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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-fifth session

SUMMARY RECORD OF THE 1944th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 10 August 2009, at 3 p.m.

Chairperson: Ms. DAH

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The meeting was called to order at 3.10 p.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 (CERD/C/GRC/16-19; CERD/C/GRC/Q/19; HRI/CORE/1/Add.121)

1. At the invitation of the Chairperson, the members of the delegation of Greece took places at the Committee table.
2. Mr. VERROS (Greece) said that the Committee played a leading role in the efforts of the international community to eliminate racial discrimination. The Convention was the core international instrument in the fight against racial discrimination and related intolerance, a key tool for addressing new and contemporary forms of racism. His delegation welcomed the opportunity to engage in dialogue with the Committee and other treaty bodies, and attached great importance to implementing the recommendations flowing from that exchange.
3. Ms. TELALIAN (Greece), apologizing for the delay in submission, said that her country's periodic report (CERD/C/GRC/16-19) had been drafted by the Legal Department of the Ministry of Foreign Affairs, in close cooperation with several other ministries, and included comments and inputs from the National Commission for Human Rights.
4. In 2005, Parliament had adopted Law 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. The Law prohibited both direct and indirect discrimination and harassment. Its chapter II concerned equal treatment regardless of racial or ethnic origin and contained provisions relating to, inter alia, employment and access to public goods and services, including housing. Article 6 of the Law provided for the adoption of affirmative action measures in order to prevent or offset disadvantages caused by race or ethnic origin. Chapter III concerned equal treatment regardless of religious or other beliefs, disability, age or sexual orientation; it had a more limited scope than chapter II, as it applied only to employment and education. Chapter IV related to the protection of victims of discrimination and provided for legal representation, a shift of burden of proof in civil and administrative cases, and protection of the complainant, among others. Article 16 (1) established discrimination in the provision of public goods or services as a criminal offence.
5. Law 3304/2005 also provided for the establishment or designation of bodies responsible for the implementation of equal treatment provisions. The Greek Ombudsman examined complaints of discrimination committed by public authorities; the Labour Inspectorate dealt with allegations of discrimination in the field of employment; and the Committee for Equal Treatment was responsible for cases involving private individuals.
6. There was no single body responsible for combating all forms of discrimination, as the institutions mentioned had already developed effective means of action in their respective fields

of competence. The establishment of an independent authority to handle complaints that did not involve disputes between individuals and public authorities had been deemed unnecessary. To date, few complaints had been submitted to the Labour Inspectorate or the Committee for Equal Treatment. Conversely, the Greek Ombudsman had investigated a substantial number of complaints, most of them involving persons of Roma origin, and had devised a coordinated strategic initiative for the Roma settlements. Efforts needed to be stepped up to raise public awareness of Law 3304/2005 and thus enhance its implementation.

7. Regarding the Muslim minority in Thrace, she informed the Committee that the introduction of a 0.5 per cent quota for the admission of Muslim-minority students to universities and higher technical schools had significantly increased the number of Muslim students in higher education. In 2008, legislation had been passed to establish the same quota for public-sector recruitment of Muslims through State examinations. Optional Turkish language courses had been introduced in Greek State schools in Thrace; Muslim parents were offered programmes of Greek language and civilization; and the Ministry of Education and Religious Affairs had recruited 240 Muslim religious teachers since 2007.

8. In response to a long-standing request by the Muslim minority, provisions had been adopted to facilitate the election of the members of management committees of Muslim charitable institutions (wakfs) in Thrace by the minority itself. The establishment of local youth councils promoted the participation of young Muslims in public affairs and had had a positive impact on the relations between young Muslims and Christians. Efforts were also being made to enhance the participation of Muslims, especially women and young persons, throughout Greece in European Union (EU)-sponsored programmes relating to vulnerable groups, gender equality, equal opportunities, action against racism and intercultural dialogue.

