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ECRI REPORT ON GREECE

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FOREWORD

The European Commission against Racism and Intolerance (ECRI) was established by the Council of Europe. It is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members, who are appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country-by-country monitoring work, which analyses the situation in each of the member States regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country-by-country monitoring deals with all member States of the Council of Europe on an equal footing. The work is taking place in 5 year cycles, covering 9-10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, and those of the third round at the end of the year 2007. Work on the fourth round reports started in January 2008.

The working methods for the preparation of the reports involve documentary analyses, a contact visit in the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidences. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on an important number of national and international written sources. The in situ visit allows for meeting directly the concerned circles (governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final report of ECRI.

The fourth round country-by-country reports focus on implementation and evaluation. They examine the extent to which ECRI's main recommendations from previous reports have been followed and include an evaluation of policies adopted and measures taken. These reports also contain an analysis of new developments in the country in question.

Priority implementation is requested for a number of specific recommendations chosen from those made in the new report of the fourth round. No later than two years following the publication of this report, ECRI will implement a process of interim follow-up concerning these specific recommendations.

The following report was drawn up by ECRI under its own and full responsibility. It covers the situation as of 2 April 2009 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposal made by ECRI.

SUMMARY

Since the publication of ECRI's third report on Greece on 8 June 2004, progress has been made in a number of fields covered by that report.

One area of progress as far as ECRI's mandate is concerned, is the adoption of Law 3304/2005 on the "Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation", which is a positive development in the fight against, among others, racial discrimination in Greece. This law prohibits direct and indirect discrimination, and protects against harassment and an instruction to discriminate. It applies to both the public and private spheres and covers employment, social protection, education and access to public goods and services, including housing. It provides that the adoption or maintenance of special measures aiming at preventing or compensating for disadvantages on the grounds of racial or ethnic origin shall not be considered discrimination. Law 3304/2005 further provides for the sharing of the burden of proof in anti-discrimination cases. ECRI thus notes that this law is broadly in keeping with international and European standards on the protection against racial discrimination. The Ombudsman, the Equal Treatment Committee and the Labour Inspectorate are the bodies entrusted with ensuring and monitoring the implementation of Law 3304/2005.

In October 2008, the Greek legislation was amended to provide for the racist motivation of a crime to be considered as an aggravating circumstance, as recommended in ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. Furthermore, a number of persons have been successfully prosecuted in the last couple of years for antisemitic or anti-Roma publications under, inter alia, Law 927/1979 which prohibits incitement to racial hatred.

The Greek authorities continued to implement the Integrated Action Plan for Roma, by taking measures in the areas of education, employment, health and housing. In the area of health, Socio-Medical Centres providing basic health care services such as primary health care and vaccination in Roma settlements were created. With regard to wakfs (charitable foundations), a question of concern to the Muslim minority in Western Thrace, Law 3647/08 allowing, inter alia, for the election of their managing committees by the minority itself was adopted on 29 February 2008. Moreover, a number of measures have been taken by the Greek authorities to improve the situation of this minority in the field of education. As concerns immigrants, the Greek authorities have also implemented a programme for combating racism and xenophobia in the labour market. 11,300 migrants benefited from this programme and 87 support structures which provided information and advice on, among others, regularisation were created. Moreover, in 2006 and 2007 the situation of thousands of irregular immigrants was regularised. Since ECRI's third report, a reception centre for unaccompanied minors (both immigrants and asylum seekers) was opened in Mitilini in 2008.

In 2004, the 27th of January was designated as a Holocaust Remembrance Day and Jewish representatives have also informed ECRI of good cooperation with the Ministry of Education on teaching the Holocaust, including in school textbooks.

It has to be noted that by law, a 0,5% quota for the State exams was introduced to enhance the participation of the Muslim minority in the public sector in Western Thrace.

As concerns the police, a Code of Police Ethics has been adopted and an order was issued in 2004 on the non-use of degrading terms by the police, either in writing or orally, against Roma. Furthermore, all police officers are currently obliged to investigate the racist motivation of a crime and instructions and orders have been given to subordinate agencies for complete compliance with the above mentioned Law 3304/2005 which prohibits, inter alia, racial discrimination.

ECRI welcomes these positive developments in Greece. However, despite the progress achieved, some issues continue to give rise to concern.

On 4 November 2000, Greece signed Protocol No. 12 to the European Convention on Human Rights, but it has not yet ratified this instrument, which entered into force on 1 April 2005. Law 927/1979, which prohibits incitement to racial hatred, continues to be rarely implemented although cases of incitement to hatred against Jews, Roma and immigrants in the media and by politicians occur.

Very few complaints have been filed for racial discrimination under Law 3304/2005, partly because NGOs cannot bring cases to court if a specific victim is not referred to. The bodies empowered with ensuring and monitoring the implementation of Law 3304/2005 need to be strengthened, as for instance the Ombudsman does not provide general information or legal advice to victims of racial discrimination. The Equal Treatment Committee and the Labour Inspectorate are not sufficiently active and independent in the fulfilment of their role in this regard.

As concerns the situation of Roma, Muslims in Western Thrace and immigrants in the employment sector, these groups continue to lag behind and to be confronted with discrimination in this area. Most Roma who live in settlements continue to earn their income from scrap and garbage collection and few are employed in the mainstream labour market due to discrimination and prejudice. A comprehensive long-term programme has not yet been established by the authorities to improve the integration of Muslims from Western Thrace into the labour market and reports indicated that they continue to be under-represented in the public sector and state owned corporations.

The implementation of the Integrated Action Plan for Roma needs to be more systematically monitored to assess results. In this regard, there have been allegations that the housing loan scheme has not always benefited targeted groups. Roma children continue to suffer from exclusion, discrimination and a high drop-out rate in education.

The renewal or issuance of residence permits continues to be one of the greatest problems faced by immigrants and an overhaul of the system in this regard is necessary as immigrants are often faced with long delays in this regard.

The question of the recognition of the right to freedom of association of persons belonging to the Macedonian community, a group - distinct from the majority – in the Greek administrative region of Macedonia[1] and the Turkish community, one of the three components of the Muslim minority in Western Thrace, has still not been resolved. A dialogue between the Greek authorities and representatives of these groups is still necessary to solve these issues and other matters of concern to these communities.

Other problems highlighted in this report include the need for the Greek authorities to sanction incitement to racial hatred by public and political figures, and to combat racially-motivated crimes more vigorously. The response given to asylum claims is also an area where improvements are necessary, as asylum seekers do not have adequate access to interpretation and legal counselling. The Greek authorities also need to improve the integration of refugees, by providing them with Greek language classes, access to education and employment.

In this report, ECRI requests that the Greek authorities take further action in a number of areas; in this context, it makes a series of recommendations, including the following.

[1] ECRI recalls that the ethnic Greeks who constitute the majority in the above-mentioned Greek administrative region also identify themselves as Macedonians.

ECRI recommends that Greece ratify Protocol No. 12 to the European Convention on Human Rights, an instrument which it considers important in the fight against racism and racial discrimination at national level.

In view of the above-mentioned instances of incitement to racial hatred, ECRI recommends that the Greek authorities act more vigorously to ensure the punishment of breaches of Law 927/1979 in order to adequately combat this phenomenon.

While recognizing that the adoption of Law 3304/2005 is a positive step in the fight against, inter alia, racial discrimination, ECRI recommends extending its scope to discrimination based on colour, language and nationality as recommended in its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination. ECRI also recommends that the Greek authorities take measures to ensure a more vigorous implementation of this law in cases of racial discrimination by, inter alia, amending it to enable civil society actors to bring cases to court, even if a specific victim is not referred to.

ECRI notes that the role of the Ombudsman is broadly in keeping with the basic principles laid out in its General Policy Recommendation No. 2 on specialised bodies for combating racism, xenophobia, antisemitism and intolerance at national level. However, ECRI recommends that the Greek authorities ensure that the Ombudsman is empowered to provide aid and assistance to victims, including legal aid, as recommended in its General Policy Recommendation No.2. ECRI also recommends that the delay within which individuals may file a complaint before the Ombudsman after learning of the administration's illegal action or failure to act be extended to at least a year, inter alia, in order to encourage victims to file complaints to this body. ECRI further recommends that the Greek authorities take measures to raise public awareness of the role of the Ombudsman in implementing Law 3304/2005*.

With regard to the Integrated Action Plan for Roma, ECRI recommends the creation of more systematic and long-term mechanisms for monitoring and evaluating the implementation of the Integrated Action Plan in order to assess results and make any necessary adjustments. ECRI recommends that Roma representatives be involved in this process.*

As concerns the Macedonian and Turkish communities, ECRI recommends that the Greek authorities take measures to, inter alia, recognize their right to freedom of association, in full compliance with the relevant judgements of the European Court of Human Rights.

ECRI also recommends that the Greek authorities combat antisemitism by ensuring the arrest, prosecution and conviction of those who commit antisemitic acts and calls upon the Greek authorities to draw inspiration from its General Policy No.9 on the fight against antisemitism, to that end.

As concerns immigrants, ECRI recommends that the Greek authorities address any structural problems within the administration which continue to slow down the process for issuing and renewing residence permits and to separate this question from the requirement of revenue stamps.*

ECRI also makes a number of recommendations concerning the police which are drawn from its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, particularly the setting up of an independent complaints mechanism and investigating and punishing police misconduct against, inter alia, members of minority groups.

* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report

FINDINGS AND RECOMMENDATIONS

I. Existence and Implementation of Legal Provisions

International legal instruments

1. In its third report, ECRI recommended that Greece swiftly ratify Protocol No. 12 to the European Convention on Human Rights.

2. Greece signed Protocol No. 12 to the European Convention on Human Rights on 4 November 2000, but it has not yet ratified this instrument. The Greek authorities have emphasised the relatively small number of ratifications of this instrument; moreover, they expressed fear that its ratification would lead to a further burdening of the European Court of Human Rights' workload. However, ECRI wishes to draw Greece's attention to the importance of this instrument, which entered into force on 1 April 2005, in the fight against racism and racial discrimination. ECRI considers that this Protocol will enable Greece to combat these phenomena more effectively at national level.

3. *ECRI urges Greece to ratify Protocol No. 12 to the European Convention on Human Rights.*

4. In its third report, ECRI strongly recommended that Greece ratify, as soon as possible, the Framework Convention for the Protection of National Minorities, the revised European Social Charter and the European Convention on Nationality. It also recommended that Greece swiftly ratify the Convention on Cybercrime and the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

5. Greece has not ratified the Framework Convention for the Protection of National Minorities, the European Convention on Nationality or the Convention on the Participation of Foreigners in Public Life at Local Level. Greece has not ratified the Convention on Cybercrime or its Additional Protocol, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. The Greek authorities have informed ECRI that a working group has been created in the Ministry of Justice to examine the issue of ratifying this Protocol and its propagation and integration into Greece's internal legal order. As concerns the Revised European Social Charter, Greece has assured ECRI that it will ratify this instrument.

6. In its third report, ECRI recommended that Greece ratify the UNESCO Convention against Discrimination in Education and the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. ECRI further strongly encouraged Greece to make the declaration under Article 14 of the UN Convention on the Elimination of All Forms of Racial Discrimination by which individual communications can be brought before the Committee on the Elimination of Racial Discrimination.

7. Greece has not ratified the UNESCO Convention against Discrimination in Education or the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The Greek authorities have indicated that they intend to make the declaration under Article 14 of the UN Convention on the Elimination of All Forms of Racial Discrimination.

8. *ECRI again strongly recommends that Greece ratify, as soon as possible, the Framework Convention for the Protection of National Minorities and the Revised European Social Charter. ECRI recommends that Greece ratify the European Convention on Nationality, the Convention on Cybercrime and its Additional Protocol, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. ECRI also recommends that Greece ratify the Convention on the Participation of Foreigners in Public Life at Local Level.*

9. *ECRI recommends again that Greece ratify the UNESCO Convention against Discrimination in Education and the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. It also encourages Greece to make a declaration under Article 14 of the UN Convention on the Elimination of All Forms of Racial Discrimination, as soon as possible.*

Citizenship law

10. In its third report, ECRI strongly recommended that the Greek authorities take steps to ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Citizenship Code for all persons concerned, whether resident in Greece or abroad, whether stateless or holding another nationality. In particular, ECRI urged the authorities to genuinely facilitate these persons' recovery of their citizenship by obviating any obstacle, including the need for them to go through the naturalisation procedure.

11. ECRI notes with concern that, to a large extent, the above-mentioned problem persists. On the issue of stateless persons, in his 2005 Annual Report, the Greek Ombudsman[1] indicated that he continued to note excessive and, in most cases, unjustifiable delays in the processing of applications, either for the re-acquisition of citizenship or for the naturalisation of Muslims from Western Thrace who have lost their Greek citizenship.[2] The Greek authorities have indicated that the Ministry of Interior had issued instructions to local authorities to accelerate the procedure for naturalising stateless Muslims in Western Thrace; they have indicated that, today, the number of stateless Muslim minority members is less than 30.[3] Although a number of persons have re-acquired their Greek citizenship, ECRI has no further information on any other measures taken to tackle the situation of all persons who lost their Greek citizenship under former Article 19 of the Citizenship Code, including those who are currently residing abroad and/or have acquired the citizenship of another country. ECRI also notes with concern reports indicating that in the last few years, some non-ethnic Greeks have discovered while, for example, attempting to renew their passport or trying to enter Greece for personal reasons, that they have been deprived of their citizenship.

12. *ECRI urges the Greek authorities to strengthen measures taken thus far to rectify the consequences of former Article 19 of the Citizenship Code and to ensure that applications for the reacquisition of citizenship are proceeded with due diligence.*

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[1] For more information on the Greek Ombudsman, see "Anti-discrimination bodies and other institutions" below.

[2] See, 2005 Annual Report, *Summary*, The Greek Ombudsman, p.11.

[3] The Muslim minority in Western Thrace consists of persons, the majority of whom identify themselves as Turks, others as Pomaks and Roma.

13. *ECRI also strongly recommends that the Greek authorities investigate allegations of recent loss of citizenship by non-ethnic Greek citizens and that where they prove grounded, swift measures to reinstate their citizenship be taken.*

Criminal law provisions against racism

14. In its third report, ECRI recommended that the Greek authorities closely examine the implementation of criminal law provisions against racism so as to establish the reasons why they are rarely implemented. ECRI also recommended that appropriate measures be taken to ensure their full implementation.

