



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Summary record of the 1945th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 11 August 2009, at 10 a.m.

Chairperson: Ms. Dah

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The meeting was called to order at 10.10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Sixteenth to nineteenth periodic reports of Greece (continued) (CERD/C/GRC/16-19; HRI/CORE/1/Add.121; list of issues, document without symbol distributed in the meeting in English only)

1. *At the invitation of the Chairperson, the delegation of Greece took places at the Committee table.*
2. **Ms. Telalian** (Greece) said that Greek courts had applied the 1979 law punishing acts or activities that constituted racial discrimination (CERD/C/GRC/16-19, para. 130) only in a limited fashion because of their reluctance to limit freedom of speech. Without sufficient knowledge of the political history of Greece from 1967 to 1974, it was impossible fully to understand the attitude of public opinion or judges to that issue. That period of censorship, banning of books and the media and abolition of freedom of opinion and speech had had a profound effect on the Greek people and their institutions. That partly explained why Greeks had become so sensitive about freedom of speech and of the press. Another reason for the judges' hesitation in restricting freedom of speech was that racist ideology had never really taken hold in Greek society. Until the 1990s, Greece had been a homogenous society with few foreigners, who had only begun to arrive in greater numbers at the end of the Cold War and Greece had gone to great lengths to provide whatever was necessary to take them in.
3. The recent incidents involving foreigners and Greek police had been isolated occurrences rather than the expression of any racist ideology. Greece, did not underestimate the threat posed by such incidents, and was preparing to adopt a new law against racism and incitement to racial hatred and xenophobia. Moreover, the Greek Supreme Court was due shortly to hand down a decision on this fundamental issue as guidance for all the lower courts. The possibility for a prosecutor to reconsider a court decision in the interests of the law was also a key tool in the fight against all forms of discrimination.
4. No one could claim that Greek public opinion held anti-Semitic views. On the contrary, measures had recently been adopted to make people more aware of the problem. Since January 2006, for example, all primary and secondary schools taught pupils about the Holocaust, an issue which the Greek Government took very seriously.
5. **Mr. Papageorgiou** (Greece) said that Law No. 3304/2005 on the "implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation" (ibid. para. 13) incorporated two European Union directives on that subject. The Law was intended to lay down a general legal framework to help combat discrimination in a wide variety of fields and to designate or establish bodies to protect, promote and monitor compliance with the principle of non-discrimination. It banned direct and indirect discrimination and classified as discrimination harassment whose purpose was to insult a person's dignity and create an intimidating, hostile, degrading, humiliating or offensive environment. Any instruction to treat a person in discriminatory fashion on the above-mentioned grounds was also deemed discrimination. Article 6 of the law clarified that the adoption or maintenance of special measures intended to reduce the inequality that certain groups in society experienced was not discrimination, but fell within the framework of positive action by the State towards them.
6. Answering Mr. Kemal on the actual effects of Law No. 3304, he said it had led to the creation of several bodies charged with promoting equal treatment, including the Office of the Ombudsman (ibid. para. 252), the Committee for Equal Treatment (CET, ibid. para. 253) and the Labour Inspectorate (ibid. para. 254). The Office of the Ombudsman

examined complaints of alleged violations of the principle of equal treatment by public-sector services, local and regional authorities and other public bodies, public-private corporations, public enterprises, and firms directly or indirectly managed by the State. The Office of the Ombudsman could also investigate complaints regarding civil servants' status, when they concerned cases of discriminatory treatment. It could also conduct inquiries and draw up reports on the implementation and promotion of the principle of equal treatment. The Office of the Ombudsman's annual report said that, in 2007, it had investigated 80 cases, 41 involving racial discrimination, 32 discrimination in housing, 4 discrimination in education and three complaints of discrimination in the workplace. Thirty of those complaints were before the courts for sentencing when the periodic report under consideration had been written and five had been dismissed for want of sufficient evidence.

