



## International Covenant on Civil and Political Rights

Distr.: General  
3 December 2015

Original: English

### Human Rights Committee

#### Concluding observations on the second periodic report of Greece\*

1. The Committee considered the second periodic report of Greece (CCPR/C/GRC/2) at its 3202th and 3204th meetings (see CCPR/C/SR.3202 and 3204), held on 19 and 20 October 2015. At its 3225th meeting, held on 3 November 2015, it adopted the following concluding observations.

##### A. Introduction

2. The Committee welcomes the submission of the second periodic report of Greece and the information presented therein, while regretting that it was submitted late. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken by the State party during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/GRC/Q/2/Add.1) to the list of issues (CCPR/C/GRC/Q/2), which were supplemented by the oral responses provided by the delegation during the dialogue, and for the additional information that was provided in writing.

##### B. Positive aspects

3. The Committee welcomes the following legislative and institutional measures taken by the State party since 2006:

(a) The adoption of Law 4320/2015 on immediate measures for coping with the humanitarian crisis;

(b) The substantial reforms of the Greek asylum system through Law 3907/2011 and Presidential Decree 113/2013;

(c) The adoption of Law 4198/2013 on preventing and combating trafficking in human beings and protecting its victims and other provisions, and the establishment of the Office of the National Rapporteur on Trafficking in Human Beings;

(d) The adoption of the National Roma Integration Strategy, in 2011.

\* \* Adopted by the Committee at its 115th session (19 October-6 November 2015).



4. The Committee welcomes the ratification of, or accession to, the following international instruments by the State party:

(a) Convention for the Protection of All Persons from Enforced Disappearance, in 2015;

(b) Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2012;

(c) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2014;

(d) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2008.

## C. Principal matters of concern and recommendations

### **Implementation of the Views of the Committee under the Optional Protocol to the International Covenant on Civil and Political Rights**

5. While the Committee welcomes the information provided by the State party that the Committee's Views may be taken as a new element for reopening domestic criminal proceedings and that civil damages can be claimed before administrative courts in follow-up to the Views, the Committee notes that it is the responsibility of the State party to ensure compliance with its obligations under the Covenant and the Optional Protocol. It regrets the absence of a specific procedure or mechanism for examining and guaranteeing that full effect is given to its Views and the fact that recommendations contained in its Views have not been fully implemented (art. 2).

6. **The State party should take concrete steps to implement the Views of the Committee, including by considering the establishment of a mechanism with the mandate: (a) to study the Committee's findings as set out in its Views; and (b) to propose measures to be taken by the State party to give full effect to the Views, including providing victims with an effective remedy for the violation of their rights.**

### **Gender equality**

7. While noting the minimum one-third quota for women candidates, the Committee notes with concern that women remain underrepresented in decision-making positions in legislative and executive bodies. The Committee is also concerned about the disproportionate impact on women of the economic crisis and the austerity measures adopted, in particular the high unemployment rate of women, which exceeds 28 per cent (compared with 21.5 per cent for men) (arts. 2-3 and 26).

8. **The State party should step up its efforts to increase the representation of women in decision-making positions in legislative and executive bodies within specific time frames. The State party should also strengthen its efforts to address the impact of the economic crisis on women and to expand existing programmes aimed at addressing unemployment among women.**

### **Persons with disabilities**

9. The Committee notes with concern the discrimination faced by persons with disabilities, in particular with regard to access to education, employment and health services, and regrets the impact of the economic crises and austerity measures on their situation. While noting the information provided by the State party that physical restraints on patients with mental health problems are only used as a measure of last resort, the Committee is concerned at reports that indicate the continuing widespread use of such measures, including the use of enclosed restraint beds (cages or net beds) and systematic sedation to restrain patients (adults and children) with intellectual disabilities (arts. 2, 7, 9-10 and 24).