15. ECRI notes with satisfaction that, according to Article 23 of Law 3719/2008, amending Article 79 of the Criminal Code, committing an offence on the basis of, inter alia, ethnic, racial or religious hatred is considered an aggravating circumstance, as recommended in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.[4]

16. A number of persons have been successfully prosecuted in the last couple of years for antisemitic[5] or anti-Roma[6] publications under, inter alia, Law 927/1979 which prohibits incitement to racial hatred. On 19 September 2008, the Court of Appeals of Athens sentenced the publisher of the newspaper "Eleftheros Kosmos" and one of its former columnists to a five-month suspended sentence under this law for an article in the newspaper's 12 March 2006 issue which contained antisemitic statements. The same persons were also convicted, with a third defendant for an article published in the same paper on 18 June 2006 with language inciting hatred against Roma. On 13 December 2007, a person well known for his extreme right-wing opinions was also sentenced, by the Athens Court of Appeal under Law 927/1979, for a patently antisemitic book to a 14 month suspended sentence and 3 years probation. The defendant was acquitted on 27 March 2009. At the time of writing, reports indicated that civil society actors would seek all possible remedies against the acquittal.

17. While welcoming the above developments, ECRI regrets, as the authorities have acknowledged themselves, that Law 927/1979[7] continues to be rarely applied although information indicates cases of incitement to racial hatred in Greece. NGOs have further informed ECRI that the above cases were brought to court on their initiative. Therefore, more action on the Prosecutor's part is still necessary in this regard as it appears that he rarely brings cases to court ex officio. The Greek authorities have informed ECRI that, for this purpose, a special Prosecutor has been recently appointed as a contact person in respect of such crimes and, by circular of the Ministry of Justice, all prosecutions based on Law 927/1979 are monitored, relevant statistical details being sent to the National Focal Point on Racism and Xenophobia.

18. *ECRI strongly recommends that the Greek authorities act more vigorously to ensure the punishment of breaches of Law 927/1979 in order to adequately combat incitement to racial hatred.*

19. *ECRI recommends to the Greek authorities that the initial and on-going training provided to judges and prosecutors emphasise the legislation against racism in general, and in particular the new ones which provide for the racist motivation of a crime to be considered an aggravating circumstance at sentencing.*

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[4] See, paragraph 21.

[5] For more information on antisemitism, see "Antisemitism" below.

[6] For more information on the situation of Roma, see "Discrimination in Various Fields" and "Vulnerable/Target Groups" below.

[7] This law prohibits incitement to racial hatred and racially-motivated violence.

Law 3304/2005 on the "Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation"

20. ECRI welcomes the adoption, in 2005, of Law 3304/2005[8] on the "Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation" which is a positive development in the fight against, among others, racial discrimination in Greece. This law prohibits direct and indirect discrimination[9], and protects against harassment and an instruction to discriminate.[10] Chapter II of Law 3304/2005 establishes its scope, which extends to both the public and private spheres and covers employment, social protection, education and access to public goods and services, including housing. Article 6 provides that the adoption or maintenance of special measures aiming at preventing or compensating for disadvantages on the grounds of racial or ethnic origin shall not be considered discrimination. Article 14 provides for the sharing of the burden of proof in anti-discrimination cases. This law entrusts the Ombudsman, the Equal Treatment Committee and the Labour Inspectorate with ensuring and monitoring its implementation[11].

21. There are, however, a number of lacunae in Law 3304/2005 which, if filled, will serve to provide wider protection against discrimination on the grounds contained in ECRI's General Policy Recommendation No.7. This General Policy Recommendation recommends that Council of Europe Member States prohibit discrimination based on race, colour, language, religion, nationality or national or ethnic origin.[12] Law 3304/2005 does not cover discrimination based on colour, language or nationality and Chapter III, which prohibits discrimination based on, inter alia, religious or other beliefs[13], does not extend the scope of this prohibition to social protection, education and access to goods and services. Law 3304/2005 does not apply to cases of differential treatment on the basis of citizenship, in the regulation of the entry and residence of third country nationals, to individuals without citizenship in the country, to matters relating to the latter's legal status as citizens of third countries, or stateless persons.[14] The Greek Ombudsman's 2006 Annual Report noted that a number of complaints could not be investigated as a result of this provision. These concerned the administration's refusal to: 1) conclude open-ended contracts with third country nationals; 2) issue open air market vendor permits to third country nationals; 3) grant student housing benefits to long-term resident third country citizens, and 4) issue birth certificates to immigrant children born in Greece.[15]

22. Although Law 3304/2005 provides that legal entities which have a legitimate interest in ensuring that the principle of equal treatment is applied can represent the victim before the courts or administrative authorities, they are required to obtain the latter's written consent.[16] As a result, NGOs cannot bring cases to court if they do not represent a specific victim. Few cases have been brought to

[8] Law 3304/2005 was adopted in order to incorporate Council Directive 2000/43/EC which establishes the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC which establishes a general framework of equal treatment in employment and occupation.

[9] Articles 2 (1) and 3.

[10] Articles 2 (2) and (3) respectively.

[11] For more information on these bodies, see "Anti-discrimination bodies and other institutions" below.

[12] See, Chapter I 1) b).

[13] See, "Vulnerable/Target Groups" below for information on the situation of religious minorities.

[14] Article 4.

[15] For more information on these issues, see "Discrimination in Various Fields" and "Vulnerable/Target Groups" below.

[16] Article 13 (3).

court or before the Greek Ombudsman under this law by the victims themselves, as the overwhelming majority have been filed on their behalf by civil society actors. Therefore, in order to ensure their full enjoyment of the protection afforded by Law 3304/2005, victims should be able to invoke this piece of legislation without facing unnecessary legal hurdles. In this regard, ECRI wishes to bring to the Greek authorities' attention, paragraph 25 of its General Policy Recommendation No. 7 in which it recommends that Member States' anti-discrimination law provide that organisations such as associations, trade unions and other legal entities which have, according to the criteria laid down by the national law, a legitimate interest in combating racism and racial discrimination, are entitled to bring civil cases, intervene in administrative cases or make criminal complaints, even if a specific victim is not referred to.

23. As indicated above, very few complaints have thus far been filed by victims of racial discrimination under Law 3304/2005. According to a report published in August 2006 by the Greek Ombudsman, since the entry into force of Law 3304/2005, his office had received 26 complaints concerning various forms of discrimination[17] : 9 complaints were still under investigation at the time of the report's writing, 4 resulted in a positive outcome, 7 were deemed not to fall under Law 3304/2005, 3 were set aside as groundless and 3 were considered to be outside the Ombudsman's remit.[18] The complaints for racial or ethnic discrimination related to employment, access to public goods, housing and education.[19] It is noteworthy that all the complaints mentioned in the report for housing discrimination were brought by or on behalf of Roma.[20] In the reported period of time, the Ombudsman also received complaints for discrimination based on religious or other beliefs and in the provision of services.

24. Some measures have been taken by the authorities to raise public awareness of Law 3304/2005, but widespread and long-term information campaigns are a still necessary tool for ensuring a more active implementation of Law 3304/2005.

25. *ECRI recommends that the Greek authorities reinforce Law 3304/2005 by extending its scope to discrimination based on colour, language and nationality as recommended in its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination. ECRI also recommends that the law be amended to include protection against discrimination in education, social protection and access to goods and services on the basis of religious or other beliefs.*

26. *ECRI strongly recommends that the Greek authorities take measures to ensure a more vigorous implementation of Law 3304/2005 in cases of racial discrimination by, inter alia, amending it to enable civil society actors to bring cases to court, even if a specific victim is not referred to, as indicated in paragraph 25 of its General Policy Recommendation No.7.*

27. *ECRI recommends that the authorities carry out awareness-raising campaigns on Law 3304/2005 among the public in general and minority groups in particular.*

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[17] The Greek Ombudsman's first year as a specialised body for the promotion of the principle of equal treatment, The Greek Ombudsman, August 2006, p. 3.

[18] *Ibid.*

[19] The Greek Ombudsman's first year as a specialised body for the promotion of the principle of equal treatment, The Greek Ombudsman, August 2006, p. 4-7.

[20] For more information on housing and the situation of Roma, see "Discrimination in Various Fields" and "Vulnerable/Target Groups" respectively.

Anti-discrimination bodies and other institutions

28. In its third report, ECRI strongly encouraged the Greek authorities to set up in the near future an independent body specialised in and focussing on combating racism and racial discrimination, with due regard to ECRI's General Policy Recommendation No. 2 on specialised bodies for combating racism, xenophobia, antisemitism and intolerance at national level, and General Policy Recommendation No. 7. ECRI particularly emphasised the need to guarantee to this body complete independence, as well as the legal capacities and the human and financial resources necessary for it to provide the requisite assistance to the victims of racism and racial discrimination. In this respect, ECRI deemed important to provide for branches throughout Greece so as to make this body accessible to all potential victims.

29. The following three institutions are entrusted with combating racism and racial discrimination in the public and private sectors in Greece.

- *Ombudsman*

30. The Greek Ombudsman[21] ensures and monitors the implementation of the above-mentioned anti-discrimination law (Law 3304/2005) as concerns: 1) the public sector; b) local and regional authorities; 3) other public bodies, private law corporate entities, enterprises and organizations which are controlled by the state, or by public law entities. This body is divided into six separate departments,[22] each headed by a Deputy Ombudsman, with a total staff of 189 persons.[23] The Ombudsman addresses recommendations and proposals to the public administration, but does not impose sanctions on, or annul the illegal actions of the public administration although he can refer cases to a prosecutorial or disciplinary examination.[24] ECRI notes with interest that where there is a violation of the principle of equal treatment in employment, the Ombudsman also has the power to examine the acts of individuals as well as legal entities.[25] Another important addition to the Ombudsman's powers is Article 20 (2) of Law 3304/2005 which enables him to investigate complaints related to the service status of civil servants when these concern cases of discriminatory treatment. ECRI therefore notes with satisfaction that the Greek Ombudsman's powers and work in relation to anti-discrimination are broadly in keeping with the basic principles laid out in its General Policy Recommendation No. 2 on specialised bodies for combating racism, xenophobia, antisemitism and intolerance at national level.

31. However, some lacunae in the Greek Ombudsman's powers are worth filling to strengthen this body's role in combating discrimination in general and racial discrimination in particular. The Ombudsman cannot intervene if more than six months have elapsed from the time the complainant initially learned of the public administration's illegal action, or failure to act. In view of the complexity of discrimination cases, including the reluctance of victims to file complaints and

[21] The Greek Ombudsman's Office is a constitutionally established independent authority. Its organisation, staffing and operation are defined in Law 3094/2003 and by the Operating Regulations (Presidential Decree 273/1999), in the context laid out by the provisions of the Constitution. The Greek authorities have further informed ECRI that, according to Article 101a (2) of the Constitution, the Greek Ombudsman is chosen by decision of the Conference of Parliamentary Spokespersons. The Conference must strive to reach a unanimous decision; failing that, a 4/5 majority is required.

[22] Department of Human Rights, Department of Social Protection, Department of Quality of Life, Department of State-Citizen Relations, Department of Children's Rights and Department of Gender Equality.

[23] 2006 Annual report, Summary, The Greek Ombudsman, p. 8

[24] 2006 Annual report, Summary, The Greek Ombudsman, p. 6.

[25] *Ibid.*

difficulties in obtaining evidence of discriminatory acts, this period of time should be extended to provide sufficient time to victims to bring their complaints to the Ombudsman. As the Ombudsman does not provide general information or legal advice, ECRI also wishes to bring to the Greek authorities' attention Principle 3 d) of its General Policy Recommendation No. 2 in which it recommends that one of the functions of an anti-discrimination body include the provision of aid and assistance to victims including legal aid, in order to secure their rights before institutions and the courts.

32. On the question of opening branches outside Athens, the Ombudsman informed ECRI that at least one of his teams travels outside Athens on a weekly basis and that there are ongoing plans to open offices in the rest of the country, including in Thessaloniki. ECRI thus notes with interest that this aspect of the recommendation made in its third report is being implemented and it hopes that this process will be completed as soon as possible. ECRI is not aware of any specific information campaign carried out by the Greek Ombudsman to inform the public in general and groups vulnerable to racial discrimination in particular, of its enforcement role with regard to Law 3304/2005. This type of campaign would serve to increase awareness of this role and strengthen the implementation of this law.

33. An overview of some of the complaints received by the Ombudsman in the framework of this function has been provided above.[26] The Ombudsman further informed ECRI that the majority of complaints received by his office for racial discrimination are submitted by Roma.[27] Many complaints are also filed by immigrants who encounter difficulties with family reunification and 95% of the cases received from this group concern the process for obtaining legal residence in the country.[28] The Ombudsman has also examined other complaints and discrimination issues in other areas such as the police and unaccompanied minors.[29]

34. *ECRI recommends that the Greek authorities ensure that the Ombudsman is empowered to provide aid and assistance to victims, including legal aid, as recommended in its General Policy Recommendation No.2 on specialised bodies for combating racism, xenophobia, antisemitism and intolerance at national level. ECRI also recommends that the delay within which individuals may file a complaint before the Ombudsman after learning of the administration's illegal action or failure to act be extended to at least a year, inter alia, in order to encourage victims to file complaints to this body. ECRI further recommends that the Greek authorities take measures to raise public awareness of the role of the Ombudsman in implementing Law 3304/2005.*

- *Committee for Equal Treatment*

35. The Committee for Equal Treatment has informed ECRI that since November 2005, this body which is chaired by the Secretary General of the Minister of Justice has been empowered to monitor the implementation of Law 3304/2005 in areas which fall outside the competence of the Ombudsman and the Labour Inspectorate. The above-mentioned Committee for Equal Treatment comprises five persons (1 chairman and 4 members), 1 secretary and 2 alternate members,

[26] See, "Law 3304/2005 on the 'Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation' "above.

[27] See, "Discrimination in Various Fields" and "Vulnerable/Target Groups" below for more information on the situation of Roma.

[28] For more information on Roma and the situation of immigrants, see "Discrimination in Various Fields" and "Target/Vulnerable Groups" below.

