



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

Distr.: General  
3 October 2016

Original: English

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the twentieth to twenty-second periodic reports of Greece\*

1. The Committee considered the combined twentieth to twenty-second periodic reports of Greece (CERD/C/GRC/20-22), submitted in one document, at its 2452nd and 2453rd meetings (CERD/C/SR.2452 and 2453), held on 3 and 4 August 2016. At its 2472nd and 2473rd meetings, held on 17 and 18 August 2016, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined twentieth to twenty-second periodic reports of the State party, which included responses to the concerns raised by the Committee in its previous concluding observations. The Committee also appreciates the open and constructive dialogue with the State party's delegation.

#### B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) The amendment to the Criminal Code in 2014 to article 81A, to strengthen sentences that can be imposed for hate-motivated offences and for the legislative recognition of the protection of victims and material witnesses of racist crimes;

(b) The adoption of Law No. 4198/2013 on preventing and combating trafficking in human beings and protecting its victims, and other provisions;

(c) The establishment of the National Council against Racism and Intolerance, pursuant to Law No. 4356/2015;

(d) The enhanced relationship with the Racist Violence Recording Network, an umbrella network of non-governmental organizations, among others, on recording incidents of racist violence;

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\* Adopted by the Committee at its ninetieth session (2-26 August 2016).



- (e) The adoption of the National Strategy for the Social Inclusion of Roma, 2012-2020;
  - (f) The adoption and implementation of the National Action Plan on Human Rights, 2014-2016;
  - (g) The appointment of special prosecutors to investigate racist crimes and the creation of special police units to assist victims of racist violence and other xenophobic crimes.
4. The Committee also welcomes the ratification or accession by the State party of the following international human rights instruments:
- (a) The International Convention for the Protection of All Persons from Enforced Disappearance, in 2015;
  - (b) The Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2012;
  - (c) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2014.
5. The Committee appreciates the efforts made by the State party to receive and host a large number of migrants, asylum seekers and refugees, and is aware of the major challenges faced by the State party thereto.

## C. Concerns and recommendations

### Austerity measures

6. The Committee is concerned that austerity measures taken to address the economic crisis in the State party generated a disproportionate impact on minority groups, such as Roma, migrants, refugees and asylum seekers. The Committee is also concerned about the decrease in budget to public institutions that work on combating racial discrimination, such as the National Commission for Human Rights, the Ombudsman and the labour inspectorate (arts. 1, 2 and 5).
7. **The Committee recommends that the State party ensure, notwithstanding the economic downturn, that any austerity measures do not lead to racial discrimination and inequality. The Committee also recommends that the State party carry out impact assessments before adopting such austerity measures to ensure that they are not discriminatory to those vulnerable to racial discrimination. The Committee further recommends that the State party guarantee that budget cuts for human rights bodies do not result in the stifling of their activities to effectively monitor the protection of human rights and particularly racial discrimination.**

### Statistical data

8. The Committee is concerned about the lack of statistical data on the enjoyment of the Convention rights by all ethnic groups and religious minorities in the State party (art. 1).
9. **Recalling its general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, and the revised reporting guidelines (CERD/C/2007/1, paras. 10 and 12), the Committee recommends that the State party diversify its data collection activities, on the basis of anonymity and self-identification of persons and groups, to provide an adequate empirical basis for policies to enhance the equal enjoyment by all of the rights enshrined in the Convention. It recalls that reliable, detailed socioeconomic**

**information is necessary for the monitoring and evaluation of policies in favour of minorities and for assessing the implementation of the Convention, and requests the State party to provide these disaggregated data in its next report.**

#### **Situation of minorities**

10. The Committee is concerned that Muslims living in Thrace region covered by the provisions of the Treaty of Peace, signed at Lausanne, July 24, 1923, and who belong to various ethnicities are recognized only as a religious minority by the State party. The Committee is also concerned that other Muslims, including those living in the islands of Rhodes and Kos and not covered by the Treaty of Lausanne, may be denied the right to self-identification and therefore cannot fully enjoy their rights under the Convention. As a result, the effective enjoyment by persons belonging to ethnic minorities of their rights to preserve their language, culture and freedom of association is curtailed (arts. 1, 2 and 5).