7. In 2008, the Equal Opportunities Department of the Directorate for Social Protection had received six complaints, three of which had been passed on from the European Commission. The remaining three concerned employment discrimination on the basis of age, disability, ethnic origin, religion or sexual orientation.

8. The Committee for Equal Treatment (*ibid.* para. 253), subordinate to the Ministry of Justice, examined violations of the principle of equal treatment by natural and legal persons that did not fall within the purview of the Office of the Ombudsman or Labour Inspectorate. The committee had set up a telephone hotline that some 15 people had called in 2008 and 2009 to find out about its areas of responsibility and powers.

9. Law No. 3304/2005 was doubtless still largely unknown to the general public and the Greek Government would step up efforts better to explain its provisions. Greece realized it had a challenge ahead of it to make victims and potential victims aware of the wider remedies available through the new, comprehensive legislation against discrimination.

10. **Ms. Telalian** (Greece) said that the Muslim minority in Thrace was the only one officially recognized as such in Greece. It numbered around 100,000 people, split into three distinct groups, of Turkish, Pomak and Roma origin (*ibid.* para. 24). Those three groups were free to declare their origin, speak their language, practise their religion and observe their own customs and traditions.

11. The Muslim minority in Thrace could not be considered as a sole ethnic group, as that would amount to attributing a Turkish identity to the Pomaks and Roma people, who actually spoke their own language and had their own culture. In the past, intimidation had been used to press the Pomaks to abandon their language and identify themselves as Turks, but the Government was endeavouring to protect the identity and uniqueness of this component of the minority group.

12. Greece respected fully the right of everyone to determine their own identity. The Council of Europe's Framework Convention for the Protection of National Minorities clearly stated that a person could not choose arbitrarily to belong to any national minority. The individual's subjective choice was inseparably linked to objective criteria determining the person's identity. Greece understood perfectly well the objective criteria in the case of the Muslim community but considered that nothing obliged it to recognize it as Turkish as a whole. It was unacceptable that the majority segment of the minority group could impose its own identity on the remaining segments of the group. With regard to international law, Greece considered that the subjective claims and views of a small number of people, which were not founded on objective facts and criteria, did not oblige the State to recognize a group officially as a minority or to guarantee its members specific rights beyond those assured under human rights treaties.

13. She supported Mr. Thornberry's view that the designation of a minority should not be dictated or imposed by a foreign power or actor. The Greek Government was not trying

to impose an identity on the Muslim minority. Rather, the majority component of that minority itself was attempting to foist one upon the others. Since the 1990s, Greece had endeavoured to avoid making minorities an object of international contention. It was convinced that the region's stability depended on the minorities' well-being and was trying to prevent issues concerning them being used by foreign powers for their own political ends.

14. It was true that the European Court of Human Rights had condemned Greece three times for banning or disbanding three different associations. That figure, however, needed to be seen in the context of the hundreds of other associations active in Thrace. The enforcement of those three rulings, which Greece had to accept, posed a problem as there was no domestic legislation that allowed for the reopening of lawsuits in domestic courts. The Government was nevertheless, considering how it could meet that obligation and would make public the procedure it decided upon by the end of the year.

15. Muftis were spiritual and religious leaders who also performed judicial and administrative functions in the areas of marriage, divorce, child custody and inheritance. Since the passing of a special law in 1991, the Government appointed them from among prominent figures in the Muslim community. That nomination was a transparent procedure carried out under the supervision of the Muslim community and could not be described as arbitrary. On the other hand, some members of the Muslim minority had broken the law by designating their own Mufti when another person had already been legally appointed. The European Court had twice ruled that Article 9 of the European Convention on Human Rights (Freedom of thought, conscience and religion) had been breached in such cases. Those rulings, however, had not addressed the legality of the Mufti's nomination. Rather, they concerned legal proceedings taken against him for publishing and signing messages to the region's Muslims when the Greek authorities had appointed another Mufti.

