

GREECE

CERD 26th No. 18 (A/8418) (1971)

28. From its 56th to its 58th meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

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35. [At the fourth session] The Committee decided that further information was needed from the following six States Parties, whose initial reports were considered “incomplete” or “unsatisfactory”:
... Greece ...

CERD 27TH No. 18 (A/8718) (1972)

62. The supplementary report submitted by Greece was considered by the Committee at its 107th, 108th and 109th meetings. The majority of the members who participated in the discussion expressed the view that the supplementary report of Greece was more satisfactory than its initial report.

63. Several members of the Committee pointed with satisfaction to the explanations, contained in the introductory part of the report under examination, of the reasons because of which there were no policies or practices of racial discrimination in Greece, namely, the provisions of articles 7 and 8 of the national Constitution and of other legislation, the national traditions of the country, and the promulgation by legislative decree of the Convention, which made it an integral part of the law of the land and made its implementation mandatory.

64. Questions were raised, in the course of the discussion, about judicial and administrative measures, as distinct from legislative measures, giving effect to the provisions of the Convention. Some members stated that the inclusion, in future reports, of social and demographic data would be helpful to the Committee. Some members inquired about the relations between Greece and the racist régimes in southern Africa and the degree to which relevant resolutions of United Nations organs were being implemented. Questions were put forward regarding individual articles of the Convention. How, and in accordance with what provisions of the law, were violations of article 3 of the Convention dealt with? The texts of legislation cited in connection with article 4, paragraphs (a) and (b), of the Convention were not supplied by the reporting State Party, and it was indicated by some members that it would be necessary to examine those texts (such as articles 183 to 201 of the Penal Code of Greece) in order to determine whether or not they fully met the requirements of the Convention. Article 24, paragraph 1, of the Constitution of Greece, cited in the supplementary report in conjunction with article 5 of the Convention, stated that the enjoyment of some of the rights enumerated in that article of the Convention was “within limits”; and some members inquired about those limits in order to ascertain whether or not racial discrimination was countenanced. The laws giving effect to the provisions of article 6 were the subject of inquiry, inasmuch as the report, while referring to the existence of such laws, neither provided the relevant text nor gave precise indication of the scope of the applicable legislation, particularly with respect to the remedies against acts of racial discrimination and the right to seek adequate reparation or satisfaction for damages suffered as a result of such discrimination. Some members asked for information on the measures adopted, if any, to give effect to the provisions of article 7 of the Convention.

65. There was extensive discussion in the Committee of the assertion, repeatedly made in the supplementary report submitted by Greece, that the promulgation of the Convention by legislative decree made it an integral part of the law of the land and rendered the implementation of its provisions mandatory. Some members accepted this assertion with satisfaction, but others pointed out that, while it was true that some of the provisions of the Convention were automatically incorporated into the municipal law of a State Party on ratification, other provisions could not be said to be in effect in a State Party until certain measures, particularly legislative measures, had been taken.

66. Another subject which gave rise to extensive discussion in the Committee, in the course of its

examination of the supplementary report submitted by Greece, related to a question which was raised about the status of certain articles (particularly article 14, paragraph 1, and articles 18 and 19) of the Constitution of Greece. The following question was asked: In view of article 138 of that Constitution, were those articles still excepted from coming into immediate effect, or were they all now in force, as stated in the report? And, if so, when were they placed into effect under the authority given the Government by the said article 138? While some members questioned the competence of the Committee to address such questions to a State Party, other members upheld a member's rights to pose such questions. Some members pointed out that suspension of the rights laid down in those articles could only be examined by the Committee for the sole purpose of determining whether, because of such emergency measures, racial discrimination was practised or tolerated in Greece. As the discussion that ensued raised broader questions relating to the meaning of article 5 of the Convention, the scope of the obligations of the States Parties under that article, and the corresponding scope of the mandate of the Committee under article 9, paragraph 1, of the Convention, and showed wide divergence of opinions among members, Mr. Sayegh proposed - in accordance with rule 6, paragraph (d), of the provisional rules of procedure - that this matter be inscribed on the agenda of the seventh session of the Committee, in order that it might be discussed not in connection with the examination of a report submitted by a State Party, but in a more general way and in the hope that some consensus might be reached by the Committee.

67. At the 108th meeting, the representative of Greece made a statement in which he furnished clarifications and further information and replied to some of the questions raised in the course of the discussion. Regarding the discussion summarized in paragraph 65 above, he repeated the assertion made in his Government's report and added that "the relevant clauses of the Constitution, in conjunction with the special legislation on the administration of justice, made it obligatory for the courts to apply the relevant provisions of the Convention". As for the discussion summarized in paragraph 66 above, he remarked that members of the Committee "should not overlook the distinction to be drawn between the obligations under the Convention and the obligation not to interfere in the internal affairs of a State Party" and added that "any suspension of any article of the Constitution... applied to all Greek nationals".

68. At the 109th meeting, the Committee decided that the supplementary report submitted by Greece was satisfactory, in view of the fact that, in its second periodic report, that State party "would clarify a number of points and provide additional information".

CERD 29TH No. 18 (A/9618) (1974)

115. The second periodic report submitted by Greece indicated that no new measures were adopted since the submission of the initial and supplementary reports, and that, in the new Constitution of 1973, there was no change in the articles giving effect to the provisions of the Convention. In view of this fact, the Committee appreciated the efforts made to present the already available information anew and to organize it in accordance with the guidelines laid down by the Committee.

116. The Committee welcomed the announcement made by the representative of the Government of Greece, at the opening of the consideration of his Government's report, that, in the light of the previous year's discussion of the question by the Committee, the Ministry of Justice had instructed its legal drafting committee to prepare a draft legislative decree meeting the requirements of article 4 of the Convention.

