
ADVANCE UNEDITED VERSION

Human Rights Committee

Concluding observations on the second periodic report of Greece*

1. The Committee considered the second report submitted by Greece (CCPR/C/GRC/2) at its 3202th and 3204th meetings (CCPR/C/SR.3202 and 3204), held on 19 and 20 October 2015. At its 3225th (CCPR/C/SR.3225), 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 steps taken by the State party since 2006:

- (a) The adoption of the Law 4320/2015, 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 the Law 4198/2013, Preventing and Combatting Trafficking in Human Beings and Protecting its victims and other provisions and establishment of the Office of the National Rapporteur on Trafficking in Human Beings; and
- (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 of the Convention against Torture in 2014; and
- (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 Covenant

5. While the Committee welcomes the information provided by the State party that the Committee's Views may be taken as a new element in the context of domestic criminal proceedings and that civil damages can be claimed before administrative courts as a 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 Optional Protocol and regrets the absence of a specific procedure or mechanism to examine and guarantee that full effect is given to its Views, and the fact that recommendations in the 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 a mandate to (a) study the Committee's findings in its Views; (b) propose measures to be taken by the State party to give full effect to the Views, including to provide victims with an effective remedy for the violation of their rights.

Gender equality

7. While noting the one-third quota of 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 of the economic crisis and the austerity measures adopted on women, in particular on 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 further 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 mental health patients are only used as a measure of last resort, the Committee is concerned at reports indicating the continuing widespread use of such measures, including the use of enclosed restraint beds (cages/net beds) and systematic sedation as a

means to restrain patients with intellectual disabilities, including children, in institutions. (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. Furthermore, the State party should establish an independent monitoring and reporting system, and ensure that abuses are effectively investigated and prosecuted and that redress is provided to the victims and their families.**

Sexual orientation and gender identity

11. The Committee remains concerned (CCPR/CO/83/GRC, para. 19) about the prevalence in society of stereotypes and prejudice against lesbian, gay, bisexual and transgender (LGBT) persons. In particular, it is concerned about the lack of adequate official response to complaints related to discrimination on 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 LGBT persons, including by:**

- (a) **Organizing awareness-raising campaigns aimed at the general public;**
- (b) **Providing appropriate training to public officials to put an end to the social stigmatization of LGBT persons; and**
- (c) **Ensuring that all reports of violence against lesbian, gay, bisexual, transgender and intersex 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 and prosecutions of 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 allegedly due 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 the 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. Furthermore, the State party should strengthen its efforts to eradicate stereotypes 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 (CCPR/CO/83/GRC, para. 9) about reports suggesting the excessive use of force by law enforcement officials at the time of arrest and against persons in police custody. It is, in particular, concerned about reports of police violence against Roma, migrants and refugees and the lack of effective investigation of

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, 6 and 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 (CCPR/CO/83/GRC, para. 18) regarding the de facto discrimination against Roma, including reports of the continuation of de facto segregation of Roma children in the education sector, 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 at the municipality of Acharne in which 14 buildings inhabited by Roma families were demolished (arts. 2, 24, 26 and 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 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 ethnic group. The State party should strictly limit the use of forced evictions (from public land) through the adoption of all feasible alternatives to eviction, including alternative housing for those families who were 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 (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 this regard, it should intensify its awareness-raising measures among the police, 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 and that the perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and the victims adequately compensated. It should also ensure the availability of a sufficient number of shelters with adequate resources 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 (CCPR/CO/83/GRC, para. 10) about cases of trafficking in persons, including children, for purposes of labour and sexual exploitation. It is concerned about the insufficient identification and investigation of cases of trafficking, the low number of prison sentences imposed on perpetrators and the insufficient support granted 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 concluding observations (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 for trafficking victims, and 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 and border and immigration officials, as well as to 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 to apply for legal aid or waivers from judicial fees, the increase in judicial fees, in proceedings related to criminal complaints, and at 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 further 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 waiver from judicial fees is 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 these 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 necessary measures to ensure that individual deprived of their liberty are afforded in practice all procedural guarantees in relation to 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 exceptional high flow of migrants and asylum-seekers arriving in its territory and appreciates the many steps taken by the State party in this 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 the 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 detention of immigrants sometimes takes place for prolonged periods of time without regard their individual circumstances may raise issues under article 9 of the Covenant. Finally, although there have been some improvements in the material conditions of detention, the Committee regrets that conditions of detention for migrants and asylum seekers are still inadequate, particularly in detention facilities, which are reported to be chronically overcrowded, with unsanitary conditions and inadequate access to food and health care (arts. 7, 9 and 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. It must particularly 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 and sanitary conditions and access to transportation. The State should also ensure the adequacy of conditions in the new reception 'hot spots'.