9. In response to allegations concerning the non-recognition by the Greek Government of the “Turkish” identity of Muslims in Thrace, she said that the Muslim minority was composed of persons of Turkish, Pomak and Roma origin. Each group had its own language, culture and heritage. Despite the continuous attempts of the ethnically Turkish Muslims of Thrace to impose their cultural characteristics and traditions on the other two components of the Muslim minority, those must not be subsumed into the Turkish group.

10. The fact that the core document providing protection to the Muslim minority in Thrace was the bilateral 1923 Lausanne Treaty was often seen as an attempt by the Greek State to link such protection to policy choices and inter-State relations. Those allegations were baseless. In some areas, the Lausanne Treaty offered even greater protection than contemporary human rights instruments and, in addition, successive Greek Governments had adopted legislation and practices concerning the Muslim minority in Thrace that were in conformity with contemporary human rights standards. Like all Greek citizens, Muslims of Thrace enjoyed the rights established in the Constitution and international and regional human rights instruments to which the country was a party. Government policies aimed at integrating the Muslim minority into Greek society, while safeguarding its cultural and religious identity. The Government also endeavoured to prevent the exploitation of issues pertaining to Muslims in Thrace by radical circles that sought to keep that minority marginalized and inward-looking.

11. With regard to claims made by other minorities, she said that subjective claims made by a small number of persons who belong to a distinct ethnic or cultural group, unless linked to relevant objective criteria, were not sufficient to impose an obligation on a State to recognize that group officially as a minority and afford it relevant protection. Ethnic, cultural, linguistic or religious differences alone did not necessarily make a group a national or ethnic minority. Consequently, claims that the Greek Government failed to recognize “Macedonians” as a national or linguistic minority were unsubstantiated and threatened to create tension over existing identities in the region. It also caused confusion over the name “Macedonian”, which was used by hundreds of thousands of Greek Macedonians living in northern Greece. Any attempt to declare “Macedonians” a small group in the region threatened to distort the cultural heritage of the 2.5 million Greek Macedonians. In that context, the non-recognition of such a group as a national minority did not imply discriminatory treatment or the creation of a protection gap.

12. Greek Roma had been identified as a vulnerable group, which was subject to special measures and action plans. Comprehensive information about the Integrated Action Programme for the social integration of Greek Roma was provided in the report and written replies. The Action Programme included the granting of housing loans of €60,000 each to inadequately housed Roma families, 7,772 of whom had benefited from the scheme thus far. Since 2007, the number of beneficiaries and houses built or under construction had increased by 22.4 per cent and 14.5 per cent respectively. The programme was being implemented in an inclusive, participatory and socially sensitive manner and the legal framework for its implementation had been reviewed in 2006, taking into account the Committee’s recommendation XXVII on discrimination against Roma. Housing loans were granted on the basis of social assessment criteria linked to the living conditions and way of life of the persons concerned. The assessment of loans applications had been decentralized; evaluation committees had been established at the municipal level that comprised Roma and non-Roma members. Priority was given to housing projects carried out by local agencies and supported by the Roma themselves.

13. Secondary benefits of the housing loans programme included the issuance of identity documents to Roma; greater interaction between the Roma community and public authorities; the promotion of women within the framework of the programme; and assistance to large families.

14. The programme for the education of Greek Roma pupils aimed at promoting their integration into the education system, reducing dropout rates and preventing the segregation of Roma students. It supported a network of schools offering a range of services to Roma pupils. Schools had an obligation to enrol Roma children and to cooperate with local public health and welfare institutions.

15. The National Commission for Human Rights played an important role in promoting Roma rights. In January 2009, the Commission had issued a detailed report containing a set of recommendations on the situation of Greek Roma. Her Government was fully aware of the urgency of finding solutions to their problems.

16. Law 927/1979 punished incitement to acts that might result in discrimination, hatred or violence against individuals or groups of individuals on the ground of racial or national origin or

religion. It also criminalized the expression of racially or religiously offensive ideas and the creation of or participation in organizations promoting or engaging in racial discrimination. The limited application of the Law in the past had been due partly to the reluctance of courts to restrict free speech, but also to the absence of organized extremist movements or tensions between different groups of Greek society. Since the 1990s, Greek society had become increasingly diverse, and awareness was growing of the importance of anti-racist legislation as a tool for preserving social peace and protecting vulnerable groups. Law 2910/2001 enabled prosecuting authorities to press charges *ex officio* in the case of racist or discriminatory acts.