117. The Committee regretted that the texts of the legislative provisions cited in the report were not embodied in it nor annexed to it. It was noted that the report contained no information on the implementation of article 7 of the Convention, or on the ethnic composition of the population (as envisaged in the Committee's general recommendation IV). While welcoming the information contained in the report about the contribution by Greece to the Educational and Technical Programme for Southern Africa and to the United Nations Trust Fund for South Africa, it was regretted that no information was provided on the relations, if any, between Greece and the racist régimes of southern Africa, as envisaged in the Committee's general recommendation III.

118. Of the questions addressed to the representative of the Government of Greece, some related to the implementation of article 6 of the Convention: what was the procedure which a victim of an act of racial discrimination could follow in order to obtain compensation or redress? And had there been occasion in Greece to appeal to the Council of State in a question of racial discrimination? It was asked also whether article 7, paragraph 1, of the Greek Constitution, which stated that "Greeks" were equal before the law, applied solely to Greeks and not to other inhabitants of the country, such as Turks and Bulgarians.

119. The representative of the Government of Greece replied to some of the questions raised in the discussion. No cases had been recorded in Greece of the discriminatory measures adopted by public authorities or the administration. Article 7 of the Constitution applied to all Greek citizens; non-citizens could invoke article 8 of the Constitution, which applied to "every person within the territorial boundaries of the Greek State", and could also appeal to the Council of State if they were victims of a discriminatory measure.

CERD A/31/18 + Corr. 1 (1976)

40. The Committee took note with appreciation of the information, contained in the third periodic report of Greece and supplemented by the representative of the Government of Greece in his introductory statement, regarding (a) the relevant provisions of the new Constitution of 1975, particularly those relating to the undertakings in accordance with article 5 of the Convention; (b) the draft legislation prepared by the Government of Greece, designed to give effect to the provisions of article 4 of the Convention, still awaiting enactment by the legislature; and (c) the measures implementing the resolutions of the competent organs of the United Nations regarding relations with the racist régime in Rhodesia. The Committee took note also of the assurance, made by the representative of the reporting State, that the full text of the 1975 Constitution and the text of the legislation implementing the provisions of article 4 of the Convention would be supplied to the Committee along with the next report.

41. The Committee regretted, however, that (a) the report did not contain any information on the demographic situation in the reporting State, as envisaged in general recommendation IV; (b) that the information on the implementation of relevant United Nations resolutions concerning relations with South Africa was neither as detailed nor as specific as the information relating to the implementation of resolutions on relations with the racist régime in Rhodesia; and (c) that little information was supplied regarding the implementation of article 7 of the Convention. Specific questions were raised by members of the Committee regarding the following: (1) whether the term “race”, used in article 5 of the Constitution, was interpreted as embracing “colour, descent or national or ethnic origin” as well as “race”, as required by article 1, paragraph 1, of the Convention; (2) whether the information contained in the second periodic report of Greece but not reaffirmed in the third report, concerning the implementation of the provisions of article 6 of the Convention, continued to apply; (3) whether, inasmuch as the Convention had become an integral part of the Greek legal system its provisions could be invoked by a litigant or by a judge in judicial proceedings and decisions; (4) whether the new Constitution contained any provisions similar to those contained in article 136 of the former Greek Constitution; (5) whether all the articles of the 1975 Constitution cited in the report under consideration in force and enforceable; and (6) whether any penal sanctions, in pursuance of Security Council resolution 253 (1968), had been instituted in Greece for any violation of the ban placed on economic and trade relations with the illegal racist régime in Rhodesia. Members of the Committee asked also for clarifications regarding the meaning, import or scope of the provisions of articles 5 (paras. 3 and 4) and 25 (paras. 1 and 3) of the new Greek Constitution.

42. The representative of the Government of Greece commented on the meaning of articles 5 and 25 of the 1975 Constitution. Regarding the specific questions mentioned in the preceding paragraph, he replied in the negative to question 4, and in the affirmative to all other questions. He supplied the following additional information, in response to the inquiries mentioned in paragraph 41 above: (a) the Greek population was homogeneous; a small minority of about 120,000 - all of whom were Greek citizens, assured equal rights under the Constitution - lived in a northern province; (b) Greece, which had had diplomatic relations with South Africa long before apartheid had become an established policy of the South African régime, had maintained those relations, but had joined in a United Nations action against apartheid; and (c) the school curriculum in Greece included a subject

called “the education of the citizen” in which children learned about the United Nations principles relating to action to combat racism and racial discrimination. He denied the assertion made by a member of the Committee that there was a Macedonian national minority in Greece.

CERD A/34/18 (1979)

189. The fourth periodic report of Greece (CERD/C/41) was considered by the Committee together with copies of the French translation of the new Constitution of 1975 which had been made available to members of the Committee. The representative of Greece made an introductory statement in which he stressed the non-discriminatory character of the new Constitution and some articles of the Civil Code and the bill on the punishment of crimes arising from discrimination based on race or ethnic origin.

190. Favourable comments were made on the report, especially in connection with the clarity and substance of the report and of the Constitutional provisions and a new law to be enacted in Greece dealing specifically with crimes involving racial discrimination. The Committee welcomed the introduction into the Constitution of the reference to race, and the adoption of the principle that international instruments ratified by the State, such as the Convention, formed ipso facto part of domestic law as provided for in article 28, paragraph 1, of the new Constitution. With respect to the first point, a member stated that it was gratifying to note that the content of articles 2 and 5 of the Constitution were fully in line with the requirements of the Convention on the concept of race. With reference to article 5, paragraph 2, of the Constitution providing that all persons present in Greek territory enjoyed protection without distinction of nationality, a member pointed out that the word “nationality” seemed to be used in that article in the sense of “citizenship”, whereas section A (1) of the annex II to the report concerning aliens employment appeared to use the word in the sense of “ethnic origin”. Another member, while commending the Greek Government’s intention to introduce a bill prohibiting acts of racial discrimination, drew attention to a discrepancy between the wording of articles 5 to 10 of the Constitution, which referred to “persons” or “individuals”, and the wording of articles 11 and 12, which referred to “Greeks” and “Hellenes”. Clarification was requested on those points as well as on whether articles 11 and 12 of the Constitution which concerned the right of assembly and association, apply only to Greeks and not to other nationals living in Greece. With respect to the second point, namely the ipso facto transformation of international instruments ratified by Greece into the domestic law, a member stated that he did not see how, in practice, that would be possible unless appropriate legislation existed to give effect to the instruments concerned internally. Further clarification on this point was also requested.

