

**REPLIES OF THE GREEK GOVERNMENT TO THE QUESTIONS BY THE  
RAPPORTEUR  
IN CONNECTION WITH THE CONSIDERATION OF  
THE SIXTEENTH TO NINETEENTH PERIODIC REPORTS OF  
GREECE**

**Article 2**

**1. Please provide updated information on the application of Law 927/1979 “on punishing acts or activities aiming at racial discrimination”, including the number of convictions and the sentences imposed. What measures have been taken to ensure that acts of violence against members of ethnic minorities are always promptly and effectively investigated and prosecuted?**

Law 927/1979, as subsequently amended, criminalizes a series of acts and activities aiming at racial discrimination, while fully respecting freedom of expression. The said Law punishes, inter alia, incitement to acts or activities which may result to discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter’s racial or national origin or religion, as well as the expression in public, either orally or by the press or by written texts or through depictions or any other means, offending ideas against any individual or group of individuals.

The abovementioned criminal legislation has had, until recently, a limited application in practice. During the period 2007-2008, criminal charges for violation of Law 927/1979 have been pressed in four (4) cases. In one (1) of the above cases, the defendants were convicted by a final court judgment; in two (2) cases, convictions by the first instance court were reversed on appeal, while in one (1) of the above cases, an “appeal in the interests of the law” was lodged before the Supreme Court; in one (1) case, the defendants were acquitted by the first instance court. More specifically:

- For the case of the writer Costas Plevris, see our reply under Question No. 6.;
- By judgment no. 185/2009, the competent Three-Member Court of Misdemeanors of Athens acquitted the defendants of the charges of “disseminating false information” and violating Law 927/1979, following an allegedly anti-Semitic article published in a newspaper;
- By judgment no 48799/2008, the competent Three-Member Court of Misdemeanors of Athens convicted the defendants, the publisher and the director of a weekly newspaper, for having offended persons of Roma origin. In March 2009 (judgment 2547/2009), the above judgment was reversed by the competent Three-Member Court of Appeals (Misdemeanors) of Athens, on the grounds that the terms used in the incriminated article for persons of Roma origin were not derogatory or offending and that the facts reported in the said article were true.
- By judgments nos 5800 and 5919/2008, the competent Three-Member Court of Appeals (Misdemeanors) of Athens, following an appeal lodged against judgment

no. 16819/2008 of the competent Three-Member Court of Misdemeanors of Athens, convicted the publisher and the director of a weekly newspaper to a suspended sentence of five-months imprisonment for having published an anti-Semitic article, amounting to an expression by written text and by the press of offending ideas against a group of persons on account of the latter's ethnic origin and religion. The above conviction has already become final.

With regard to Law 927/1979, it is interesting to note that the Human Rights Committee, following an individual complaint under article 5 (4), of the Optional Protocol to the ICCPR, considered, without determining whether article 20 of the ICCPR may be invoked under the Optional Protocol, that the authors had insufficiently substantiated the facts for the purposes of admissibility. It also found that the authors had failed to demonstrate that either the terms of the Anti-Racism Law 927/79 or the application of the law by the courts discriminated against them within the terms of article 26 of the ICCPR and pointed out that an acquittal in itself does not amount to a violation of the said article (*Vassilari et al. v. Greece*, views adopted on 19.3.2009).

Any allegation concerning the commission of acts of violence against members of "ethnic minorities" (according to the terminology used in the Questions of the Rapporteur) are promptly and effectively investigated and prosecuted. For more details, see our replies to Questions nos. 2 and 3 below. Furthermore, it is to be noted that, since a 2001 legislative amendment to the aforementioned Law 927/1979, prosecuting authorities may press charges *ex officio* in the case of acts criminalized therein. Moreover, a 2008 circular of the Public Prosecutor at the Supreme Court, addressed to all Prosecutors, provides that, in case of complaints about ill-treatment of Greek or foreign citizens by State agents, the Prosecutors shall react immediately by prosecuting the acts and, if necessary, ordering a forensic examination of the victims. Finally, following a judgment of the European Court of Human Rights, in which a violation of the ECHR had been found, a Circular of the Chief of the Hellenic Police was issued on the "Fight against racism, xenophobia and intolerance, during police action", which establishes, inter alia, the duty of police authorities to investigate racist motives in penal and administrative cases, in which foreign citizens or persons belonging to vulnerable groups are involved.

**2. Please provide information on measures taken for the implementation of article 79, paragraph 3 of the Criminal Code, which states that when a crime is motivated by racial, national or religious hatred, this shall be considered an aggravating factor. Please also provide examples of cases in which this article has been applied.**

Article 79 of the Criminal Code sets out the criteria to be applied by the courts in determining the sentence to be imposed on a defendant found guilty. Such criteria are the seriousness of the offence and the personality of the offender. With regard to the latter, para. 3 of the above article was amended, by virtue of Law 3719/2008/26.11.2008 to provide that the commission of an offence motivated by ethnic, racial or religious hatred, or hatred on account of a different sexual orientation, constitutes an aggravating circumstance. Examples of cases in which the said paragraph was applied do not exist, since the aforementioned provision is very recent. The above paragraph will be applied in cases concerning the period after the

date of the entry into force of the new legislative provision (26.11.2008). Prosecuting authorities and judges have already been made aware of the introduction of the said provision.

**3. Please provide statistics on “incidents of discrimination or unlawful use of force” by the police mentioned in paragraph 158 of the State party report, insofar as they relate to the scope of the Convention, and indicate what sanctions, if any, were imposed for such crimes.**

Statistical data for instances of use of firearms by police officers.

During the period 2004-2008, 126 incidents of use of firearms by police officers have been recorded in total (involving 112 Greek nationals, 24 of which persons of Roma origin, 43 foreign citizens as follows: Albania 38, Bulgaria 1, Somalia 1, Romania 1, Russian Federation 1, Sudan 1 and 12 persons of unknown citizenship), with the following results :

**Disciplinary aspect:**

⇒ In 7 cases, disciplinary sanctions were imposed.

More specifically, 9 police officers received the following disciplinary penalties:

a. Stricter disciplinary penalties

Dismissal: 1

Suspension by dismissal: 2

Temporary suspension: 1

b. Lower disciplinary penalties:

Fine: 5

⇒ In 86 cases, the file was closed.

⇒ 30 cases are pending for examination, while 1 case is pending for decision before the competent disciplinary board.

⇒ In 2 cases, the relevant disciplinary proceedings were suspended, until the judgment of the competent criminal court in the respective criminal case has been rendered.

**Criminal aspect:**

⇒ In 126 cases criminal files were created. In 98 of the above cases, the outcome has not been notified by the competent Public Prosecutor’s Office (as to whether criminal charges have been pressed or not), while in 7 cases the file was closed and 1 case is at the stage of preliminary investigation before the competent judicial authorities.

⇒ In 20 cases, criminal charges were pressed. In 2 of the above cases, acquittal judgments were issued; in 3 cases an acquittal decision of the competent judicial council was issued; in 1 case, the defendant was found guilty by the first instance court (further developments in this case are not being followed due to the fact that the officer responsible is no longer a member of the police personnel); 14 cases are pending before the competent judicial authorities;.

41 persons were injured (24 Greek nationals, 3 of whom of Roma origin, and 17 foreign citizens: Albania 13, Bulgaria 1, Romania 1, Somalia 1 and Sudan 1), among

which 12 were fatally injured (8 Greek nationals, 2 of whom of Roma origin and 4 foreigners, citizens of Albania).

The analysis of the data stemming from the disciplinary investigation of the cases shows that, in most cases registered during the period 2004-2008, the use of firearms by police officers was in conformity with the provisions in force. Where a violation of the legislation was found, appropriate disciplinary sanctions were imposed, on the basis of the facts ascertained.

The number of the cases recorded is not considered large, as it corresponds to an average of 25 cases annually. As already explained in our periodic report, the use of firearms by police officers is to be reported and investigated *ex officio* from the disciplinary point of view (the Public Prosecutor's Office being also informed thereof).

The fact that, in 98 out of 126 cases - for which criminal files were created - the pressing of criminal charges against police officers has not been reported to the Police Headquarters, leads to the conclusion that the use of firearms by police officers was lawful in the above cases.

During the current year 2009, there are 10 pending cases of use of firearms by police officers, while 1 case is pending for decision before the competent disciplinary board. From the criminal point of view, criminal files were created in 11 cases. In 9 of the above cases, the outcome has not been notified by the competent Public Prosecutor's Office (as to whether criminal charges have been pressed or not), while 2 cases, in which criminal charges were pressed, are pending before the competent judicial authorities. The above cases concern 4 Greek nationals, 1 foreign (Albanian) citizen, 11 persons of unknown citizenship; 2 persons were injured, 1 Greek citizen and 1 foreign (Albanian) national.

#### Statistical data for cases of investigation of complaints against police officers for ill-treatment

A total of 264 cases against police officers for ill-treatment of persons (whether detained or not) have been investigated in the period 2004-2008 (by Sworn Administrative Inquiries, oral Administrative Inquiries and Preliminary Investigations).

The statistical data for that period are as follows:

#### **Disciplinary aspect:**

Disciplinary sanctions were imposed in 13 cases.

