stakeholders in EU projects;

and implementing large-scale education, train the trainers and awareness-raising projects, as well as campaigns among the general public in an enlarged endeavor to tackle “demand reduction”.

77. Towards that end, the Office of the National Rapporteur has recently launched several ongoing initiatives and important meetings resulting into: a) the establishment of a permanent Consultation Forum with Civil Society actors; b) a permanent Coordination Mechanism with public authorities, which include senior officials and agencies from different Ministries and the offices in Greece of the International Organization for Migration and UNHCR; c) a Memorandum of Cooperation with the private sector aimed at targeting the demand for trafficked victims and implementing awareness-raising projects with businesses and consumers. The Memorandum, signed with Corporate Social Responsibility/ CSR Hellas Network, commits major private sector stake-holders to “slave-free” supply chains; d) a systematic partnership with the Ministry of Education to introduce trafficking in human beings awareness-raising lessons in the school courses of Human Rights and Sexual Education and, e) promoting partnerships with the Cultural sector, the Academia and the Local Administration and Municipalities to join forces against trafficking in human beings.

78. Awareness-raising and sensitizing public opinion is the foremost means to promote prevention of trafficking in human beings. Our outlook regarding prevention puts forward innovative interventions so as to encourage society as a whole to identify and report potential victims and, of course, to foster a “zero tolerance” approach towards the demand, marketing and “consumption” of modern day slavery. In this framework, the Office of the National Rapporteur gives special emphasis on organizing public awareness events, through the cultural sector. Finally, in March 2015, the Office of the National Rapporteur launched its own Facebook and twitter pages aiming at enhancing communication with the general public.

### **Right to liberty and security of person, treatment of persons deprived of their liberty, and fair trial and independence of the judiciary (arts. 7, 9, 10, 14 and 24)**

#### **Reply to the issues raised in paragraph 15 of the list of issues**

79. Regarding the increase in litigation costs for lodging applications for legal proceedings, law 3226/2004 provides legal aid to citizens with low income and therefore, eliminates the danger of restriction of access to justice. Additionally, according to articles 194 to 202 of the Greek Code of Civil Procedure, the indigence benefit may be provided to every person, even legal entities, which are not able to pay the expenses of the trial.

80. Law 4055/2012 introduced fees in certain civil law proceedings, in order to prevent the abusive lodging of legal remedies. The fees target litigants who are acting in bad faith by using the judicial system in order to avoid their financial or other obligations; they are reimbursed to litigants who win the trial; the competent court is entitled to reimburse the whole amount of the fees, also to litigants who have partially won the case.

81. Furthermore, article 28 (2) of Law 4055/2012, amending art. 46 of the Penal Code, imposes a fee of 100 euros for the lodging of a criminal complaint, only in cases which can be initiated by the litigant and not ex officio by the Prosecutor (e.g. cases of slander or defamation, minor injuries). In addition, no fee is required in cases of domestic violence, crimes of sexual violence and sexual exploitation, etc. Moreover, crimes which are prosecuted ex officio (usually most serious crimes) are excluded from this fee.

82. Law 4055/2012 provides for the acceleration of provisional judicial protection, amends the procedure before the Courts of First Instance, establishes the procedure of judicial mediation, develops alternative methods of resolving private disputes and changes the processing of cases through the transfer of certain competences from the Courts of First Instance to the District Courts.

83. In criminal, civil and administrative law procedure, reforms have been introduced aiming at court decongestion and trial time shortening, which have yielded positive results. The Ministry of Justice, Transparency and Human Rights focuses its current policy on the establishment of a modern system of managing the workload of the courts in order, in particular, to harmonize the judicial practice with the case-law of the European Court of Human Rights.

**Reply to the issues raised in paragraph 16 of the list of issues**

84. Greece has 34 prison facilities, with a total capacity of 9,886 persons. The implementation of Law 4322/2015 has reduced the actual number of inmates from 12,309 to 10,011 persons (as of 1 July 2015).

85. Law 3772/2009 (art. 13) provides that the Specialized Therapeutic Facilities will be incorporated in the National Health System. A Working Group will be established to this end.

86. In September 2014 the new wing of HIV-positive prisoners housed in the female wing of Korydallos prison was inaugurated. This new wing created an area specifically designed for the needs of HIV-positive prisoners, but also contributed to the reduction of prison population.