191. With reference to article 1, paragraph 3, of the Convention, some members referred to the information governing the employment of aliens in Greece (annex II to the report and, in particular, the extract from Act 4810/49 reproduced in that annex) and noted the provision under which the issuance of a work permit to an alien was left entirely to the discretion of the Minister of Employment. A member inquired whether that provision meant that there was a possibility of discriminatory treatment being applied to the nationals of some countries. Referring to the list of bilateral agreements concluded by Greece with a number of States, it was asked whether a national of a State which had not concluded such an agreement with Greece would not receive the same treatment as a national of a State which had done so. It was pointed out that if that were the case, the position would not be consistent with the proviso in article 1, paragraph 3, of the Convention. Another member wondered whether the stamp duties payable by foreign workers did not constitute discrimination in relation to workers of Greek nationality.

192. Some concern was expressed in connection with the Greek policy regarding the implementation of the United Nations decisions condemning racial discrimination in southern Africa. It was noted from section E of the report that Greek emigration to southern Africa was decreasing, but it seemed that the decrease might be simply due to lack of sufficient opportunities. While noting the positive statements made by the representative of Greece with regard to the attitude of his Government concerning the position of Greece on the question of apartheid and on emigration to southern Africa, members of the Committee requested a clear statement as to whether or not Greece maintained diplomatic relations with South Africa.

193. It was noted with satisfaction that a bill on the punishment of crimes arising or resulting from discrimination based on race or ethnic origin was being prepared in compliance with the requirements of article 4 (a), (b) and (c) of the Convention. Members of the Committee stated that they would await with interest information about the terms of the proposed new law. Referring to the statement of the representative of Greece that the existing legislation, for example article 192 of the Penal Code, was in any case adequate to give full effect to article 4, the Committee hoped that the provisions of that article would also be supplied to the Committee.

194. As regards article 5 of the Convention, it was noted that ample information was provided in the fourth report of Greece. A member particularly noted that the provisions of article 5 (e) (ii) of the Convention regarding the right to form and join trade unions was fully met by Act 330/726 concerning occupational associations and federations and the guarantee of freedom of association. The member hoped that the next periodic report of Greece would give details on the practical application of that right.

195. With regard to article 6 of the Convention, it was recognized that the ground had been well prepared for the Greek authorities to give full effect to that article in the proposed new law. As far as recourse procedures were concerned, there was every reason to suppose that, if the authorities did not do so, an individual would have the opportunity to institute proceedings for relief against any act constituting a violation of his human rights.

196. It was recalled, in connection with article 7 of the Convention, that the Committee had previously concluded that the action taken by Greece in response to that article was not altogether satisfactory. A member noted with regret the general character of the statement of principle made by the representative of Greece that discrimination in the field covered by that article was entirely alien to Greek tradition, and requested, on behalf of the Committee, detailed information on specific measures. It was hoped that information would be provided to the Committee on the new educational programmes on human rights and racial discrimination, as well as on the programmes introduced to inform public opinion of the United Nations action to combat racism and racial discrimination and to provide support to the peoples of southern Africa struggling against apartheid.

197. As regards the composition of the Greek population referred to in the report, it was recalled that the Committee had requested further information on the ethnic and not the religious composition of the population. Some members pointed out that the criterion adopted for the 1951 census had been religious rather than ethnic and therefore fell outside the scope of the Committee. It was hoped that the Greek Government would supply the Committee with an ethnic breakdown of the population. Further details on the legislation concerning the rights of the Moslem minorities in

Thrace were also requested.

198. The representative of Greece stated that his Government would not fail to transmit to the Committee the text of the legislation punishing acts of racial discrimination as soon as it had been adopted by the Parliament. Greece made contributions to various funds set up to combat apartheid and implemented the decisions and recommendations adopted by the Security Council and other United Nations bodies of which it was a member. With regard to the treatment of foreign workers he explained that the existence of bilateral agreements founded on the principle of reciprocity did not imply any discrimination against the nationals of other countries. With respect to the minority question in Greece, the representative stated that there was only one true minority group, the Moslems in western Thrace, and the rights and freedoms of that minority were set out in the 1923 Treaty of Lausanne the provisions of which were still in force and were in line with the stipulations of the European Convention on Human Rights.

CERD A/35/18 (1980)

246. The fifth periodic report of Greece (CERD/C/50/Add.2) was considered by the Committee together with the information given by the representative of the reporting State in his introductory statement. The report contained the text of Act 927 on the punishment of acts or activities giving rise to racial discrimination, adopted on 28 June 1979.

247. The Committee noted with satisfaction that the Government of Greece, following the Committee's suggestion, had taken steps to punish acts of racial discrimination and commended it for having adopted the above-mentioned Act in conformity with the Convention. It was pointed out that though the new Act was in line with articles 4 (a) and (b) of the Convention, it merely stated that acts of racial discrimination should be declared offences "punishable by law" without specifying whether such offences should be prosecuted as a matter of course or on a complaint lodged by a victim of racial discrimination. Members of the Committee wondered why the Act referred to "racial or national origin" rather than to "colour or ethnic origin", as did article 4 (a) of the Convention and whether the word "publicly" in articles 1 and 2 of the Act meant "in the presence of others". It was also noted that in article 1 (2) of the Act, racist organizations were not declared illegal and prohibited, as was required by article 4 (b) of the Convention. In connection with article 4 of the Act, some members wondered whether the public prosecutor could lodge a complaint in the event of an offence against the Act or whether that right could be exercised only by private persons who had been victims of such offences. A member of the Committee wondered also whether an individual informed of the existence of racist organizations could lodge a complaint against persons unknown or whether he would have to lodge it against a named person. Another member requested clarification as to why the word "solely" in articles 1 (1) and 3 of the Act did not appear in article 2 of the Act and how that discrepancy was to be interpreted.