[29] See, "Conduct of Law Enforcement Officials" and "Vulnerable/Target Groups" respectively.

and its powers include monitoring mediation in case of violation of the principle of equal treatment, drafting reports when conciliation efforts fail and subsequently forwarding them to the Prosecutor for action on his part. The Committee also provides opinions ex officio or on the basis of a complaint and is empowered to carry out investigations and require that private and public entities, which are obliged to respond, provide information.

36. As concerns measures taken to inform the public of its existence, the Committee for Equal Treatment has stated to ECRI that circulars on Law 3304/2005 were disseminated to judicial authorities and to all public bodies. Furthermore, as of 2005, seminars between the three bodies empowered to ensure the implementation of this law (the Ombudsman, the Committee for Equal Treatment and the Labour Inspectorate) as well as NGOs and trade unions have been organised. Other measures taken include the dissemination of leaflets on these bodies and the sponsoring, by the Ministry of Labour, of television campaigns. However, the Committee for Equal Treatment acknowledges itself that awareness-campaigns on its existence are necessary as this body has received very few complaints (10 in total). The Committee has indicated that it has established a hotline, but that complainants are reluctant to provide their personal information. ECRI further notes that this body, which as indicated above is chaired by the Secretary General of the Minister of Justice and functions within the administrative structure of the Ministry of Justice, is not independent as recommended in its General Policy Recommendation No. 2.[30] Furthermore, a substantial increase in its human and financial resources is necessary to enable it to function more effectively.

37. *ECRI recommends that the Greek authorities ensure the full independence of the Committee for Equal Treatment and provide it with the necessary human and financial resources. In this regard, ECRI recommends that the Greek authorities draw inspiration from its General Policy Recommendation No. 2 on specialised bodies for combating racism, xenophobia, antisemitism and intolerance at national level. ECRI also recommends that the Greek authorities carry out awareness-raising campaigns to inform the general public as well as vulnerable groups such as immigrants, Roma and Muslims in Western Thrace of the existence and powers of the Committee for Equal Treatment under Law 3304/2005.*

38. *ECRI recommends that the Greek authorities take measures to facilitate the ability of victims of racial discrimination to file complaints to the Committee for Equal Treatment, including by improving the hotline service.*

- ***Labour Inspectorate***

39. Article 19 of Law 3304/2005 empowers the Labour Inspectorate to ensure equal treatment in employment and Article 22 places an obligation on this body to submit an annual report on the promotion of equal treatment in work and employment. Article 17 of this law provides for administrative sanctions of up to a 30,000 EUR fine. The Labour Inspectorate's headquarters are located in Athens, but this body has established regional services (16 directorates and 80 Departments). It employs 500 Social Labour Inspectors. The Labour Inspectorate has informed ECRI that all bodies are required to provide it with the necessary assistance. It has indicated that it has received no complaints of racial discrimination. However, immigrant groups and NGOs working on issues of

[30] See, General Policy Recommendation No. 2, Principle 5.

racism and racial discrimination have reported to ECRI the existence of discrimination in employment against, among others, Roma and immigrants.[31]

40. *ECRI recommends that the Greek authorities strengthen the role of the Labour Inspectorate as concerns Law 3304/2005 including by conducting research on the reasons for the lack of complaints for racial discrimination in employment brought before this body. ECRI further recommends that measures be taken to encourage victims of this type of acts to report them to all the relevant bodies, including the Labour Inspectorate.*

41. Another body dealing with issues relating to racism and racial discrimination in Greece is the National Commission for Human Rights, which is, as the Greek authorities have indicated, a statutory human rights institution subject to the Prime Minister, having a consultative status within the Greek State. This body has published a number of studies, including in February 2009 on the situation of Roma in Greece.[32] The National Commission for Human Rights has also published reports on the health situation of immigrants in an irregular situation, problems in the asylum procedure, as well as the situation of immigrants trying to enter Greece through the Aegean Sea and the practices of the Coast Guards.

42. *ECRI recommends that the Greek authorities continue to take into account reports and recommendations made by the National Commission for Human Rights on issues pertaining to racism and racial discrimination.*

II. Discrimination in Various Fields

Employment

43. In its third report, ECRI strongly encouraged the Greek authorities to review all legislation and practice regarding access to employment, so as to identify and eliminate whatever discrimination may exist. ECRI further considered that efforts should also be directed towards heightening awareness among civil servants in all public departments regarding the prohibition of discrimination, as well as to finding means of motivating them to fight discrimination more effectively. ECRI also considered that those who committed acts of discrimination should be appropriately punished. In its third report, ECRI also encouraged the Greek authorities to continue carrying out measures to promote equal opportunities in employment for members of the Muslim minority in Western Thrace, paying special attention to the situation of Muslim women living in this region. Such equal opportunity measures should include Greek lessons for adults and children. ECRI also called upon the Greek authorities to implement a policy of equal opportunity in employment and vocational training for immigrants.

44. As concerns Roma, the Greek authorities have informed ECRI that an EU programme entitled “Progress” aims to train 40 Roma on issues of discrimination and on the legislation to enable them to provide the necessary information to Roma communities. According to the authorities, vocational and employment placement programmes have been created to assist Roma in joining the labour market and establishing their own businesses, and 500 individuals have benefited from these programmes. The authorities have also informed ECRI that Muslims from Western Thrace and Roma participated in EU Social Fund Programmes which provide vocational training.

[31] For more information on employment, see “Discrimination in Various Fields” and “Vulnerable/Target Groups” below.

[32] Report and Recommendations of the NCHR on Issues Concerning the Situation and Rights of the Roma in Greece, Hellenic Republic, National Commission for Human Rights.

45. The Greek authorities have informed ECRI that an Integrated Action Plan has been implemented in the areas of employment and access to social services. Within the framework of this plan, a programme for combating racism and xenophobia in the labour market has been implemented: 11,300 migrants benefited from this plan and 87 support structures which provided information and advice on, among others, regularisation were created. The Greek authorities have further informed ECRI that vocational training and Greek language courses have been provided to immigrants and that 197 intercultural mediators have received training to improve relations between the authorities, employers and immigrants. The authorities have indicated that one of the problems encountered in the implementation of these programmes is the lack of proof by participants of their prior qualifications. The authorities stated that some flexibility was introduced in this area and the Ombudsman has confirmed that progress has been made in recognizing degrees obtained in other countries.[33] Moreover, the Greek authorities have informed ECRI that a Memorandum of Cooperation in favour of female refugees in Greece was signed in 2005 between them and the United Nations High Commissioner for Refugees (UNHCR).

46. Whilst the above measures address, to some extent, the problem of inequalities in employment, Roma, Muslims in Western Thrace and immigrants[34] continue to lag behind and to be confronted with discrimination in this area.

47. Most Roma who live in settlements[35] continue to earn their income from scrap and garbage collection and few are employed in the mainstream labour market, primarily due to discrimination and prejudice, although their lack of qualifications (as a result of a low education level)[36] also play a role.

48. As concerns the Muslim minority in Western Thrace, ECRI has been informed that 80 percent of the active population work in the agricultural sector whilst a number are employed as civil servants. The recent decision to introduce, by virtue of Law 3647/08, a quota for members of this minority in the civil service is a positive development in addressing the high level of unemployment (60% according to some estimates) among members of this minority. However, it does not appear that measures have been taken to implement this quota. A comprehensive long-term programme has not yet been established by the authorities to improve the integration of Muslims from Western Thrace into the labour market. Reports indicate that they continue to be under-represented in the public sector and state owned corporations.

49. With regard to immigrants, the majority are employed as unskilled labour. ECRI notes with concern reports of sub-standard employment conditions and lower wages, including in the agricultural sector in rural areas (a problem which affects primarily Albanian, Romanian and Bulgarian workers) and as concerns household personnel (who are primarily Filipina). Reports also indicate a large number of immigrants employed in the unregulated labour market and the fact that the two waves of regularisation of irregular immigrants carried out by the Greek government since ECRI's third report[37] have not been accompanied by measures or incentives to maintain them in the regular employment sector.[38]

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33 See, 2006 Annual report, Summary, The Greek Ombudsman, p. 15.

34 For more information on the situation of these groups, see "Vulnerable/Target Groups" below.

35 For more information on the housing situation of Roma, see "Housing" below.

36 For more information on this question, see "Education" below.

37 See, "Vulnerable/Target Groups" below for more information on the regularisation of immigrants.

38 See, Hellenic League for Human Rights, National Focal Point on Racism & Xenophobia, Annual Report, Racism and Discrimination against Immigrants and Minorities in Greece - the State of Play, Miltos Pavlou, April 2007, p.10

Several reports also indicate that the Greek economy has one of the highest percentages of workers in the informal sector in the European Union (between 30-50% of the GDP according to some estimates). Many immigrants, including Albanians, Africans, Bangladeshis, Pakistanis, Filipinos, Egyptians also continue to face discrimination and inequalities in the labour market, with no long-term strategy by the authorities to address this problem. The Greek authorities have informed ECRI that, inter alia, Law 3386/2005 contains numerous provisions which ensure that the wage of third country workers should be at least equal to the monthly income of an unskilled worker. They have also stated that third country nationals residing in Greece enjoy the same insurance rights as Greek workers and benefits from social security institutions. They have further indicated that employers who hire third country nationals without a work permit are sanctioned with fines and imprisonment, and that Presidential Decree 220/2007 allows asylum seekers to obtain a temporary work permit. On 22 December 2008, Ms Constantina Kuneva, a Bulgarian trade union leader who had denounced the low salaries and difficult working conditions in the cleaning sector, which employs a majority of immigrant women, was the victim of an attack using sulphuric acid, and reports indicate deficiencies in the investigation. Although this appears to be an isolated case, ECRI hopes that the investigation will be carried out with due diligence and that the culprits will be arrested and punished. Concerning this case, the Greek authorities have informed ECRI that despite a thorough investigation, they have not yet apprehended the assailants. However, the authorities have informed ECRI that they have taken measures to support Ms Kuneva, such as offering a house to her family.

50. As indicated above, the Labour Inspectorate which is empowered to combat, inter alia, racial discrimination in employment under Law 3304/2005, has not been very active in this area. ECRI is also not aware of any measures taken to specifically gather comprehensive statistical ethnic data[39] in the employment sector to establish the situation therein of various groups living in Greece and to devise policies to address the problems they face. On this issue, the Greek authorities have indicated that specific measures have been taken to gather and process comprehensive statistical data on a national basis, in order to establish whether there have been violations of the above law, but that since 2005, no case seems to have been reported either in the course of an inspection or further to a complaint of racial discrimination in the employment sector.

51. *ECRI urges the Greek authorities to take further measures to improve the integration of vulnerable groups such as Roma, the Muslim minority in Western Thrace and immigrants into the labour market. It recommends that combating discrimination, strengthening measures taken to provide vocational training and language lessons, and reinforcing the role of the Labour Inspectorate form part of a comprehensive and long-term strategy to that end.*

Education

52. In its third report, ECRI strongly recommended that the Greek authorities foster equal opportunities in access to education for children from minority groups by organising, inter alia, support courses of Greek language, backup courses, and mother tongue education for the children concerned.

53. ECRI notes with concern that Roma[40] remain at a great disadvantage with regard to education. There are still cases of schools refusing to register Roma children for attendance, in some instances due to pressure by some non-Roma parents.

[39] For more information on the collection of ethnic data, see "Monitoring racism and racial discrimination" below.

[40] For more on the situation of Roma in general, see "Vulnerable/Target Groups" below.

ECRI is deeply worried by the fact that there are also cases of Roma children being separated from other children within the same school or in the vicinity thereof. In one case[41], the European Court of Human Rights deemed Greece in violation of Article 14 of the European Convention on Human Rights (prohibition of discrimination in the enjoyment of the rights contained in the Convention) in combination with Article 2 of Protocol 1 (right to education). ECRI has been informed that in Spata, where there was an initial refusal to register Roma children for school attendance, these children are currently attending school in a separate class to enable them to gradually adapt to the school environment. While understanding the need to gradually integrate the children into the school environment, ECRI wishes to bring to the Greek authorities' attention its position on this issue as outlined in its General Policy Recommendation No.10 on combating racism and racial discrimination in and through school education. In this General Policy Recommendation, ECRI recommends that provisions be made, in particular cases and for a limited period of time, for preparatory classes for pupils from minority groups, if it is justified by objective and reasonable criteria and is in the best interests of the child.[42]

54. As the Greek authorities have pointed out themselves, and the Ombudsman has confirmed, there is a very high drop-out rate among Roma pupils. The authorities have indicated that special programmes providing psychological and social support, including inter-cultural education, have been established to address this problem. However, the absence of disaggregated data on the situation of Roma pupils makes any in-depth assessment of their situation and the ability to devise specific programmes targeting this group difficult. In this regard, ECRI wishes to draw the Greek authorities' attention to its General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education in which it recommends that member States undertake, in conjunction with civil society organisations, studies on the situation of children from minority groups in the school system, by compiling statistics on their: 1) attendance and completion rates; 2) drop-out rates; 3) results achieved, and 4) progress made. In this General Policy Recommendation ECRI further recommends that member States gather the information required to identify problems facing pupils from minority groups in the school environment in order to introduce policies to solve them.

55. The authorities have indicated that a programme co-funded by the EU and the Greek State addresses issues such as remedial Greek language, Mathematics and History classes for Roma children as well as in-service teacher training. ECRI has, however, been informed of the need for preparatory classes for Roma pupils and adequately trained teachers. This is all the more necessary as it has been noted that these types of classes and properly trained teachers yield very positive results for Roma children. However, ECRI wishes to stress in this regard, as indicated above, that children should remain in these preparatory classes for the limited period necessary for their integration into the school. The Integrated Action Programme for the social integration of Roma launched in 2002 includes education as one of its goals. However, more measures appear to be necessary, inter alia, within the framework of this programme to address the problems faced by Roma in education. An Inter-Ministerial Committee within the Ministry of Interior coordinates the activities of all relevant ministries in the implementation of the Integrated Action Programme for the social integration of Roma. The concerted actions of all the relevant ministries are crucial as the problems faced by Roma children in education are inextricably linked with their

[41] See, *Affaire Sampanis et autres c. Grèce (Requête nº 32526/05),* 5 June 2008.

[42] See, Chapter 1, 3 c) of General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education

socio-economic situation, including their housing conditions and their parents' high unemployment rate[43].