87. In the same vein, Law 4322/2015 (art. 6) provides for the dismissal or commutation of the sentence of the prisoner, provided that health reasons apply, expressly mentioned in the text of the law.

88. By virtue of article 16 of the same Law, the available positions of prison staff increased by 580 posts.

89. Law 2776/1999 (Penitentiary Code) provides that pretrial detainees, persons detained for the enforcement of commercial claims and persons convicted for misdemeanors are held in different prison facilities than the rest of the prisoners (art. 19). However, this rule is not fully applied due to the shortage of prison facilities.

90. Irregular migrants under administrative detention are not held in prison facilities.

91. As regards non-custodial preventive measures and alternatives to custodial sentences, the implementation of (pilot) electronic surveillance, has begun in May 2015 and will be applied for an initial trial period of 18 months (Presidential Decree 62/2014).

**Reply to the issues raised in paragraph 17 of the list of issues.**

92. During their detention, all individuals are treated with full respect for their human rights. Detainees, during their transfer to Police Services, are fully informed about the reasons for their detention and about all of their rights, as laid down in Articles 96 et seq. of the Code Criminal Procedure. Detainees at the Police Services can communicate with their relatives and any other person of their choice either over the phone or in person; they can thus inform over the phone, if they so wish, their relatives about the place and the reasons for their detention, and are allowed to have visitors, according to a programme determining the hours, the place and the persons who may visit them. Under Circular Order 4803/22/44, particular emphasis has been placed, inter alia, on the right to an interpreter of detainees who do not have sufficient knowledge of the Greek language, on their right to communicate

with their relatives and other persons of their choice, their lawyer, or representatives of bodies active in the fields of human rights, as well as on their right to medical care. The protection of the detainees' health is also an important obligation of Police Authorities. Medical care is provided by a doctor from the Health Services of the Police or, in case of impediment or lack of such a doctor, by any other doctor, in accordance with Presidential Decree 141/1991.

## **Treatment of aliens and protection of children (arts. 2, 7, 9, 10, 13, 24 and 26)**

### **Reply to the issues raised in paragraph 18 of the list of issues.**

93. First of all, it is to be clarified that the "Xenios Zeus" operation has been discontinued.

94. Greece has implemented various plans in order to tackle challenges arising from migration flows. More specifically, a number of actions have been implemented for the detection and checking of foreign citizens who lack the necessary travel documents. The personnel dealing with such matter have been given the necessary instructions, so that the checks be carried out in full respect of the rights and the dignity of the person.

95. It is to be noted that the competent authorities have taken, in recent months, substantial measures to improve the situation of irregular migrants, such as the release and referral to accommodation facilities of vulnerable groups, the release of persons whose detention exceeds six months, the improvement of detention conditions, the use of alternative measures to detention. In February 2015, the UNHCR welcomed, as a move in the right direction, the adoption of the abovementioned measures.

96. The relevant legislation is fully in line with the applicable EU directives, which have been transposed into the national legal order.

97. Migrants awaiting deportation are held for the period of time strictly necessary to complete the return procedure. In any case, the fulfillment of the conditions of detention is reviewed ex officio every three months by the authority that has issued the detention order or the authority which is responsible for the handling of the third-country national, and is subject to ex officio judicial review every three months.

98. Moreover, the implementation of return procedures is subject to a system of external control under the main responsibility of the Greek Ombudsman, in cooperation with international organizations and NGOs.

99. It is to be clarified that the measure of detention may be imposed only to foreign citizens whose return in their country of origin is possible, and not to foreigners who cannot be removed.

100. The main criteria which are taken into account for the detention of foreigners who have entered or have been staying illegally in the country are as follows:

- In case the return or expulsion of the foreign citizen concerned is not feasible, a six-month suspension of the removal decision is granted, which may be renewed.
- The fact that the foreigner concerned belongs to a vulnerable group (women, single-parent families) or is a minor.
- The submission of an asylum request in the course of the first reception procedures.
- The availability of suitable detention facilities and the possibility to ensure decent living conditions for the detainees.

- The existence or not of previous arrests.

101. Asylum seekers may not be detained. Detention may be imposed only to foreign citizens who, while under detention for irregular stay in the country, submit, a posteriori, abusive asylum requests, in order to obstruct their removal. In such cases, asylum requests are examined in a short time, while first instance decisions are speedily reviewed.

102. The right of foreign citizens to challenge the measure of detention in expulsion cases before the competent court is provided for by the legislation in force. No foreign citizens are arbitrarily detained, while each case is examined on an individual basis.