More particularly, 21 police officers were punished with the following disciplinary penalties:

#### a. Stricter disciplinary penalties:

Dismissal: 4

Suspension by dismissal: 5

Temporary suspension: 4

b. Lower disciplinary penalties:

Fine: 8

- ⇒ In 193 cases, the file was closed.
- ⇒ 50 cases are pending examination.
- ⇒ 5 cases are pending decision before the competent Disciplinary Board.
- ⇒ In 3 cases, the relevant disciplinary proceedings were suspended, until the judgment of the competent criminal court in the respective criminal case has been rendered.

**Criminal aspect:**

- ⇒ 132 cases had no criminal aspect;
- ⇒ In 10 cases (9 of which following rejection of the criminal complaint), the file was closed by the competent Public Prosecutor's Office
- ⇒ In 34 cases, a criminal complaint was submitted, pending before the competent Public Prosecutor's Office, while in 4 cases the allegations were transmitted to the competent Public Prosecutor's Office and remain pending.
- ⇒ In 43 cases, a criminal file was created. 10 of the above cases were closed by the competent Public Prosecutor's Office. Developments in 22 cases have not been notified by the competent Public Prosecutor's Office (as to whether criminal charges have been pressed or not); in 2 cases, the relevant criminal complaints were withdrawn; in 8 cases, the relevant criminal complaints were rejected by the competent Public Prosecutor's Office; 1 case is pending before the competent judicial authorities.
- ⇒ Criminal charges were pressed in 41 cases. In 11 of the above cases, an acquittal decision was issued; in 4 cases, an acquittal decision of the competent judicial council was issued; in 5 cases, the defendants were found guilty by the first instance Court (the relevant judgments were appealed by the defendants found guilty and the relevant appeals are still pending); in 1 case, prosecution was definitively stopped due to the withdrawal of the criminal complaint; developments in 1 case are not being followed, due to the fact that the officers responsible are no longer members of the police personnel; in 1 case, prosecution was definitively stopped, because it fell under the statute of limitations; in 1 case, prosecution was definitively stopped (Law 3346/2005); 17 cases are still pending before the competent judicial authorities.

The above cases concern 184 Greek nationals, among which 4 persons of Roma origin, and 145 foreign citizens as follows: Albania 41, Iraq 18, Iran 1, the Netherlands 1, Bangladesh 4, Russian Federation 1, Italy 4, Romania 1, Bulgaria 6, Georgia 5, United Kingdom 6, Serbia 1, Nigeria 4, Moldova 1, Algeria 1, Poland 2, Palestine 1, Cyprus 1, China 8, Spain 1, Sweden 2, Sudan 1, Syria 1, Canada 1, Afghanistan 14, Lebanon 1, Belgium 1, Ecuador 1, Pakistan 2, Angola 1, Turkey 1, Somalia 3, Mauritania 1 and unknown citizenship 11.

During the current year 2009, 19 cases of allegations of ill-treatment of persons (whether detained or not) have been registered; in 1 case the file was closed, while the remaining 18 cases are still pending. From the criminal point of view, 7 cases had no criminal aspect. In 1 case, a complaint containing allegations of ill-treatment was submitted before the competent Public Prosecutor's Office and is still pending; in 4 cases, criminal complaints were filed before the competent Public

Prosecutor's Office and are still pending. In 3 cases, a criminal file was created; developments in the above cases have not been notified by the competent Public Prosecutor's Office (as to whether criminal charges have been pressed or not). In 4 cases, criminal charges were pressed and are still pending before the competent judicial authorities.

The above cases concern 9 Greek nationals and 11 foreign citizens, as follows: Albania 2, Iran 1, Romania 3, Norway 1, Morocco 1, Afghanistan 2, Senegal 1.

As already explained in our periodic report, the seemingly large number of complaints about ill-treatment by members of the police personnel investigated during the period 2004-2008 constitute isolated cases, thoroughly and without exception investigated by the competent services, which attach primary importance to the protection of human rights. In all cases where the complaints were substantiated, the appropriate disciplinary measures, provided for in the relevant legislation, were taken, with full respect for the principles governing disciplinary proceedings. The absence of criminal aspect in a number of cases (132 out of 264 cases) is explained by the fact that either the alleged victims did not file a criminal complaint against the police officers concerned or that, following the administrative investigation of the cases, which found that no criminal offense, prosecuted *ex officio*, had been committed, copies of the relevant files were not transmitted to the competent Prosecutor's Office.

It is to be noted that disciplinary procedures are reopened, under the conditions set out in the relevant Presidential Decree, in cases where the police officer concerned has been found guilty by means of a final court judgment and no disciplinary sanctions –or lower only sanctions- had been imposed.

The conduct of the police personnel is closely monitored, with full transparency. The Ministry of Interior and the Greek Police Headquarters do not allow the development of a xenophobic atmosphere or discrimination phenomena within the Hellenic Police and control any illegal, antisocial or unethical behavior of police officers. It is significant that the investigation of the abovementioned cases concluded to the absence of a racist or xenophobic motive. Moreover, the Greek Police Headquarters have issued a number of circular orders on the protection of human rights and the conduct of the police personnel in general. The implementation of the above circular orders is continuously monitored and further action is taken, where necessary. Furthermore, it has been decided to include the right to submit a written complaint alleging the existence of inadequate detention conditions, ill-treatment or other human rights violations in the information leaflet on the rights of persons detained.

#### **Article 4**

**4. Please indicate whether organizations and groups promoting or inciting racial discrimination in the State party, including Neo-Nazi groups, have been legally banned and their organizers prosecuted.**

In Greece there is no organized Neo-Nazi movement. For this reason, until now, the competent authorities have not been confronted with the prohibition of

groups such as those mentioned above. In case such problems arise in the future, all necessary measures will be taken, in accordance with the relevant national legislation and international treaties.

## **Article 5**

**5. Kindly provide information on the monitoring of compliance with Presidential Decree 100/2000, which provides that “television stations may not broadcast programs which incite hatred between citizens on the grounds of their different race, religion, citizenship or gender”.**

According to Law 2863/2000, the National Radio and Television Council (NRTC) is the competent Independent Authority for the implementation of the audiovisual legislation in Greece. In this light, the NRTC deals with violations of the above mentioned provision of Presidential Decree 100/2000, either on its own initiative, or following the filing of a complaint by a citizen.

Along with the adoption of legal provisions, the use of methods of self-regulation, such as the adoption and implementation of Codes of Ethics, is promoted.

Article 4 of the National Radio and Television Council Code of Ethics for news programs, journalistic and political programs, as ratified by virtue of Presidential Decree 77/2003, prohibits, in para. 1, “the presentation of persons in such a way, that it may, under the specific circumstances, encourage the person’s humiliation, social isolation or adverse discrimination against him or her on the part of the audience, on the grounds especially of gender, race, nationality, language, religion, ideology, age, illness or disability, sexual orientation or profession”; para. 2 of the same article provides that the broadcasting of degrading, racist, xenophobic or sexist messages or characterizations, as well as of intolerant views is prohibited. In general, ethnic or religious “minorities”, as well as other vulnerable or weak population groups may not be offended. Moreover, Directive-Recommendation 5/1998, issued by the National Radio and Television Council stressed that crime, as the act of an individual, may not be transformed into an accusation against the nationality, the race etc. of the offender. Moreover, it is added that radio and television stations are obliged not only to avoid any provocation, but also to disapprove any form of xenophobia or hatred against persons belonging to any nationality. .

The NRTC, from 2002 up to date, has issued several decisions and imposed administrative sanctions, mainly recommendations, against radio and television stations, which have not respected their obligation not to broadcast degrading, racist, xenophobic, intolerant or sexist messages and characterizations which offend ethnic, religious and other vulnerable population groups. Concrete examples of the practice of the NRTC are contained in paras. 151-156 of our periodic report, to which the following should be added: on 24 July 2007 the Council issued a recommendation to a private television channel on the grounds of insulting a specific national group. Moreover, the Council threatened to impose a heavier penalty to the television station, in case of broadcasting, at any future time, any degrading comment about vulnerable ethnic, religious or social groups; on 25.11.2008, the Council issued the

administrative sanction of “recommendation” against a private television station on the grounds of presenting minors in a way that could harm their interests and lead to their social marginalisation because of health problems or disabilities.

**6. In light of the provisions of article 4 of the Convention, which require that the dissemination of ideas based on racial superiority or hatred be punished by law, please comment on the recent reversal by a Greek appeals court of a 2007 conviction in the case of Costas Plevris, for the publication of his book "The Jews - The Whole Truth". Is the book still available and sold in the State party?**

First of all, it is to be stressed that the prosecution and punishment of the dissemination of ideas based on racial superiority or hatred fall within the exclusive competence of fully independent members of the judiciary and competent courts, under the relevant legislation. It is self-evident that the governmental authorities are bound by the Constitution not to interfere in those matters.

In December 2007, a writer was convicted and sentenced by the competent Court for a book found to be anti-Semitic. The above conviction was reversed by the competent Three-Member Court of Appeals of Athens by a majority of 2-1. The dissenting member of the Court considered that the defendant should have been found guilty on the ground that specific excerpts of the book were in violation of article 2 of Law 927/1979.