16. **Mr. Kastanas** (Greece), in reply to a question from Mr. de Gouttes and Mr. Lindgren Alves, said the Muslims of Thrace were at liberty to choose between the Mufti, who applied sharia law, and the civil courts in matters of family and inheritance law. However, sharia was only applied to the extent it was compatible with the basic values of Greek society and the domestic law, as well as with Greece's international human rights obligations, especially those concerning equality of the sexes. Only minor waivers of the Civil Code could be made. In any event, polygamy and arranged marriages were banned. The 1991 Law stipulated that the courts could not apply Muftis' decisions that contravened the Constitution. In 2008, the Court of First Instance in Rhodope, Thrace, had confirmed that the application of sharia law in inheritance matters had to respect the principle of equality of the sexes, as set out in the Greek Constitution and in the international human rights instruments to which Greece was a party.

17. **Ms. Telalian** (Greece) said the period of mandatory schooling had been raised from 9 to 10 years and began from the age of 5, the final year of preschool. As no textbooks were used in preschool, the provision of special teaching materials for minority children at that level was not an issue. There were, however, few Muslim preschool teachers and the Government was trying to remedy that situation, especially in areas where the Muslim minority was large.

18. With regard to the so-called Macedonian minority, which seemed to attract much attention, although the group was recognized, the term "Macedonian", which did not meet any self-identification criteria was not. Thousands of Greeks living in Eastern Macedonia and Thrace identified themselves by that adjective and using it to define a different ethnicity caused confusion. Furthermore, the term made claim to an identity that had no historical basis and met no ethnic, national or linguistic criteria. The minority in question, although not recognized officially by that name, did have numerous privileges, including its

own political party and the freedom to speak its own language. Its members were free to say they belonged to a particular group without fear of prejudice.

19. The matter of the registration of the Macedonian Cultural Centre, which had been refused by the authorities and unsuccessfully attempted again, was pending appeal before the Supreme Court, which had yet to reach a decision. The authorities had refused to register the centre because of the use of the term “Macedonian” and the ensuing confusion.

20. **Ms. Chourdaki** (Greece), in reply to Mr. Lindgren Alves, said children of Muslim immigrants were treated as foreigners so that they might join the intercultural education programme if they so wished. The programme had been in operation for more than 10 years, and sought to meet the objectives set by the Council of Europe and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in their “Learning to Live Together” strategy. Greece had 25 intercultural schools (13 primary and 12 secondary).

21. In reply to Mr. Huong, he said that quotas used to facilitate the access of Muslim minority students to universities and technical colleges had been a success, with 71 per cent of the students concerned gaining admission to higher education in 2008. Muslim minority children who nevertheless decided to sit the general examinations were subject to special rules allowing them university admission with lower marks than the average usually required.

22. Various programmes were in place to promote the educational integration of minority children and improve relations between different communities at school. More than 50 schools were involved in the project for education in democratic citizenship, under the aegis of the Council of Europe, and more than 120 were part of UNESCO’s Associated Schools Project Network (ASPNet), whose goals included the promotion of mutual understanding and dispute settlement in schools. A new project aimed at integrating Roma children was due to be launched in September in the framework of intercultural education. It would stress international standards and rely on the involvement of mediators.

23. The syllabus in special needs and remedial classes was the same as the national school curriculum, with extra hours to help children who were behind in certain areas, such as the Greek language. Figures available in early 2009 showed that the dropout rate among Roma children in 2008–2009 had been 280 out of 1,243 pupils in preschool and 1,647 out of 11,128 pupils in primary school. The Greek Government was aware that those figures were still relatively high and was making every effort to improve the situation.

24. In reply to a question from Mr Cali Tzay, he said that the Greek Roma people’s language was not taught in school for practical reasons linked to the specific nature of the language. The language spoken by Greek Roma people was different from that spoken by Roma people elsewhere in Europe and it was difficult to come by the necessary teaching material in that language. On the other hand, some measures had been taken and others were planned to encourage the schooling of Roma children. The most innovative of them envisaged the designation of mediators to accompany Roma children to school and, where necessary, to act as their interpreters. The introduction of the “itinerant student card”, which Mr. de Gouttes had mentioned, had already proved useful for monitoring the schooling of Roma children whose parents had no fixed address.