103. Alternatives to detention are implemented by the First Reception Service, tasked with the handling of migrants having entered illegally the country. Such measures include the granting of a period for the voluntary departure from the country, under certain conditions, and the participation in Voluntary Repatriation Programmes. As a result, the measure of detention of irregular migrants is implemented only as an exception.

**Reply to the issues raised in paragraph 19 of the list of issues.**

104. Greece receives a great part of mixed migration flows to Europe, due to its geographical position. For this reason, Greece has to deal on behalf of the rest EU member states with a growing migratory pressure, notwithstanding its fiscal situation.

105. The protection of human rights of unaccompanied minors, who have entered irregularly the Greek territory, is considered as a matter of utmost priority. The First Reception Service, established by Law 3907/2011, is responsible for the operation and management of first reception centers and mobile units, in which specialized staff provides its services towards this target group of migrants reaching Greek borders.

106. In the abovementioned centers, units of the First Reception Service provide health care treatment and psychosocial support to unaccompanied minors; they also proceed to the minors' referral to the Prosecutor for the appointment of a guardian and placement in an open accommodation facility, operating in Greece. It should be stressed that the First Reception Service is planning the establishment and running of new open accommodation facilities for asylum seekers, including of course unaccompanied minors. Relative ministerial decisions for the establishment of three new open accommodation facilities have already been issued in 2014.

107. Finally, both the UNHCR and NGOs closely cooperate with the competent authorities and play a vital role in the protection of human rights of unaccompanied minors. Their staff, operating in first reception centers and mobile units of the First Reception Service, provides to unaccompanied minors all the necessary information about their rights, as well as their access to legal services during their stay in the Greek territory.

108. Concerning reports that unaccompanied minors are held with adults and are released without the appointment of a guardian, it should be stressed that in the First Reception Center in Fylakio Orestiada, such cases have not occurred while at the same time legal provisions concerning the appointment of a guardian are strictly followed by its staff. It is of a great significance to note that the First Reception Service has conducted an agreement with the NGO "Metadrasi" for the reinforcement of procedures relating to the appointment of a guardian.

109. Furthermore, the Hellenic Police has developed a close cooperation with the competent judicial authorities, the services of the Ministry of Labor, Social Security and Welfare/National Centre of Social Solidarity, as well as with other bodies of the public and private sector and the police authorities of neighboring countries at a bilateral (and not only) level. The issue of the exploitation of minors is also dealt within the EU framework.



110. There is, however, an imperative need to undertake a legislative initiative to establish a reliable system for the determination of the age of alleged minors, which, together with the establishment of additional structures for the accommodation of unaccompanied minors (as only a limited number of places are available at the moment) will significantly contribute to the solving of the problem of detention at Police Services, which is a necessary option/solution aiming at the protection of the minors.

111. Despite considerable efforts of the Greek State to manage the abovementioned migratory pressure, various organizations and bodies, at the regional and international level, have expressed their concern about the malfunction of the institution of guardianship and the lack of reception centers. It is true that, due to the large number of unaccompanied minors, the competent prosecutor (established by law as provisional guardian of unaccompanied minors) is not able to fulfill his/her duties.

112. A special inter-ministerial working group was established by the Secretariat General of Transparency and Human Rights of the Ministry of Justice, Transparency and Human Rights, with the participation of UNHCR, the Greek Ombudsman and other stakeholders, mandated to review the legal framework in place regulating the unaccompanied minors guardianship system, on the basis of a Registry of Guardians working under standard operating procedures.

113. However, all efforts of a member State to apply the Common European Asylum System, and in particular the special procedural safeguards for the unaccompanied minors provided for in the relevant EU legal instruments depend highly upon the available funds. It has been widely expressed by Greek officials that EU funds should be allocated for such actions, especially on actions related to unaccompanied minors, taking into account the member State's migratory burden.

#### **Reply to the issues raised in paragraph 20 of the list of issues**

114. Although facing an adverse fiscal situation during the past six years, Greece proves every day that it can successfully respond to its mission to vigilantly guard EU's external borders, while fully respecting human rights and the relevant international, European and national legislation.