17. In 2007 and 2008, criminal proceedings had been instituted in four cases for violations of Law 927/1979, resulting in one conviction, one acquittal in first instance and two acquittals on appeal. The Supreme Court prosecutor had recently filed an appeal in the interests of the law in regard to a highly publicized case that had resulted in acquittal by the second-instance court. The review of the case would give the Supreme Court an opportunity to provide guidance on the application of Law 927/1979, thus facilitating the development of a coherent body of jurisprudence.

18. While the criminalization of racist speech was an important tool in countering attempts by marginal groups to exploit legitimate concerns of large segments of the population for racist ends, recourse to anti-racist legislation should be made in a cautious and balanced manner so as to identify and successfully prosecute genuine racist speech. Criminal provisions adopted in November 2008 established the motive of ethnic, racial or religious hatred as an aggravating circumstance. Aside from criminal legislation, the condemnation of discriminatory speech or acts by public figures or political leaders was also a powerful tool in combating intolerance.

19. In addition to the legal provisions against incitement to hatred, self-regulation was promoted in the electronic media, *inter alia*, by the adoption and implementation of codes of ethics. The Code of Ethics of the National Radio and Television Council prohibited degrading, racist, xenophobic or sexist presentations of persons that could discriminate against them on grounds including race, nationality and language. Since 2002, the National Radio and Television Council, an independent authority, had handed down a number of decisions imposing administrative sanctions on public and private television and radio stations that had broadcast degrading comments about persons belonging to vulnerable social groups. The print media were not monitored by State authorities, but applied codes of ethics prohibiting distinctions on the basis of origin, gender, race and other factors.

20. The Government fully recognized the importance of ensuring the accountability of law enforcement personnel, without exception. It had repeatedly expressed and demonstrated its determination not to allow xenophobia or discrimination to develop in the police, closely monitoring and effectively punishing any police officers who took part in illegal, antisocial or unethical activities. Complaints of ill-treatment by police officers were registered and thoroughly investigated. The use of firearms by police officers was reported and investigated *ex officio*. Appropriate disciplinary measures were taken in all cases of substantiated complaints, including severe sanctions such as dismissal or suspension. Police authorities had a duty to investigate the existence of racist motives in criminal and administrative cases involving foreign citizens or persons belonging to vulnerable groups. A number of circulars on protection of human rights and

the general conduct of the police included a focus on combating racial discrimination. The implementation of the circulars was monitored and further action taken where necessary. The 2004 Code of Ethics for Police Officers contained rules on the respect of human rights and the protection of vulnerable persons and social groups. The absence of prejudice on the grounds of, inter alia, colour, gender, ethnic origin, ideology and religion was highlighted as one of the fundamental parameters of the behaviour of police officers.

21. European Court of Human Rights judgements ruling that police officers had violated rights protected under the European Convention on Human Rights were disseminated to all police services for study and implementation. Human rights, elimination of racial discrimination, racism and xenophobia and relations with persons belonging to vulnerable social groups were part of the Police Academy curriculum. In addition, priority was given to continuous training to raise police officers' awareness of the need to protect the human rights of vulnerable social groups. A 2008 circular from the Public Prosecutor at the Supreme Court informed prosecutors that all acts of ill-treatment of Greek or foreign citizens by State agents should be prosecuted immediately and, if necessary, forensic examinations undertaken.

22. Education authorities recognized the importance of assisting persons of different backgrounds to preserve and develop all aspects of their identity, while promoting harmonious integration into the host society. Human rights education had a prominent place across the education system, and elements of intercultural education had been introduced in schools. New textbooks promoted multilingual and multicultural aspects in lifelong learning, thus enhancing the religious and cultural acceptance of others. More than 40 schools were participating in the Council of Europe Education for Democratic Citizenship project, and had produced materials relating to human rights, social inclusion and intercultural understanding. All children living in Greece enjoyed the right to education, regardless of their parents' or legal guardians' legal status; foreign children living in Greece were subject to minimum compulsory schooling under the same conditions as Greek nationals.