248. The Committee regretted that lack of time had prevented the Government of Greece from replying to all the questions put to it during the consideration of its fourth report. It was recalled that the Committee had requested particulars of information concerning the implementation of articles 3 and 7 of the Convention. A member of the Committee stated that he was unable to find in any of the reports submitted by the Government of Greece any specific information on the application of the provisions of article 5 of the convention, in particular of its paragraph (e) and asked for more detailed information on the Government's political, economic, cultural, sporting and other relations with South Africa.

249. The hope was expressed that, in its next report, the Government of Greece would indicate whether it had adopted measures for the benefit of seamen, as the Greek marine had many foreigners among its crews.

250. The representative of Greece replied to a number of questions raised by members of the Committee. In connection with Act No. 927, he stated that the expression "national origin" in article 3 also referred to ethnic origin; the original text of the Act contained the Greek word which was the root of the word "ethnic".

Article 1 (1) covered activities involving racial discrimination and article 1 (2) dealt with penalties of organizations conducting racist activities. With regard to requests for reparation in cases of

violation of the Convention and the 1979 Act, he said that violations, whether committed by an individual or by the State, could give rise to the payment of compensation. Acts of violence involving racial discrimination were punished under the Act of 1979 as well as under criminal law. As to whether illegal associations could be prohibited independently of the Act of 1979, he said that their activities could be stopped immediately by decision of Parliament. Article 192 of the Penal Code provided for up to two years' imprisonment for activities causing disturbances or discord, unless other laws imposed heavier penalties. In reply to another question he said that complaints against unknown persons could be lodged under the 1979 Act.

251. The representative also clarified that there were 28,000 foreign seamen on ships flying the Greek flag; they were subject to the same conventions as Greek seamen.

252. He finally assured the Committee that complete answers to other questions raised by its members would be given in the next periodic report of his Government.

CERD A/37/18 (1982)

265. The sixth periodic report of Greece (CERD/C/76/Add.1) was introduced by the representative of the reporting State who stated that the report was intended to provide replies to questions asked in connection with previous reports. He pointed out, in particular, that, according to the 1975 Constitution, the Convention was an integral part of the domestic Greek law and prevailed over any contrary provision of ordinary law, except for the provisions of article 5 of the Constitution which related to racial non-discrimination. The representative also drew attention to the process in the Greek legal system whereby the constitutionality of any domestic law could be reviewed by courts at all levels; accordingly, if a rule was contrary to the Convention, it could be declared unconstitutional. Submitting further information on article 5 of the Convention, he drew the attention of the Committee to the abrogation of Act No. 330 of 1976 concerning the activities of labour unions and occupational associations and indicated that new legislation had been adopted in June 1982 which extended the provisions governing the freedom of labour unions and occupational associations to all workers, whether of Greek or foreign nationality.

266. The Committee commended the Government of Greece for the contents and the form of its report which had been prepared in accordance with the general guidelines of the Committee. It was also noted with satisfaction that efforts had been made to harmonize the legislation with the provisions of the Convention.

267. With reference to the primacy of international over domestic law under the Greek Constitution of 1975, it was asked whether, when an international convention before Parliament would involve a change in the Constitution, it was necessary to ratify the convention by the same majority as was necessary to amend the Constitution. In connection with article 5, paragraph 2, of the Constitution establishing the principle of non-discrimination, a question was asked as to the meaning of the provision stating that exceptions would be permitted only in cases provided for by international law. Turning to article 28, paragraph 1 of the Constitution, members of the Committee inquired whether that provision meant that aliens, whose Governments were not parties to the Convention or had no reciprocal arrangement with the Government of Greece, were prevented from invoking the provisions of the Convention. Referring to the fact that courts at all levels could review the constitutionality of a law, clarification was requested on the situation that would result from a court decision finding a law to be unconstitutional; whether, for example, that law would not be applied.

268. Noting that recent information on the demographic composition of Greece had not been furnished, a member requested such information in the next periodic report.

269. Regarding article 1 of the Convention, a member of the Committee asked how the concept of racial discrimination was construed in Greece in view of the fact that the Constitution referred to distinctions based on “nationality, race, language, religion or political belief”, whereas article 1 of the Convention referred to “race, colour, descent or national or ethnic origin”.

270. With regard to articles 2 and 5 of the Convention, several questions were asked concerning the status of the Moslem minority in Greece. Noting the assurances given in the report that the Government guaranteed the Moslem minority the enjoyment of the widest ranging rights, a member asked whether the Government had adopted any specific measures in the social and economic

spheres and, if so, what the objectives of those measures were and whether they were time-limited so as not to entail the maintenance of unequal or separate rights to which article 2, paragraph 2, of the Convention referred. Another member inquired whether there were also Moslems of non-Turkish origin and whether the relevant provisions of the Treaty of Lausanne also applied to them. With reference to the freedom of minorities to use their own languages, it was asked where that freedom could be exercised, for example, in court and before the administrative authorities, and under what conditions. With reference to article 5 (d) of the Convention, a member wondered whether the power of the State to deprive citizens of property in the public interest also applied to Islamic religious foundations or wagf; to what extent the autonomy of wagf was restricted by the provisions of article 17 of the Constitution, what kind of supervision was exercised by the State under article 13 of the Constitution and whether that supervision infringed the social, economic and cultural rights of the ministers of religion. It was also asked whether the schools mentioned in the report were adequate to meet the needs of the minority population in western Thrace; whether there were schools which were privately funded by the communities of that group; and whether the institutions of higher education, vocational training and Greek universities were open to students from that minority group without any sort of racial discrimination. More detailed information was requested regarding the enjoyment of the right to equal participation in cultural activities by the various ethnic and religious groups in the country.

