



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/83/L/GRC
1 December 2004

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Eighty-second session

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE INITIAL REPORT OF
GREECE (CCPR/C/GRC/2004/1)**

**Constitutional and legal framework within which the
Covenant is implemented (arts. 2 and 4)**

1. Please give a detailed account of legislative measures adopted in relation to terrorism pursuant to Security Council resolution 1373 (2001), in particular those measures that may affect the rights guaranteed under the Covenant. Give an account of cases in which those measures have been invoked.
2. Please provide more information on the “statute of the state of siege” referred to in article 48 (1) of the Constitution, and in particular, the statement in paragraph 190 of the report that pursuant to law 566/1977 “the military authorities have the right to adopt measures, which, under normal circumstances, would be considered contrary to the constitutionally established individual rights”.

Prohibition of discrimination and right to an effective remedy (art. 2)

3. Please elaborate on how constitutional provisions restricting the enjoyment of certain rights to Greek citizens are considered compatible with article 2, paragraph 1, of the Covenant (see, for example, the provisions of the Constitution concerning the right to equality (art. 4), the right to assembly (art. 11 (1)) and freedom of association (art. 12) mentioned in paragraphs 18 to 24 of the report, in particular paragraph 21.

Gender equality and prohibition of discrimination (arts. 2, 3 and 26)

4. According to information before the Committee, there is a high incidence of domestic violence and marital rape. Please provide information on the steps being taken by the State party to combat these trends and on the progress and status of the draft legislation criminalizing domestic violence and marital rape.

Right to life, and prohibition of torture and cruel, inhuman or degrading treatment (arts. 6 and 7)

5. According to information before the Committee, police and border guards continue to use excessive force in carrying out their duties, in particular when dealing with ethnic minorities and foreigners. This has included unlawful shootings by police and border guards and the subjection of the Roma to police violence and sweeping arrests. Concerns have also been raised as to the impartiality of investigations into excessive use of force by the police and the impunity enjoyed by law enforcement officials who have engaged in human rights abuses, including rape and brutality. What measures is the State party taking to investigate such cases, ensure legal remedies are available to pursue complaints about the criminal conduct of law enforcement authorities and to award compensation when such claims are successful?

Prohibition of slavery or forced or compulsory labour (arts. 3, 7, 8 and 24)

6. Please clarify the number of cases which have been investigated or prosecuted pursuant to law 3064/2002 and their outcome (paragraph 304 of the report). Does the deportation of victims of human trafficking discourage the victims from coming forward? Has the State party taken any measures to protect the status of victims of trafficking?

7. Please comment on reports that children, in particular Albanian nationals, are subjected to forced labour.

Liberty and security of the person, and treatment of prisoners (arts. 9 and 10)

8. The report acknowledges that overcrowding in prisons is an issue. What is the progress of the construction of new correctional facilities (para. 425)? What interim measures are being taken to improve the reportedly harsh prison conditions whilst the new prisons are being constructed and to ensure that detained persons pending trial are separated from convicted persons (para. 387)?

9. The report acknowledges that the improvement of conditions of detention, and the minimization of prolonged periods of detention of aliens awaiting deportation “constitutes a problem that is a cause for particular concern” (para. 409). What steps other than the issuance of instructional “orders”, are being taken to ensure that the period of detention is reasonable and that the conditions of detention are improved (paras. 409-421)?

10. Please provide more detailed information on the living conditions and treatment of patients in mental health hospitals (paras. 429-435). Have there been cases of maltreatment of patients? What measures is the State party taking to monitor the conditions in these hospitals and protect the rights of the mentally disabled?

Imprisonment for failure to fulfil a contractual obligation (art. 11)

11. How many people are currently detained pursuant to article 1047 (1) of the Code of Civil Procedure for failure to fulfil a contractual obligation, and what is the term of detention ordered? Please explain further how this article, even as presently interpreted by the Greek courts, is considered compatible with article 11 of the Covenant. Is the State party taking steps to repeal the article (paras. 436-456)?

Right to a fair trial (art. 14)

12. What steps is the State party taking to address the deficiencies in law 3068/2002 identified by the National Commission on Human Rights and to ensure that judicial decisions are enforced at all levels of Government (paras. 525-527)?

13. Is legal aid provided to asylum-seekers, migrants and other non-EU nationals belonging to vulnerable groups (para. 560)?

**Right to privacy, and right to freedom of religion,
opinion and expression (arts. 17, 18 and 19)**

14. The “Eastern Orthodox Christian Church” is the “prevailing religion” in Greece (paragraph 636 of the report and article 3 of the Constitution). Please comment on information before the Committee that “non-Orthodox groups sometimes face administrative obstacles or encounter legal restrictions on religious practice”. Is it true that the State subsidizes only the Orthodox Church while other groups are self-supporting?

15. Have any religions been held to be “unknown” and therefore not “under the protection of the law” as provided in article 13 of the Constitution (paras. 652 and 653)? What is the status of Scientologists in Greece?

16. How is the longer term of service imposed on conscientious objectors to military service (para. 682) considered compatible with the Covenant?

17. Please explain whether the rules regulating the press are consistent with article 19 of the Covenant. Please also provide detailed information on any seizures of written material which have occurred in the past four years (paragraphs 725 and 726 of the report).

Incitement to national, racial or religious hatred (art. 20)

18. According to information before the Committee, cases of racially discriminatory or anti-Semitic articles in the media have arisen. Please explain whether there have been any investigations or convictions under law 2910/2001, which provides for the ex officio prosecution of acts or activities aimed at racial discrimination (paragraphs 782-785 of the report).

Peaceful assembly and freedom of association (arts. 21 and 22)

19. Please comment on the alleged non-registration of associations which include the words “Macedonian” or “Turkish”.

Protection of the family (arts. 23 and 24)

20. What steps are being taken by the State party to prevent physical, psychological and sexual abuse of children in the context of institutional care?

Right to take part in public affairs, and protection of national minorities (arts. 25, 26 and 27)

21. Please explain whether the requirements for the naturalization of non-citizens provided by law No. 2910/2001 differ depending on whether the person is of Greek origin.

22. According to information before the Committee, although there is only one officially recognized minority in Greece (para. 895), there are other ethnic groups seeking that status. What measures are being taken by the State party to identify and protect the rights of ethnic groups in the State party's territory? What is the percentage of minorities (other than the Muslim minority referred to in paragraph 906 of the report) participating in the public service and at all levels of Government?

23. Please elaborate on the comment in the report that "complaints about racist prejudice of police officers against aliens and Roma are ill-founded" (para. 276). How is this to be reconciled with the statement by the National Human Rights Commission that identified "instances of discrimination and violence against Roma in local societies, as well as by law enforcement personnel" (para. 52)?

24. Please comment on reports that the Roma have been subjected to extrajudicial demolition of their dwellings and forced eviction from their settlements, in particular prior to the 2004 Olympic Games, without payment of adequate compensation or the provision of alternative housing. What measures are being taken to compensate those affected? Please also comment on reports that Roma communities have been subjected to arbitrary home searches by the police.

Dissemination of information relating to the Covenant (art. 2)

25. Please indicate the steps taken to disseminate information on the submission of this report. How will information on the Committee's consideration of the report and the Committee's concluding observations be disseminated?

26. Please provide information on the ongoing measures being taken to raise awareness among judges, public officials, police officers and other officials responsible for the application of legislation, as well as among legal counsel and teachers, of the provisions of the Covenant and of its Optional Protocol. Please focus on compulsory training and awareness-raising measures other than the issuance of decrees and orders.