115. It is the consistent practice of the Hellenic Police to investigate all allegations that come to its knowledge about alleged incidents of ill-treatment and purported "push back" practices, whatever their source may be. In the event that such allegations are confirmed, disciplinary sanctions are imposed on the personnel involved. Nevertheless, for the effective investigation of complaints, it is necessary to have sufficient information, for instance the time and the place of the incident; moreover, the prompt notification of the competent authorities about the incident is important, since, if there is a considerable lapse of time between the incident and the complaint, there may be loss of evidence useful for the investigation of the case. The measures taken by the Hellenic Police against illegal refoulement and massive expulsions include, inter alia, the cooperation with Frontex, the creation of an officials' network aimed at the protection of fundamental rights within the country's Police Directorates at the borders, the forwarding of instructions and guidelines to the Regional Services, the participation in international forums in order to be informed of best practices, the harmonization with the Schengen acquis, the cooperation with the competent Turkish authorities.

116. The timely detection, rescue and safe transportation of migrants and, certainly, respect for the principle of non-refoulement in the course of sea border monitoring, are the key principles that are strictly observed by Hellenic Coast Guard (HCG) officers. When HCG ships, aircrafts or coast vessels detect boats/crafts carrying mixed groups of migrants inside Greek territorial waters, they follow the prescribed procedure, on a case-by-case

basis, to pick them up and safely transport them to the seat of the port authority in whose jurisdiction the incident took place.

117. The HCG Headquarters has completed the drafting of the “Code of Ethics for HCG Staff”, which incorporates the applicable legal acquis concerning fundamental rights and the proper implementation of the principle of non-refoulement. The Code will be put in public consultation with all competent bodies and, after its content is finalized, it will be adopted (possibly in the form of Presidential Decree).

118. On this basis, and given that sea borders are monitored pursuant to the Schengen Borders Code, the HCG staff perform their duties while fully respecting human dignity, freedom and safety, especially of vulnerable groups and children, and take all necessary measures in order not to expose these persons to any form of inhuman or degrading treatment.

119. To fulfill its objectives in this regard, the HCG has proceeded to a series of educational interventions, so that respect for human rights and the proper implementation of the principle of non-refoulement are made an integral part of the every-day operation of the HCG.

120. As a result, amendments were made to the Training Regulations of the Coast Guards Academy in order to incorporate the European Frontex Training Programme in its curriculum. Finally, it is worth noting that the Training Regulations of all degrees of training schools are in the course of being amended. At the same time, HCG officers already serving at regional authorities around the country have received training in matters of respect to fundamental rights and practical implementation of the principle of non-refoulement in the performance of their field duties, the relevant activities being co-funded by the European External Borders Fund.

121. In addition, the HCG considers that mixed European operations, coordinated and co-financed by Frontex in the Eastern Aegean, with the involvement of operational resources from other EU member States, are also a means of ensuring the proper implementation of the principle of non-refoulement and full respect for human rights during the management of mixed migration flows in Eastern Aegean, since they ensure an ever-increasing climate of transparency regarding the operational practices for the management of migration flows. The same applies to the increased involvement of operational resources throughout the mixed European operation Poseidon-Sea borders. In addition, the HCG has included in its investment programme, which is part of the national programme for co-financing by the European Internal Security Fund 2014-2020, a project relating to the installation of an integrated maritime surveillance system, in order to immediately detect vessels carrying migrants at the Eastern Aegean sea border and prevent any issues from being raised by any party regarding the operational practices of HCG officers.

#### **Reply to the issues raised in paragraph 21 of the list of issues**

122. Greece has made, within a very short period of time, significant progress in the fields of migrants’ reception, detention conditions, and protection of human rights. More specifically, under the National Action Plan on Asylum and Immigration, seven pre-removal detention centers have been established, taking into consideration the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and other European and international mechanisms.

123. The First Reception Centers and the Pre-Removal Detention Centers are implementing, inter alia, a new system for the registration, the assessment, the reliable determination of the identity and the country of origin, the medical screening and the psycho-social profiling of third country nationals undergoing the initial reception procedure, through the use of special know-how and personnel specialized in these fields,

as well as the provision of assistance to vulnerable groups (unaccompanied minors, women, single-parent families) and, of course, the provision of guidance to those entitled to international protection.

124. Foreign citizens accommodated in Pre-Removal Detention Centers are detained following a decision of the competent authority, which has issued expulsion/return orders, and are not allowed to leave the Centers. They originate from countries where they can be repatriated to, to the extent that there are no circumstances precluding such repatriation and that their Embassies in the country cooperate with the Greek authorities for the issuance of travel documents. It is to be clarified that the abovementioned foreign citizens have illegally entered or stayed in Greece and have been fully screened; they are to be distinguished from foreigners who have committed criminal or other offences and are detained in prisons.