23. Training of public officials in human rights was of primary importance for the prevention of racial discrimination. Teacher-training programmes on dealing with increasingly diverse groups of pupils had been implemented. Courses on human rights were included in magistrates' study programmes, and a number of seminars had been arranged for serving members of the judiciary. Human rights education with emphasis on eliminating all forms of discrimination had thus been mainstreamed into training for all public officials.

24. In 2005, the legal framework regulating immigration had been amended in order to overcome administrative difficulties and shortcomings. The priority was to handle migration flows efficiently and non-bureaucratically and to promote and protect migrants' rights in Greece. Procedures had been simplified to facilitate family reunification and protect minors and other vulnerable groups, including victims of human trafficking. All persons residing legally in Greece enjoyed the same social security rights as Greek nationals, the right to social protection, equal access to services, and the right to be admitted to public hospitals and clinics. Conditions for obtaining long-term resident status were set out in legislation, further extending the principle of equal treatment with nationals. Children of third-country nationals born in Greece could apply for long-term resident status under preferential conditions.

25. An action plan for the integration of third-country nationals legally residing in Greece, covering the period 2007-2013, included assistance with information and services, employment, education, housing, health and culture. Co-financed by the European Fund for the Integration of Third-country Nationals, total funding for the period would exceed €26 million. The plan emphasized an intercultural approach, the promotion of tolerance and the eradication of prejudice and negative stereotypes.

26. Illegal migration posed a number of significant challenges to Greece, given that an estimated 150,000 foreigners had entered the country illegally in 2008. Those people were generally fleeing poverty in their countries of origin and were en route to other European countries. Greece was therefore facing increasing and disproportionate migratory pressure owing to its geographic position on the external border of the EU, its extensive land and sea borders and its proximity with countries of origin of illegal immigration. The situation was particularly acute in the eastern Aegean islands, where reception facilities were insufficient to deal with the large number of irregular migrants. Effective measures for genuine solidarity and fair burden-sharing between EU member States were the only solution, together with EU readmission agreements. Most of the current problems resulted from the non-implementation of existing bilateral readmission agreements with third countries. Greek concerns on those issues had been taken up in the June 2009 Presidency Conclusions of the Brussels European Council. New hosting centres for irregular migrants were planned and would comply with modern human rights standards. The authorities would continue to safeguard the rights of asylum-seekers and observe the principle of non-refoulement. The goal of the new asylum procedure, established under legislation adopted in 2009, was to decentralize the system in order to make it more efficient and fair, with full judicial protection. It was expected to clear the current backlog of pending asylum cases and to expedite the procedure for the consideration of asylum requests.

27. Lastly, she noted that the Committee's concluding observations would be translated into Greek and sent to all relevant authorities as a matter of priority. They would also be posted, in Greek, on Government websites, and widely disseminated elsewhere.

28. Mr. LINDGREN ALVES (Country Rapporteur) commended the delegation for its informative introductory statement. The Committee would have welcomed the participation of a member of the National Commission on Human Rights in the delegation. While time and work pressures on Committee members made it difficult to study and assimilate all the relevant documentation, the State party's replies to the list of issues (document without a symbol, distributed in the meeting room in English only) were a valuable contribution. The delegation should bear in mind that Committee members did not always agree on the issues they raised with States parties, nor on their concluding recommendations.

29. He was aware that, based on the Lausanne Treaty of 1923, the State party recognized religious minorities only, in its case the Muslim minority of western Thrace. He had, however, used the expression "ethnic minority" in the list of issues in order to ask about any vulnerable groups, since the scope of that term was sufficiently broad to include religious minorities and the Greek Roma, the Roma that came from other areas of the Balkans and foreigners currently resident in the State party.