10. **The State party should strengthen the measures taken to protect persons with disabilities from discrimination, particularly with regard to access to education, employment and health services. The State party should take immediate measures to abolish the use of enclosed restraint beds and systematic sedation in psychiatric and related institutions. The State party should also establish an independent monitoring and reporting system and ensure that abuses are effectively investigated, those responsible are prosecuted and redress is provided to the victims and their families.**

#### **Sexual orientation and gender identity**

11. The Committee remains concerned about the prevalence in society of stereotypes and prejudice against lesbian, gay, bisexual and transgender persons (see CCPR/CO/83/GRC, para. 19). In particular, it is concerned about the lack of an adequate official response to complaints relating to discrimination on the grounds of sexual orientation and gender identity (arts. 2 and 26).

12. **The State party should intensify its efforts to combat stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, including by:**

- (a) **Organizing awareness-raising campaigns aimed at the general public;**
- (b) **Providing appropriate training to public officials to end social stigmatization of lesbian, gay, bisexual and transgender persons;**
- (c) **Ensuring that all reports of violence against lesbian, gay, bisexual and transgender persons are promptly and effectively investigated and that perpetrators of violence on the grounds of sexual orientation are prosecuted and sanctioned.**

#### **Racism and xenophobia**

13. While acknowledging efforts made by the State party to combat hate crimes, the Committee is concerned that the new Law 4285/2014 and the provisions introduced in the Penal Code may hinder investigations into and prosecutions of those responsible for racist hate crimes involving public insults and defamation against groups. The Committee is also concerned about continued reports of racist attacks and hate speech against migrants, refugees and Roma. The Committee notes with concern that cases of racism are underreported owing, allegedly, to lack of trust in the authorities and the absence of an effective complaints mechanism. The Committee regrets that sanctions imposed are insufficient to discourage and prevent discrimination (arts. 2, 19-20 and 26).

14. **The State party should review its legislation with a view to ensuring that all advocacy of national, racial or religious hatred is prohibited by law, and that all cases of racially motivated violence are systematically investigated, that perpetrators are prosecuted and punished and that appropriate compensation is awarded to the victims. The State party should take effective measures to improve the reporting of hate crimes and should strengthen its efforts to eradicate stereotyping and discrimination against migrants, refugees and Roma, inter alia, by conducting public awareness campaigns to promote tolerance and respect for diversity.**

#### **Excessive use of force and ill-treatment**

15. The Committee remains concerned about reports suggesting the excessive use of force by law enforcement officials at the time of arrest and against persons in police custody (see CCPR/CO/83/GRC, para. 9). It is particularly concerned about reports of police violence against Roma, migrants and refugees and the lack of effective investigation into such cases. It is also concerned about the reported reluctance of prosecutors to take legal action against alleged perpetrators and that only a few cases result in criminal investigations and sanctions (arts. 2 and 6-7).

16. **The State party should ensure that all allegations of unauthorized and disproportionate use of force by law enforcement officials are thoroughly and promptly investigated by an independent authority, that the alleged perpetrators are**

prosecuted, that those found guilty are punished with sentences that are commensurate with the gravity of the offence, and that compensation is provided to the victims or their families. The State party should also ensure that the police receive appropriate professional training that includes full respect for human rights principles.

#### **Discrimination against Roma**

17. The Committee reiterates its concern regarding the de facto discrimination against Roma (see CCPR/CO/83/GRC, para. 18), including reports of continuing de facto segregation of Roma children in the education system, widespread unemployment and insufficient access to housing. The Committee is concerned about forced evictions of Roma from their homes, such as the execution of the eviction order delivered on 10 September 2013 in respect of the municipality of Acharne in which 14 buildings inhabited by Roma families were demolished (arts. 2, 24 and 26-27).

18. **The State party should fully implement the National Roma Integration Strategy and consider establishing a consolidated plan with concrete goals, indicators and adequate budgetary allocations that contains measures to promote equal access by Roma to various opportunities and services at the regional and municipal levels. The State party should take immediate steps to eradicate the segregation of Roma children in its education system by ensuring that placement in schools is not determined by the child's ethnicity. The State party should strictly limit the use of forced evictions (from public land) through the adoption of feasible alternatives to eviction, including alternative housing for those families who are evicted.**

#### **Domestic violence**

19. The Committee remains concerned about the fact that, despite the adoption of specific legislation, there are continuing reports of domestic violence against women in the State party (see CCPR/CO/83/GRC, para. 7). The Committee is particularly concerned about the paucity of investigations and prosecutions as well as lenient sentences imposed on perpetrators. The Committee is also concerned about the frequent use of mediation in cases of domestic violence and about the lack of a sufficient number of shelters for victims of domestic violence (arts. 3, 7 and 24).