25. **Ms. Kyriakaki** (Greece) said that, on 28 April 2001, at the third meeting of the Pan-Hellenic Federation of Greek Roma Associations, the Greek Roma people had declared themselves as entirely Greek. There was, therefore, no need to grant them minority status, especially since they had all the same basic rights as other Greek citizens.

26. To avoid possible discrimination or prejudice, collecting certain information, such as people’s religious convictions, was illegal under the personal data law. As a result, the

delegation was unable to provide information on the religion of the country's various Roma groups. A person's religion was not mentioned on identity cards either.

27. Under the housing loan programme for Greek Roma people, 9,000 loans of €60,000, guaranteed by the State Budget and with generous terms, had been made to Roma families. The State subsidized 80 per cent of interest payments and repayments could be made over 22 years. The Greek Government was considering other measures to further help with the repayment of those loans.

28. The integration of Roma people in society was a complex and many-faceted problem shared by all European countries with a Roma population. There was a considerable social aspect to the problem, which the authorities bore in mind when implementing social integration policy. The Greek Government had no intention of ignoring the issue, which it treated with all due seriousness.

29. **Mr. Karageorgos** (Greece) said article 81 of Law No. 3386/2005 provided for the establishment of holding centres for foreigners subject to expulsion orders. During the period of detention, which could not exceed three months, foreigners were not discriminated against and their fundamental rights were respected. The Greek police responsible for managing those holding centres worked together with local municipalities, non-governmental organizations (NGOs) and the United Nations High Commissioner for Refugees (UNHCR) to improve living conditions in them. However, the shortage of such locations was a problem, given the massive daily influx of illegal immigrants hoping to settle in European Union countries. To deal with that urgent problem, since March 2004 the Greek Government had opened new holding centres for illegal immigrants, including one with capacity for 300 people on the island of Samos and another (which could hold up to 500 people) in Evros. Those centres, which met UNHCR standards, had cost €1.5 million. More were planned for the prefectures of Attica, Achaia, Kavala, the Dodecanese islands and Crete. Funding to cover the cost of dealing with illegal immigrants came from the Ministry of the Interior. In April 2008 a centre with capacity for 54 people had been established especially to house minors in Amigdaleza, in the suburbs of Athens. It possessed a computer room, a football pitch and a library, as well as offering lessons and providing health services. In the past four years, the Ministry of the Interior had spent more than €10 million on illegal immigrants, including €3 million to feed and house them. In 2005, it had already decided to invest €8 million to improve living conditions in holding centres.

30. In the framework of cross-border cooperation to prevent illegal immigration, the Ministry of the Interior and Greek police had also contributed to the financing of European Commission programmes, INTERREG II and INTERREG III, to the tune of €10 million and €31 million respectively. Those funds had been used, among other things, to equip border patrols with infrared cameras and helicopters.

31. In 2008, there were 146,000 illegal immigrants in Greece, including 11,600 minors and 1,423 women. In the first half of 2009, 50,000 illegal immigrants had already been intercepted. The provision of care for unaccompanied foreign minors was governed by article 19 of Presidential Decree No. 220/2007, which had incorporated into Greek domestic law the European Union Council Directive 2003/9/EC of 27 January 2003, which established minimum standards for the reception of asylum-seekers. The Public Prosecutor for Minors, who was informed of the presence of any unaccompanied minors on Greek territory, whether they were seeking asylum or not, made sure that they received adequate protection and were duly represented by a specialized superintendent. From the moment minors requested asylum, the authorities were obliged to ensure that they were placed in suitable centres (to protect them from sexual exploitation), to see that members of the same family were housed in the same place and to find, where possible, any family members of such minors. Holding centre staff were not allowed to divulge information that could

compromise those minors' privacy or security, or that of their relatives, some of whom still lived in their country of origin. The consideration of asylum requests was carried out in accordance with international standards and the relevant Greek laws.