30. He had noted and agreed wholeheartedly with the position expressed by the State party on the need for tailor-made approaches rather than “one size fits all” solutions in reference to the Framework Convention for the Protection of National Minorities of the Council of Europe. That assertion was even more relevant when applied to the rest of the world.

31. He noted the legislative developments that had taken place in the State party during the reporting period, as detailed in paragraph 5 of the periodic report and further explained in the delegation’s opening statement. Paragraphs 6 to 11 of the report provided statistics on the demographic composition of the country, with reference to the recognized minority Muslims of Thrace, a group of about 100,000 people composed of Greek citizens of Turkish, Pomak and Roma origin. The Roma, estimated to number between 250,000 and 300,000, were not considered a minority, but a “vulnerable social group”. In addition to those groups, the report provided disaggregated statistics for foreigners only, the largest group being Albanians. Given that most initiatives, programmes and special measures to improve the situation of specific groups applied to the Roma, Muslims and foreigners in general, the statistics presented appeared to be satisfactory. The Integrated Action Programme for the social integration of Greek Roma and the action plan for the integration of third-country nationals clearly aimed to integrate those groups without assimilating them. While he understood that to be a legitimate objective, his view was not necessarily shared by the Committee or the Council of Europe.

32. He welcomed the freedom granted to the Muslim minority of Thrace to apply sharia law in judicial cases where it did not conflict with the fundamental values of the State party’s society and its legal and constitutional order. The Committee had, however, received reports from Greek and foreign observers who were dissatisfied with the political participation of Muftis and the ban on the word “Turk” in the name of associations. He asked whether the children of Muslim immigrants from different regions were in effect Greek citizens or foreigners. It would be useful to learn how a child of foreign parents could accede to Greek citizenship. If they were accepted as citizens, were children of Muslim parents considered part of the Muslim minority? He requested an update on the plans to build a mosque in Athens. He wished to know whether Muslims living outside Thrace would always have to bury their dead abroad.

33. While he understood the State party’s position on those who insisted on referring to a Slavic Macedonian minority, the central issue was protecting the human rights of the population concerned, including their right to use their dialect or mother tongue. He had been surprised to learn of a political party that was promoting the claims of Slavic Macedonians and its free participation in parliamentary elections.

34. The periodic report detailed legislation on the principle of equal treatment. It dealt extensively with the question of discrimination, including prohibition of direct and indirect discrimination, covering the public and private sectors, clarifying the meaning of “special measures” and defining the bodies responsible for implementing them. Detailed information was provided on the Integrated Action Programme for the Greek Roma and the laws and regulations affecting migrants’ rights and measures to promote their social integration.

35. Noting that the State party had become a destination country of victims of human trafficking, he asked whether it was a destination for illegal migrants in search of work, and for

potential prostitutes for the tourist industry. He would be interested to hear whether that had been a natural side effect of Greece's recent overall development. He welcomed the legislation the State party had adopted and the measures it was taking to tackle the problem, in particular those that improved the situation of victims.

36. Further to the reply to question 4 of the list of issues, he asked whether the State party had banned any organizations or groups, including neo-Nazi groups, which appeared to be increasingly active in Europe. In the light of reports that anti-Semitism and other manifestations evocative of the Nazi regime were frequent in unofficial Greek publications and declarations of public personalities, he urged the State party to maintain the firm stance to which it referred in paragraph 134 of the periodic report in order to counter those trends. While judges were often reticent to apply rules limiting freedom of expression, it was the State party's duty to train all members of the judiciary in the provisions of the Convention and, in that connection, particularly article 4.

37. The CHAIRPERSON echoed Mr. Lindgren Alves' regret at the absence of a representative of Greece's National Commission for Human Rights.

38. Mr. KEMAL requested information on the State party's experience of implementing Law 3304/2005 in the relatively short period since its adoption. Was it considered effective? If not, what could be done to make it so?