**11. Notwithstanding the explanation provided by the State party that ethnic groups are not considered as minorities, the Committee believes that, in a multi-ethnic society, recognition of ethnic groups of smaller size may help them to protect their existence and their identity. The Committee also notes that the Treaty of Lausanne neither prohibits the consideration of other groups as minorities nor prevents persons belonging to various ethnic groups to exercise their right to self-identification. The Committee therefore recommends that the State party review its position and consider recognizing other groups that may qualify as being ethnic, or religious minorities, and encourages the State party to implement the relevant decisions of the European Court of Human Rights.**

#### **Anti-racism legal framework**

12. While noting with appreciation the positive aspects incorporated in the new anti-racism law No. 4285/2014, the Committee remains concerned that the new law is not fully compliant with the requirements of article 4 of the Convention, particularly as it does not criminalize the dissemination of ideas based on racial superiority and does not provide for a procedure to declare illegal and prohibit racist organizations. The Committee is also concerned at the persistence in the State party of the political party Golden Dawn, to which the delegation referred in its opening statement as the most prominent racist organization, inspired directly by neo-Nazi ideas (art. 4).

**13. Recalling its general recommendations No. 7 (1985) and No. 15 (1993) relating to the implementation of article 4 of the Convention, the Committee recommends that the State party bring its anti-racism legal framework in full compliance with the requirements of article 4 of the Convention, and ensure its strict application. The State party should, inter alia, declare illegal and prohibit organizations that promote and incite racial discrimination, such as Golden Dawn, as previously recommended by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and by the Council of Europe Commissioner for Human Rights.**

#### **Implementation of anti-discrimination provisions**

14. The Committee welcomes the information provided on the increased application of the anti-racist legislation in the State party by law enforcement authorities and in courts. It, however, remains concerned at the still low invocation and application of anti-racism legal provisions and the low rate of convictions in courts (art. 2).

15. The Committee recommends that the State party intensify its measures to strengthen the application of anti-racism provisions. To that end, the State party should:

(a) Increase the human, financial and technical resources allocated to law enforcement authorities entrusted with investigating hate and racial crimes, namely, the special prosecutors and special police units, and ensure these bodies' outreach throughout the country;

(b) Undertake awareness-raising measures, including regular mandatory pre-service and in-service training, especially among the police, prosecutors, judiciary and lawyers, on the legal framework governing anti-discrimination and on the investigation of complaints of hate crimes.

#### **Racist hate speech and hate crimes**

16. The Committee is concerned about the increase in hate speech since 2009, coinciding with the rise of the Golden Dawn party, essentially targeting migrants, Roma, Jews and Muslims, including through the media, on the Internet and social media platforms. The Committee is also concerned at the increase of racist and xenophobic attacks, particularly against asylum seekers and refugees, which is exacerbated by the economic crisis in the State party. Furthermore, the Committee is concerned at the low reporting rate of such crimes, despite some awareness-raising measures taken to that end (arts. 2 and 4).

17. The Committee urges the State party to effectively prevent, combat and punish racist hate speech and hate crimes. Recalling its general recommendations No. 35 (2013) on combating racist hate speech and No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party:

(a) Take appropriate measures to prosecute individuals, including politicians, for the acts prescribed by article 4 and provide information in its next report about police investigations, criminal proceedings and sentences, including those related to Golden Dawn and its members. The Committee wishes to underline that the fundamental right of freedom of expression should not undermine the principles of dignity, tolerance, equality and non-discrimination as the exercise of the right to freedom of expression carries with it special responsibilities, among which is the obligation not to disseminate ideas on racial superiority or hatred;

(b) Strengthen training on identifying, registering, preventing and combating hate crimes, hate speech and bias motivation, particularly among the judiciary, police, prosecutors and the labour inspectorate, and improve coordination between those institutions;

(c) Ensure that the media does not stigmatize, stereotype or negatively target non-citizens and ethnic minorities and, to that end, ensure the implementation and reinforcement of the mandate of the National Radio and Television Council, which supervises and regulates the media with a view to prohibiting the broadcast of racist, xenophobic or intolerant statements, and that appropriate sanctions are handed down in such events;

(d) Undertake intensive country-wide campaigns in collaboration with national human rights institutions and civil society actors aimed at promoting tolerance and denouncing racist attitudes and sensitizing the public on the legal prohibition of racial discrimination and on the available channels to lodge complaints, and facilitate victims' access to justice, including by strengthening legal aid system;