In July 2009, the Prosecutor at the Supreme Court, the sole competent authority to examine whether a judgment is legally wrong, filed an “appeal in the interests of the law” against the above second-instance judgment, without prejudice to the rights of the parties, as provided for in article 505 (2) of the Code of Criminal Procedure. In the appeal file, the Public Prosecutor considered that the judgment of the Code of Appeals was insufficiently reasoned and that it wrongly applied the provisions of Law 927/1979, given that the omissions and vagueness of the said judgment did not allow the Supreme Court to assess whether the law was properly implemented. Furthermore, the Public Prosecutor pointed out that it was irrelevant whether or not the acts and activities prohibited in article 1 (1) of Law 927/1979 had actually provoked discrimination, hate or violence; it suffices that the conduct which the defendant encourages may provoke the abovementioned results by creating the emotional and psychological background of an offensive and racist conduct.

The above “appeal in the interests of the law” is a positive development for the establishment of a coherent body of case-law on the criminal anti-racist legislation, since it will give the opportunity to the Supreme Court to discharge its legal duty to ensure a stable and uniform interpretation of the law.

Finally, it is to be clarified that the circulation of a book may be prohibited only by court judgment. Until now, no such judgment has been issued with regard to the aforementioned book.

**7. Please provide statistical information regarding the participation of members of ethnic minorities in central and local State bodies, in the police force**



## **and the judiciary and, in the case of inadequate representation, on measures adopted to improve the situation**

### Members of the Muslim minority in Thrace

In almost all successive parliamentary elections held since 1927, Muslims have been elected to Parliament either with the governing party or the opposition or, in most cases, on both sides of the chamber, while Muslims participate in all the levels of the Local Administration in Thrace.

Furthermore, positive measures, such as the two quotas (0,5%) for admission of minority students to Universities and for employment in the public sector, in accordance with modern standards in the field of minority protection, have been enacted.

In 2008, Youth Local Councils were established in Thrace, where the Muslim minority lives, on the basis of Law 3443/2008 (“on the establishment of Local Youth Councils in the municipalities and communes of the country”). The above measures aim at promoting the participation of young minority Muslims in public life and have a positive impact on the coexistence of young Christians and Muslims.

By virtue of the new law on the administration and the management of Muslim Wakfs in Thrace (Law 3647/2008), the members of the three Management Committees are to be elected by the minority itself.

### Greek Roma

As already explained in paragraph 195 of the periodic report, Greek Roma, which are not considered a “minority”, but a “vulnerable social group”, participate in public life and organize themselves in collective representative and political decision-making bodies, at the local and central level.

In particular, with regard to their participation in decision-making bodies at the local level, there are no further updated data available regarding the exact number of those who have been elected in local municipal and communal councils, as well as in prefectural councils, since their candidature doesn’t depend upon their ethnic origin and it is, hence, not registered as such.

However, within the framework of the bodies established for the implementation and monitoring of housing rehabilitation projects so far undertaken, the following should be stressed:

- *Committee for the social integration of Greek Roma:* The Committee was established at the central level for the assessment of project proposals submitted by the Local Authorities, projects’ funding and the monitoring of the program’s implementation procedure. It consists of 16 members among which 3 are of Roma origin, whereas an additional seat is taken by the ROM Inter-Municipal Network (with Greek Roma participation in its Administrative Board too).
- *Special Reporting Committee for the assessment of the applications submitted within the framework of Greek Roma mortgage loans’*

*program*: the Committee was initially established in 2002 and operated until the first semester of 2006 at the central, inter-ministerial, level comprising 2 permanent members of Roma origin (1 member representing the Roma population and 1 local councillor nominated on behalf of the Central Union of Municipalities and Communities in Greece (KEDKE) respectively). Upon review of the legal framework in force regarding the housing loans' terms of eligibility (June 2006), the Committee has been established at the local level (per Municipality, depending on where the applications were submitted), as explicitly provided for by Joint Ministerial Decision no.33165/23-06-2006) with the participation of Greek Roma representatives.

- With regard to the *Socio-Medical structures established for the provision of socio-medical care services with a view to facilitating and supporting the integration process of the Roma population* (Joint Ministerial Decision no.110309/06-02-2006 and Joint Ministerial Decision no.113956/02-10-2002) the following should be noted: Up to date, a total of 33 socio-medical centers have been established (from 27 at the time of the drafting of the periodic report) in municipalities with Roma population/settlements (co-funded by the European Social Fund) for the provision of primary healthcare and prevention services, counseling and welfare. The operation of the above structures foresees 6 vacancies regarding the services to be provided (medical doctor, social worker/sociologist, nurse, psychologist, physics tutor and/or pedagogue and a mediator); where possible, prior working experience with the target group addressed is considered an asset, with the exception of the mediator vacancy which is to be filled by applicants of Roma origin.

#### Police force

Statistical data on the participation in the Greek Police of members of “ethnic minorities”, according to the terminology used in the List of Questions, are not collected nor kept, since they are not related to the requirements for recruitment in the Police Academy in accordance with the system of general examinations.

#### Members of the judiciary

The only requirements to be fulfilled for the submission of an application to participate in the examinations for the admission to the National School of Magistrates are (a) Greek citizenship, (b) a Law degree and (c) an age between 27 and 40 years. No other requirement is foreseen. A differential treatment of social groups - either through the creation of a separate list of successful candidates, either through the conduct of a different type of examination – would be prohibited.

To conclude, we would like to clarify that the collection of sensitive personal data, such as those related to ethnic origin, religion or belief etc. is not allowed under the relevant legislation.

**8. According to the independent expert on minority issues, Roma children did not have full and equal access to education at the time of her visit in**

**September 2008. Please provide clarification on the concrete level of integration of Roma children in the education system and on measures taken to eliminate discrimination against Roma children in school due to stereotypes, their lack of knowledge of Greek or the unavailability of teaching in Romani. Please also provide information on the results obtained by the project for the education of Greek-Roma pupils mentioned in paragraph 69 of the State party report.**

Integrating Roma students in Greek public schools and reducing drop-out and absenteeism rates has not been an easy task for many different reasons. These are often related to the Roma living conditions and lack of permanent residence (despite the housing measures that have been taken in this direction by the Greek State) as well as to the fact that it is not in the attitude of Roma parents to put priority on the education of their children.

Nevertheless, concerted efforts have been made through the programme for the education of Greek-Roma pupils, which started with the initiative of the Ministry of National Education, with the aim of fostering Roma student's integration in the education system and reducing drop-out rates. Its central idea has been to secure every Roma child's right to high quality, easily accessible education and meet their specific educational needs in the least restrictive environment, while respecting their diversity. A considerable amount of Roma pupils have benefited from it so far.

The said programme aims at the educational support and pedagogical monitoring of the pupils, at the training of teachers, at the production of teaching material and at the sensitization of the local community. It supports a network of Schools of Intervention and Monitoring Schools where accordingly run Reception Classes, Tutorial, Supportive as well as Pre-school classes. It also includes classes of music, computer, foreign languages & games in order to make the school environment more attractive and pleasant, as well as in-service training for the teachers, school advisors and school principals so that they can disseminate the knowledge and assist the awareness-raising of the community in order to improve cooperation with the target group.

Additionally, at the beginning of the school year 2008-2009 the Greek Ministry of Education issued a Circular reminding all Heads of School Units of their obligation to enroll Roma pupils in Primary Schools and to cooperate with the Regional Director of Primary and Secondary Education as well as with School Advisors for overcoming any problems that may arise during enrolment.

Moreover, all School Units are called upon to try to provide support in any possible way so that Roma students are included in the education process. In the Circular it is made clear that schools should cooperate with other public services such as local authorities, medical centers, hospitals and welfare state institutions so that there is a coordinated approach to the inclusion process of Roma students in schooling.

Directions and information are also given as to how enrolment problems related to lack of vaccination and lack of a permanent residence certificate may be resolved. Advice is provided with regard to dealing with issues of non-segregating Roma students in classes and making use of the educational material especially drafted for Roma students.

**9. Please provide information on the level of achievement, if possible with statistics and examples, of the aims and priorities of the “Integrated Action Program for the social integration of Greek Roma” as well as on progress made with regard to the Integrated Action Plan for the integration of third-country nationals legally residing in the Hellenic territory.**

Integrated Action Plan for the integration of third-country nationals legally residing in the Hellenic territory

The principles governing the social integration policy of third-country nationals legally residing in Greece are the following:

- preventing discrimination in all the areas of the economic, social and cultural life;
- protecting diversity;
- adopting a “universal” as well as a targeted approach;
- promoting personal contribution and participation of the persons concerned;
- cooperating with countries of origin;
- adopting measures at all levels of government (local, regional, national), with the participation of civil society.