56. *ECRI urges the Greek authorities to strengthen measures taken to address problems faced by Roma children in education including exclusion, discrimination and under-performance, among others, in full compliance with the European Court of Human Rights' judgement in this regard as well as ECRI's General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education. ECRI further recommends that the authorities take a comprehensive approach to addressing these problems, including through the Inter-Ministerial Committee dealing with Roma issues.*

57. In its third report, ECRI encouraged the Greek authorities to continue carrying out measures to promote equal opportunities in education for members of the Muslim minority in Western Thrace, paying special attention to the situation of Muslim women living in this region. ECRI considered that such equal opportunity measures should include Greek lessons for adults and children. ECRI also recommended that the Greek authorities devote even more attention to remaining deficiencies in education in the Western Thrace region and that they remedy them as soon as possible.

58. The Greek authorities have informed ECRI that for the 2007-2008 school year, in Western Thrace, there were 198 minority primary schools where pupils were taught both in Greek and Turkish (in Evros, Xanthi and Rhodopi), 2 minority high schools and 2 theological schools in Xanthi and Rhodopi. The Greek authorities have also indicated that between 2002-2007, approximately 50% of registered students in primary school were female and that there has also been a steady increase in the number of Muslim children, including Roma, who have registered in primary and secondary school in that region. However, ECRI notes with concern, as acknowledged by the authorities themselves, that there is a 12% drop-out rate among Pomak[44] children.

59. Since ECRI's third report, the Greek authorities have also continued to implement the three-phase project entitled "Education of Muslim Children"[45], the last phase having been implemented from 2005-2008. The Greek authorities have indicated that books used in the Greek-speaking programme in minority primary schools were the final product of this project and that 55 books were produced for students while 15 were elaborated for teachers. The authorities have further informed ECRI that in minority primary schools, there is a total of 436 teachers for the minority educational programme and 544 of the Greek-speaking education programme, whilst for minority secondary schools, there are 70 Greek-speaking teachers and 37 minority programme teachers. ECRI notes with interest that in the 2007-2008 school year, the Greek authorities introduced Turkish as a second language, as an optional subject, in high schools. The Greek authorities have further informed ECRI that, in the framework of a broader programme entitled "Education and Counselling to Roma families / members of the Muslim Minority / expatriated people / migrants", Greek language and civilisation courses were taught (2006 – 2007 / 2007 – 2008) to Muslim parents.

60. Some representatives of the Muslim minority in Western Thrace have informed ECRI that the problem of the lack of properly trained teachers remains because the Thessaloniki Pedagogical Academy provides Turkish language teachers with a 2-3 year training course, while other pedagogical academies offer a training period of 4 or more years. They have expressed their approval of the quota

[43] For more information on these issues, see "Housing" below and "Employment" above.

[44] For more information about the situation of this group, see "Vulnerable/Target Groups" below.

[45] The project is co-funded by the EU and the Greek State.

established for Muslim students in universities (0.5%), but they consider the improvement of the quality of education to be even more important. The Greek authorities have indicated that the Ministry of Education has prepared a draft law, by virtue of which the Special Thessaloniki Pedagogical Academy is to be converted into a postgraduate Higher Education Training Centre for Intercultural Education.

61. ECRI further notes that several issues of concern to some representatives of the Muslim minority in Western Thrace, including the lack of bilingual kindergartens and the need for additional minority secondary schools are as yet unresolved. ECRI hopes that a dialogue between the authorities and minority representatives on the situation in Western Thrace as concerns education will serve to resolve these issues as there appears to be a divergence between the authorities and some representatives' view on progress made and on the remaining necessary measures.

62. *ECRI encourages the Greek authorities to continue measures taken thus far to improve the situation of the Muslim minority in Western Thrace in the area of education. It recommends that special attention be paid to the situation of the two other components of the Muslim minority, Roma and Pomaks, in that region.*

63. *ECRI recommends that the Greek authorities open a dialogue with representatives of all Muslims in Western Thrace to find a common ground for resolving remaining issues in education, namely the quality of teacher training and the creation of bilingual kindergartens. It draws the Greek authorities' attention to its General Policy Recommendation No. 10 which contains useful guidelines on solving these problems.*

64. In its third report, ECRI called upon the Greek authorities to implement a policy of equal opportunity in education for immigrants.

65. As previously indicated, various immigrant communities hailing from as wide a background as Albania, Romania, Bulgaria, Georgia, the Indian subcontinent, Africa and Asia live in Greece. As concerns education, the Greek authorities have indicated that in the 2005-2006 school year, there were 322 reception classes for 4,437 immigrant and repatriated Greek pupils and 147 support classes for 927 immigrant and repatriated Greek pupils in primary school. There were 35 reception classes and 41 support classes in secondary schools for these groups. They have further indicated that within the framework of the third phase of a project entitled "Education of Immigrants and Repatriated Greeks"[46], which deals with these groups of pupils in secondary schools, teaching material aiming to foster children's integration have been distributed to schools. Additionally, the Greek authorities have informed ECRI that several education programmes on combating the social exclusion of immigrants have been undertaken by Greece in collaboration with Albania, Moldova, Serbia, Ukraine and Georgia.

66. With regard to education issues of concern to them, immigrant representatives have informed ECRI that most immigrant groups have established fee-paying schools attended by some children from their community where Greek language and history lessons are provided twice weekly. 80% of immigrant children attend Greek schools and have a good command of the Greek language. ECRI notes with concern information according to which despite the rapidly increasing participation by second generation immigrant children in school, their drop-out rate is disproportionally higher than the national average, and that cases of

[46] The programme is co-funded by the EU and the Greek State.

exclusion and discrimination have been noted.[47] Furthermore, non-Greek and non-EU university students who were either born in Greece or lived there most of their lives and obtained their high school diploma in that country are not entitled to the same student benefits, including housing benefits as Greek or EU nationals.[48] A long-term strategy for better integrating immigrant pupils and university students in education is therefore still necessary. Disaggregated data on their situation may enable the Greek authorities to identify failures and successes and to devise such an integration policy.

67. *ECRI recommends that the Greek devise a long-term integration strategy in education for immigrant pupils and students in cooperation with representatives from these groups. ECRI also recommends that the Greek authorities draw inspiration from its General Policy Recommendation No. 10 for any measures taken to improve immigrants' access and success in school education.*

68. *ECRI recommends the lifting of any discriminatory barriers, including financial ones, which might impede the ability of students from an immigrant background to access higher education.*

Housing

69. The housing loan scheme established by the Greek authorities for Roma continues to be implemented and the authorities have informed ECRI that out of the 7,331 families which have been granted these loans, 5,896 have received them. The authorities informed ECRI that the housing loan scheme has been constantly evaluated and improved with adjustments since its launch in 2002. Large families with school-age and other under-age children, single-parent families, persons with health problems as well as those within the lower income bracket are given priority. The authorities have indicated that in Kalamata, 85 houses have been built as part of an on-going project for the establishment of a transit camp with social and hygiene facilities and that approximately 30 local authorities per year receive financing to take housing measures for Roma. Furthermore, the Municipal and Communal Code, as amended, provides that local authorities are obliged to secure the right to access to housing without discrimination and should participate as concerns Roma housing.

70. While noting the above measures, as ECRI noted in an on-site visit to Roma settlements in Aspropyrgos and Spata near Athens, the living conditions of some Roma continue to fall unacceptably below international standards. ECRI recognises that some settlements have been established within the framework of the law and others not. However, it is concerned by the fact that as noted in Aspropyrgos and Spata, some Roma settlements are in complete isolation from the rest of the population, without running water or electricity and without a sewage system or access to public transport. These settlements are not easily accessible as there are no tarmacked roads leading to them and their inhabitants live in makeshift or pre-fabricated houses, with no heating in winter and leaking roofs in some cases, thus leaving the vulnerable such as children, pregnant women and the elderly particularly susceptible to illness. Roma living in those settlements also face at best indifference and at worst hostility (as noted in Aspropyrgos) on the part of some local authorities and non-Roma. ECRI was informed in the Aspropyrgos settlement that the Greek government had resettled some communities in the northern part of the country in better conditions. In view

[47] See, Immigrants, Minorities and Discrimination in Greece, The myth of Greece as an ethnically homogeneous emigration country, Miltos Pavlou, Hellenic League for Human Rights (HLHR) and Research Centre for Minority Groups (KEMO), Greece, November 2006, p. 2.

[48] See, Promoting equal treatment 2006, The Greek Ombudsman as national equality body, The Greek Ombudsman, p.12.

of the seriousness of the problems encountered in this settlement, assistance from the government to resettle the Roma who remain there is necessary. This is all the more important as the situation has created tensions between Roma and non-Roma in the area. ECRI is not aware of additional measures taken by the government or local authorities to build a sufficient number of transit camps for Roma who wish to preserve their nomadic lifestyle.

71. As concerns the housing loan scheme, although the authorities have indicated that it is evaluated, reports indicate that there may have been irregularities in the implementation of this scheme, such as loans not being provided to the intended beneficiaries. ECRI thus hopes that all such allegations will be duly investigated and sanctions taken should they prove grounded.

72. *ECRI encourages the Greek authorities to continue implementing the housing loan scheme for Roma. ECRI strongly recommends reinforcing measures taken thus far to monitor its implementation to ensure that all targeted groups within this community benefit from it. ECRI recommends in this regard that any allegations of irregularities be investigated and appropriate steps be taken to sanction the culprits, should they prove grounded.*

73. *ECRI recommends that the authorities act more vigorously to address the situation of Roma who live in settlements of inadequate standards by, among others, imparting on local authorities their obligations under international and national law, including the Municipal and Communal Law as amended, as concerns housing rights, including the right to non-discrimination. ECRI further recommends cooperation between national and local authorities to set up a coherent strategy to improve the situation concerning these settlements.*

Health and state allowances

74. In its third report, ECRI strongly encouraged the Greek authorities to review all legislation and practice regarding access to public services such as health and state allowances, so as to identify and eliminate whatever discrimination may exist.

75. The Greek authorities have indicated that in the framework of the Integrated Action Plan for the Social Integration of Roma, Socio-Medical Centres provide basic health care services such as preventive medicine, primary health and social care, vaccination, support services and vocational counselling in Roma settlements. A total of 32 such centres have been established in as many municipalities and are co-financed by the European Union Social Fund and the state budget. ECRI notes with interest that these centres which consist of medical and social services staff, include a mediator from the Roma community. Since April 2004, a project on the Safeguard, Promotion and Socio-Psychological Support of Greek Gypsies has been established and it is financed by the state budget. The authorities have indicated that the mobile units visit transit camps to provide clinical tests and vaccination as well as to monitor the living conditions and solve existing problems. They have also informed ECRI that these units operate in almost all Roma settlements, including the areas of Spata and Aspropyrgos. Another project[49] has established a Network of Social Services in 150 municipalities and is fully operational in 140. The aim of this network is to combat poverty and social exclusion by providing basic social services. The Greek authorities have further indicated to ECRI that a pilot programme for establishing a health care e-card for Greek Roma in the area of Trikala started in 2009.

[49] The Greek authorities have indicated that this project is entitled "Measures for the support of people threatened or confronted by exclusion in the labour market in the context of the Network of Social Support Services at local field".

76. While welcoming the above measures, ECRI is not aware of the human and financial resources allocated to them. As noted in situ (in Spata and Aspropyrgos), there are still Roma settlements which need to benefit, to a greater extent, from these measures as they have no easy, direct and permanent access to health or social services. As indicated above[50], this leaves groups such as women and children in a particularly vulnerable situation, especially due to the above-mentions living conditions in those settlements.

77. As concerns immigrants, public hospital staff are obliged by law[51] to refuse medical treatment to irregular immigrants except in emergencies and to minor children. Although reports indicated that in practice, this law is largely not implemented by medical staff, ECRI considers that the authorities should envisage repealing this provision to avoid any discriminatory practices, as also requested by the Greek National Commission for Human Rights.[52] With regard to immigrants in general, reports indicate lacunae in the imparting of information on their rights and in the availability of translation services. ECRI also notes with concern reports of stereotypes and discrimination against immigrants in the health services. Although an action plan for the integration of immigrants in Greece[53] has been devised, ECRI is not aware of any measures taken by the authorities to address these problems. On these questions, the Greek authorities have informed ECRI that the Hellenic Centre for Infectious Disease Control carries out regular medical checks at entry points for the protection of public health.

78. *ECRI encourages the Greek authorities to continue the measures taken to address health and social problems faced by Roma. It recommends in this regard that adequate human and financial resources be allocated to that end. ECRI also recommends that the Greek authorities closely monitor the implementation of these measures and engage in regular consultations with Roma representatives on their effectiveness.*

79. *ECRI recommends that the Greek authorities provide, in law, for access to public medical care for everyone living on Greek territory, irrespective of their legal status. ECRI further recommends that they take measures to address, within the framework of the integration action plan for immigrants, the problems faced by immigrants in the area of health, such as discrimination, access to information, and interpretation.*

Administration of justice

80. The Greek authorities have informed ECRI that the National Judges' Academy provides training on human rights in general and the fight against racism in particular and that the Ministry of Justice disseminated a circular on Law 3304/2005 on the "Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation"[54]. The authorities have also indicated that the academy organises yearly seminars on human rights and on issues pertaining to asylum seekers and refugees, and that currently sitting judges take part in these seminars. However, ECRI has received reports of some judges and prosecutors making racist statements.

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[50] See, "Housing" above.

[51] Article 51 of Law 2910.

[52] See, "Antidiscrimination bodies and other institutions" above.

[53] For more information on this action plan, see "Vulnerable/Target Groups" below.

[54] For more information on this law, see "Law 3304/2005 on the "Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation"" above.