20. **The State party should adopt a comprehensive strategy to prevent and address gender-based violence in all its forms and manifestations. In that regard, it should intensify its awareness-raising measures among the police, the judiciary, prosecutors, community representatives, women and men on the gravity of domestic violence and its detrimental impact on the lives of victims. The State party should ensure that cases of domestic violence are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and the victims are adequately compensated. It should also ensure the availability of a sufficient number of shelters with adequate resources for victims and refrain from requiring or pressuring victims to resort to alternative dispute-resolution processes, including mediation and conciliation, in cases of domestic violence.**

#### **Trafficking and forced labour**

21. The Committee remains concerned about cases of trafficking in persons, including children, for purposes of labour and sexual exploitation (see CCPR/CO/83/GRC, para. 10). It is concerned about the insufficient number of cases of trafficking identified and investigated, the low number of prison sentences imposed on perpetrators and the insufficient support given to victims. The Committee is further concerned about reported cases of migrants working in slavery-like conditions in the agricultural sector (arts. 2, 8-9, 14, 24 and 26).

22. **In line with the Committee's previous recommendation (see CCPR/CO/83/GRC, para. 10), the State party should continue its efforts to combat trafficking in persons, inter alia, by strengthening its preventive measures, increasing**

**victim identification and protection, including by considering the establishment of a national database of trafficking victims, systematically and vigorously investigating allegations of trafficking in persons, prosecuting and punishing those responsible and providing effective remedies to victims. The State party should review its laws and regulations to ensure full protection against forced labour for all categories of workers and ensure effective oversight of labour conditions. It should also provide training to law enforcement, border and immigration officials, and other relevant agencies such as labour law enforcement agencies and child welfare agencies.**

#### **Free legal aid and administration of justice**

23. The Committee is concerned about the excessively long procedure for applying for legal aid or waivers from judicial fees, the increase in judicial fees for proceedings relating to criminal complaints, and the lack of clarity with respect to which crimes prosecuted ex officio are exempted of fees, all of which may obstruct access to justice. The Committee is also concerned about undue delays in civil and criminal trial procedures, which have resulted in a substantial backlog of court cases (art. 14).

**24. The State party should simplify and render more transparent the procedure by which court fees are calculated and ensure that free legal aid or waivers from judicial fees are provided in a timely manner in all cases where the interests of justice so require, in accordance with article 14 of the Covenant. The State party should provide adequate resources for the free legal aid system and ensure enjoyment of the right to a fair trial without undue delay, in line with article 14 of the Covenant.**

#### **Procedural guarantees in detention**

25. While noting that procedural guarantees for detained individuals provided for under the Covenant are prescribed in law, the Committee notes allegations that, in practice, those rights are frequently violated. In particular, the Committee is concerned that the right to legal counsel from the very outset of deprivation of liberty is not systematically accorded as a matter of course in legal proceedings and that ex officio counsel may play a passive role during interrogations (arts. 9 and 14).

**26. The State party should take the measures necessary to ensuring that individuals deprived of their liberty are afforded, in practice, all procedural guarantees in respect of the criminal charges against them, in full accordance with articles 9 and 14 of the Covenant. Such measures include ex officio monitoring of detention procedures, accessible complaint procedures, effective legal representation in all stages of the legal proceedings and awareness-raising among State officials.**

#### **Reception and detention of migrants and asylum seekers**

27. The Committee acknowledges the difficulties faced by the State party with regard to the exceptionally high flow of migrants and asylum seekers arriving in its territory and appreciates the many steps taken by the State party in that regard. While the Committee notes the recent policy of releasing persons whose detention exceeds six months, it is concerned about reported cases of persons detained for longer periods and regrets that Presidential Decree 116/2012, which extended the maximum length of immigration detention from 12 to 18 months, is still in force. The Committee is concerned that immigrants are sometimes detained for prolonged periods of time without regard for their individual circumstances, which may raise issues under article 9 of the Covenant. Finally, although there have been some improvement in the material conditions of detention, the Committee regrets that conditions of detention for migrants and asylum seekers are still inadequate, particularly in facilities, which are reported to be chronically overcrowded, with unsanitary conditions and inadequate access to food and health care (arts. 7 and 9-10).