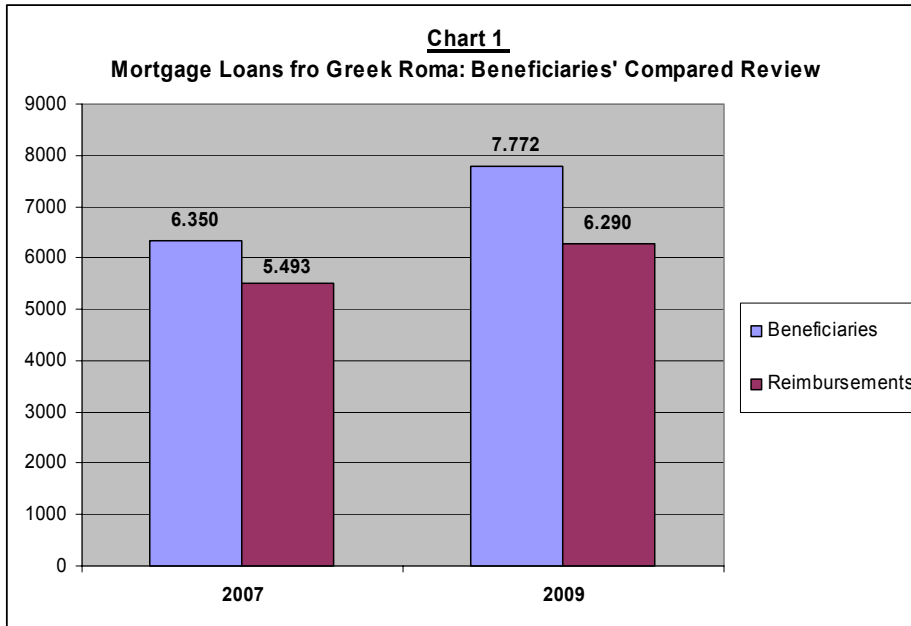
In our periodic report, we refer in detail to the “Integrated Action Plan on the smooth adjustment and social integration of the third country nationals who legally reside in Greek territory - the ESTIA Program” and its six (6) Operational Programs (paras. 92-99). Please find in the annex appended hereto some indicative actions implemented under each of the above Operational Programs.

Integrated Action Program for the social integration of Greek Roma

Further to the detailed presentation and analysis of the “Integrated Action Program (IAP) for the social integration of Greek Roma” (paras. 54-79 of the Report), we would like to provide the following updated information and statistical data on progress made with regard to the achievement of the goals set out in the IAP concerning, in particular, housing support for Greek Roma.

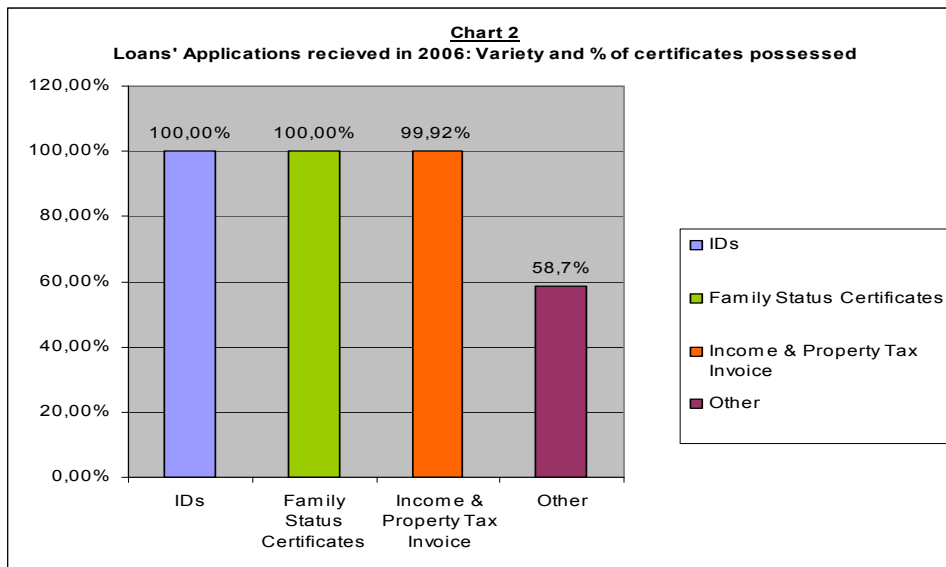
**Primary goal –housing rehabilitation:**

The number of the beneficiary families has increased to **7.772** (from 6.350 as of the time of submission of the periodic report) for the totality of the municipalities concerned. Up to date, **80.93%** of the beneficiaries (**6.290 families**) have proceeded with the disbursal of the loans granted or/and have finalized the construction for the purposes of primary residence. According to the data presented during the current periodic report it is to be noted that the number of the beneficiary families has augmented by **22.4%** since 2007 and respectively, the number of the houses constructed or at construction has risen by **14.5%** (see chart 1).



**Indirect priorities: (a) Civic status – access to services**

As already stressed in our periodic report (para. 63), the IAP managed to facilitate in an indirect, yet, precise way the solution of the civic status issue of the target group concerned by issuing basic identification documents for making possible the submission of an application, as well as for accessing civil services, resulting finally in the familiarization of the Roma population with the administrative procedures and bodies. The chart below (no.2) presents the number and the variety of the identification documents submitted by Greek Roma during the application procedure (in 2006). The choice of the documentation to have been sorted out was based on basic, minimum required documentation while addressing the Civil Service Authorities as applying to any Greek citizen, as well as an extra documentation category (“Other” in the chart) on health disabilities, school courses, social – fiscal benefits etc.

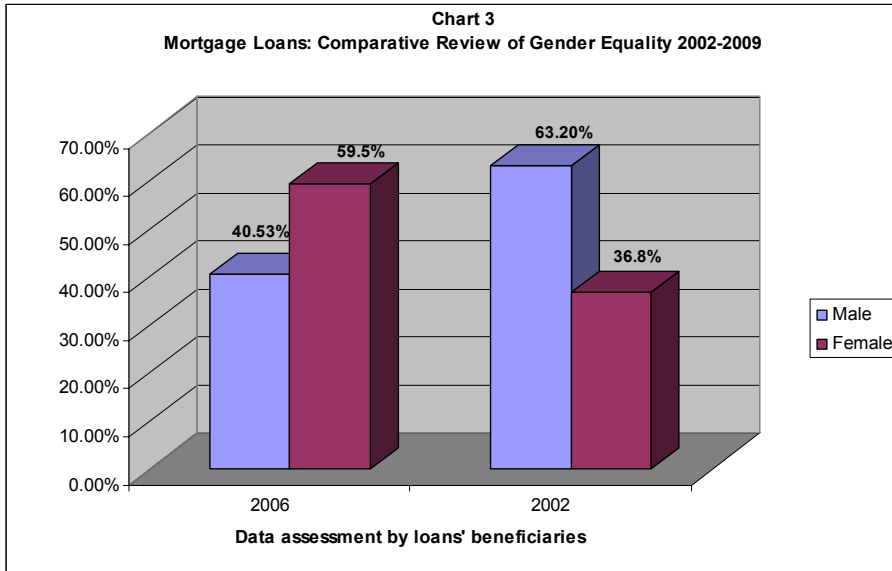


Upon assessment of the data collected, it is to be noted that the total of the applicants possess an identity card and a family status certificate (both require a birth certificate for each one of the persons concerned or related to the person at issue), whereas, almost the total of the applicants possess an income and property invoice (E1/E9). It should be noted though that the witnessed lack of E1/E9 copies, which falls less than half of a percentage point, is explained by the rule on non-compulsory income taxation in accordance with individuals' fiscal – taxation policy provisions in force. Finally, it should be stressed that the data reported above refer to a sample of 14.941 applications out of 17.074 submitted in total, for the whole of the country (representing 88% of the total applications submitted) since 2006, whereas fully detailed figures will be made available upon completion of the applications' assessment procedure for the whole of the Local Organizations concerned.

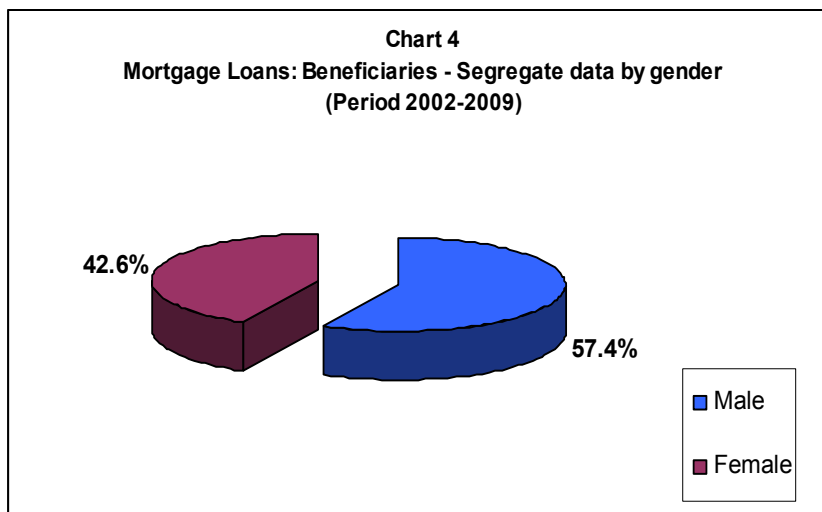
**Indirect priorities: (b) Promotion of gender participation**

Following the assessment of the beneficiaries' data, it is to be stressed that the legal reform of the mortgage loans' program - in particular the establishment of social assessment criteria giving priority to housing support for those who, by living in inadequate living conditions and being born with additional objective social constraints, were further burdened by social exclusion - practically led to the promotion of women's access to the program, as well as to their empowerment and emancipation within the micro-scale of the family and further, within the whole of the Roma community.