81. *ECRI recommends that the Greek authorities strengthen the initial and on-going training provided to judges and prosecutors on issues pertaining to racism and racial discrimination. It also recommends that initial and in-service training on the relevant Greek legislation be provided to them. ECRI recommends that prosecutors be provided with this type of training, and that lawyers be offered the same possibility.*

III. Racist Violence

82. As there are currently no official data on racially-motivated crimes in Greece, it is difficult to make a broad and in-depth assessment of the situation. Since the publication of ECRI's third report, a number of acts of violence against ethnic minorities have been reported in the media and by civil society actors. In 2006, the latter reported 17 serious incidents of racist violence against immigrants and refugees, two on Roma and two on members of religious minorities. Reports indicate that on 24 July 2007, an Albanian was beaten to death by three Greek individuals in the city of Volos. It appears that the case was solved, although ECRI has no information on the sentence meted out to the culprits. On 30 December 2007, eight Pakistani immigrants were attacked in their house in the Athens suburb of Aigaleo by a group of armed individuals, resulting in the hospitalisation of some of the victims for serious injuries. This incident, which was reportedly the fourth of this type in the last quarter of 2007, led to protest demonstrations in Athens in December 2007. ECRI has no information on measures taken against the suspects, although the police stated that they were carrying out an investigation. Sources indicate high levels of hate crimes reported by immigrants in Greece in 2007, with 16.4 percent of respondents in one survey stating that they had been the victims of this type of crime.[55] Racially motivated clashes between Albanian and Greek football fans occurred in March 2005 and ECRI notes with interest that, several Greek and Albanian writers appealed for calm and restraint prior to the game in question. As discussed in more detail below[56], antisemitic acts, such as the desecration of tombs and vandalism against Holocaust memorials also continue to occur. ECRI notes with concern reports of continued violence by the police[57] and border guards against Roma, refugees, asylum seekers and immigrants. There are also complaints about alleged police inaction over racially-motivated crimes and prejudice towards immigrants.

83. The above reports thus continue to point to a need for awareness-raising on anti-discrimination aimed at the public in general and minority groups in particular as well as a continuing need for effective law enforcement. As concerns the police, the authorities have informed ECRI of measures taken to address problems of racism within the police since ECRI's third report, which will be examined below.[58] ECRI wishes in this regard to bring to their attention its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing in which it recommends that Member States establish and operate a system for recording and monitoring racist incidents, and the extent to which they are brought before the prosecutor and are eventually qualified as racist offences.[59] In this General Policy Recommendation, ECRI also recommends that Member States ensure that the police thoroughly investigate racist offences, including by fully taking the racist motivation of ordinary offences, and that they encourage victims and witnesses of racist incidents to report them. ECRI is

[55] Violence Based on Racism and Xenophobia, 2008 Hate Crime Survey, Human Rights First, p.3

[56] See, "Antisemitism".

[57] For more information about the police, see "Conduct of law enforcement officials" below.

[58] See, "Conduct of law enforcement officials".

[59] See, paragraph 12 of General Policy Recommendation No. 10.

pleased to note the Greek authorities' information that this General Policy Recommendation has been translated into Greek and distributed to all police departments. The authorities have further indicated that the same has been done as concerns ECRI's General Policy Recommendations No. 8 (on combating racism while fighting terrorism) and No. 9 (on the fight against antisemitism).

84. *ECRI recommends that the Greek authorities combat racist crimes more actively and draw inspiration from the provisions of its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing to that end, including the ones addressing the issue of arrests and prosecutions.*

85. *ECRI recommends that the Greek authorities carry out a long-term campaign against racist crimes aimed at the public in general and minorities in particular, to encourage the latter to report the crimes.*

IV. Racism in Public Discourse

86. In its third report, ECRI recommended that the Greek authorities alert media professionals to the dangers of racism and intolerance. In cases where racist articles had been published, it strongly encouraged the Greek authorities to take every step to prosecute and punish the culprits.

87. The Greek authorities have informed ECRI that the audiovisual and written media have adopted a code of conduct and that as concerns the former, the National Radio and Television Council can impose sanctions in cases of racist speech, and has done so since the publication of ECRI's third report. The authorities consider, however, that freedom of speech should prevail and emphasis should be placed on awareness-raising. As indicated above[60], some cases of incitement to racial hatred (against Jews and Roma) have been brought to court in Greece in accordance with Law 927/1979 and convictions obtained, thus establishing a case law on the limitations to freedom of expression as concerns incitement to racial hatred. As also mentioned in other parts of the report, the media, including some newspapers publish antisemitic articles. The authorities have informed ECRI that a campaign on multiculturalism in the media to promote cultural dialogue has been waged. However, more measures to raise media awareness of responsible reporting and the law on incitement to racial hatred appear to be necessary.

88. *ECRI recommends that the Greek authorities continue to ensure the enforcement of Law 927/1979 against journalists and media who incite racial hatred.*

89. *ECRI encourages the Greek authorities to make the media aware, without encroaching on their editorial independence, of the need to ensure that the information they provide does not breed a climate of hostility towards members of ethnic or religious minorities. It also recommends that the authorities support any initiatives taken by the media in this field and supply them with the necessary resources to provide initial and in-service training in human rights in general and racism issues in particular.*

90. In its third report, ECRI recommended more extensive and systematic awareness-raising and training initiatives aimed at civil servants, elected representatives and politicians on issues of racism and discrimination. ECRI also recommended that the Greek authorities further develop their awareness-raising activities directed at the general public by organising, for instance, a national campaign against racism and intolerance.

[60] See, "Criminal law provisions against racism".

91. The leader of a right-wing extremist party[61], which won approximately 3% of the votes in the 2007 parliamentary elections, often makes public antisemitic and racist statements, including blaming immigrants[62] for a surge in drug-related crimes and violence. Thus far, he has not been prosecuted for any of these statements under Law 927/1979. However, some political figures act more responsibly, as reported in the media concerning the Prefect of Athens who indicated his wish to improve the housing conditions of irregular immigrants in Omonia Square in Athens as they live in substandard accommodation.

92. ECRI notes worrying reports of some prosecutors, including the chief prosecutor[63], making racist or antisemitic statements without facing any sanctions. The authorities have informed ECRI that on June 4th 2008, the Prosecutor of the Court of Cassation issued a circular calling upon all prosecutors to react immediately to cases of ill-treatment of Greek or foreign citizens by state agents, by prosecuting the alleged acts and, if necessary, ordering a forensic examination of the victims. It appears, however, that systematic and widespread awareness-raising and training aimed at, inter alia, public figures, civil servants and elected representatives are still necessary. The Greek authorities have stated that a firm stance was taken in 2005 against a planned "hate festival" in Meligala in which European right-wing extremist leaders had planned on participating and as a result it was cancelled. This commendable stance could, however, be strengthened by the authorities sending a stronger message to civil servants, political figures and other public figures that incitement to racial hatred is a prosecutable offence. The Hellenic Football Federation's actions within the framework of UEFA's Respect and Unite Against Racism Campaign is an initiative that the authorities could emulate.

93. As concerns political figures in particular, ECRI wishes to highlight the principles set out in the Charter of European Parties for a Non-Racist Society and in its Declaration on the use of racist, antisemitic and xenophobic elements in political discourse. In this Declaration, ECRI deplores the fact that as the result of the use of racist, antisemitic and xenophobic political discourse: 1) ill-considered measures which impact disproportionately on particular groups or affect the latter's effective enjoyment of human rights are being adopted; 2) the long-term cohesion of society is damaged; 3) racial discrimination gains ground, and 4) racist violence is encouraged. These points as well as all the other principles laid out in the Charter and the Declaration can serve as references for a responsible attitude to political discourse on the part of political parties and the authorities.

94. *ECRI urges the Greek authorities to ensure that Law 927/1979 is implemented as concerns all public figures who engage in racist discourse.*

95. *ECRI recommends that the Greek authorities take into account its above-mentioned Declaration on the use of racist, antisemitic and xenophobic elements in political discourse.*

96. *ECRI recommends again that the Greek authorities take awareness-raising measures against racism, such as national campaigns. ECRI also recommends that civil servants, elected representatives and politicians be provided training on racism and racial discrimination.*

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61 The LAOS party.

62 For more information on the situation of immigrants, see "Vulnerable/Target Groups" below.

63 See, "Rights Groups Denounce Greek Prosecutor's Racist Statement", Press Release by Open Society Justice Initiative, Athens, 5 February 2008.

V. Vulnerable/Target Groups

Roma

- *Integrated Action Plan for Roma*

97. In its third report, ECRI strongly encouraged the Greek authorities to implement the integrated action programme for Greek Roma in full, particularly by providing all the requisite financial resources.

98. As previously indicated[64], the Inter-Ministerial Committee for Roma is in charge of supervising the implementation of the Integrated Action Plan for Roma. Various programmes mentioned above[65] have been implemented within the framework of this Action Plan in areas such as education, employment, housing and health, with varying degrees of success. The authorities have indicated to ECRI that an evaluation report on the results of these programmes is being drafted. However, ECRI notes that a more systematic, gradual and continuous monitoring and assessment of the implementation of the Integrated Action Plan for Roma is necessary as the results of this plan are not always easy to establish, especially at the local level. For example, as indicated above[66], as concerns the housing loan scheme created within the framework of the Integrated Action Plan for Roma, it appears that the intended beneficiaries have not always benefited from it. ECRI is further not aware of whether statistical data is collected on the situation of Roma for the purpose of evaluating the results of the Integrated Action Plan. This type of data, collected with full respect for the principles laid out below[67], is crucial to the success of any measures taken. The full participation of Roma at all the stages of the implementation of the Integrated Action Plan is equally important to its success. In this regard, ECRI notes that the previously mentioned Greek National Commission for Human Rights, having set up an ad hoc working group with national authorities and Roma participation, has made a number of recommendations on government policies, including on the Integrated Action Plan for Roma[68], as concerns the discrimination and social exclusion faced by Roma.

99. *ECRI strongly recommends the creation of more systematic and long-term mechanisms for monitoring and evaluating the implementation of the Integrated Action Plan in order to assess results and make any necessary adjustments. ECRI recommends that Roma representatives be involved in this process.*

- *Discrimination*

100. In its third report, ECRI strongly recommended that the Greek authorities maintain and increase their efforts to end all direct or indirect discrimination against Roma and to raise the awareness of local authorities, such as municipalities or local administrative agencies, of the need to respect the rights and the culture of the Roma. It also strongly recommended that the Greek authorities impose sanctions on municipal councillors who make racist remarks. ECRI considered that civil servants who had committed acts of discrimination should be appropriately sanctioned.

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64 See, “Discrimination in Various Fields” above.

65 *Ibid.*

66 See, ““Discrimination in Various Fields”.

67 See, “Monitoring racism and racial discrimination”.

68 See, Report and Recommendations of the NCHR on Issues Concerning the Situation and Rights of Roma in Greece, Hellenic National Commission on Human Rights.

101. ECRI notes with concern that, as mentioned above,[69] Roma continue to suffer discrimination and social exclusion in various areas such as education, housing and employment from members of the majority as well as public officials, including at the local level. There are also cases of police violence against Roma. ECRI notes in this regard that the European Court of Human Rights has condemned Greece for, inter alia, violation of Articles 14 and 2 (prohibition of discrimination and right to life, respectively) of the European Convention on Human Rights for police brutality, failure to carry out effective investigations or to investigate the racist motivation of crimes committed against Roma.[70] ECRI has also received reports of Roma not being treated equally in the judicial system, with cases brought against members of this group being investigated promptly while those in which Roma are plaintiffs often take longer to solve and/or yield results which are not always in full respect of the Roma plaintiff's rights. ECRI is not aware of any measures taken to increase awareness among civil servants of the prohibition on discrimination, but this appears necessary, including at the local level, where ECRI has noted in Spata and Aspropyrgos, that Roma living in settlements do not benefit from the requisite attention from the local social services.

102. *ECRI recommends that the Greek authorities take vigorous measures to combat the discrimination faced by Roma in various areas, including the justice system. In this regard, it recommends again awareness-raising for civil servants on the prohibition on discrimination, as well as on the legislation in this regard. ECRI also recommends that any allegations of discrimination brought by Roma be promptly investigated and appropriate sanctions meted out where they prove founded.*

Minority religious groups

103. In its third report, ECRI suggested that for greater clarity, the criminal law provision banning proselytism be repealed. ECRI also urged the Greek authorities to spare no effort in educating the population on religious tolerance, and to end all stigmatisation or discrimination of a religious nature.

104. Proselytism has still not been decriminalised and reports indicate that this has lead to some Jehovah's Witnesses being harassed. The Greek authorities have stated that laws 1363/38 and 1672/39 have not yet been repealed, but that they remain dead letter. As concerns the arrest of persons for disseminating printed matter on their religion, in his 2006 report, the Greek Ombudsman indicated that he suggested that the Head of the Hellenic Police issue a detailed circular clarifying all provisions relating to conversion and its meaning. The Ombudsman noted that offering printed material and inviting people to discuss cannot be considered actions of conversion.[71]

105. In the field of education, ECRI notes with concern reports according to which some schoolbooks continue to contain negative references to Catholicism, Judaism and the ancient polytheistic Hellenic tradition. The authorities have, however, countered that no school textbook has been found to contain these types of references. One positive development since ECRI's third report, is that pupils wishing to opt-out of teaching on the Orthodox religion in schools are no longer required to justify their decision. On a wider level, ECRI is not aware of any long-term and wide-ranging measures taken by the Greek authorities to raise

[69] See, "Discrimination in Various Fields".

[70] See, *Petropoulou-Tsakiris v. Greece*, Application no. 44803/04, 6 December 2007, *Karagiannopoulos v. Greece*, Application No. 27850/03, 21 June 2007, *Bekos and Eleftherios Koutropoulos v. Greece*, Application no. 15250/02, 13 December 2005.

[71] 2006 Annual report, Summary, The Greek Ombudsman, p. 14.

the general public's awareness of religious tolerance. The authorities have indicated that there are television and radio broadcasts on religious freedom on both national and private mainstream channels and that history books are revised or replaced. However, it appears that the predominance of the Greek Orthodox Church, which continues to enjoy a strong influence in Greek public life, affects the manner in which members of minority religious groups are treated, as they sometimes face discrimination and prejudice in various areas, including employment in some public sectors. In this regard the European Court of Human Rights has found Greece in violation of, inter alia, Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights in a case brought by a lawyer who was obliged to publicly declare that he was not Christian Orthodox before making a solemn declaration.[72]

106. In its third report, ECRI hoped that all issues relating to minority religious practices, such as Muslim plots in cemeteries, the Mosque in Athens and the ban on cremation, would be swiftly settled in consultation with the main parties concerned and in strict respect of the religious freedom of all parties.