125. Furthermore, it should be stressed that the foreign citizens in question undergo a medical examination by medical teams of the National Health Operations Centre of the Ministry of Health, the Hellenic Centre for Disease Control and Prevention and various NGOs. Medical care is provided to them on a daily basis either in hospitals or by doctors of NGOs at the aforementioned Centers. Representatives of the Greek Council for Refugees have daily access to all detention facilities and communicate with irregular migrants for the provision of legal aid, in order for the latter to gain access to the asylum procedure and be represented during the examination of their request. It is to be noted that the same goes for representatives of other bodies the UNHCR and NGOs.

126. A Joint Ministerial Decision, dated 21 January 2015, on the “Establishment and Operation of Foreign Citizens’ Pre-Removal Detention Centers – Internal Rules of Operation” regulates matters relating to the operation of the abovementioned Centers, the procedure for the detention of irregular migrants who are subject to legitimate restrictions on their freedom in the Pre-Removal Detention Centers, the rights and the obligations of detainees, as well as the responsibilities and the tasks of the personnel of such Centers. To ensure the proper implementation of Directive 2008/115/EC “on returns”, clear instructions have been given to transfer to the above Centers all persons whose detention is deemed necessary, after having screened them and issued all relevant orders.

#### **Reply to the issues raised in paragraph 22 of the list of issues.**

127. Article 59 of Law 4075/2012 is currently under revision. It is the intention of the Ministry of Health to abolish it, as it has already been the case with Ministerial Decision 39a/2-4-2012, which set out regulations to contain the spread of infectious diseases, in order to ensure protection of human rights. It should be noted that in practice the provisions of article 59 of Law 4075/2012 are not currently applied.

#### **Imprisonment for debt (art. 11)**

##### **Reply to the issues raised in paragraph 23 of the list of issues**

128. Article 1047 (1) of the Greek Code of Civil Procedure provides for detention, as a method of enforcement of tort claims, as well as commercial claims against merchants, provided that the principle of proportionality applies. However, the Supreme Court of Greece (Areios Pagos) has endorsed in its case-law a strict interpretation of the abovementioned provision. For instance, the Supreme Court has ruled that deprivation of liberty for commercial debts between merchants does not contravene article 11 of the International Covenant on Civil and Political Rights, only if the debtor is financially capable of paying his/her debt.

## **Freedom of religion and belief (arts. 14 and 18)**

### **Reply to the issues raised in paragraph 24 of the list of issues**

129. Currently, the duration of the military service for the compulsorily enlisted personnel in the Army is 9 months. However it may be reduced to 8 or 6 months, provided that the conscript meets certain social criteria. In the Navy and the Air Forces the duration of full military service is 12 months and of the reduced one is 9 or 6 months. Those who object to armed military service on ideological or religious grounds may apply to obtain the status of conscientious objectors. This means that they are bound to offer civilian social service, performed in services of the public sector. The duties of conscientious objectors entail offering community service in hospitals, nursing homes, public finance departments, Post Offices, etc. At present, the duration of civilian social service is 15 months (full service) and can be reduced to 12 or 9 months, in proportion to the categories of reduced armed service, on the basis of social criteria.

130. A Special Committee examines if the persons seeking to be recognized as conscientious objectors meet the relevant conditions and, following its opinion, the Minister of National Defense decides if the alternative (civilian) service status may be granted to the applicant. The establishment, operation and responsibilities of that Committee are defined by the law. The Committee includes two university professors specializing in philosophy, social – political sciences or psychology, one adviser or member of the Legal Council of the State and two senior Officers, one of the Recruitment – Military Legal Adviser Corps and one of the Medical Corps. The composition of the Committee guarantees an objective opinion, since: (a) except for the two senior Officers who participate as members, the Committee also includes two distinguished university professors specializing in the humanities, whose opinion is given particular weight, as well as a State legal adviser. In addition, the Committee is subject to the general provisions of article 7 of the Code of Administrative Procedure, which establishes the impartiality of administrative bodies; (b) the opinion of the Committee, although not subject per se to judicial review, due to its advisory character, can be judicially reviewed in case an appeal has been filed against the final decision of the Minister of National Defense before the Council of State (Supreme Administrative Court); the same applies to the lawfulness of the establishment of the Committee. Furthermore, the national law provides for full interim judicial protection for those who file such an appeal in order to defer their obligation to join the Armed Forces for as long as the legal proceedings last.