A comparative review of the results achieved during the last years proves further that women's participation/access to housing services amounts today to **59.5%** compared to 36.8% until the 2006 legal reform, and respectively, the respective figures regarding men's participation have decreased from 63.2% to **40.5%**. At this point it should be stated that the "year reporting period" presented in the chart below (no.3) is used in reference to the peak period of the program as of the time of its launch (2002) and of its priorities' modification, whereas the data assessed incorporate the total of the loans granted so far (7.772).



According to the overall figures presented above, it is indicated (see chart 4 below) that the grand total of the program's beneficiaries with regard to women sums up to **42.6%** with an increase of 35.7% compared to the overall women share (beneficiary women). Likewise, men's share in the program has a change of 18%, increasing the total male percentage to 57.4% (beneficiaries).

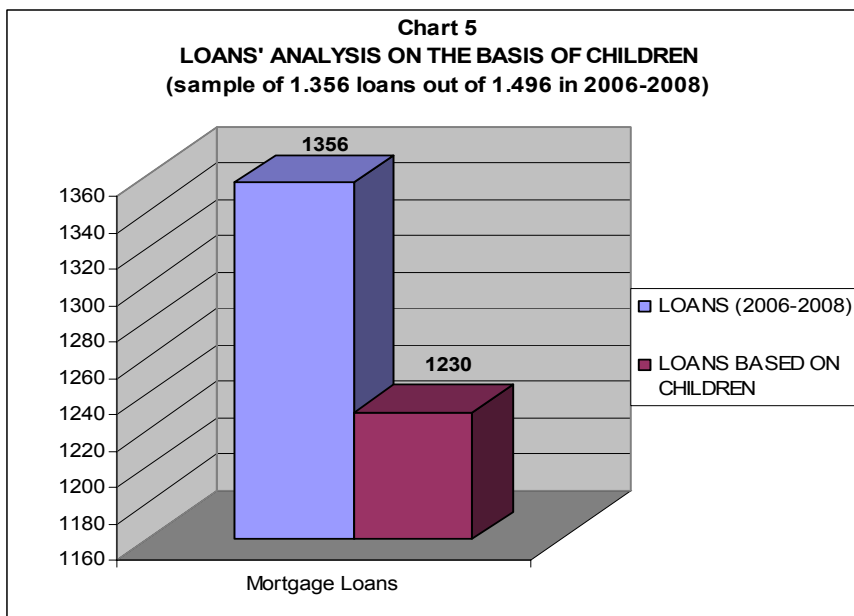


It is worth mentioning though that the above figures present gender participation at a minimum possible basis; women's share keeps increasing, since the majority of male beneficiaries (contrary to the typology met in the female share) refer to "married men" which, evidently, includes women too. For instance, during 2006-2009, the examination of the whole of the loans granted and sorted out by "head of family: man" shows that 86% of male beneficiaries refer to married people (686 male heads of family out of 800), whereas, within those sorted by "head of family: woman" only 35,4% refer to married women (416 out of 1.174 female heads of family). The same conclusion is further attained in chart 6 below where an effort has been made to

present from a sociological point of view an analysis of the typology of the beneficiary families upon establishment of social assessment-eligibility criteria.

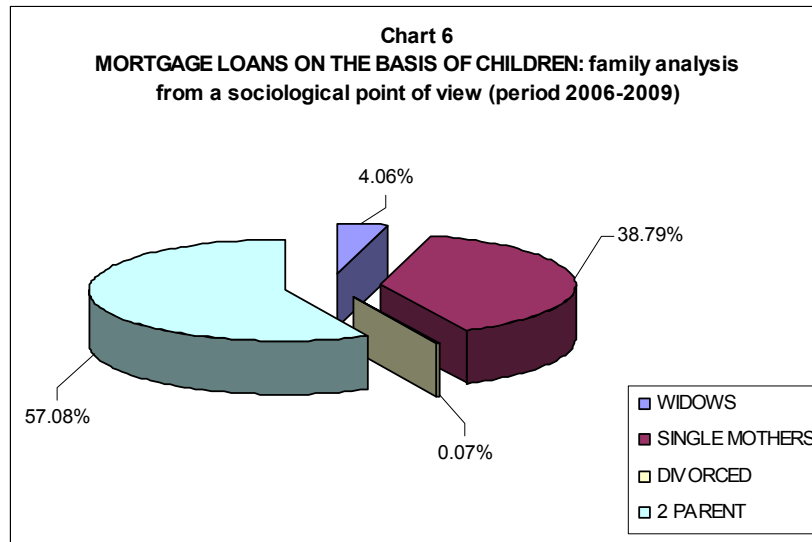
**Indirect priorities: (c) protection of childhood**

Similarly, the documentation submitted within the framework of the modified assessment procedure (as of September 2006), which in fact endorses the program’s priorities’ “shift” towards the protection of the family by placing special emphasis on dependant children (minors and generally dependant children), and the statistical analysis of a sample of 1.356 loans to an equal number of families (out of 1.496 during 2006/2<sup>nd</sup> semester – 2008/2<sup>nd</sup> semester), showed that 1.230 beneficiary families (81% of the loans) had at that time up to 8 children.



Detailed data of a sociological interest for the beneficiary families are presented in the chart below (no.6), whereas further data will be made available upon completion of the assessment of the applications submitted to the whole of the municipalities concerned. Hence, it has been established that the second grand share of the program’s beneficiaries, following the dominant “two-parents families” share (57%), is reserved to single mothers amounting to 38.79% of the total beneficiaries during 2006-2009.





**10. Are ethnically Slavic Greeks in general allowed to use their mother languages in private schools and publications, including Slavic Macedonian? Are Slavic names accepted for children of Greek citizens?**

A small number of people who live in the region of Greek Macedonia, mainly in the prefecture of Florina, apart from the Greek language, also speak a Slavic dialect, which is confined to family or colloquial use. This dialect has similarities with the language spoken by the Slav-Macedonians in the neighbouring Former Yugoslav Republic of Macedonia. Cross-border contacts, such as tourism and trade, keep this dialect alive, as is the case with the Greek language spoken in the southern part of the Former Yugoslav Republic of Macedonia. People speaking this dialect are bilingual (Slavic/Greek).

There are regular cultural events and festivities organised by the Slav-speaking persons in the region of Florina, where everyone is free to participate, including nationals of the neighbouring Former Yugoslav Republic of Macedonia.

All persons residing in Greece, regardless of their nationality, ethnic origin, language, religious or political affiliation enjoy full protection of their human rights and liberties. Everyone is free to declare his/her origin, and speak both in private and in public his or her language, publish and read printed material in any language, and observe his/her particular customs and traditions.

Finally, children's name giving is governed by article 25 of Law 344/1976 and there are no specific regulations for Greek parents or legal guardians of minors who would wish to give to a child a non-Greek name.

**11. Please elaborate on the Government's view of the decisions of the European Court of Human Rights which found that Greece violated the right to freedom of association by rejecting associations bearing the name "Turkish".**

As already stressed in our periodic report (para. 227 et seq.), freedom of association is fully protected in the Greek legal order. According to the case-law of

the Supreme Civil and Criminal Court, which follows the relevant case-law of the European Convention of Human Rights, any interference in the exercise of this freedom has to be fully scrutinized by national courts under strict standards. Thus, any restriction to this right must be necessary in a democratic society and must be motivated by a pressing social need with a view to protecting, among others, national security or public safety or preventing disturbances of public order. Each case is examined on its own merits, on the basis of the particular association's statutory aims, under a strict proportionality test, in order to achieve a fair balance between the individual right to freedom of association and the need to preserve a legitimate aim (such as public order and the rights or freedoms of others).

The European Court of Human Rights in three recent judgments (in 2007 and 2008), concerning an equal number of associations, found a violation by Greece of Article 11 of the ECHR (freedom of association). It is to be noted that there is no specific legislation on minority associations, the general provisions of the Civil Code being applicable. The decision to register any association falls within the exclusive competence of the courts, exercising a control of legality, and not of opportunity, with no state interference.

The above three cases are now pending before the competent Greek courts. The government is considering ways and means to implement the judgements of the ECHR.

In order to dismiss any misunderstandings about the level of protection of freedom of association in Greece, it is important to note that in Thrace a large number of Muslim minority associations and NGOs have already been registered by the competent courts and operate unimpeded, in order to protect, highlight and promote all aspects of the cultural, educational and economic life of that minority. More recently (in 2008), a number of Muslim minority cultural associations have been registered by the competent courts.

## **Article 6**

### **12. Please provide information on measures taken to guarantee the independence of the Office of the Ombudsman and to enhance its capacity to deal with discrimination in various fields.**

The independence of the Office of the Ombudsman is guaranteed in the Constitution itself. More specifically, Article 103 (9) provides that: "Law shall specify matters relating to the establishment and activities of the "Ombudsman", who functions as an independent authority". Moreover, according to Article 101A (2) of the Constitution, the members of the independent authorities, including the Ombudsman, are chosen by the "Conference of Parliamentary Chairpersons", seeking unanimity, or, in any case by an increased majority of 4/5 of its members. The above procedure ensures a wider political support, at the parliamentary level, for the selection of the Ombudsman.