32. Minors placed in holding centres were separated from adults until the police could verify their age. Throughout the asylum application process, minors were held in a supportive environment with access to health care and translation services in their own language or a language they understood. Directives had been written for the police so that officers could help NGOs provide minors with legal and socio-psychological aid. The delicate issue of unaccompanied minors was not just a police matter, which explained why various other bodies, such as the judicial authorities, the Ministry of Health and Social Solidarity, other services of the Ministry of the Interior, the Ministry of Education and Religious Affairs, and the Ministry of Justice all became involved at some point in the asylum process.

33. Violations of immigrants' fundamental rights by members of the forces of law and order were investigated under the police Code of Discipline. It was true that such investigations were slow, which could give the impression that the alleged offenders' superiors were trying to cover up for them. That was not the case, however. The apparent slowness of such procedures stemmed from the desire to protect equally the rights of the defendant by carrying out a careful investigation to determine the facts. Once this was done, police officers found guilty were punished with a disciplinary penalty. The Ministry of the Interior in no way tolerated racist or xenophobic behaviour or inappropriate attitudes towards one or more groups in society, such as the Roma people, on the part of the police force. In those cases brought before the European Court of Justice, the accused police officers had not been guilty of any form of racially motivated discrimination. Rather, they had acted as was to be expected in the course of their duty. The ethnic origins of the people concerned or their membership of a vulnerable group had in no way influenced the officers' behaviour.

34. **Mr. Kastanas** (Greece) said that the National Commission for Human Rights had prepared various reports, expressed numerous opinions and made recommendations on questions of interest to the Committee. These included thorough reports on the situation of the Roma people, anti-discrimination legislation and the legal structures in place to protect refugees and asylum-seekers. Its remarks on the sixteenth to nineteenth periodic reports of Greece had, for instance, led the authorities to revise critically the measures taken in several areas to put the Convention into effect. The Commission was also very active in the area of human rights education and often made constructive criticism of the authorities to which they did not fail to pay heed.

35. **Ms. Telalian** (Greece) said that the Albanians resident in Greece were either full citizens or seasonal workers with contracts of employment, who were thus not considered part of a minority but as migrant workers. They all enjoyed fundamental rights as did everyone living in Greece. Granting minority status to any given group was not determined by the size of the group but depended on precise criteria, among them the express desire of that group's members to be recognized as such. The Albanians living in Greece had been a part of the Greek social fabric for many years and had never expressed the desire for minority status.

36. Given that, in Greece, *jus sanguinis* and not *jus soli* was applied, foreign children born in Greece did not acquire Greek nationality at birth. They had to apply for naturalization if they wanted to become Greek. On the other hand, those born in Greece and whose parents were lawfully resident in Greece until their eighteenth year were granted long-term residence permits and enjoyed a special status that brought numerous advantages.

37. To meet the religious needs of Muslims living in Attica, Law No. 3512/2006 provided for the publicly-funded building of the Athens Mosque. The project was behind schedule for technical and financial reasons but should restart soon. Similarly, the construction of a Muslim cemetery was being studied, especially since the Greek Orthodox Church had donated a plot of land not far from Athens for that purpose. Again, technical complications had delayed the start of work.

38. **Mr. Lindgren Alves** (Country Rapporteur) had always believed that the Macedonians were Slavs and thought of themselves as such. He wondered if, in the case of *Sidiropoulos and others v. Greece* before the European Court of Human Rights, the choice of another name for the cultural centre, such as the Macedonian Slavic Cultural Centre, might have been more acceptable.