(e) **Adopt concrete measures in consultation with affected groups to increase the reporting of racist hate crimes by ensuring that reporting mechanisms are transparent and accessible and by finding ways for victims to have more trust in the police and the justice system;**

(f) **Improve the data collection system for statistics on complaints of hate crimes and provide detailed information in its next periodic report on such complaints and their results, including those collected by the Observatory for the Prevention of School Violence and Bullying, and disaggregated data on residence permits for humanitarian reasons granted to third-country nationals who are victims of or witnesses to racist crimes;**

(g) **Expedite the adoption of the draft anti-racism action plan and provide it with resources, measurable indicators and a timeline framework necessary for its effective implementation.**

#### **Blasphemy laws**

18. The Committee is concerned about the continuing existence of legal provisions concerning blasphemy and the risk that they may be used in a discriminatory manner that is prohibited under the provisions of the Convention (art. 5 (d) (vii)).

19. **The Committee recommends that the State party abolish articles 198 and 199 on blasphemy from its Criminal Code.**

#### **Roma**

20. The Committee is concerned that the situation of Roma present in the State party has not improved during the review period. It is particularly concerned that:

(a) Roma, especially those living in informal settlements, still encounter serious obstacles in gaining access to basic social services, such as housing, employment, education and health care, including the persistence of instances of educational segregation, forced evictions and poor living conditions while lacking access to water and sanitation;

(b) Roma continue to be socially excluded and regularly encounter stereotypes and prejudices;

(c) Roma continue to be disproportionately subjected to frequent identity checks, arbitrary arrests and harassment by the police and other law enforcement officials, combined with a lack of effective investigation, prosecution and sanctioning of law enforcement personnel for such misconduct (arts. 2, 3 and 5).

21. **Recalling its general recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party redouble its efforts to:**

(a) **Improve the enjoyment of economic, social and cultural rights by all Roma present in the State party, with a focus on those living in informal settlements, and implement steps aimed at enhancing Roma social integration, including by devising and implementing special measures to address such inequalities. In that context, the Committee recommends that the State party take into account its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of all Forms of Racial Discrimination;**

(b) **Implement without further delay decisions handed down by the European Court of Human Rights that relate to Roma rights violations;**

(c) **Take appropriate measures to combat unlawful conduct by police or other law enforcement officials based on grounds prohibited by the Convention, and**

ensure that such acts are thoroughly investigated, that perpetrators are expeditiously brought to justice and that victims are provided with appropriate redress;

(d) Expedite its efforts to adopt the draft law establishing the mechanism in charge of investigating abuse of authority by law enforcement officials and allocate resources necessary for the new mechanism to discharge its role effectively;

(e) Regularly consult and maintain constant dialogue with all groups of Roma in developing and implementing plans and policies that affect them;

(f) Effectively implement the National Strategy for the Social Inclusion of Roma 2012-2020, including by creating monitoring and accountability mechanisms on which Roma representation should be guaranteed, and provide detailed information in the next periodic report on its impact and results.

#### **Mixed migratory flows: migrants, asylum seekers and refugees**

22. The Committee is aware that the recent migrant crisis has put a heavy burden on the State party. The Committee welcomes the many steps taken in that regard, including the reforms undertaken in the asylum system and the opening of several new regional asylum offices and extending the coverage of basic health care to vulnerable undocumented migrants. The Committee however remains concerned about:

(a) The detention of undocumented migrants entering the State party, including families and children, for periods exceeding the maximum legal period of administrative detention combined with lack of due process guarantees while in detention;

(b) Substandard conditions at the reception and identification centres on the islands and the chaotic situation in those centres, which have a disproportionate impact on women and children, who face higher risks of sexual violence, with inadequate response from the authorities;

(c) Inadequate access to immigration and asylum procedures, a lack of appropriate information among new arrivals about the asylum procedures and time line, and lengthy procedures to register migrants and asylum seekers, a state of affairs that has been further exacerbated since the conclusion of the statement by the European Union and Turkey on migration;

(d) The ineffectiveness of the guardianship system for unaccompanied children, the lack of sufficient appropriate accommodation for such children and the de facto practice of detaining them, including in substandard conditions and with unrelated adults;

(e) Reports of collective expulsions to Turkey without undertaking the necessary individual assessments procedures (arts. 2, 5 and 6).