Over the years, the Greek Ombudsman has assumed new responsibilities. In 2004, the new institution of the Ombudsman of Health and Social Solidarity was included in the Office of the Greek Ombudsman. Also, as of the enactment of Law

3304/2005 with reference to “the application of the principle of equal treatment regardless of ethnic origin, religious or other convictions, disability, age or sexual orientation”, the Ombudsman’s role was extended to cover the promotion of equal treatment by public administration services. Finally, according to Law 3488/2006, the Ombudsman is responsible for monitoring the implementation of the principle of equal treatment of men and women as to their access to employment and occupation, vocational training and promotion, and in the terms and conditions of employment. A new Department of Gender Equality was established in May 2008.

While the Greek Ombudsman is competent for complaints involving public bodies, he/she may also examine acts of private citizens in cases of allegations of violation of children’s rights or unequal treatment of men and women in the field of employment. Furthermore, the anti-discrimination legislation recognizes the competence of the Ombudsman to examine complaints of discrimination on the grounds, inter alia, of racial or ethnic origin, religious or other beliefs related to the service status of civil servants (a field otherwise excluded from the remit of the Ombudsman).

**13. Please provide statistical information on the number and nature of cases regarding racism and racial discrimination dealt with by the Office of the Ombudsman, the Committee for Equal Treatment and the Labor Inspectorate during the period 2007-2009.**

**Office of the Greek Ombudsman**

Statistical information for the year 2007

According to the 2007 Annual Report “The Greek Ombudsman [GO] as a specialized body for the promotion of the principle of equal treatment”, in 2007, the GO investigated eighty (80), pending and new, complaints by persons alleging a discriminatory treatment in violation of Laws 3304/2005 and 3488/2006. The above figure of complaints under investigation signals a significant increase in the number of complaints, in comparison to 2006; however, the GO is of the opinion that the said number “is still far from being a large one”.

Out of the abovementioned eighty (80) complaints forty one (41) complaints were related to discrimination on account of racial and ethnic origin, thirty four (34), of which were related to the provision of goods, services and accommodation, a further four (4) concerned education and three (3) the workplace.

Among the abovementioned forty one (41) complaints, thirty (30) were pending at the time of the drafting of the GO’s 2007 Report; in six (6) cases, a discrimination was found, while in five (5) cases the complaints were considered unfounded. In four (4) of the above six (6) cases, the Administration complied with the recommendations of the GO.

An important part of the work of the GO as a national body for the promotion of equal treatment was dedicated to the settlement and housing of persons of Roma origin. In 2007, the Ombudsman not only investigated the complaints that had been lodged, but also initiated investigations and inspected settlements across the country.

## Statistical information for the year 2008

According to the recently published 2008 Annual Report, in 2008 the GO investigated sixty two (62) complaints by persons alleging a discriminatory treatment in violation of Law 3304/2005, forty three (43) of which were related to discrimination on account of racial and ethnic origin. Of the above mentioned sixty two (62) complaints, thirty nine (39) were lodged in 2008, twenty three (23) of which were related to discrimination on account of racial and ethnic origin.

The abovementioned complaints covered a wide variety of fields, such as education and provision of services, including housing.

As in 2007, in 2008 the GO placed a particular emphasis on the situation of Roma, their living conditions and the tackling of instances of social exclusion, within the framework of its “coordinated strategic initiative for the Roma settlements”. In fact, most of the relevant cases examined by the Ombudsman concerned issues related to persons of Roma origin (settlement, resettlement, living conditions). As noted in the said report, the GO has handled cases in which the majority population had voiced concerns or reacted negatively to the existence of Roma settlements (illegal in most cases) in their vicinity or to the (illegal) behavior of some persons of Roma origin. Such cases illustrate the need for effective mechanisms of mediation, with a view to easing societal tensions, as well as for a concerted policy supporting persons belonging to vulnerable social groups.

### **Labor Inspectorate**

As far as the Labor Inspectorate is concerned, during the period 2007-2009, there have been no reported cases of violation of the relevant provisions of Law 3304/2005, either during the inspections conducted or following relative complaints. Specific instructions have been given (Labor Inspectorate, Central Department of Social Inspectorates), through circulars, to central and regional authorities so that they provide, on a monthly basis, statistical data related to any violation of the principle of equal treatment in the employment sector, under the provisions of Law 3304/2005.

The competent authorities have taken a series of measures to raise public awareness of Law 3304/2005. The Directorate of Social Protection of the Ministry of Employment and Social Protection represents Greece in the European Community Program against discrimination. Within the framework of the above Program, and with a view to raising awareness of and informing both the general public and all parties involved on issues of discrimination in the fields of work and employment (public services, social partners, etc), a series of actions, such as one-day meetings, information campaigns and publication of relevant leaflets, have been implemented. More specifically:

- The Opening Conference of the European Year for Equal Opportunities for All (2007) was held in Athens in 16-17/4/2007 with the participation of the Minister of Employment and Social Protection, the Minister of Interior, representatives of the social partners (employers and employees associations, etc.), the local self-government agencies and NGOs.

- With a view to implementing the new anti-discrimination legislation more efficiently, a one-day meeting was held in Thessaloniki on 5/9/2007 to inform the Labor Inspectors of Northern Greece on issues related to the interpretation and application of Law 3304/2005. The one-day meeting was attended by 200 persons, among which Labor Inspectors, representatives of local bodies, the Greek Ombudsman, social partners, the academic community and NGOs.

- The Ministry of Employment and Social Protection conducted an information campaign called “Know your Rights. Combat discrimination” in Athens, on 15-16 October 2007. To this end, five Info-kiosks were placed in central locations in Athens, where a relevant leaflet was distributed. The said leaflet contained information on the national legal framework for combating discrimination, the bodies competent to promote the implementation of the principle of equal treatment, the administrative authorities and the social partners dealing with issues relating to the fight against discrimination as well as the relevant NGOs engaged in the fight against discrimination, which the persons concerned can contact. Copies of the above leaflet have also been forwarded to the Headquarters of the Labor Inspectorate Body, which workers can contact with a view to making complaints about violations of the labor legislation. 12.000 copies of the said leaflet have been issued in Greek and in English.

- Furthermore, on the occasion of the designation by the EU of the year 2007 as “European Year for Equal Opportunities for All”, the Ministry of Employment and Social Protection was appointed as Executive Body, responsible for the implementation of actions relating to the abovementioned initiative of the European Commission in Greece. In this context, the Directorate of Social Protection proceeded to the designing and assignment to relevant stakeholders of the aforementioned actions, which were implemented by NGOs, public agencies and the Local Self-Government organizations. The above actions included conferences, seminars, TV spots, publication and distribution of leaflets, conduct of studies, etc., at the local, regional or/and national levels. All the said actions were co-financed by the E.U.

In addition, the Ministry of Employment and Social Protection, within the framework of the Community Program “Progress” for Employment and Social Solidarity (2007-2013) is going to implement the project “Actions to promote the principle of Equal Treatment”. The said project includes the following actions:

a. The action “Aspects of Discrimination and Political Interventions” is targeted specifically at combating prejudice against the Roma in Eastern Macedonia and Thrace. This action, in cooperation with the Democritus University of Thrace, will be implemented in two phases and aims both at abolishing the stereotypes and at lifting the obstacles faced by the Roma regarding their access to employment, also incorporating the gender dimension, as well as at raising broader awareness of the local societies and of the youth, in particular. The bodies involved are as follows: (a) associations – representatives of the social group concerned, (b) representatives of the local authorities, (c) representatives of the central administration [Ministry of Employment & Social Protection – Manpower Organization], (d) representatives of women’s associations, (e) representatives of the academic community – experts. The “representatives – mediators” will play a central role in the implementation and success of the action. Key-persons, coming from the Roma communities, will receive

further training, under the responsibility of the Ministry, so that they may be able to offer support to their communities on issues such as: [a] The legal framework of the application of equal treatment, [b] The procedures for the promotion of persons to programs of training, employment and entrepreneurship, [c] The procedures for group activities, with an emphasis on women's participation in associations, [d] Cultural activities.

b. The awareness-raising action "To make equality reality" includes the production, translation and reproduction of three (3) leaflets: the first leaflet concerns the legislative framework for combating discrimination and its target group is the general population; the second and third leaflets will concern information regarding occupational hazards of certain professions in which many immigrants are employed (such as: construction and agricultural labor) and their rights.

The above leaflets will be translated into the following languages: English, Pakistani, Albanian, Polish, Bulgarian, Romanian and Arabic. The objective of the action is, on the one hand, the information and awareness-raising of the wider public on the legislative framework pertaining to the fight against discrimination and, on the other hand, the elimination of discrimination that affects immigrants due to the lack of access to information concerning the legislative framework and protective regulation in the workplace.

In total 300,000 copies will be produced and distributed to administrative authorities such as the Employment Promotion Centers, Citizen Service Centers, Labor Inspectorate Body (SEPE) services and, in general, to services and points to which the target groups have frequent access.