39. **Ms. Telalian** (Greece) could not speak for Macedonians of Slavic origins on whether or not they would accept the idea of an institution that promoted their Slavic culture, given that they had made no claims regarding their Slavic origins. Indeed, unlike the leaders of the former Yugoslav Republic of Macedonia, who had no problem in recognizing their Slavic origins, a small group of people living in Greece rejected the term Slavic Macedonians and exacerbated tensions between themselves and the 2.5 million Greeks who, for centuries, had thought of themselves as Macedonians in the regional context. Everyone knew that, in the Balkans, there was no Macedonian minority as such. The problem was not one of recognizing a minority but simply one of avoiding tensions between communities, especially in the Balkans. The United Nations Security Council had itself asked the concerned parties to settle this essentially terminological problem.

40. **The Chairperson** invited the members of the Committee to ask any further questions but noted that, given the lack of time, the Greek delegation would be unable to answer them during the meeting. The delegation could provide the information requested in writing or make sure it appeared in the next periodic report of Greece.

41. **Mr. Prosper**, noting that violations of the freedom of speech and incitement to racial hatred were essentially court matters, asked if the Greek Government had made its position known on the freedom of speech law and, if so, what that position was.

42. **Mr. de Gouttes** commended the national anti-discrimination legislation of 1975 and 2005, but was concerned that little use had been made of it. He was surprised by explanations from the Greek authorities that this was because the courts were unwilling to interfere with freedom of speech, knowing that many acts of racial discrimination and racism had nothing to do with that. He suggested that deeper reasons lay behind the number of complaints and legal proceedings related to racial discrimination and urged the Greek Government to ensure the smooth running of such legal proceedings, especially with regard to facilitating the filing of complaints. In general, he requested the State party to again address the issue of the effectiveness of the application of national anti-discrimination legislation in its next periodic report.

43. **Mr. Diaconu** asked for further clarification of the options available to members of ethnic communities to study in their native languages or to learn them. In Thrace, Greeks of Turkish or Pomak origin exercised the right to study in their native language, while other communities in other regions, like the Roma or people of Albanian origin, could not.

44. **Mr. Ewomsan** said that the idea of the world citizen held dear by Greek philosophy should move Greece to redouble its efforts to combat racial discrimination and racism.

45. **Mr. Peter** said that the State party should revisit two points in its next periodic report: the appointment of Muftis by the State, which raised the question of the State's role in religious affairs, and the training imparted to police officers, in particular to help them deal with unaccompanied immigrant minors.

46. **Mr. Lahiri** said that, in spite of the goodwill shown by the State party concerning the improvement of the Roma people's lot, they still encountered considerable obstacles in the areas of housing and education. He also asked Greece to provide further information on the situation of illegal immigrants, particularly on living conditions in holding centres.

47. **Mr. Thornberry** said that the absence of a written language could not be used as a pretext for denying an ethnic minority schooling in its native language. Whatever the language, there were always written texts that could be used as the basis for textbooks or other works that made it possible to teach a language and, hence, ensure its survival. He would appreciate more information on the cost of education for the Roma community in the State party's next periodic report.

48. **Mr. Lindgren Alves** (Country Rapporteur) thanked the Greek delegation for its detailed and very frank replies to Committee members' questions. He commended the State party on the economic and social measures taken to improve the situation of ethnic communities, especially of the Roma people and Muslims, and for acting to roll back racism and racial discrimination. Much remained to be done in the area of culture. The problem doubtless lay in the very notion of "ethnic minority", which was especially relevant in Europe and imposed numerous obligations on States. In the United States of America and Brazil, for instance, minority communities were rarely referred to as "ethnic minorities". There was no longer any such thing as a pure race and the planet's future would be marked by a cultural mix in all countries.

49. **Mr. Verros** (Greece) said he regretted that the delegation had been unable to respond to the Committee members' last questions but was gratified by the frank and constructive dialogue between Greece and the Committee, which would continue. The Greek delegation looked forward to acquainting itself with the Committee's final comments.

50. **The Chairperson** joined Mr. Lindgren Alves in thanking the delegation and commended the high quality and productive dialogue during the consideration of the sixteenth to nineteenth periodic reports of Greece.

The meeting rose at 1 p.m.