Refugee determination procedures

29. While the Committee welcomes the reform of the asylum system and the establishment of the new Asylum Service, Appeals Authority and the First Reception Service (FRS), it is concerned about the insufficient numbers of FRSs, that the asylum service is understaffed, and that there is shortage of interpreters and insufficient legal aid facilities for asylum seekers. The Committee is concerned at the reported lack of institutional independence of the Appeals Committee and at the lack of suspensive effect against expulsion orders of the Appeals Committee (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, 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 courts have a suspensive effect.

Unaccompanied minors

31. The Committee reiterates its previous concern (CCPR/CO/83/GRC, para. 17) about the situation of unaccompanied minors seeking asylum or illegally residing in the State party. In particular, the Committee expresses its concern over (a) the difficulties faced by the State party in assigning guardianship; (b) the inadequate conditions of detention facilities in which unaccompanied minors are held and their placement in detention facilities together 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 remain 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 already existing structures, while ensuring adequate conditions for

unaccompanied minors in those facilities, including segregation of unaccompanied minors from adults;

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

(d) Ensuring that the age assessment procedure is based on safe and scientific methods, take the children's mental well-being into account and avoid 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, also known as "push-backs", from Greece to Turkey at the land and sea borders. The Committee is concerned that these informal returns are carried out without sufficient guarantees of respect for the principle of non-refoulement. The Committee is further concerned about reports of allegations of ill-treatment in the context of the expulsion of immigrants and in pre-removal centres (arts. 6 and 7).

34. The State party should ensure that all persons seeking international protection have access to fair and personalized assessment procedures, to protection against refoulement without discrimination and to 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, allowing migrants wishing to enter its territory to have access to safe entry points, where their asylum claims can be evaluated. Moreover, the State party should take all necessary measures to ensure that informal returns do not occur and that immigrants are not subjected to ill-treatment during their deportation, expulsion or in pre-removal centres. It should also ensure that ill treatment of refugees and migrants is effectively reported and 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 the failure to pay a debt

35. The Committee reiterates its concern (CCPR/CO/83/GRC, para. 10) at the State party's failure to amend the laws which permit imprisonment for failure to pay a debt (art. 11).

36. The State party should comply with article 11 of the Covenant by amending its legislation providing for imprisonment for the 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 concern (CCPR/CO/83/GRC, para. 15) about (a) the length of alternative service which is much longer than military service; (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 recognising the right to conscientious objection to military service, encompassing an alternative to military service that is accessible to all conscientious objectors and is 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 a minority group status, in accordance with the European Court of Human Rights decisions of 2008 and 2015, the Committee expresses concern over the pace of implementation of these decisions (art. 22).

40. The State party should expedite its measures to register associations of distinct communities, including those claiming a 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, 21 and 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, that the perpetrators are brought to justice and the victims 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 other than the Muslim minority in Thrace within its territory does not prevent the adoption of appropriate policies aimed at preserving and promoting cultural diversity and does not hinder the right of individuals to freely self-identify, the Committee is concerned at insufficient guarantees for the equal and effective enjoyment of culture, profession and practice of religion and use of language by all persons, including those claiming to belong to ethnic, religious or linguistic minorities. The Committee also expresses its concern over the lack of statistical data demonstrating the ethnic and cultural composition of the State party, the use of mother tongues and languages commonly spoken (arts. 26 and 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.

Dissemination of information relating to the Covenant

45. The State party should disseminate widely the Covenant, the text of 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.

In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the

Committee's recommendations made in paragraphs 16 (excessive use of force and ill-treatment), 32 (unaccompanied minors) and 34 (expulsion of asylum seekers and undocumented immigrants) above.

46. The Committee requests that the State party submit its next periodic report by 6 November 2020 and that it include in it specific up-to-date information on the implementation of all its recommendations and of the Covenant as a whole. The Committee 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.