### **Committee for Equal Treatment**

In accordance with the anti-discrimination Law 3304/2005, the Equal Treatment Section of the Ministry of Justice examines complaints of violations of the principle of equal treatment, and attempts to achieve a friendly settlement of a case. In case of failure to reach such a settlement, the relevant findings are transmitted to the Committee for Equal Treatment (CET). The CET draws up a report containing its findings, which may be forwarded to the competent Prosecutor, if there are indications that a criminal offence has been committed. In addition, the Committee may render an opinion regarding the interpretation of provisions of Law 3304/2005, either on its own initiative or upon request by the Minister of Justice or other competent authorities. Furthermore, the CET draws up reports on the implementation and promotion of the principle of equal treatment.

During the period 2005-2009, 15 persons have had recourse to the CET. Moreover, a number of individuals have requested information on the competence and powers of the CET through a "special telephone line for equal treatment".

To conclude, as it was mentioned in our periodic report, Law 3004/2005 has not developed its full potential yet. The number of complaints submitted is small and confined mainly to the public sector. It is, however, to be stressed that both the Greek Ombudsman, as an independent authority, and the Labor Inspectorate handle in an effective manner an important number of cases, under their respective general

legislative framework, which are closely linked to the fight against all forms of discrimination. The overall activities and the inspections carried out by the Labour Inspectorate, in order to ensure compliance with the labour legislation, lead to the conclusion that the rights of migrant workers are also protected; although there have been no complaints regarding violations of Law 3304/2005, migrant workers are in any case protected on the grounds of the general provisions of the labour legislation and, indeed, some of the cases under examination might involve aspects of indirect discrimination.

Having said that, we are fully aware that the main challenge lies in increasing the level of knowledge and raising the awareness of victims, potential victims and civil society actors regarding the enhanced means of action introduced by the new legislative framework.

**14. Please comment on reports concerning obstacles encountered by Roma seeking an effective remedy in Greek courts. Please provide information on measures taken to ensure the equal treatment of Roma before civil courts and in the Criminal Justice System. Examples will be welcome.**

Greek Roma are treated by the courts in the same manner as all other Greek citizens, as well as any other person using the services of the courts. Any obstacles that may be encountered by Greek Roma are not due to the refusal of court services and/or members of the judiciary to examine their cases, but to the heavy workload of the Greek courts, which does not affect only members of vulnerable groups.

It is also to be noted that some difficulties are due to the fact that a part of the Roma population lacks a permanent residence, thus making it for state officials more difficult and cumbersome to contact interested persons.

Finally, persons of Roma origin have the right to free legal aid, under the conditions set out in the applicable legislation.

According to Law 3226/2004, beneficiaries of legal aid are low-income nationals of a member state of the EU as well as third-country nationals and stateless persons, provided that they legally have their domicile or usual residence in the European Union.

The granting of legal aid in civil and commercial cases consists in the exemption from payment, in whole or in part, of legal costs and, upon special request, for the appointment of a counsel, a notary or a bailiff, with the order to defend the beneficiary, to represent him or her before the court and to provide him or her with the assistance to perform all necessary acts.

On the other hand, the granting of legal aid in criminal cases consists in the appointment of a counsel, as provided for in the Law. Counsels are also appointed for the preparation and the submission of a complaint as well as for the filing of a civil claim at every instance by victims of torture and other offences against human dignity, of discrimination and violation of equal treatment, of crimes against life, personal and sexual freedom, economic exploitation of sexual life or property interests, of bodily injuries and crimes related to marriage and family, provided that

they constitute felonies or misdemeanours under the jurisdiction of the Three-Member Misdemeanour Court, punishable with a penalty of imprisonment of at least six (6) months.

For legal aid to be granted, the relevant legal remedies must be admissible and not manifestly ill-founded.

## **Article 7**

**15. Please provide information on training programmes and courses on human rights issues for members of the judiciary, law enforcement officials and other public officials and indicate whether such programmes or courses include components focused on the rights and obligations set forth in the Convention.**

### Police personnel

Within the framework of the training of police personnel, a special emphasis is given on issues related to the protection of human rights, and in particular, the elimination of racial discrimination, with a view to promoting the aims and the principles of the United Nations.

More specifically:

- At the basic level of education, the training programs on human rights protection, the rules of ethics and conduct, the social role of law enforcement bodies and the relations between the State and the citizen aim at the development of the personality of students, with a particular sensitivity on issues related to racial discrimination, and a special focus on the need to avoid prejudice and to discharge all duties in a fair manner. The relevant courses are taught by eminent University professors, members of independent authorities, political personalities, members of the judiciary, members of NGOs, etc.
- At the post-training level, courses are taught by University professors on Constitutional Law and Human Rights Law, including human rights treaties. Moreover, lectures are given on issues related, inter alia, to Police and Human Rights, the prohibition of torture and other forms of degrading or inhuman treatment, the use of arms by police officers, police violence and human rights, relations between the State and the citizens.

Along with the teaching of Constitutional Law and Human Rights Law, the sensitization of Police Academy students is achieved through the assigning of projects on related topics.

### Teacher training

The Pedagogical Institute has run a teacher-training program on “Problems Management in the School Classroom”. The aim of the program is that teachers of both Primary and Secondary Education enrich their knowledge and improve their practices so that they become more effective in dealing with conflict and problems arising in the school classroom.



Special emphasis has been placed on experiential learning, on the practical use of the methods to deal with problems which might arise, as well as on case studies. The thematic units of the program include, among others, training on how to deal with children who have learning difficulties but also with gifted pupils, and on how to manage cultural diversity by following the latest didactic methods.

It is worth mentioning that a Committee for Human Rights has been established in the Pedagogical Institute.

What is more, Greece has a network of approximately 100 schools participating in the ASPnet network of UNESCO. In the framework of this network, in 2007 the Greek Ministry of National Education in cooperation with the Hellenic Commission for UNESCO and the Gestalt Foundation in Greece organized two awareness-raising workshops for teachers coordinating ASPnet projects in their schools. One seminar took place in the region Attica for primary school teachers and the second in Thessalonica for secondary education teachers. The subject of these seminars was the “resolution of conflict in the school environment within the framework of human rights”.

#### Members of the judiciary

The study program of the National School of Magistrates includes each year courses related to human rights. More specifically, the curriculum includes the teaching of the European Convention on Human Rights, by a University professor. A particular reference is made during the teaching to the measures taken by the Greek authorities to abide by the Convention’s requirements.

Moreover the National School of Magistrates provides for the training of the already serving judges. Within the scope of this training, thirty nine training seminars have taken place. The improvement of the human rights protection system has always been the main objective of the above training seminars. It should be stressed that the first four seminars which began in 2000 had focused on the proper understanding and implementation of the European Convention for human rights.

#### **16. Please provide information on measures taken to disseminate the State party report and the Committee’s concluding observations, including through translation into Greek and posting on relevant Government websites.**

The draft periodic report was submitted to the National Commission for Human Rights, which has the competence, by virtue of the applicable legislation, to issue consultative opinions regarding human rights-related reports submitted to international organizations, and in particular the UN treaty bodies. The National Commission has a very broad membership, which includes representatives of political parties, the civil society, the academic community, as well as six representatives of major NGOs active in the field of human rights protection, that is, Amnesty International Greek Section, the Greek League for Human Rights, the Marangopoulos Foundation for Human Rights, the Greek Council for Refugees, the League for Women's Rights, and the Panhellenic Federation of Greek Roma Associations. On 14

February 2008, the NCHR issued its comments on the draft periodic report, posted on its website, a large number of which have been incorporated into Greece's final periodic report. Furthermore, reference has been made to the content of the report on the occasion of conferences, seminars, etc. organized by NGOs. The final version of our periodic report was posted on the website of the Ministry of Foreign Affairs.

We are convinced that the dissemination of concluding observations of treaty bodies following the examination of national reports contributes to further strengthening the implementation of human rights treaties. All concluding observations are forwarded to the competent authorities, which proceed to a careful consideration of their implications on the national legal order and the actions and programs pursued. Moreover, the concluding observations of treaty bodies are widely covered by the print media.

In light of the above, we wish to assure the Committee on the Elimination of Racial Discrimination that its concluding observations will be translated into Greek, as a matter of priority and will be sent to all authorities involved. Furthermore, all the necessary steps will be taken to ensure the posting of the above observations, in the Greek language, on the most appropriate Government websites. It is worth noting that both Greece's national reports and the corresponding concluding observations of the relevant treaty bodies have already been posted on the website of the National Commission for Human Rights.

Furthermore, our intention is to communicate the State report, as well as the Committee's Concluding Observations, translated into Greek, to the highest judicial authorities and officials, who will, in turn, inform all members of the judiciary thereof. It is to be noted that there is already a standing practice of dissemination by the President of the Greek Supreme Court of the judgments of the European Court of Human Rights.

### **Additional information**

**17. Please indicate if the State party intends to make a declaration under article 14 of the Convention, thus accepting the Committee's competence to receive and consider individual complaints.**

Greece fully shares the view that individual complaints procedures before treaty bodies are an important tool for the protection of the rights of alleged victims of human rights violations.