23. **The Committee calls on the State party to increase its efforts to implement the specific rights of persons fleeing armed conflict or persecution who arrive on its shores. The Committee also calls on the State party to ensure the respect of the rights of migrants arriving in the same migratory flows as refugees and asylum seekers. Such efforts could also be stepped up through strengthened international cooperation, in particular by European Union countries. The Committee further urges the State party to:**

(a) **Eliminate the automatic detention of migrants arriving on the islands after the conclusion of the statement by the European Union and Turkey on migration, introduce alternatives to detention, ensure that those deprived of their liberty enjoy due process and take measures to convert the reception and identifications centres on the islands into open centres;**

(b) **Take immediate measures to improve the living conditions in reception and identification centres and ensure that everyone in those centres has access to medical care, interpreters, adequate food and social support;**

(c) **Uphold the rule of law in reception and identification centres and redouble its measures to protect everyone staying in those centres from all forms of violence;**

(d) **Expedite its efforts in developing a solid guardianship system and appoint qualified guardians to unaccompanied children;**

(e) **Facilitate access to education for all migrant children and, to that end, increase the necessary human, technical and financial resources and provide training to teachers and other personnel involved;**

(f) **Ensure regular and clear flow of information on immigration and asylum procedures to all migrants arriving to the State party, facilitate access to such procedures and to legal aid and ensure individual assessment of the asylum applications and due process guarantees throughout the asylum procedure, including protection from refoulement;**

(g) **Implement the National Action Plan on Migration and Asylum while pursuing collaboration with the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights, the International Labour Organization and civil society organizations, and inform the Committee in its next report on the evolution of the socioeconomic indicators on access by migrants to health care, education, housing and employment;**

(h) **Take measures to accelerate the implementation of the Emergency Relocation Mechanism that would relocate asylum seekers from Greece to other European Union countries.**

#### **Labour discrimination of migrant workers and persons belonging to ethnic minorities**

24. The Committee is concerned about the poor working conditions of migrant workers, especially those working in the agriculture sector and in the informal economy, that are characterized by low incomes, lack of social protection coverage, difficult health and safety conditions and long working hours. The Committee is also concerned about information received indicating that the “Manolada practices” have not yet been eliminated (arts. 5 and 6).

25. **The Committee recommends that the State party take immediate measures to put an end to any manifestation of labour discrimination and economic exploitation of migrant workers. To that end, the State party should:**

(a) **Increase its efforts to combat and prevent such instances, including by extending labour and social protection coverage to all workers and reinforcing the human and financial resources of the labour inspectorate so as to increase its outreach to all workplaces, including within the informal economy, and provide information on such visits and on sanctions imposed by inspection bodies in relation to instances of ethnicity-based discrimination at the workplace;**

(b) **Investigate instances of labour discrimination and labour exploitation of migrant workers and persons belonging to ethnic minorities, prosecute abusive employers and compensate victims;**

(c) Consider ratifying the International Labour Organization Labour Inspection (Agriculture) Convention, 1969 (No. 129), Migration for Employment Convention (Revised), 1949 (No. 97), and Domestic Workers Convention, 2011 (No. 189).

## **D. Other recommendations**

### **Ratification of other instruments**

26. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

### **Follow-up to the Durban Declaration and Programme of Action**

27. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

### **International Decade for People of African Descent**

28. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next periodic report specific information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

### **Consultations with civil society**

29. The Committee recommends that the State party continue to consult and increase its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow up to the present concluding observations.

### **Amendment to article 8 of the Convention**

30. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention, and endorsed by the General Assembly in its resolution 47/111.



**Declaration under article 14 of the Convention**

31. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

**Common core document**

32. The Committee encourages the State party to submit to it a common core document to replace its core document, which dates from 2002, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies, held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

**Follow-up to the present concluding observations**

33. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 23 (e) and (f) and 25 (b) above.

**Paragraphs of particular importance**

34. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 13, 17 and 21 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

**Dissemination of information**

35. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

**Preparation of the next report**

36. The Committee recommends that the State party submit its combined twenty-third and twenty-fourth periodic reports, as a single document, by 18 July 2019, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.