271. In connection with article 3 of the Convention, the Committee noted with satisfaction the position of the Greek Government regarding apartheid and its support for Namibian independence. A member commended, in particular, the steps that had been taken to ensure that public opinion had a better understanding of the issue.

272. With respect to article 4 of the Convention, more information was requested as to the measures taken to implement its provisions. Noting the statement in the report that the prosecutor might take action whenever an activity endangered public order and social peace, a member wondered why the prosecutor was not bound to take action in such cases if the Convention was an integral part of domestic Greek law. Noting that Act No. 927 provided for the punishment of intentional incitement to acts that might engender discrimination, hatred or violence against persons or groups of persons solely on account of their racial or national origin, another member wondered whether the qualification of the incitement by intention did not restrict the application of article 4 of the Convention since the intent to commit an act was difficult to prove.

273. With reference to article 5 of the Convention, a member of the Committee expressed satisfaction with the information provided in the report in connection with that article. Noting that the exercise of the right to vote was compulsory, according to the Greek Constitution, some members pointed out that that right was a personal right which individuals should be free to exercise or not. With respect to the right to freedom of movement it was asked whether the word "Greek" in article 5, paragraph 4 of the Greek Constitution referred to any Greek citizen regardless of ethnic background and whether every Greek citizen could return to his country without restriction. With regard to the right to nationality, more information was requested concerning the legal conditions and procedures for withdrawal of Greek nationality and as to whether deprivation of nationality was carried out by an administrative tribunal or a court of justice. Turning to freedom of association a member wondered why it was necessary to have equal numbers of foreigners and Greeks on the governing councils of foreigners' associations and how the Greeks were appointed or elected to

them. Noting the fact that in some special cases separate wage scales for foreign seamen were set by bilateral agreements between the Greek Shipowners Union and the seamen's unions of third countries, members requested clarification regarding the protection afforded to foreign workers. With reference to article 5 (f) of the Convention, more information was requested concerning the implementation of the right of access to public places.

274. Turning to article 6 of the Convention and the right to compensation, members took note of article 105 of the Civil Code and requested more information on the special provisions relating to the responsibility of Ministers. Referring to the question of effective remedies, a member asked where a victim of discrimination would turn to seek implementation of his rights under the Convention. It was asked, in particular, why prosecution under the Act was contingent on the lodging of a complaint and the hope was expressed that this provision would be modified so that the Public Prosecutor could take action irrespective of the lodging of such complaint.

275. Referring to the implementation of article 7, it was asked whether there were any provisions whereby pupils in primary schools could learn about measures taken to eliminate racial discrimination in Greece and whether there were educational programmes at all levels to disseminate information on the cultural identity and development of the various ethnic groups which lived in the country, especially the Turkish minority.

276. The representative of Greece replied to a number of questions raised by members. With regard to the relationship between national legislation and international law, he said that international legislation had priority, but that did not mean that if Parliament voted to ratify an international convention which was in opposition to the Constitution, the Constitution would be automatically revised. The revision procedure was separate and was governed by the Constitution itself. With regard to article 5, paragraph 2, of the Constitution, which provided that exceptions could be permitted in cases provided for by international law, he pointed out that such exceptions referred to enemies in times of armed conflict or to cases of extradition. In reply to another question, he said that the term "race" was inadequate to render the Greek text in the 1975 Constitution, which also included national origin and colour. As to questions concerning the examination of the constitutionality of laws by courts, the representative stated that once a legislative text contained a regulation of any type, including presidential decrees, judges were authorized to make findings of unconstitutionality under it which render the text inapplicable. As to questions concerning the Moslem minority of western Thrace, he said that the Treaty of Lausanne was still in force and that the minority was treated by the Greek Government with due respect for all provisions of that Treaty. Minorities were able to exercise all social, cultural and educational rights including equal access to higher education. The Moslem ethnic minority had over 200 members in local governments, 2 members of Parliament, and owned its own newspapers and periodicals. With regard to religious institutions, he stated that the Greek Government respected the obligations assumed under the Treaty of Lausanne as well as the general international rules of law concerning property; although the Moslem minority benefited from regulations provided in the Treaty of Lausanne, that did not mean that Greek nationals of whatever religious conviction did not receive equal and non-discriminatory treatment as provided for in the Constitution and the relevant international instruments. Turning to questions concerning the Act No. 927 of 1979, he pointed out that this law provided for the penalization of cases of racial discrimination, thus including cases of refusal of services for reasons of race. With regard to the question of associations, he said that in order for an association to be

formed, its objective must be legal and an association with the objective of propagating racist ideas would not be allowed to be formed; if however, such objectives managed to escape detection at the time of its formation, the authorities could immediately pronounce the dissolution of such association. As to the question regarding the obligation to exercise the right to vote, he said that such an obligation existed in many countries and the fact that it was reflected in the Constitution indicated that the legislators wished to ensure the most extensive and effective exercise of universal suffrage. The representative finally assured the Committee that in its next periodic report, the Greek Government would give careful attention to all the questions raised by the members of the Committee.

CERD A/40/18 (1985)

267. The seventh periodic report of Greece (CERD/C/107/Add.7) was considered by the Committee at its 714th and 715th meetings, on 14 March 1985 (CERD/C/SR.714 and SR.715).

268. The report was introduced by the representative of Greece, who informed the Committee that, during the period covered by the report, no cases of racial discrimination had been brought to the attention of the Greek authorities. The Greek Government remained determined to collaborate with the international community in opposing racism throughout the world. He then drew attention to relevant parts of the report.

269. The Committee complimented the Greek Government on its excellent report, which was not only clear but also well structured and provided a clear account of new legal developments concerning the implementation of the Convention. The periodicity of Greece's reports and the compliance with the Committee's general guidelines (CERD/C/70 Rev.1) were also indications of the Government's willingness to co-operate with the Committee.