39. He welcomed special measures taken to benefit minority groups, including quotas for admission of members of the Muslim minority to higher education and public service. With reference to housing loans granted to Roma families, he queried the figure of €60,000 that had been mentioned and asked whether other minority groups were granted similar loans.

40. With regard to the long delays reported in the asylum applications system and the poor standard of reception facilities for immigrants, he suggested that the Government should expedite the process to reduce the suffering of applicants. As responsibility for that process was shared with the EU, he asked what the State party was doing to increase the EU's involvement in sharing the burden. In the light of emerging tendencies towards extremism in Greece, in common with other European countries, he asked how the Government intended to improve its legislation on incitement to acts of racial discrimination, hatred and violence and ensure effective implementation of Law 927/1979.

41. Mr. HUANG Yong'an, welcoming the positive steps taken by the State party to protect the rights of its citizens, including those belonging to the Muslim minority in Thrace and members of the Roma community, and nationals of other countries living in Greece, nevertheless drew attention to the State party's lack of response to the Committee's appeal in its previous concluding observations regarding its general recommendation VIII on the right of each person to self-identification. Although the Greek population was largely homogenous in terms of origin, religion, language and culture, he asked how the authorities would deal with applications by members of an ethnic, cultural or linguistic group for official recognition as such. If the Government's policy was not to recognize further minority groups, how could people enjoy special measures similar to those granted to other minorities? Were such applications effectively useless?

42. With regard to special measures in favour of students belonging to the Muslim minority in Thrace, he requested further information on the benefits they derived from such measures.

43. Mr. ABOUL-NASR observed that there was some confusion in the report between religious and racial groups. The terms “Turkish” and “Muslim” seemed to be used interchangeably, although the two were not synonymous. It was not possible to speak of a language of all Muslims or of a specific religion of all Roma people. He suggested that, in order for the Government to determine who the Roma were, the best course would be to ask Roma people directly.

44. Mr. AVTONOMOV requested clarification on the State party’s approach to the issue of ethnicity and how ethnic groups differed from other groups. Ethnic groups should be recognized as such in order to ensure respect for their rights and avoid discrimination, even if they were not a minority. He echoed Mr. Aboul-Nasr’s comments concerning the difference between religious and ethnic groups, particularly with regard to the minority in Greece that was designated “Muslim” but comprised people of several ethnic backgrounds. There was no contradiction in the fact that, according to the periodic report, Roma in Greece identified themselves as Greek citizens: it was common for people to consider themselves to belong to more than one group in such circumstances. He asked on what criteria the Roma were designated a vulnerable group and what the implications were for their rights. Was their status linked to their ethnic background or solely to economic indicators?

45. With regard to the lack of recognition of a Slavic-speaking Macedonian minority, he acknowledged the complexity of the situation but stressed the existence of a Slavic language spoken in parts of Greece. If the minority who spoke it was to move to introduce a written form of their language, would it be officially recognized? Although the group was represented by a political party, he expressed the view that it was more important for them to be able to ensure respect for their linguistic and cultural rights.

46. Mr. THORNBERRY, referring to paragraph 25 of the periodic report, asked whether, given the State party’s wish to avoid all the identities represented within the Muslim minority in Thrace being subsumed under the banner “Turkish”, the freedom of members of that minority to declare their origin, exercise their religion and observe their customs and traditions would apply to all, even those who wished to self-identify as Turks. The State party appeared to have adopted a cautious approach to permitting the use of the word “Turk” in the names of associations. Acknowledging the argument made in paragraph 26 of the report regarding subjective and objective criteria for determining membership of an ethnic group, he asked who should finally make such decisions. The Committee’s general recommendation VIII placed emphasis on self-identification. Would the State interrogate those who claimed an identity for themselves that somehow conflicted with State policy? Having an excessive number of people identifying with a particular group might be a preferable alternative. The Committee was less concerned with specific designations of groups than with ensuring respect for the rights of individuals and groups under domestic and international law, although it was generally desirable to reflect the wishes of the groups concerned as to how they were identified, rather than foisting unwanted labels upon them. Furthermore, he noted certain inconsistencies in Greek usage over time, particularly with regard to the terms “Turkish” and “Muslim”.