131. It is to be clarified that some persons refuse both the military and the alternative service and do not recognize the role of the Special Committee on political and ideological grounds. As a result, the abovementioned persons deliberately ignore the calls of Recruiting Offices to join the Greek Armed Forces, while, at the same time, they do not have the possibility to obtain the status of conscientious objector, since they deny participating in the procedure before the Special Committee. Only in such cases Greek Military Courts file a new charge through Prosecutor's Departments for multiple acts of refusal to perform military service and inflict repeated punishment for each of these offenses. Such measures, which, according to the case-law of the Greek Supreme Court (Arios Pagos) do not violate the fundamental principle of *ne bis in idem*, are a direct consequence of the refusal to recognize the institutional guarantees provided in an efficient and also sufficient way for the protection of their rights.

## **Rights of persons belonging to minorities (arts. 2, 19, 22 and 27)**

### **Reply to the issues raised in paragraph 25 of the list of issues**

132. It is to be noted that, in the Greek legal order, only the Muslim minority in Thrace is officially recognized as “religious minority” (see also below, reply to the issues raised in paragraph 26 of the list of issues). Furthermore, it is the firm position of the Greek Government that (a) all ethnic, cultural, linguistic or religious differences do not necessarily lead to the creation of ethnic or national minorities and (b) the decision of a State to recognize a group as a minority and to provide to its members specific minority rights, additional to those guaranteed by human rights treaties, must be based, not only on subjective claims or perceptions but also on objective facts and criteria.

133. Greece fully respects the right of individuals to freely self-identify themselves and no disadvantage results from such a self-identification. However, members of groups which are not officially recognized as “minorities” for lack of objective criteria, fully enjoy their human rights and freedoms under the International Covenant on Civil and Political Rights.

134. Greece is among those countries which do not collect statistical data based on criteria such as the origin of persons living in the country, for reasons pertaining mainly to the protection of personal data. There are, however, data about the number and the country of origin of third country nationals legally residing in Greece, asylum seekers, etc.

135. We would like to clarify that in Greece, as it is the case in the vast majority of European countries, migrant workers are not considered as “minority groups”. However, the number of migrant workers may be seen as an indicator of diversity of the population living in a country. According to the official data of the Ministry of Interior and Administrative Reconstruction, the number of third country (i.e. non-EU) nationals, holders of stay permits, legally residing in Greece, amounts to 527,264 persons (5% of the total population of the country).

136. In almost all successive parliamentary elections held in Greece since 1927, candidates belonging to the Muslim minority in Thrace have been elected as members of the Parliament. In the last legislative elections, in January 2015, three MPs – members of the Muslim minority in Thrace – have been elected, through two different political parties. Furthermore, 120 members of the minority have been elected at the municipal and regional councils in Thrace, 3 of them as mayors, participating actively in the region’s local administration.

137. Persons belonging to the Muslim minority in Thrace are free to declare their origin, speak their language, exercise their religion and observe their particular customs and traditions. To name but a few measures adopted by the State to protect, preserve and promote the rights of the members of the Muslim minority in Thrace, the State continues to provide strong support to minority schools, while, at the same time, it accommodates appropriately the increasing preference of Muslim minority students for the public educational system. A 0.5% quota is reserved to Muslim minority students from Thrace for admission to Universities and Higher Technical Educational Institutes, while a quota of 0.5% to the State exams system for civil service has been established in favor of members of the minority. Muslim minority students of Thrace are beneficiaries of both national, social and educational policies and special educational policies tailored to their specific needs. Law 4115/2013 made possible, for the first time, the teaching of the Holy Koran in Greek public schools in Thrace, to the benefit of minority students who choose the public educational system, by teachers selected through a transparent and inclusive procedure. Pursuant to law 4310/2014, teachers, members of the Muslim minority in Thrace, reserve their exclusive right to teach within the minority programme of the minority schools in Thrace, after having received appropriate training, while they are entitled to appointment in

any public schools across the country. The Greek Government is committed to preserve the distinct cultural heritage of all three components of the Muslim minority in Thrace. To this effect, it undertakes and sponsors initiatives that highlight inter-cultural dialogue, integration and social coherence, including through projects in the context of the EU. Furthermore, in Thrace there are some 300 mosques, as well as a significant number of religious officials.