270. With regard to article 2 of the Convention, the Committee pointed out that the demographic data requested had not been provided. It needed to be informed about any existing ethnic and national minorities. Members asked whether there were any groups of Albanians and Yugoslavs living in the country. They wished to know what the Government's policy was concerning persons of Greek origin living in Albania and whether there was any treaty safeguarding their status and giving them freedom to travel and be reunited with their families in Greece.

271. With regard to Muslims as an ethnic rather than a religious minority, the question whether the treaty of Lausanne applied to non-Turkish Muslims was reiterated. Clarifications were requested as to whether under article 85 of the Constitution ministers were held responsible for discriminatory acts or omissions committed by officials in their ministry. It was asked whether there were cases of discrimination or incitement to hatred towards Turks, particularly at the lower administrative levels and how the Government dealt with such cases if they occurred. Members were interested to know what kind of linguistic and cultural education was available for any minorities which might exist. They asked whether interpretation was provided in Greek courts for persons who had no knowledge of Greek and had to appear before the court, particularly for persons belonging to ethnic or national minorities. The Committee stressed that the next periodic report should contain demographic data with regard to ethnic or national minorities and not only with regard to religion. Information on per capita incomes and the number of Greek workers who had emigrated in recent years would also enable the Committee to ascertain which parts of the population were lagging in the economic, social and cultural fields.

272. Where article 3 of the Convention was concerned, members of the Committee welcomed the Government's condemnation of apartheid. They noted that there was a large Greek community in South Africa and that the Government wished to proceed with caution. However, they wished to know the exact relations between Greece and South Africa, and requested information regarding the Government's latest position concerning Greece's policy towards South Africa.

273. In relation to article 4 of the Convention and freedom of association, the Committee observed that no association existed in law until its statutes had been approved by the President of the Court of First Instance in the locality of its headquarters. However, neither the Constitution nor Act No. 927/1979 expressly prohibited organizations which attempted to promote racial hatred and discrimination as required under article 4 of the Convention. It was quite conceivable, therefore, that the Court of First Instance might approve the statutes of associations which had such intentions. The Public Prosecutors's Office could take appropriate punitive measures, but only after unlawful acts had already been perpetrated. Moreover, the Public Prosecutor's Office was "empowered" but not "obliged" to do so. The Committee emphasized that provisions expressly prohibiting racist associations, in accordance with article 4 (b) of the Convention, should be enacted.

274. Members of the Committee asked whether an individual complaint was necessary in order to initiate a legal procedure, or whether the fact that an act of racial discrimination became known to the competent authorities would be sufficient for initiating such a procedure. Clarifications were sought as to whether the Prosecutor was obliged, when a personal complaint for a violation punishable by law was filed, to submit the case to the Correctional Court, or whether at his discretion he could dismiss the complaint on the grounds that it was too minor or misguided.

275. With reference to article 5 of the Convention, members of the Committee wished to know what was meant in the report by the statement that Greek nationality could be lost by acquisition of the nationality of another country "without the proper authorization". The Committee sought clarification about the distinction made between "known" and "secret" beliefs and what legal provisions applied to followers of those religions whose beliefs were described as "secret". Members of the Committee expressed a general interest in relations between the Churches and the State, mainly concerning public functions entrusted to Churches. With regard to the provisions regulating the right of association, members asked whether all private associations were under strict official control. The Committee would like to know whether associations of foreign workers in Greece had to have Greek citizens on their board of directors and, in the case of an association comprised entirely of foreigners, whether the members of the board of directors would be appointed by the Government. It asked how the law affected minorities which met and formed associations for the preservation of their own culture. In relation to socio-economic rights, the Committee noted that the report described guarantees under a particular law for Egyptian seamen on Greek ships, and asked how the rights of other foreign seamen employed on ships flying the Greek flag were safeguarded.

276. As far as article 7 was concerned, the Committee noted with satisfaction the new curricula for higher educational institutions for the current academic year, which provided for a separate course on the international protection of human rights; it also noted that a considerable number of university theses had been prepared on the Convention and on apartheid. Members requested further information regarding the way in which education and training were used to increase awareness of the problems of minorities living in Greece and the role of the mass media in disseminating information on human rights instruments.

277. In reply to questions raised and comments made by members of the Committee in relation to article 2 of the Convention and demographic data, the representative of Greece stated that information had been provided in previous reports and there had been no important change since.

The sole minority group in Greece was the Muslim community in western Thrace, and the Treaty of Lausanne was applicable to it. A large Greek minority which lived in Albania was recognized by the Albanian Government and was protected by guarantees under international conventions. The application of those instruments was discussed from time to time by the Greek and Albanian Governments. To supplement the information contained in the report, he said that all public officials bore responsibility for their actions in the discharge of their duties. Those who committed abuses could be brought before the courts.

278. As to questions raised in connection with the implementation of article 3 of the Convention, he said that relations between Greece and South Africa were minimal and were aimed solely at maintaining contact with the sizeable Greek community in South Africa. Greece had no commercial, cultural or sports ties with that régime.

279. In relation to the implementation of article 4, the representative of Greece assured the Committee that the preliminary check of associations by the judicial authorities was carried out solely to ascertain the legality of their objectives. In keeping with article 1, paragraph 2, of the Convention, the Civil Code imposed additional conditions on foreigners. The Public Prosecutor was required to institute proceedings against any association whose objectives or activities were contrary to the Convention. One applicable instrument was Act. No. 927. In the interest of public order, the authorities could demand the cessation of the offending activities, pending a final decision by the Public Prosecutor.

280. Answering questions raised in relation to article 5 of the Convention, he indicated that loss of Greek nationality was governed by proceedings before appropriate bodies and by the Convention on the Reduction of Statelessness. The phrase "known religions" was based on the belief that the State could not offer guarantees to any religion about which nothing was known owing to its secret nature. In general, ministers of religion were paid by the State. They were subject to State supervision only in administrative matters, not in spiritual matters. Since the introduction of civil marriage in Greece in 1982, ministers of religion were no longer the only people responsible for matters pertaining to marriages. With regard to seamen employed on ships flying the Greek flag, he pointed out that collective labour conventions existed and that his Government was endeavouring to conclude bilateral agreements with other Governments concerned. Legal provisions provided that interpreters must be appointed if a party to court proceedings had no knowledge of Greek.

