



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-third session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

GREECE

1. The Human Rights Committee considered the initial report of Greece (CCPR/C/GRC/2004/1) at its 2267th to 2269th meetings, on 22 and 23 March 2005 (CCPR/C/SR.2267-2269). It adopted the following concluding observations at its 2279th meeting held on 31 March 2005 (see CCPR/C/SR.2279).

A. Introduction

2. The Committee welcomes the initial report of Greece and the extensive written and oral responses given to the list of issues by the delegation. Although the Committee regrets that the report was submitted almost six years after it was due, it expresses appreciation for a constructive dialogue with the State party.

B. Positive aspects

3. The Committee welcomes the fact that the Greek Constitution provides for the direct applicability of the International Covenant on Civil and Political Rights within domestic law, and notes the efforts being made to disseminate the Covenant and the Committee's jurisprudence among members of the judiciary.

4. The Committee welcomes the adoption of Law 3169/2003 on the "Bearing and use of firearms by police officers, relevant training and other provisions" and a Code of Police Ethics containing, inter alia, guidelines for arrest and detention.

5. The Committee welcomes the recent adoption by Parliament of a law on the implementation of the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation.

6. The Committee welcomes the legislative framework and National Action Plan to combat trafficking in human beings, put in place to prevent and punish this crime and provide assistance to victims.

C. Principal subjects of concern and recommendations

7. Notwithstanding a variety of programmes intended to deal with domestic violence, the Committee regrets the prevalence of domestic violence against women and the lack of specific provisions on domestic violence, including marital rape, in the current criminal code (Covenant, arts. 3 and 7).

The Committee recommends that the State party take measures to raise awareness of the problem of domestic violence and to protect the victims and include specific provisions on domestic violence in its penal legislation.

8. The Committee is concerned about the impediments that Muslim women might face as a result of the non-application of the general law of Greece to the Muslim minority on matters such as marriage and inheritance (arts. 3 and 23).

The Committee urges the State party to increase the awareness of Muslim women of their rights and the availability of remedies and to ensure that they benefit from the provisions of Greek civil law.

9. The Committee is concerned about reported cases of disproportionate use of force by the police, including fatal shootings, and ill-treatment at the time of arrest and during police custody. Police violence against migrants and Roma appears to be recurrent. The Committee is equally concerned about the reported failure of the judicial and administrative systems to deal promptly and effectively with such cases and the leniency of the courts in the few cases where law enforcement officers have been convicted (arts. 2 and 7).

(a) The State party should end police violence without delay. It should increase its efforts to ensure that education on the prohibition of torture and ill-treatment, as well as sensitization on issues of racial discrimination are included in the training of law enforcement personnel.

(b) The State party should ensure that all alleged cases of torture, ill-treatment and disproportionate use of force by police officers are fully and promptly investigated, that those found guilty are punished under laws that ensure that sentences are commensurate with the gravity of the offence, and that compensation is provided to the victims or their families. The State party is requested to provide the Committee with detailed statistical data on complaints relating to cases of torture, ill-treatment and disproportionate use of force by the police, including the outcome of the investigations on those cases, disaggregated by the national and ethnic origin of the persons subject to the use of force.

(c) The State party should inform the Committee of the progress made in reviewing the current Disciplinary Law for police officers and the status, mandate and achievements of bodies dealing with complaints against the police.

10. The Committee notes that Greece is a main transit route for trafficking in human beings, as well as a country of destination. While welcoming the efforts made by the State party to fight this scourge, it remains concerned, in particular, about the reported lack of effective protection of the victims, many of whom are women and children, including witness protection mechanisms (arts. 3, 8 and 24).

(a) The State party should continue to take measures to combat trafficking in human beings, which constitutes a violation of several Covenant rights, including articles 3 and 24. The human rights of the victims of trafficking should be protected, including by providing a place of refuge as well as an opportunity to give evidence against the persons responsible in criminal or civil proceedings.

(b) The Committee urges the State party to protect unaccompanied alien children and to avoid the unsupervised release of such children into the general population. The absence of child welfare protection increases the danger of trafficking and exposes the children to other risks. The State party should conduct a judicial investigation concerning the approximately 500 children who went missing from the Aghia Varvara institution between 1998 and 2002 and provide the Committee with information on the outcome.