**28. The State party should ensure that detention of all irregular migrants is reasonably necessary and proportionate and for the shortest possible period of time, and that alternatives to detention are available in law and implemented in practice. In particular, the State party must ensure that any decision to detain asylum seekers and**

refugees is based on their individual circumstances and takes into account less invasive means of achieving the same end. The State party should also strengthen its efforts to ensure, in cooperation with its regional and international partners, decent living conditions in all reception and detention centres for migrants and asylum seekers, by providing adequate health-care services, food, sanitary conditions and access to transportation. It should also ensure that conditions in the new reception “hot spots” are adequate.

#### **Refugee determination procedures**

29. While the Committee welcomes the reform of the asylum system and the establishment of the new Asylum Service, the Appeals Authority and the First Reception Service, it is concerned about the insufficient numbers of first reception services, understaffing of the Asylum Service and the shortage of interpreters and insufficient legal aid facilities for asylum seekers. The Committee is also concerned about the reported lack of institutional independence of the Appeals Authority and that it does not have suspensive powers against expulsion orders (arts. 6-7 and 13).

30. **The State party should ensure that all persons applying for international protection are given access to a fair and full refugee determination procedure and have access to counsel and an interpreter from the outset of the procedure. The State party should also ensure that, in all cases involving refoulement, appeals to the courts have a suspensive effect.**

#### **Unaccompanied minors**

31. The Committee reiterates its previous concern about the situation of unaccompanied minors seeking asylum or illegally residing in the State party (see CCPR/CO/83/GRC, para. 17). In particular, the Committee expresses concern about: (a) the difficulties faced by the State party in assigning guardianship; (b) the inadequate conditions of detention facilities in which unaccompanied minors are held, including their placement with adults; and (c) the difficulties faced by the State party in determining the age of unaccompanied minors.

32. **The State party should ensure that the principle of the best interests of the child is given due consideration in all decisions concerning unaccompanied children, including by:**

(a) **Ensuring that unaccompanied minors who enter the country in an irregular manner are not detained or are held in detention only as a measure of last resort and for the shortest period of time necessary;**

(b) **Creating new reception facilities and increasing the number of detention spaces in existing structures, while ensuring adequate conditions for unaccompanied minors in those facilities, including their segregation from adults;**

(c) **Pursuing its efforts to redesign the guardian assignment procedure to ensure that each unaccompanied child is provided with a legal guardian;**

(d) **Ensuring that the age assessment procedure is based on safe and scientific methods, taking the children’s mental well-being into account and avoiding all risks of violating their physical integrity.**

#### **Expulsion of asylum seekers and undocumented immigrants**

33. The Committee is concerned about reports of the continuing practice of informal returns, known as “push-backs”, from Greece to Turkey at land and sea borders. It is concerned that these informal returns are carried out without sufficient guarantees of respect for the principle of non-refoulement. The Committee is also concerned about reports of allegations of ill-treatment in the context of the expulsion of immigrants and in pre-removal centres (arts. 6-7).

34. **The State party should ensure that all persons seeking international protection have access to fair and personalized assessment procedures, protection against**

refoulement without discrimination and an independent mechanism with the authority to suspend negative decisions. The State party is encouraged, in consultation with its international and regional partners and neighbours, to allow migrants wishing to enter its territory to have access to safe entry points where their asylum claims can be evaluated. The State party should also take all the measures necessary to ensure that informal returns do not occur and that immigrants are not subjected to ill-treatment during their deportation and expulsion or while in pre-removal centres. The State party should also ensure that ill-treatment of refugees and migrants is effectively reported, undertake, as a matter of priority, prompt, effective and independent investigations into all claims of irregular returns and ill-treatment of migrants, punish the perpetrators, where appropriate, and provide compensation to victims.