281. Lastly, the representative of Greece assured members that all their questions and comments would be conveyed to his Government for thorough consideration.

CERD A/47/18 (1992)

75. The Committee considered the eighth, ninth, tenth and eleventh periodic reports of Greece (CERD/C/210/Add.1) at its 940th, 941st and 950th meetings, on 4 and 11 August 1992 (see CERD/C/SR.940, 941 and 950).

76. The reports were introduced by the representative of the State party, who drew attention to article 28, paragraph 1, of the Constitution which affirmed that the international instruments to which Greece was a party not only formed part of the law of the land but took precedence over domestic legislation. In the event of a conflict, a judge must apply the relevant international provisions. A legal framework thus existed under which violations of the Convention were treated as criminal offences. However, as Greek society was traditionally tolerant towards other races and groups, no complaints of discrimination had been submitted to the national courts. Greece had ratified most international conventions prohibiting discriminatory behaviour and was in the process of establishing a separate administrative body to deal with human rights in general. With the help of that new body, Greece would be able to expedite the submission of its reports. Since 1985, Greece had accepted an individual's right to appeal to the European Commission on Human rights, but few complaints had been brought before the Commission.

77. With respect to South Africa and sanctions against that country, Greece had ensured that its domestic legislation complied with Security Council resolutions. Similarly, as a member of the European Community, Greece had fully complied with all action taken with respect to South Africa.

78. Members of the Committee welcomed the report of Greece but noted that it was inadequate in some respects. The information provided on judicial and administrative measures was limited and the information on the demographic composition of the population was not complete. Additionally, members of the Committee wished to know if the Convention had been used as a basis for modifying domestic law or whether it was applied directly. It was pointed out that there was no State that could claim an absence of problems arising from racial discrimination.

79. Regarding article 1 of the Convention, members of the Committee requested further information on the ethnic composition of Greece, in particular, on the proportion of the total population the Turkish, Pomak and Gypsy communities represented and their birth and mortality rates. Additional information was requested on the situation of Albanian and Macedonian groups in Greece. Observing that Greek citizens studying or working abroad were threatened with the loss of their nationality, members of the Committee wished to know how many Greek nationals of non-Greek origin had lost their nationality in that way.

80. Concerning article 2 of the Convention, members of the Committee wished to know how many foreigners were living in Greece and what their status was under Greek law; if there were Albanian and Yugoslavian refugees living in Greece and what their status was; and whether all refugees arriving at the border were accorded equal treatment.

81. With reference to article 4 of the Convention, members of the Committee wished to know whether any cases had been decided under article 192 of the Penal Code, which provided for a term

of imprisonment for anyone disturbing the public peace by fomenting violence and division among citizens; whether any organizations pursuing racist or discriminatory goals had been dissolved; and how many times Act No. 927/1979 had been invoked in court and with what result.

82. Members of the Committee requested more detailed information on measures taken to implement the provisions of article 5 of the Convention. In particular, members wished to have further information on the situation of the Muslim minority, 50 per cent of whom were of Turkish ethnic origin, especially in regard to allegations of discrimination against them; on reports that most Turkish associations in western Thrace had remained closed following a High Court decision in 1988 ruling that the use of the term “Turkish” to describe Greek Muslims endangered public order; on the number and type of schools where Turkish was taught; on restrictions on freedom of movement and residence in western Thrace, particularly in regard to the Pomaks and members of the Turkish minority; on complaints that property was frequently confiscated from Turkish Greeks but rarely from other Greeks; on whether there were any political parties in Greece that were based on ethnic identification; on the number of members of Parliament who were from minority groups; whether instruction was provided in primary and secondary schools for minority groups in their own language; and if the Macedonian language was recognized by the Greek authorities or merely considered as a dialect.

83. In regard to article 6 of the Convention, members of the Committee wished to know if any complaints of discrimination had been considered in the courts; whether article 57 of the Civil Code protecting the reputation of individuals had been applied narrowly; and if the Government of Greece was actively considering making a declaration under article 14 of the Convention.

84. With respect to article 7 of the Convention, members of the Committee wished to know if the provisions of the Convention were included in any university-level programme of study.

85. In his reply, the representative of the State party declared that Greece was particularly sensitive to the problems of minorities, in part because there were Greek minorities in many parts of the world. It was for that reason that there had been no complaint filed with the Attorney General under Act No. 927/1979 concerning discrimination. Of the Muslim community living in western Thrace, which numbered between 110,000 and 115,000 individuals, only a small minority agitated for secession from the country. The region had long been underdeveloped but a number of important initiatives had been undertaken favouring the Muslim minority with a view to improving their situation. In regard to the expropriation of property by the State, only 18 per cent of those who had been affected were Muslim and no complaints had been submitted to the courts. With reference to reports of incidents in Komotini, western Thrace, in 1990, those problems were not racial in character but involved instead members of the same community.

86. With respect to questions concerning Albanians in Greece, the term “minority” was not necessarily appropriate to describe the actual situation since there was only a small number of Albanian families scattered throughout the country. Concerning the question of Macedonia, it was important to recall that it was a region divided among Greece, Bulgaria and the former State of Yugoslavia. There was no distinct Macedonian ethnicity, which was only an idea invented by Marshall Tito. There was, therefore, no Macedonian minority in Greece but rather only some citizens speaking a language very similar to Bulgarian.

87. In regard to a possible declaration by his Government under article 14, the representative informed the Committee that steps were being taken to create a service which would be responsible for all petitions presented pursuant to international instruments.

88. In conclusion, the representative assured the Committee that questions raised during the discussion which he had not answered would be addressed in his country's next report to the Committee.