11. The Committee is concerned about reports that undocumented aliens are detained in overcrowded facilities with poor living and sanitary conditions, are not informed of their rights, and lack any effective means of communication with their families and their lawyers (art. 10).

The State party should ensure that undocumented aliens are held in facilities with adequate living and sanitary conditions, are informed of their rights, including the right to appeal and to lodge complaints, and are afforded effective means of communication with their families and counsel.

12. The Committee is concerned at the overcrowding and poor conditions prevailing in some jails and prisons (art. 10).

While noting the State party's efforts in this regard, the Committee recommends that the State party continue to take measures to address such problems by, inter alia, considering additional alternative measures to imprisonment.

13. The Committee is concerned about civil law provisions that appear to authorize the imprisonment of a debtor for failure to pay a debt. Despite the State party's interpretive use of the Covenant in mitigation of this statutory provision, this law may be applied in ways that are incompatible with article 11 of the Covenant (art. 11).

The State party should bring its legislation into full conformity with the substantive obligations contained in article 11 of the Covenant.

14. The Committee is concerned at allegations of discrimination against members of minority religions, including in the field of education. In particular, public school students are required to attend instructional classes in the Christian Orthodox religion and can opt out only after declaring their religion (art. 18).

(a) The State party should take measures to ensure full respect for the rights and freedoms of each religious community, in conformity with the Covenant.

(b) The Committee encourages the State party to hold consultations with representatives of minority religions, in order to find practical ways to permit religious instruction to be given to those desiring such opportunities. Pupils not wishing to attend religious education classes should not be obliged to declare their religion.

15. The Committee is concerned that the length of alternative service for conscientious objectors is much longer than military service, and that the assessment of applications for such service is solely under the control of the Ministry of Defence (art. 18).

The State party should ensure that the length of service alternative to military service does not have a punitive character, and should consider placing the assessment of applications for conscientious objector status under the control of civilian authorities.

16. While noting that a legislative amendment to ban corporal punishment in secondary schools has been tabled in Parliament, the Committee is concerned at reports of a widespread practice of corporal punishment of children in the schools (art. 24).

The Committee recommends that the State party prohibit all forms of violence against children wherever it occurs, including corporal punishment in the schools, and undertake public information efforts with respect to appropriate protection of children from violence.

17. The Committee is also concerned at the reported neglect of the situation of unaccompanied minors seeking asylum or illegally residing in the country (art. 24).

The Committee recommends that the State party develop a procedure to address the specific needs of unaccompanied non-citizen children and to ensure their best interests in the course of any immigration, expulsion and related proceedings.

18. The Committee is concerned that the Roma people remain disadvantaged in many aspects of life covered by the Covenant (arts. 26 and 27).

(a) The State party should intensify its efforts to improve the situation of the Roma people in a manner that is respectful of their cultural identity, in particular, through the adoption of positive measures regarding housing, employment, education and social services.

(b) The State party should submit detailed information on the results achieved by public and private institutions responsible for the advancement and welfare of the Roma people.

19. The Committee is concerned at reports of continued discrimination against individuals on the basis of their sexual orientation (arts. 17 and 26).

The State party should provide remedies against discriminatory practices on the basis of sexual orientation, as well as informational measures to address patterns of prejudice and discrimination.

20. The Committee notes the State party's commitment to the equal enjoyment of their rights by all citizens of Greece, regardless of religion or ethnic origin. However, the Committee notes with concern the apparent unwillingness of the Government to allow any private groups or associations to use associational names that include the appellation "Turk" or "Macedonian", based upon the State party's assertion that there are no ethnic, religious or linguistic minorities in Greece other than the Muslims in Thrace. The Committee notes that individuals belonging to such minorities have a right under the Covenant to the enjoyment of their own culture, the profession and practise of their own religion, and the use of their own language in community with other members of their group (art. 27).

The State party should review its practice in light of article 27 of the Covenant.

21. The Committee sets 1 April 2009 as the date for the submission of Greece's second periodic report. It requests that the State party's initial report and the present concluding observations be published and widely disseminated throughout the country, and that the second periodic report be brought to the attention of non-governmental organizations operating in the country.

22. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide information within one year on the follow-up given to the Committee's recommendations in paragraphs 9, 10 (b) and 11 above. The Committee requests the State party to provide information in its next report on the other recommendations made and on the implementation of the Covenant as a whole.