**Reply to the issues raised in paragraph 26 of the list of issues.**

138. First of all, we would like to stress that Greece does not recognize the use of the term “Macedonian” to qualify the small group of persons living in the Greek region of Macedonia, who, apart from Greek, speak a Slav dialect, which is confined to family or colloquial use. We would also like to recall that the Muslim minority in Thrace does not consist of only one group, but of three distinct groups, whose members are of Turkish, Pomak and Roma origin. Each of these groups has its own spoken language, cultural traditions and heritage and share the Muslim faith as the common denominator of the aforementioned distinct components. Therefore, the components of the Muslim minority cannot be subsumed to a single, “ethnic”, identity.

139. The European Court of Human Rights, in three judgments delivered in 2007 and 2008, concerning an equal number of associations, found a violation by Greece of the freedom of association, as protected by article 11 of the European Convention of Human Rights. The Greek Government is currently considering ways and means to implement the above judgments of the European Court of Human Rights. So far the full implementation of the above judgments was not made possible, due to procedural reasons as identified by the competent courts, which are not related to the statute or the activities of any of the above associations, but to the lack of a procedural avenue for the reopening of civil law cases following a judgment of the European Court of Human Rights finding a violation of the Convention.

140. It is to be noted that, as there is no specific legislation in place regarding associations, the general provisions of the Civil Code are applicable in this respect. The decision to register an association falls within the exclusive remit of the courts, exercising in this respect a control of the legality only, and not a review of the appropriateness or expediency, with no government interference.

141. In any case, the competent courts have already harmonized their practice with the relevant European Convention standards.

142. It is to be stressed that in Thrace, there is a thriving civil society comprising a large number of Muslim minority associations and NGOs that have been registered by the competent courts and operate unimpeded, thus preserving, highlighting and promoting all aspects of the cultural, educational and economic life of the minority. Since January 2008, some 50 minority associations have been registered.

143. Finally, the European Court of Human Rights has found, in 1998 and in 2015 (non-final judgment), a violation of the right to freedom of association on the grounds that the Greek courts have refused to register an association bearing the name of “Home of Macedonian Civilization”. It is to be noted that the inclusion of the qualifier “Macedonian” in the statute of the said association creates confusion, since the same qualifier is used by hundreds of other associations established by Greek Macedonians, which, however, use the adjective “Macedonian” to denote the regional and/or cultural provenance of their members and not a distinct national identity. Such confusion, which also creates problems of public order and infringes upon the human rights of others, could have been avoided if the founders of the said association had used a name for the latter which corresponds to their Slav-oriented identity. A clear prove of the above argument is that, a political party,

Ouranio Toxo, pursuing similar aims as the above association, is freely functioning (in the last elections in which it participated, the 2014 elections for the European Parliament, it obtained 0.1% of the vote).

### **Freedom of speech and association (arts. 7, 9, 19 and 21)**

#### **Reply to the issues raised in paragraph 27 of the list of issues.**

144. Under Article 11 of Law 4249/2014, the mission of the Hellenic Police is a) to ensure peace, public order and citizens' unhindered social development, and b) to prevent and suppress crime, as well as to protect the State and the democratic form of government within the framework of the constitutional order. In this regard, it is to be noted that the Hellenic Police, during public assemblies, gatherings, demonstrations, marches and other mobilizations undertake the necessary police measures to protect assemblies and assembly participants from any encroachments and to ensure the unhindered exercise of the constitutional right of such participants to assemble peacefully, without weapons, thus checking any illegal, irregular or improper behavior by police officers as well as any complaints or information about improper behavior by a police officer that is against the Constitution, the legislation and regulations in place, and apply accordingly the relevant legislation if a violation is found out.

### **Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)**

#### **Reply to the issues raised in paragraph 28 of the list of issues**

145. The draft report was submitted to the National Commission for Human Rights, in which six major NGOs, as well as representatives of civil society, participate. The views of the Commission have been taken into consideration in view of the finalization of the text. Concerns expressed by NGOs during the reporting period have been reflected in the report. In 14 July 2015, the Commission disseminated the list of issues to all of its members and expressed its intention to submit its comments on the occasion of the consideration of the State party report. The International Covenant on Civil and Political Rights and the practice of the Human Rights Committee form part of the training courses addressed to members of the judiciary, the law enforcement personnel, etc. The State party undertakes to widely disseminate the concluding observations to be issued by the Human Rights Committee following the examination of the report.