47. The United Nations Forum on Minority Issues had issued a number of recommendations on the right to education in December 2008 (A/HRC/10/11/Add.1). He had been informed that preschool education had been compulsory in Greece since 2007 for children in the 4 to 5 age group, but that tuition was provided only in the Greek language. From a pedagogical point of view, it was preferable for children to have their first educational experience in their mother tongue or heritage language. The delegation had referred in its introductory statement to a programme for the education of Greek Roma pupils with the aim of fostering the integration of Roma students into the education system and reducing dropout rates. He enquired about the curriculum in the network of intervention and monitoring schools. The Forum on Minority Issues had discussed, for instance, the manner in which minority groups were portrayed in curricula. He also enquired about the attitude of Roma pupils and families to the education process and about the attitude of staff and other pupils to them. More details regarding the concept of intercultural education would also be welcome.

48. Noting that Greece retained a strong and almost monolithic sense of its Greek and Christian identity, he wondered how that might affect other groups who identified themselves as Greek and something other than Christian.

49. With regard to special measures on behalf of minorities, the Committee was drafting a general recommendation on special measures and had already agreed that a distinction should be drawn between such measures, which were limited in time and scope, and general obligations under the Convention.

50. Mr. PETER, referring to measures taken on behalf of the Muslim minority, noted that the Ministry of Education and Religious Affairs provided for the recruitment of religious teachers, or imams, and for their remuneration. He wondered, however, by what right the State appointed Muslim spiritual leaders or muftis, who ought to be elected by the members of the Muslim community. Such conduct might be deemed to be a breach of a number of treaties to which Greece was a party, such as the Istanbul Treaty, the Athens Treaty, the Treaty of Sèvres and the Lausanne Treaty. It was also contrary to the concept of a secular State, which should not interfere in religious matters. The European Court of Human Rights had ruled in 1997 in the Serif v. Greece case that the practice was a violation of article 9 of the European Convention on Human Rights. Yet communities that had elected their own muftis had been prosecuted for allegedly usurping religious authority.

51. Turning to the question of unaccompanied migrant children, who had been estimated to number about 3,000 in 2008, he drew attention to two statements by children from Afghanistan. In the first case, a 16-year-old boy who had been detained by the police at the port of Patras claimed to have been beaten repeatedly and thrown into the sea. In the second case, a 12-year-old girl who had remained in police custody in Evros for 11 days claimed that she had had no bed to sleep in, only a dirty blanket, and had been held in an insect-infested cell.

52. Mr. PROSPER noted that, according to the State party's reply to question 4 of the list of issues, there was "no organized Neo-Nazi movement" in Greece. He wondered, however, whether there were unorganized groups, since the Committee had received reports from human

rights bodies concerning extremists with xenophobic views who were virulently opposed to migrants, Jews and other minorities. He enquired about the scale of the problem and asked whether there were any perceptible trends.

53. Referring to Law 927/1979, he said that, while he appreciated that the courts might be reluctant to restrict free speech, the question arose whether free speech might at some point cross the line and become dangerous incitement calling for some form of official intervention. If no legal provision currently existed to deal with such circumstances, would the State party consider the possibility of enacting one?

54. Mr. DIACONU asked whether Greece intended to ratify Protocol No. 12 to the European Convention on Human Rights concerning the general prohibition of discrimination. Noting that article 3 of Law 3304/2005 defined “direct discrimination” as the fact of one person being treated less favourably than another, he pointed out that the Convention also prohibited more favourable treatment. With regard to the scope of the Law, he suspected, in the light of the delegation’s introductory statement, that the words “inter alia” should be inserted in the second sentence of paragraph 16. Otherwise the enumerated areas of application might be regarded as unduly restrictive. According to paragraph 17, the Law did not apply to third-country nationals or stateless persons, but paragraph 89 stated that civil, cultural, economic and social rights were guaranteed to both nationals and non-nationals. He asked the delegation to clarify the discrepancy.