#### **Imprisonment for failure to pay a debt**

35. The Committee reiterates its concern at the State party's failure to amend the laws that permit imprisonment for failure to pay a debt (see CCPR/CO/83/GRC, para. 13) (art. 11).

36. **The State party should comply with article 11 of the Covenant by amending its legislation providing for imprisonment for failure to pay a debt by removing all exceptions to the prohibition against imprisonment.**

#### **Conscientious objection to compulsory military service**

37. The Committee reiterates its previous concerns about: (a) the length of alternative service for conscientious objectors, which is much longer than military service (see CCPR/CO/83/GRC, para. 15); (b) the composition of the Special Committee and its reported lack of independence and impartiality, especially when hearings are held without all members present; (c) reports indicating discrimination on the basis of different grounds of objection to service; and (d) repeated punishment of conscientious objectors, in violation of the principle of *ne bis in idem* (arts. 14 and 18).

38. **The State party should take measures to review its legislation with a view to recognizing the right to conscientious objection to military service, encompassing an alternative to military service that is accessible to all conscientious objectors and not punitive or discriminatory in terms of its nature, cost or duration. The State party should also avoid repetitive punishment in violation of the *ne bis in idem* principle and consider placing the assessment of applications for conscientious objector status under the full control of civilian authorities.**

#### **Freedom of association**

39. While the Committee notes the State party's expressed intention to proceed with the registration of associations of groups claiming minority group status, in accordance with European Court of Human Rights decisions of 2008 and 2015, the Committee expresses concern about the pace of implementation of those decisions (art. 22).

40. **The State party should expedite its measures to register associations of distinct communities, including those claiming minority group status, in accordance with article 22 of the Covenant.**

#### **Freedom of opinion and expression**

41. The Committee is concerned that, during demonstrations in the State party, peaceful demonstrators and journalists were reportedly threatened, intimidated and harassed by members of extremist groups such as Golden Dawn. The Committee is also concerned about incidents of human rights violations committed by the security forces or the police against the demonstrators. The Committee is further concerned by the lack of comprehensive information on investigations and prosecutions of those responsible (arts. 19 and 21-22).

42. **The State party should ensure that all allegations of serious human rights violations by security forces against demonstrators are adequately and impartially investigated, perpetrators are brought to justice and victims are adequately compensated. The State party should organize training sessions for its law enforcement officials to ensure that they carry out their activities in accordance with human rights standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

#### **Recognition of minorities and statistics**

43. While welcoming the statement by the State party that the lack of official recognition of minorities within its territory, other than the Muslim minority in Thrace, does not prevent the adoption of appropriate policies aimed at preserving and promoting cultural diversity nor does it hinder the right of individuals to freely self-identify, the Committee is concerned at the insufficient guarantees for the equal and effective enjoyment of one's culture, profession and practice of one's religion and use of one's language by all persons, including those claiming to belong to ethnic, religious or linguistic minorities. The Committee also expresses concern about the lack of statistical data demonstrating the ethnic and cultural composition of the State party and the use of mother tongues and languages that are commonly spoken (arts. 26-27).

44. **The State party should ensure that all persons are effectively protected against any form of discrimination and can fully enjoy their rights under the Covenant, including under article 27.**

#### **D. Dissemination of information relating to the Covenant**

45. **The State party should widely disseminate the Covenant, its second periodic report and the present concluding observations among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.**

46. **In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations made by the Committee in paragraphs 16 (excessive use of force and ill-treatment), 32 (unaccompanied minors) and 34 (expulsion of asylum seekers and undocumented immigrants) above.**

47. **The Committee requests that the State party submit its next periodic report by 6 November 2020 and that it include in that report specific up-to-date information on the implementation of all its recommendations and of the Covenant as a whole. The Committee also requests that the State party, in preparing the report, broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.**

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