107. ECRI notes that Law 3448/06 (article 35) permitted the cremation of foreigners or Greeks whose religious convictions allow cremations.[73] ECRI has been informed that the Greek authorities have promised land for building a mosque in Athens, but that the administrative process to that end has not yet started. Muslim representatives in Athens have informed ECRI of the need for this mosque as they are currently carrying out their prayers in places such as private apartments. ECRI therefore regrets that no new developments have occurred on this question since its third report and it hopes that this issue will be resolved as soon as possible. ECRI notes information according to which Muslim burial places and related religious functions are unavailable in Athens. However, reports also indicate that the Greek Orthodox Church has donated three hectares of land in Attica to be used as a Muslim cemetery, but ECRI has no information on whether it has been established.

108. *ECRI recommends again that proselytism be decriminalised. It also recommends that the Greek authorities continue to remove negative references to various religions from school books, as recommended in Chapter II 2) d) of its General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.*

109. *ECRI recommends that the authorities carry out awareness-raising campaigns on respect and non-discrimination as concerns the different religions and beliefs practiced in Greece.*

110. *ECRI recommends that the Greek authorities remove any administrative and other obstacles towards building a mosque in Athens.*

Macedonians and other minority groups

111. In its third report, ECRI encouraged the Greek authorities to take further steps toward the recognition of the freedom of association and expression of members of the Macedonian and Turkish communities living in Greece. It welcomed the gesture of reconciliation made by the Greek authorities towards the ethnic Macedonian refugees from the civil war, and strongly encouraged them to proceed further in this direction in a non-discriminatory way. ECRI also recommended that the Greek authorities closely examine allegations of

[72] *Alexandridis v. Greece*, Application No. 19516/06, 21 February 2008.

[73] The implementing Presidential Decree No. 31/2009 was published in the Official Gazette A No. 49/2009/12.3.2009.

discrimination and intolerant acts against Macedonians, Turks and others, and, if appropriate, take measures to punish such acts.

112. The situation of the recognition of the right to freedom of association as concerns certain groups living in Greece (Macedonians[74] and Turks[75]) remains. In this regard, since ECRI's third report, the European Court of Human Rights has rendered three judgements against Greece for violating Article 11 of the European Convention on Human Rights (freedom of assembly and association) as concerns members of the ethnic Turk community.[76] Concerning ethnic Macedonians and the judgement of *Sidiropoulos and Others v. Greece*[77] mentioned in its third report, ECRI was informed that the issue of the registration of the organisation in question (the Home of the Macedonian Culture) is pending before the Supreme Court as it has not yet been registered. It further appears that the ethnic Turkish organisations which were the subject of the above-mentioned judgments have not been registered either. ECRI wishes in this regard to bring to the Greek authorities' attention the European Court of Human Rights' finding that associations seeking an ethnic identity were also important to the proper functioning of democracy. It considered that pluralism was also built on the genuine recognition of, and respect for, diversity and the dynamics of, inter alia, cultural traditions, ethnic and cultural identities and religious beliefs.[78]

113. ECRI notes that progress still has to be made on the recognition of the right of members of minority groups to freedom of association and also freedom of expression.

114. Civil society actors and representatives of the Macedonian community have indicated to ECRI that the implementation of[79] measures of reconciliation taken for those who fled the Greek civil war as concerns the reinstatement of their citizenship and the return of their confiscated property continues to apply only to ethnic Greeks. Representatives of the Macedonian community have further expressed their feelings of discrimination, inter alia, as concerns the use of their names in their own language and failure to bring cases of hate speech in the media against Macedonians to court[80]. Representatives of the Turkish community in Western Thrace have also stated that recognition of their identity is among the most important problems they face along with education and the right to religious freedom, which have been discussed in other parts of this report[81].

115. *ECRI strongly recommends that the Greek authorities take measures to recognize the rights of the members of the different groups living in Greece, including to freedom of association, in full compliance with the relevant judgements of the European Court of Human Rights.*

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[74] A group - distinct from the majority - in the Greek administrative region of Macedonia. ECRI recalls that the ethnic Greeks who constitute the majority in the above-mentioned Greek administrative region also identify themselves as Macedonians.

[75] Ethnic Turks are one of the groups comprising the Muslim minority in Western Thrace which also includes Roma and Pomaks as indicated above.

[76] *Tourkiki Enosi Xanthis and Others v. Greece,* Application No. 26698/05, 27 March 2008, *Emin and Others v. Greece,* Application No. 34144/05, 27 March 2008 and *Bekir-Ousta and Others v. Greece*, Application No. 35151/05, 1 October 2007.

[77] ECtHR, 57/1997/841/8107, 10 July 1998.

[78] See, *United Macedonian Organisation Ilinden and others v. Bulgaria,* Application No. 59491/00, 19 January 2006, para 58.

[79] Under Ministerial Decision no. 106841 of 1982 and Law 1540 of 1985.

[80] For more information on racist discourse, see "Criminal law provisions against racism" and "Racism in public discourse".

[81] See, "Discrimination in Various Fields".

116. *ECRI recommends again that the Greek authorities take steps to apply, in a non-discriminatory manner, the measures of reconciliation taken for all those who fled the civil war.*

117. *ECRI recommends that the Greek authorities investigate allegations of discrimination against members of the Macedonian and Turkish communities and take adequate measures to address them, including by ensuring the implementation of the relevant legislation where necessary. ECRI also strongly recommends that the Greek authorities take steps to recognize the right to self-identification of these groups.*

118. In its third report, ECRI strongly recommended that the Greek authorities open a dialogue with Macedonians representatives to find a solution to the tensions between this group and the authorities, as well as between it and the population at large, so that co-existence with mutual respect may be achieved in everyone's interests.

119. Representatives of the Macedonian community have indicated that their attempts to engage in a dialogue with the Greek authorities, on issues such as language and the use of the Macedonian language on television have not been fruitful. ECRI thus hopes that the authorities will engage in an open and constructive dialogue with representatives of the Macedonian community on issues of concern to members of this group.

120. *ECRI recommends again that the Greek authorities establish a dialogue with Macedonian representatives in order to find a solution to the issues affecting members of this group.*

Muslim minority in Western Thrace

121. In its third report, ECRI strongly urged the Greek authorities to hold a dialogue with members of the Muslim minority in Western Thrace in order to find satisfactory solutions concerning issues such as the appointment of Muftis and the election of the managing committees of private charitable foundations.

122. Since the publication of ECRI's third report, the issue of the appointment of Muftis in Western Thrace remains. The authorities continue to appoint Muftis and the local population elects Muftis of their own. The European Court of Human Rights[82] has found Greece in violation of Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights for having found a second applicant, a Mufti elected by "the Muslims who attended prayers at the mosques"[83], guilty of having usurped the functions of a minister of a "known religion".

123. Law 3536/2007 envisages the appointment by the Greek authorities of 240 professors of Islamic law, some of whom may officiate as Imams. Representatives of the Muslim minority in Western Thrace have indicated to ECRI that the selecting committee in charge of these appointments is composed of members of the Ministries of Education, Interior, Economy and Foreign Affairs and no one from the Muslim minority in Western Thrace. They have pointed out that other religious groups are free to select their religious representatives. The Greek authorities, in their turn, stressed that the selection process for teachers and preachers of the Holy Koran is conducted by the Muftis and Muslim theologians, who process the applications and assess the competence of the candidates. They have indicated that the state committee's sole responsibility is

[82] *Agga v. Greece (No.3),* Application no. 32186/02*,* 13 July 2006 and *Agga v. Greece (No.4)*, Application no.33331/02, 13 July 2006.

[83] *Ibid.*, paragraph 1.

to ensure that the chosen candidates fulfil certain formal requirements (absence of criminal record, military service, certificate of primary or secondary education etc.), a standard procedure for all public-sector appointments.

124. As concerns the issue of private charitable foundations (wakfs), since ECRI's third report, new legislation (Law 3647/08) allowing for the election of their three managing committees by the minority itself has been adopted. ECRI has no information, however, on the manner in which this legislation is implemented. ECRI was also informed by some representatives of the Muslim minority in Western Thrace that the legislation which previously exempted minarets from being of a certain height has been repealed.

125. *ECRI recommends that the Greek authorities open a dialogue with members of the Muslim minority in Western Thrace to find a solution to the issues of the appointment of Muftis as well as to the issue of the appointment of Imams. ECRI strongly recommends that the authorities ensure that any decisions made regarding these questions be in full compliance with international and European human rights standards.*

126. *ECRI recommends that the Greek authorities take measures to ensure the implementation of the legislation concerning private charitable foundations, including the provisions concerning the election of their managing committees. ECRI also recommends that the authorities find a solution, in cooperation with representatives of the Muslim minority in Western Thrace, to the question of the height of minarets.*

127. ECRI has received conflicting reports from the Greek authorities and some representatives of the Muslim minority in Western Thrace on the identity of Roma and Pomaks in the region. On the one hand, the authorities indicated that Roma and Pomaks' identity is not always recognised by the majority ethnic Turks in the region and that they are sometimes the victims of discrimination on their part. On the other hand, some representatives of the Muslim minority in Western Thrace refute this. On this issue, ECRI wishes to recall that the principle of voluntary self-identification should be enforced for all and measures taken to ensure respect for the identity of all the groups living in Western Thrace.

128. *ECRI recommends that the Greek authorities ensure the respect and enforcement of the right to self-identification of everyone living in Western Thrace and that measures be taken to ensure that none suffer any form of pressure or discrimination in this regard, and that steps be taken to foster dialogue and mutual acceptance among these groups.*

Refugees and asylum seekers

129. In its third report, ECRI strongly recommended that the Greek authorities commit all the necessary human and financial resources to overcome the existing deficiencies in the asylum procedure. It considered it advisable in particular to increase the staff responsible for initially receiving asylum requests in order to avert undue delays in the consideration of the requests. ECRI also recommended that the authorities provide all staff coming into contact with asylum seekers with training in human rights and information about the problems encountered by asylum seekers in order to ease the formalities required of them.

130. The Greek authorities have informed ECRI of a number of measures taken to improve its response to applications for asylum: 1) training seminars have been organised for relevant personnel, in cooperation with, among others, the UNHCR; 2) an information leaflet was published on the asylum procedure in the five main languages spoken by asylum applicants (Arabic, Turkish, Farsi, English and French), and 3) a Documentation Office was established within the Department of

the Directorate of Third-country nationals of the Hellenic Police Headquarter to provide information on the situation in the countries of origin of asylum seekers. ECRI has been informed that the UNHCR conducts two-day seminars for the police, coast guards and other public servants who deal with asylum seekers and refugees. It has also been reported to ECRI that there has been an increase in personnel who receive asylum claims at the initial stage.

131. While noting the above improvements in the reception of asylum seekers, ECRI is concerned, as indicated above[84], at reports by international and national organisations, of remaining lacunae. A number of areas in which improvements are necessary include: 1) the need for a safe access to Greek territory for all who require international protection, including the Geneva Convention on the Status of Refugees; 2) the need for unhindered access to the asylum procedure, with improved interpretation services and legal counselling, in particular at entry points, as this remains one of the greatest problems faced by asylum seekers; 3) the need to avoid administrative detention of asylum seekers and to improve detention conditions, when they are implemented exceptionally, in order to ensure greater compliance with basic human rights, and 4) the need to improve the quality of the asylum procedure by, inter alia, implementing the right to interview and providing for first and second instance asylum claims reviews in order to be sure not to miss valid claims for protection. At the moment, the number of recognised refugees seems very low. In 2007, the 27,140 cases examined both at first instance and on appeal resulted in 140 persons being granted refugee status and 23 receiving humanitarian protection, and as at June 2008, the 11,273 cases examined both at first instance and on appeal resulted in 61 persons being recognized as refugees and 10 receiving humanitarian status.

132. ECRI was informed that measures to support refugees' integration into Greek society, such as Greek language lessons, access to education, health, vocational training and employment, are still necessary. Measures to improve their living conditions in order to avoid their continued marginalisation and ensure better integration in this area are also needed. The Council of Europe's Commissioner for Human Rights, in a report published on 4 February 2009[85], made an in-depth assessment of the situation of asylum seekers in Greece and issued a number of recommendations which ECRI hopes the Greek authorities will take into consideration.

133. *ECRI recommends that the Greek authorities take measures to address remaining lacunae in the asylum procedure, including by improving interpretation services and legal counselling for asylum seekers. ECRI further recommends taking measures to improve the conditions in detention centres for asylum seekers. ECRI wishes to recall in this regard, that the detention of asylum seekers should be used as a last recourse, when no other viable options are available.*

134. *ECRI recommends that the Greek authorities take measures to ensure the integration of refugees in Greece, including by providing them with free Greek language lessons and improving their access to, among others, education, vocational training and employment.*

135. In its third report, ECRI strongly recommended that the authorities continue and strengthen their co-operation with the UNHCR and NGOs working for asylum

[84] See, "Vulnerable/Target Groups".

[85] Report by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, following his visit to Greece 8-10 December 2008, Issue reviewed: Human rights of asylum seekers, CommDH(2009)6, 4 February 2009.

seekers, and allow the latter organisations genuine and satisfactory access to the detention centres.

136. Greece continues to cooperate to some extent with the UNHCR and NGOs working on asylum issues. However, ECRI has been informed that NGOs do not have access to transit areas for asylum seekers unless they are mandated to represent someone. It has also been indicated to ECRI that NGOs are not taken into account by the authorities as they should be. Access to detention centres holding asylum seekers[86] are also still left to the discretion of the local police directorate due to the lack of a centralized system for managing them. The Greek authorities have indicated that this access is granted in most cases. They have further stated that a UNHCR representative is a member of the committee established by the Ministry of Health in the context of the European Refugee Fund which is tasked with evaluating programmes funded by the latter and NGOs.

137. *ECRI encourages the Greek authorities to continue and strengthen their cooperation with the UNHCR and recommends that they take more into consideration the viewpoints of NGOs working on issues concerning asylum seekers and refugees.*

Immigrants

- Long-term residents and second generation immigrants

138. In its third report, ECRI strongly recommended that the authorities simplify the procedures for requesting work and residence permits in order to remedy their slowness. ECRI also recommended reducing the procedural costs, which were too high considering that they were payable annually.