55. According to paragraph 24 of the report, the minority in Thrace consisted of three distinct groups, whose members were of Turkish, Pomak or Roma origin, although the entire group had been designated solely as “Muslim” under the 1923 Lausanne Treaty. The delegation had agreed that the Turkish members should not be permitted to impose their language on the Roma. He asked whether there were any Greek citizens of Albanian origin in the north-western part of the country. While he was well aware of existing regional sensitivities regarding the question of minorities, he pointed out that all the countries to the north of Greece recognized a large number of different minorities. At all events, he felt that Greece should decide to move on from the situation created by the Lausanne Treaty.

56. He commended article 26 of Law 3304/2005, pursuant to which any provision included in an individual or collective contract was rendered invalid if it was contrary to the principle of equal treatment.

57. While he was impressed by the housing programme that was being implemented on behalf of the Roma minority group and by the recognition of a political party created by Greek Roma, he noted that the European Court of Human Rights had issued several decisions criticizing the treatment of members of the community, especially by the police.

58. The European Court of Human Rights had ruled against the refusal by Greece to permit the establishment of an association called “Home of Macedonian Civilization” in the Sidiropoulos and Others v. Greece case. According to paragraph 230 of the report, the Committee of Ministers of the Council of Europe had found that Greece had complied with the Court’s judgement, yet the case was still pending before the national courts. He asked the delegation to explain the apparent discrepancy.

59. He emphasized the importance of ensuring that minority groups were given the opportunity to study their mother tongue in their own country.

60. He welcomed the fact that NGOs were now allowed to defend victims before national courts and that there had been a reversal of the burden of proof in favour of complainants.

61. Noting that the Ministry of Education and Religious Affairs had decided to permit non-Greek pupils enrolled in State schools for at least two years to carry the flag in school parades if they had the highest marks in their class, he asked whether other non-Greek pupils were not allowed to carry the flag, and if not why not.

62. Mr. de GOUTTES said that the Greek report was commendably frank, especially when it referred to certain critical recommendations and judgements by the National Commission for Human Rights and the European Court of Human Rights.

63. Referring to Law 927/1979 on the punishment of acts or activities aiming at racial discrimination and Law 3004/2005, which introduced effective legal means of protection and redress, he asked the delegation whether it could account for the limited application of the legislation in practice and the lack of criminal convictions. In that connection he drew attention to the Committee's general recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system.

64. Although many police officers had been subjected to disciplinary and even criminal sanctions for ill-treatment, decisions to discontinue proceedings and acquittals seemed to be far more common than convictions.

65. The European Committee for the Prevention of Torture, the National Human Rights Commission and the European Court of Human Rights (Kaja v. Greece case, 2006) had expressed concern about the conditions of detention of foreigners awaiting expulsion. He invited the delegation to comment on the subject.

66. The report mentioned that concerns had been raised with regard to the application of sharia law to family and inheritance matters in the Muslim community in Thrace. Recourse to sharia law was permissible unless its rules were in conflict with fundamental values of Greek society or with the Greek legal and constitutional order. The Committee would be interested in hearing about practical cases in which such conflicts had been identified.

67. He requested additional information about the "itinerant student card", an interesting initiative that facilitated the enrolment of Roma children in schools in different parts of the country.

68. He also wished to hear more about the specific role of the National Commission for Human Rights in combating racial discrimination.

69. Mr. CALI TZAY asked whether the Integrated Action Programme for the social integration of Greek Roma included a special education programme and provision for instruction

in the Roma language, since the education programme mentioned in the delegation's introductory statement was intended only for children. He was uneasy with the implication in paragraph 52 that the culture of a minority or vulnerable group constituted a problem from the point of view of its integration into society. It was, rather, the way in which such groups were perceived by society and the State that constituted a problem.

70. He asked whether the Greek authorities based their definition of a minority or vulnerable group on the number of individuals who belonged to the group. Reference had been made, for instance, to about 100,000 Arabs and about 150,000 Roma.

The meeting rose at 6.05 p.m.