As explained in detail in our national report, mechanisms have been designated or established to implement the 2005 anti-discrimination legislation. However, the above mechanisms have not been used to their full effect.

We are of the opinion that the development of the full potential of the abovementioned bodies will allow a more thorough assessment of the impact on our national legal order of a possible acceptance of the Committee's competence to receive and consider individual complaints, taking also into account the relevant practice of the Committee and the lessons learned therefrom.

**18. As a matter of clarification and understanding, and without implying any criticism on the part of the Rapporteur, please explain the reasons why Greece signed (in 1997) but never ratified the Council of Europe’s Framework Convention for the Protection of National Minorities.**

Greece recognizes that the Framework Convention for the Protection of National Minorities has proved to be an extremely useful tool in the effort of Council of Europe Member States to ensure the protection and promotion of the rights of persons belonging to minorities. We are following with interest the work undertaken in this respect by the Advisory Committee, as well as the Committee of Ministers in its capacity as a monitoring body of the Framework Convention. We are also paying close attention to the relevant State practice, as reflected in the declarations submitted at the time of ratification of this instrument, the periodic national reports, as well as the comments by the States concerned to the Opinions of the Advisory Committee.

The Framework Convention for the Protection of National Minorities has been ratified by the vast majority of Council of Europe Member States (39 out of 47 Member States). It is, however, to be noted that States have at their disposal a variety of ways and means to ensure protection of the rights of persons belonging to minority groups. The diversity of legal and socio-political circumstances and historic traditions prevailing in each country calls for tailor-made rather than “one-size-fits-all” conceptual approaches and practical solutions. The implementation of minority rights instruments requires legal and political assessments and choices as to what forms and modalities such implementation should take, depending on particular national circumstances.

Greek legislation is in conformity with the fundamental principles laid out in relevant international instruments, including the Framework Convention. The 1923 Lausanne Treaty recognizes to the members of the Muslim minority in Thrace a wide array of religious, linguistic and educational rights. The relevant provisions of the Lausanne Treaty are fully in line with modern standards in the field of minority rights; they even go, in some areas, beyond the rights enshrined in the Framework Convention.

The rights of the members of the Muslim minority in Thrace are fully guaranteed and effectively protected in a democratic society, where the rule of law prevails. Greek legislation includes special measures in favor of the Muslim minority, fully implements the Lausanne Treaty, is in line with contemporary international and regional human rights treaties and reflects the values of the European Union. Muslim citizens derive all the benefits of membership in the European Union, exactly like other Greek citizens. The substantial goal of the Greek State is –as well as that of all other EU members in general- to guarantee the smooth integration of the minority in the social tissue of the country, while safeguarding its cultural and religious identity. The above measures are described in our national report (paras. 23-46).

Furthermore, in the general context of human rights protection, Greek authorities are very sensitive to the situation of persons belonging to “vulnerable” social groups. A whole range of measures are being implemented in order to meet the

demands of those persons in various fields related to civil and political, economic, social and cultural rights.

In view of the above, we are of the opinion that the non-ratification of the Framework Convention has not lead to the emergence of a “protection gap” in the field of application of the ICERD, nor has impeded the full enjoyment by Greek citizens of all rights enshrined in the ICERD.

Finally, we would like to point out that there is an ongoing dialogue within the Greek society on national legislation and policies required in order to ensure the effective implementation of the principles set out in the Framework Convention and other relevant instruments.

## ANNEX: INDICATIVE ACTIONS FOR THE INTEGRATION OF THIRD-COUNTRY NATIONALS

**1<sup>st</sup> Operational Program. Priority: Information – Services** (indicative actions co-funded by the European Fund for the integration of third country nationals):

- Information and awareness raising of the host society, through a campaign to be launched by the Media and the organization of a meeting with a view to avoiding eventual anachronistic stereotypes and instances of racism and xenophobia and promoting diversity, the value of “interculturalism” in the Greek society and tolerance for diversity;
- Programs of intercultural training of relevant civil servants;
- Training programs for Intercultural Mediators;
- Collection of data on NGOs and associations of migrants, active in the national territory;
- Workshop to sensitize journalists in addressing phenomena of racism and xenophobia;
- Development of a bilingual Internet portal;
- Advertising campaign in the Media to inform third country nationals on the acquisition of the long term residence status;
- Information campaign through printed material addressed to third country nationals on issues such as health and housing, entrepreneurship, education, everyday issues and promotion of the value of interculturalism;
- Development of indicators for the monitoring and evaluation of actions related to the admission and integration of third-country nationals to the Greek society;
- Pan-European Conference on “Good Practices on volunteering aimed to the empowerment of immigrants”;
- Information campaign aiming at sensitizing public opinion, as well as informing female third country nationals on coping with cases of trafficking, domestic violence and sexual harassment;
- Elaboration of relevant studies;
- Conducting of an opinion poll on the assessment of the results of actions implemented within the framework of the European Integration Fund.

**2<sup>nd</sup> Operational Program. Priority: Employment** (indicative actions funded by the Third Community Support Framework):

- Supporting accompanying services, such as development of social skills, vocational guidance and entrepreneurship.
- Grants addressed to new professionals (including immigrants) as well as enterprises that employ immigrants in the framework of the action “New Jobs”.  
*(indicative actions co-funded by the National Strategic Reference Framework- ESPA 2007-2013):*

- Interventions to strengthen social cohesion by providing equal access to the labor market and preventing phenomena of marginalization and social exclusion;
- State aid for women’s and youth entrepreneurship, including immigrant population

*(indicative actions co-funded by the Community Initiative EQUAL- implementation cycle b):*

-Employment of economic migrants in the agricultural sector by helping them develop relevant qualifications and skills.

**3<sup>rd</sup> Operational Program. Priority: Education** (indicative actions co-funded by the Operational Program “Education and Initial Vocational Training”- third Community Support Framework)

- Improving integration into the educational system of children of third country nationals and combating school failure and drop-out through, inter alia, the implementation of intercultural training programs and the preparation of supplementary material at all levels of education for Greek language learning;
- Enhancing employability and combating social exclusion and discrimination through upgrading the institution of “second chance schools” and developing educational programs on the acquisition of basic skills and the teaching of the Greek language to adult immigrants;
- Additional teaching support programs for students with poor performance (including immigrant students);
- Reception classes and tutorial sections;
- Workshops and seminars addressed to teachers on issues of intercultural education.

*(indicative actions co-funded by the European Fund for the integration of third country nationals):*

- Program on Greek language learning and history courses for immigrant mothers;
- Innovative educational program on Greek language learning through music and songs for migrants’ children.

**4<sup>th</sup> Operational Program. Priority: Health and Housing** (indicative actions co-funded by National Strategic Reference Framework- ESPA 2007-2013):

- Network of Social Support Services;
- Prevention and health education actions for people experiencing exclusion.

**5<sup>th</sup> Operational Program. Priority: Culture** (action funded by the regular budget):

-Operation of Intercultural Workshops, creative occupation activities and entertainment.

For the Year of Intercultural Dialogue 2008, the action co-funded by the European Union and the Ministry of Culture was the “Musical Dialogues” Program to highlight the value of intercultural dialogue.

*(indicative actions co-funded by the European Fund for the integration of third country nationals):*

- Cultural event on “Immigrant’s day” (18.12);
- Organization of a race, a football tournament between Greek football teams and third country nationals’ teams, as well as a cricket tournament among third country nationals’ teams.

## **6<sup>th</sup> Operational Program. Priority: rehabilitation and care for those discharged from prison**

-An indicative action implemented under this operational axe and co-funded by the European Fund for the integration of third country nationals is the Intercultural Training Program for the staff serving in the country's prison establishments, in Juvenile Probation Officers' and Adult Probation Officers' Services.

In the framework of the Operational Programme "Administrative Reform" – ESPA 2007-2013, the Ministry of Interior promotes the drawing up of the "Action Plan aimed at upgrading the immigration policy and social integration through the modernization of the regulatory framework and Public Administration structures". The said plan foresees, in particular, the recording of all structures and actions implemented or under implementation with a view to facilitating the integration process of immigrants into the Greek society, highlighting deficiencies, submitting proposals for specific actions, as well as highlighting good practices, in the form of an Integrated Action Plan.

Finally, the National Committee for Social Integration of Immigrants (para. 98 of our periodic report) has met four [4] times until today. The issues addressed by the Committee were the delimitation of its function and priorities and the Global Forum on Migration and Development – GFMD.

On the 16th of December 2008, Greece assumed the annual Presidency of the 3rd Global Forum on Migration and Development- GFMD, as well as the organisation of a meeting that will take place in Athens between the 2nd and 5th of November 2009 under the title: "Integrating Migration Policies into Development Strategies for the Benefit of All". The first part of the meeting will be dedicated to Civil Society Days, while the second is the "governmental" part. The roundtables to be organized during the above meeting reflect the priority of the Greek Chair to emphasizing the integration of migration policy in developmental strategies; they will be addressing, inter alia, policies that ensure the rights and secure the situation of migrants in the host country, and in the origin country if and when they return, as well as issues related to policy and institutional coherence and regional and inter-regional activities.