139. The Greek authorities have informed ECRI that a certificate which for all intents and purposes is a temporary replacement is provided to immigrants awaiting the issuance or renewal of their residence permit. The authorities have admitted themselves that in large urban areas where the majority of non-citizens reside, delays in the issuance or renewal of residence permits occur. They have informed ECRI that a number of measures have been taken, including the creation of a computerized system to accelerate this procedure. According to the authorities, the waiting period for the issuance or renewal of a residence permit does not exceed two months. The authorities have also indicated that special deadlines have been established for some categories of persons such as family reunification candidates and long-term residents, the latter being subject to a 6 months waiting period. Since ECRI's third report, long-term resident applicants are also under the obligation to learn the Greek language, culture and history. Those wishing to reside in Greece for five years and who have not graduated from a Greek school or university are obliged to attend Greek language lessons after which they must pass a test organised by the Ministry of Education. The Greek authorities have informed ECRI that special free of charge language schools provide the language lessons.

140. The Greek Ombudsman[87] has informed ECRI that the two month deadline established for the issuance of a residence permit is technically impossible to meet as there are dysfunctions within the administration. As a result, residence permits are issued or renewed with unreasonable delays. The Ombudsman travels to prefectures every 15 days with a list of names to assess the reasons for

[86] The same applies to immigrants, as indicated below.

[87] For more information on the Greek Ombudsman, see "Anti-discrimination bodies and other institutions" above.

the delays and to try to speed up the procedure. Immigrant organisations have confirmed to ECRI that some persons remain without a residence permit for a long period of time. Immigrant organisations have informed ECRI that the problem has been compounded by the increase in the number of working days (proven in the form of revenue stamps) required for the renewal of a residence permit, from 150 to 200 days. This increase cannot be met by many immigrants due to the fluctuating sectors, such as the building sector, in which most are employed and because of the current economic climate. As a result, previously regular migrants who are unable to meet this requirement are placed in an irregular situation. On this issue, the Greek authorities have stated that the number of working days that are required for the renewal of a residence permit has not increased; rather it has been reduced by Law 3386/2005 from 300 days per year to 200, in the case of a dependant worker constantly employed, and to 150, when the worker for objective reasons cannot work for the whole period of the residence permit. At the same time, those interested were given the possibility of repurchasing up to 20% of the missing days of insurance. The days of justified absence from work (unemployment, illness or absence abroad up to 4 months annually) are deducted from the required days of work, which reduces this number even more. In the authorities' opinion, the requirement of certain days of insurance serves a dual purpose: on the one hand, it ensures a guaranteed income which allows for third country nationals to live decently and have access to medical insurance, and on the other hand, it serves to combat illegal work.

141. Some groups such as minors, grants students, minors in the custody of a Greek citizen and families of Greek or EU citizens as well as individuals who benefit from a bilateral agreement between Greece and Egypt are exempt from paying for a residence permit. However, the cost of residence permits remains high, especially in view of the income bracket of the majority of immigrants who, as indicated above, are mostly employed in low-income sectors[88]. The Greek authorities have informed ECRI that the cost of residence permits increases from 150 EUR for a 1 year permit, to 300 EUR for a 2 year permit and 450 EUR for a 3 year one. A long-term or indefinite residence permit costs 900 EUR.

142. *ECRI urges the Greek authorities to address any structural problems within the administration which continue to slow down the process for issuing and renewing residence permits and to separate this question from the requirement of revenue stamps.*

143. *ECRI recommends that the Greek authorities ensure that the requirements for learning the Greek language, history and culture prior to obtaining a long-term residence permit are accompanied by appropriate structures including free lessons adapted as much as possible to the applicants' needs, ability to attend and competence.*

144. *ECRI recommends that the Greek authorities reduce the costs for the issuance of residence permits. ECRI recommends that the Greek authorities work in cooperation with, among others, immigrant groups and the Ombudsman to solve all these problems.*

145. In its third report, ECRI strongly recommended that the Greek authorities provide all the necessary human and financial resources to make procedures for legalising and applying for work and residence permits easier for non-citizens living in Greece. ECRI further recommended that the authorities take steps as authorised by law no. 2910/2001 in order that persons, who have been in Greece for at least 10 years and fulfil the requirements stipulated by the law, may all

[88] See, "Discrimination in Various Fields" above.

obtain a residence permit of indefinite duration, thereby affording them some stability and enabling them to live in Greece in satisfactory conditions. ECRI recommended that the Greek authorities review law 2910/2001 in order to identify any discriminatory provisions and to remove them as soon as possible. ECRI also considered that the Greek authorities should facilitate family reunification for immigrants settled in Greece.

146. Since ECRI's third report, legislation in the area of immigration has been amended: in 2005, Law 3386/2005 on the "Entry, residence and social integration of third-country nationals in the Hellenic Territory" was adopted and subsequently amended by Law 3536/2007 (adopted in 2007). A positive measure taken by the Greek authorities is the regularisation of the situation of irregular immigrants in 2006 and 2007. The Greek authorities informed ECRI that under Law 3386/2005, the situation of 180,000 persons was regularised. The target groups were: 1) persons who had been granted a residence permit, but who for some reason had been unable to renew it; 2) persons who used to live in Greece until 31 December 2004 and could prove their residence ever since, by using documentation with a concrete date, as specified by law. The authorities informed ECRI that Law 3536/2007 provided for the second wave of regularisations with the aim of rectifying any omissions in the previous one: family reunification and the protection of minors were added criteria for benefiting from regularisation. Therefore, spouses and children were released from the obligation to prove that they were living in Greece on 31 December 2004.

147. ECRI has been informed by immigrant groups and NGOs that despite the above-mentioned regularisations, many immigrants are still in an irregular situation, a problem which, as indicated above, is compounded by their sense that the requisite number of working days (revenue stamps) to obtain a residence permit has been increased. On 11 November 2008, 15 North African immigrants who have reportedly lived and worked in Greece for many years went on a hunger strike in Chania, on the island of Crete, to obtain residence permits, with the support of NGOs, bar associations and trade unions. They requested among others, that the renewal of residence permits be separated from the possession of the above-mentioned revenue stamps. Reports indicate that some racist attacks[89] occurred against their tents, but that local residents organised patrols to protect the hunger strikers. The Greek authorities have indicated, as concerns this incident, that the persons in question had applied to be regularised without having any supporting documents to prove their residence in Greece ; their applications had thus had to be rejected; moreover, they had not exercised their right to seek redress. Nevertheless, residence permits were, in the end, issued to the strikers. ECRI hopes that the authorities will continue their dialogue with civil society actors on immigration issues which they have stated is in progress, but as they acknowledge themselves may still be improved. ECRI further hopes that immigrant representatives and trade unions will be included in the process.

148. Civil society actors have informed ECRI of the need for civil servants to be trained in dealing with immigrants as they currently lack the necessary skills to that end. Communication has been raised as one area of concern as English language skills are necessary for dealing with non-Greek speaking immigrants. Training in the relevant legislation is also necessary as immigrant groups have reported to ECRI a disparity in the treatment received from civil servants due to a lack of knowledge of the law. Some civil servants are not aware, for example, of the necessary documentation for obtaining a residence permit. ECRI has also been informed of the need to provide information of importance to immigrants in the main languages spoken by them.

[89] For more information on racially motivated violence, see "Racist Violence" above.

149. *ECRI urges the Greek authorities to review the situation of immigrants as concerns the criteria for regularising their situation and to carry out a major overhaul of the current legislation and practice in this area.*

150. *ECRI strongly recommends that the Greek authorities take measures to provide training to all civil servants dealing with immigrants on the relevant legislation. ECRI also recommends that they either be provided with English lessons or with interpretation services when they address immigrants' queries. ECRI recommends that measures be taken to provide immigrants with relevant information in the main languages spoken by them.*

151. In its third report, ECRI strongly encouraged the Greek authorities to continue to pursue the integration of immigrants and to implement all aspects of the action plan "for the integration of immigrants in Greece". It recommended that the authorities regularly assess the impact of the action plan and adapt it if need be. ECRI particularly recommended that the Greek authorities provide for immigrant adults' and children's instruction in the Greek language and culture, and take measures to promote the culture and language of immigrants.

152. The Greek authorities have informed ECRI that since the third report, Law 3386/2005[90] lays down the basic principles for the integration of immigrants and that a programme to that end has been established with the aim of grouping all involved bodies under an umbrella organisation, although different ministries such as the Ministries of Health and Employment take measures within their remit. The programme is divided into the following operational sectors: 1) reducing marginalisation, racism and xenophobia; 2) providing advice; 3) training; 4) employment, health, accommodation, culture, etc., and 5) tackling juvenile delinquency. The Greek authorities have indicated that an important tool is the European Integration Fund, which is divided in annual projects and spans from 2007 to 2013 and focuses mainly on the provision of Greek language lessons to mothers of minors and facilities for newcomers, including information on the residence, health, etc. Furthermore, it aims at information and raising the awareness of the host society and provides for intercultural training to civil servants who deal with third country nationals. However, it appears that few immigrants are yet to benefit from these projects.

153. ECRI was informed that the Athens City Hall has established programmes to teach Greek to immigrants, but that the teachers are not adequately trained to teach Greek as a foreign language because they know no other language than Greek. As concerns immigrant children, as indicated above, immigrant groups have informed ECRI that the majority have a good command of the Greek language.[91] Immigrant groups have, however, indicated that members of their communities receive little assistance from the authorities whom they perceive as being indifferent to their problems such as exploitation in the labour market[92]. ECRI has also received information that immigrant children born in Greece are still not provided with birth certificates. Moreover, the obligation on second generation immigrants to request residence permits compounds immigrants' justified perception that they are not integrated, despite their important contribution to Greek society, including in the economic sector. Immigrant organisations have thus informed ECRI that the authorities do not pay much attention to the integration of long-term residents or second generation immigrants. The Greek authorities have stated that all children born in Greece receive a birth certificate by the municipal registry office without regard to nationality. They have further indicated that, according to Presidential Decree

[90] Which, as indicated above, superseded Law 2910/2001.

[91] See, "Discrimination in Various Fields" above

[92] *Ibid.*

131/2006, all immigrants' children, when they turn 18, receive residence permits until the age of 21. These permits are subject to renewal to pursue studies or to work. Moreover, all family members of third country nationals over 21 may apply for a 10-year residence permit, the only condition being having completed 10 years of uninterrupted residence in Greece. In addition, according to Law 3731/2008, immigrant children over 18 are granted a favourable status, which guarantees equal treatment with nationals and a series of rights similar to those of long-term residence permits. Concerning the acquisition of Greek citizenship, the Greek authorities have stated that being born in Greece is not the only condition. They consider that acquisition of Greek citizenship depends on the free will of the applicant.

154. *ECRI encourages the Greek authorities to continue measures taken since its third report to integrate immigrants into Greek society. It strongly recommends that a long-term government funded integration strategy be devised in cooperation with immigrant representatives to improve the situation in this area as concerns long-term residents and second generation immigrants.*

155. *ECRI urges the Greek authorities to ensure that birth certificates are provided to all children born in Greece irrespective of their parents' citizenship and to provide for long-term residency or citizenship for second generation immigrants.*

156. In its third report, ECRI recommended that the Greek authorities take steps to further the possibilities for non-citizens long settled in Greece to participate in public life, for example by granting them the right to vote and stand for local elections, or by forming consultative bodies to represent non-citizens at the local level as provided by the Convention on the Participation of Foreigners in Public Life at Local Level.

157. The Greek authorities have informed ECRI that by virtue of Law 3463/2006 (Municipal and Communal Code), municipal and communal authorities are obliged to ensure the right of all citizens and residents without any discrimination to participate in the political life at local level. ECRI is, however, not aware of whether non-EU nationals are entitled to vote and be elected at the local level. However, ECRI notes with interest reports according to which in some municipalities in rural areas such as Kozani (northern Greece) the local mayor announced the establishment of an immigrant council, elected by immigrants residing locally, which would have an advisory and consultative role in the area. This type of positive initiatives could be encouraged by the Greek authorities by adopting a legal framework within which they can be implemented. ECRI wishes in this regard to bring to their attention the Explanatory Report to the Convention on the Participation of Foreigners in Public Life at Local Level in which it is stated that: "[f]or those who live in a local community, numerous aspects of their daily life - such as housing, education, local amenities, public transport, cultural and sports facilities - are influenced by decisions taken by the local authority. Moreover, foreign residents participate actively in the life and prosperity of the local community. Therefore, for countries espousing the democratic principles of the Council of Europe it is fair to examine how a sometimes sizeable group of long-term local residents can contribute to the local decision-making process on matters which affect them". As indicated above[93], ECRI has recommended that Greece ratify this instrument.

158. *ECRI recommends that the Greek authorities provide for the right of long-term residents and second generation immigrants to participate in public life at local level as espoused in the Convention on the Participation of Foreigners in Public Life at Local Level.*

[93] See, "Existence and Implementation of Legal Provisions".

- ***New immigrants***

159. Since ECRI's third report, Greece has received, as other Council of Europe Member States in the region, large influxes of immigrants and asylum seekers arriving in the country by sea and land from Africa, Asia, the Middle East and former countries of the Soviet Union[94]. They undertake an often perilous journey, sometimes drowning at sea or facing land mines in Evros (at the border between Greece, Turkey and Bulgaria). The reception provided to immigrants in Greece in the last few years has been the subject of many reports by the United Nations, international and national NGOs as well as the Council of Europe's Commissioner for Human Rights[95]. Concern has been raised at, inter alia, the alleged abuse or lack of assistance by border guards and the police faced by the immigrants. ECRI recognises the challenges faced by the Greek authorities in receiving these influxes and notes their position that greater assistance from, inter alia, the European Union in this regard is required. However, the above-mentioned organisations have all emphasized, and ECRI concurs, that meeting these challenges should not be in contravention of international, European and national human rights standards.

160. The Greek authorities have informed ECRI that in 2007 and in the first 6 months of 2008, 58,602 persons were placed in detention centres for the purpose of being expelled from the country and that the majority (54,000) were men. In that period, 17,077 immigrants were turned back. The Greek authorities informed ECRI that Greece has signed a readmission agreement with Albania and that Albanians (who are 5-7 percent of the Greek population and comprise the majority of immigrants in Greece) are frequently repatriated by coach. Greece has also signed a readmission agreement with Turkey and the authorities informed ECRI that in the first half of 2008, 193 immigrants were returned to Turkey in the framework of this agreement.