Concluding observations

89. The Committee expressed its appreciation of the fact that, after an interval of six years, the Government of Greece had renewed the dialogue with the Committee by filing its eleventh report, which also contained the eighth to tenth reports.

90. In considering the report the Committee noted that the Greek legal order was in accordance with article 4 of the Convention. The Committee, however, also noted an absence of information about judicial proceedings in which the relevant provisions of the Greek criminal law had been invoked.

91. In order to determine whether the social differentiation of Muslims, Pomaks, Gypsies, Armenians and others, especially but not solely in western Thrace, had the effect of impairing the human rights and fundamental freedoms of members of those groups, the Committee called upon the Government of Greece to include in its next periodic report information on the economic, social and cultural circumstances of those groups, bearing in mind the Committee's General Recommendation VIII regarding the criteria for the identification of ethnic groups, according to which the identification of individuals as members of a racial or ethnic group should be based upon self-identification by the individual concerned.

92. Bearing in mind the provision of article 2, paragraph 1 (c), of the Convention, the Committee called upon the Government of Greece to revise its Nationality Act as far as it differentiated between ethnic Greeks and non-ethnic Greeks, together with any legal or administrative practices which relied on such a distinction.

CERD A/ 56/18 (2001)

120. The Committee considered the twelfth, thirteenth, fourteenth and fifteenth periodic reports of Greece, submitted as one document (CERD/C/363/Add.4), at its 1455th and 1456th meetings (CERD/C/SR.1455 and 1456), on 16 March and 19 March 2001, respectively. At its 1462nd meeting (CERD/C/SR.1462), on 22 March 2001, it adopted the following concluding observations.

A. Introduction

121. The Committee welcomes the report submitted by the State party, and expresses its appreciation for the additional written information provided in February 2001 and the oral information provided by the delegation. It particularly appreciates the opportunity to resume a positive and constructive dialogue with the State party.

122. The Committee notes the valuable information contained in the report, prepared in accordance with the Committee's guidelines for the form and content of periodic reports, and welcomes the fact that the report addresses a number of the concerns and recommendations of the Committee's concluding observations on the eighth, ninth, tenth and eleventh periodic reports (CERD/C/210/Add.1).

B. Positive aspects

123. The Committee is encouraged by the self-critical approach of the State party's report and by the commitment of the State party to the International Convention on the Elimination of All Forms of Racial Discrimination.

124. The Committee notes that since the submission of its last report the State party has ratified a range of international human rights instruments and has signed - although not yet ratified - the Council of Europe Framework Convention for the Protection of National Minorities.

125. The Committee welcomes the information provided in the report and by the delegation concerning the extent to which courts and other tribunals and administrative authorities give direct effect to the provisions of international human rights instruments in their decisions, and the attention given by courts to the case law of international judicial or quasi-judicial bodies when interpreting human rights instruments.

126. The Committee welcomes the establishment of national machinery with responsibility for overseeing the implementation of human rights, and notes in particular the diverse and pluralistic structure of the national commission on human rights established by Law 2667/1998. The Committee also notes the important role of the National Radio and Television Council, the Code of Journalistic Ethics, and the draft code of ethics for information and other journalistic and political programmes in preventing racial discrimination and racist and xenophobic behaviour and stereotyping in the mass media.

127. The Committee welcomes the measures taken by the State party to date aimed at promoting

effective equality among individuals, with particular attention to Roma people, migrant workers, refugees and asylum-seekers and the minority populations in Western Thrace.

128. The Committee notes the information provided by the State party according to which members of minority groups participate in the political life of the country at the national and municipal levels.

129. Consistent with the State party's expressed desire to integrate - rather than assimilate - minority groups into the social, economic and cultural life of the country, in a manner aimed at preserving their diverse cultures and identities, the Committee welcomes the information provided by the State party concerning the implementation of educational programmes aimed at the teaching of the Greek language to students with a different mother tongue and the training of teachers in the teaching of Greek as a second language.

130. The Committee welcomes the information provided by the State party on the extent to which it has implemented to date general recommendation XIII, concerning training of law enforcement officials in the protection of human rights.

C. Concerns and recommendations

131. While noting that the report of the State party refers to the "Muslim minority of Western Thrace", and within this to Turkish, Pomak and Roma groups, and not to other ethnic groups in the country, the Committee draws the attention of the State party to its general recommendations VIII on the right of each person to self-identification and XXIV concerning article 1 of the Convention in this regard.

132. The Committee encourages the State party to build upon its education programmes at all levels in order to counter negative stereotypes and promote the objectives of the Convention. The Committee recommends that the State party take into account the Committee's general recommendation XXVII concerning Roma in further legal and policy initiatives.

133. The Committee encourages the State party to pursue further its dialogues with representatives of the Roma, Pomak, Albanian and other minority populations, with a view to expanding as necessary the available range of multilingual educational programmes and policies.

134. Recalling the repeal in 1998 of article 19 of the Citizenship Code and mindful of the clear incompatibility of this repealed law with the Convention, the Committee recommends that the State party explore and implement appropriate remedies, including the possibility of reinstatement of citizenship, for the benefit of persons deprived of their citizenship under article 19 in the past.

135. The Committee recommends that the next periodic report provide information on the demographic composition of the population.

136. The Committee recommends that the State party include in its next periodic report statistics on cases where the relevant provisions of the Civil and Penal Code have found application.

137. The Committee recommends that the State party take further measures to increase the

awareness of the principles of the Convention by law enforcement officials.

138. The Committee recommends that the Convention, the State party's report and these concluding observations be widely disseminated by the State party, including among minority populations.

139. The Committee welcomes the stated intention of the State party to make the optional declaration as soon as possible under article 14 of the Convention and encourages it to take steps in that regard.

140. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention which were adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

141. The Committee recommends that the State party submit its sixteenth periodic report jointly with its seventeenth periodic report, due on 18 July 2003, and that it address the points raised in the present observations.