161. The authorities have further indicated to ECRI that upon arrival, immigrants are placed in detention centres throughout the country including on the islands (such as Lesbos) and Patras for three months after which they are released with a document either informing them that they must leave Greece within a given number of days or with a pink card allowing them to remain in the country for 6 months. The authorities have also stated that information leaflets in 14 different languages on their rights, including the right to legal aid are available.

162. The authorities have indicated to ECRI that NGOs and UNHCR have access to detention centres, but ECRI has been informed that due to the lack of a regulated, centralised body responsible for these centres, this access is left at the discretion of local police directorates, although in most cases it is granted. Reports also indicate problems of overcrowding and poor living and sanitary conditions in some of the centres and ECRI has been informed that the conditions on the island of Patmos are particularly difficult. The Greek authorities have informed ECRI that a Joint Ministerial Decision on the special areas for the hosting of non-citizens is about to be issued on the basis of delegation granted by Law 3386/2005. Civil society actors have informed ECRI that most immigrants in an irregular situation end up in Omonia Square in Athens and ECRI is concerned by the fact that upon their release from detention centres, no structures have been established by the authorities to assist them in areas such as accommodation and access to social services. Civil society actors such as the Church and NGOs provide these persons with legal aid and social services.

[94] For more information on asylum seekers, see "Refugees and asylum seekers" above.

[95] See, Report by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, following his visit to Greece 8-10 December 2008, Issue reviewed: Human rights of asylum seekers, CommDH(2009)6, 4 February 2009.

Due to the lack of a formal structure for assisting them, they are thus left vulnerable to working in the non-regularised sector, to trafficking and crime, which in turn leads to the risk of an increase in prejudice, racism and xenophobia. While reiterating its understanding of the challenges faced by Greece as a result of the influxes of irregular immigrants to its territory, ECRI regrets the current lack of a long-term policy for dealing with this problem, as well as the lack of the requisite structures, human and financial resources and training for the current manpower dealing with these issues.

163. *ECRI urges the Greek authorities to establish structures for dealing with irregular immigrants upon their release from detention such as accommodation, legal aid and social services. ECRI recommends the creation of a long-term strategy for addressing the issue of irregular immigration with the necessary human and financial resources and training for personnel dealing with them to ensure full respect for international, European and Greek human rights standards.*

164. *ECRI recommends that the Greek authorities take measures to provide unfettered access by UNHCR and NGOs to immigrants placed in detention centres, and that a more formal system be established to that end.*

- ***Unaccompanied minors***

165. The Deputy Ombudsman for Children's Rights informed ECRI that although no official data exist, there are an estimated 2,000 to 3,000 unaccompanied minors in Greece, the majority of whom are Afghani (70-80%), and the rest are from Pakistan, Bangladesh and Iraq. The Greek authorities have further indicated to ECRI that Presidential Decree 220/2007 incorporated EU Directive 2003/9/EC which lays down minimum standards for the reception of asylum seekers and provides for immediate access to education and special care for unaccompanied minors. One notable progress since ECRI's third report is the opening, in 2008, of a reception centre for unaccompanied minors (immigrant and asylum seekers) in Mitilini. The Greek authorities have indicated that reception centres for unaccompanied minors were also opened in Konitsa and Volos, whereas two additional structures in Thessaloniki and Amfilochia are to operate in 2009. However, these centres only provide temporary accommodation and ECRI notes with concern that Greek law allows for the deportation of unaccompanied minors. They are thus provided with a deportation order with no specific date and no accommodation centres for housing them in the meantime exist. The Deputy Ombudsman for Children's Rights has informed ECRI that the guardianship of unaccompanied minors is among the duties of social workers, but that there is a lack of, among others, funds and guidelines in this regard. The Deputy Ombudsman has further indicated that currently 100 unaccompanied minors have been placed in care institutions, whereas the Greek authorities have placed this number at 200. As unaccompanied minors have no access to legal aid, the Athens Bar Organisation offers them free legal advice. ECRI has further been informed of a lack of interpretation in the languages spoken by the minors (Pashto, Farsi, Arabic, Somali and other African languages). The Greek authorities have, however, indicated that unaccompanied minors' access to legal aid has improved through programmes within the framework of the European Refugee Fund.

166. *ECRI urges the Greek authorities to pay special attention to the situation of unaccompanied minors by addressing the legal and structural problems concerning their situation, including amending the law to enable them to be placed immediately in care institutions.*

VI. Antisemitism

167. In its third report, ECRI recommended that the Greek authorities closely monitor the situation regarding antisemitic acts and statements, and take all necessary awareness-raising and punitive measures to put a stop to these acts.

168. Some positive developments have occurred in Greece since the publication of ECRI's third report: in 2004, the 27th of January was designated as a Holocaust Remembrance Day. Jewish representatives have also informed ECRI of good cooperation with the Ministry of Education on teaching the Holocaust: in January 2006, the Central Board of Jewish Communities published, with the financial support of the Ministry of Education, a book entitled "The Holocaust of the Greek Jewry, Monuments and Memories" and in January 2009, the Ministry of Foreign Affairs issued both in Greek and English a memorial volume on the "Greeks in Auschwitz-Birkenau". Jewish representatives have also informed ECRI that school textbooks include the Holocaust and that a yearly conference is held on this subject in schools.

169. ECRI is concerned by the fact that antisemitic acts continue to occur in Greece, some of which have been mentioned in other parts of this report[96], including as recently as in January 2009, where Jewish cemeteries were desecrated in Ioannina and attacks occurred against synagogues in Volos and Corfu and the Holocaust monument in Corfu. In August 2008, a plaque commemorating the Holocaust was vandalised in Rhodes by pupils who had filmed their act and placed it on the Internet. The local authorities (Mayor and Prefecture) condemned the attack. Instead of carrying out a criminal investigation, the Secretary General of the Ministry of Education visited the island and had long discussions with the pupils about their act. On the occasion of the National Day of 28th October celebrating the Greek resistance against the Axis Powers, the pupils of the same schools laid a wreath at the memorial plaque in the centre of the city of Rhodes in memory of the Jewish victims of the Holocaust. This is an example of a good practice for dealing with this type of act, but ECRI is nonetheless concerned by reports of very few investigations and arrests following antisemitic acts and of a need for more action on the part of the authorities concerning manifestations of antisemitism, although representatives of the Jewish community informed ECRI that there is a trend towards improvement in this regard. Mechanisms for monitoring antisemitic incidents other than those established by Jewish communities are also still necessary.

170. The representatives of the Jewish community have indicated that the exacerbation of the conflict in the Middle East also gives rise to antisemitism in some Greek media and that some newspapers cross the line between a political analysis of the situation and antisemitism. The Greek authorities have not imposed effective sanctions on those who publish antisemitic books[97]. On this point, ECRI wishes to bring to the Greek authorities' attention its General Policy Recommendation No.9 on the fight against antisemitism in which it calls on Member States to penalise, inter alia, the public dissemination or distribution of written, pictorial or other antisemitic material.[98]

171. *ECRI strongly recommends that the Greek authorities take a more vigorous stance against antisemitism in all its manifestations by ensuring the arrest, prosecution and conviction of those who commit antisemitic acts. It also recommends establishing a system for monitoring antisemitic acts and that*

96 See also "Criminal law provisions against racism" and "Racism in public discourse"

97 *Ibid.*

98 See, point (g).

dialogue between the authorities and representatives of the Jewish community on combating antisemitism be strengthened. ECRI calls upon the Greek authorities to draw inspiration from its General Policy No.9 on the fight against antisemitism to that end.

VII. Conduct of law enforcement officials

172. In its third report, ECRI strongly encouraged the Greek authorities to provide law enforcement officials with all the necessary resources to work in satisfactory conditions and with absolute respect for the rights of persons they arrested. ECRI considered that this also implied increasing efforts to provide training in human rights and raise awareness of problems of racism and racial discrimination. In its third report, ECRI also recommended that additional measures be taken to end all instances of police misbehaviour, including ill-treatment of members of minority groups. ECRI singled out as especially important the establishment of an independent investigatory body competent to conduct investigations into allegations of police misbehaviour and, when appropriate, ensure that suspects are brought before the courts. ECRI stressed that cases of police violence referred to the courts must be dealt with as rapidly as possible to ensure that society receives the message that such behaviour by police officers will not be tolerated and will be punished.

173. The Greek authorities have informed ECRI that at Police Academies, in the context of teaching Constitutional Law, human rights in general and the issues of racism and xenophobia in particular are examined. They have also indicated that in 2008, they invited lecturers to discuss the European Convention on Human Rights and the case law of the European Court on Human Rights at Police Academies. The National Security and Training Academies also assign projects to students on subjects such as "Roma: Social Behaviour, Permanent Establishment, Protection" and "Prohibition of Racist Discourse as a Constitutional Problem". It does not appear, however, that issues pertaining to racism and racial discrimination are included in fixed teaching modules at these establishments.

174. The Greek authorities have also indicated a number of measures taken as concerns improving police behaviour: 1) a Code of Police Ethics[99] has been adopted; 2) by means of an order[100], a special leaflet, which includes guidelines on, among others, combating racism, was forwarded to all police agencies, and 3) an order was issued in 2004 on the non-use of degrading terms, either in writing or orally, against Roma. The authorities have also explained to ECRI that, in the light of the previously-mentioned case law of the European Court of Human Rights[101], all police officers are currently obliged to investigate the racist motivation of a crime and that instructions and orders were given to subordinate agencies for complete compliance with the above mentioned Law 3304/2005[102] which prohibits, inter alia, racial discrimination. The authorities have also informed ECRI that as of January 2008, the use of firearms by the police was regulated to bring it into conformity with the relevant case law of the European Court of Human Rights. On the issue of investigating police behaviour, the Greek authorities have indicated that the Directorate of Internal Affairs has competence over the investigation, detection and prosecution, all over the country, of offences under Article 137 A-D of the Criminal Code committed by or involving policemen of all ranks, border guards and special guards.

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[99] Presidential Decree 254/2004.

[100] 7100/20/2a/8 June 2004.

[101] See, "Vulnerable/Target Groups" .

[102] See, "Existence and Implementation of Legal Provisions"

175. The Greek National Commission on Human Rights has indicated in a report published in 2008, that there are many incidents of alleged abuse of power by the police against Roma and that even when internal and judicial enquiries are initiated, they are rarely concluded, and when so, the perpetrators are hardly ever punished.[103] ECRI thus welcomes the fact that the Greek National Commission on Human Rights, within the framework of setting up an ad hoc working group for the training in human rights of the police force -a proposal accepted by the Minister of Interior-, will propose as a starting point the judgments of the European Court of Human Rights concerning Roma abuse by police. ECRI also notes the Greek National Commission on Human Rights' conclusion that the police itself needs both to acknowledge the problem and accept the findings and recommendations of domestic and international bodies.[104] This is all the more important because, as indicated above[105], allegations of police violence against asylum seekers, refugees and immigrants also continue to be made, with some cases having led to judgements against Greece by the European Court of Human Rights.[106] The Greek authorities have informed ECRI that police officers who conduct administrative investigations of cases related to illegitimate behaviour of policemen against people belonging to vulnerable ethnic, religious or social groups or against non-citizens have been reminded of their obligations arising from the provisions of the Disciplinary Laws for Police Personnel, to look at the motives for committing such disciplinary offence, and make specific reference to such fact in their conclusions.

176. *ECRI recommends that the Greek authorities continue and reinforce measures taken thus far to train the police in human rights, and it brings to their attention its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing in this regard.*

177. *ECRI recommends that the Greek authorities take measures to raise police awareness of the fact that acts of racial discrimination and racially-motivated conduct by the police will not be tolerated, as indicated in Chapter II 7) of its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing.*

178. *ECRI urges the Greek authorities to carry out effective investigations into alleged cases of racial discrimination or racially-motivated misconduct by the police and ensure as necessary that the perpetrators of these acts are adequately punished, as recommended in Chapter II 9) of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing.*

179. *ECRI strongly recommends that the Greek authorities provide for a body, which is independent of the police and prosecution authorities, entrusted with the investigation of alleged cases of racial discrimination and racially-motivated misconduct by the police, as called for in Chapter II 10) of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing.*

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[103] Report and Recommendations of the NCHR on Issues Concerning the Situation and Rights of Roma in Greece, Hellenic National Commission on Human Rights, p. 25.

[104] *Ibid,* p.25-26.

[105] See, "Discrimination in Various Fields" above.

[106] *Alsayed Allaham v. Greece*, Application no. 25771/03, 18 January 2007, *Celniku v. Greece*, Application no. 21449/04, 5 July 2007.

VIII. Monitoring racism and racial discrimination

180. In its third report, ECRI recommended that means be sought for assessing the situation of minority groups in the various areas of life, stressing that such review is crucial to evaluating the impact and the success of policies carried out in order to improve the situation. ECRI considered that the review should be carried out so as to comply with the principles of data protection and confidentiality, on the basis of a system of voluntary self-identification, clearly explaining the reasons why the information is being collected.

181. As indicated in other parts of this report, there is no established system for collecting ethnic data in Greece[107], other than for the needs of the implementation of the housing scheme programme for Roma, although this information may enable the authorities to better assess the situation of minorities such as Roma and the Muslim minority in Western Thrace as well as refugees and immigrants in order to improve the response given to the problems they face in various areas such as education, housing and employment.

182. *ECRI recommends that the Greek authorities consider ways of establishing a coherent, comprehensive data collection system in order to monitor the situation of minority groups, including Roma, Muslims in Western Thrace, refugees and immigrants by means of information broken down according, for instance, to ethnic origin, language, religion and nationality. Data should be collected in different public policy areas and the authorities should ensure full respect for the principles of confidentiality, informed consent and voluntary self-identification of people as belonging to a particular group. This system should also take into consideration the possible existence of double or multiple discrimination.*

IX. Media

183. Law 3592/2007 on the "Concentration and Licensing of Media Enterprises and Other Provisions" adopted on 16 July 2007 contains some provisions which the authorities may consider reviewing, including Article 8 13) (a) which provides that the main broadcasting language for radio programmes should be Greek. A number of other requirements on the minimum human and financial resources required to obtain a licence risk endangering smaller regional and minority media: 1) the minimum disbursed capital for radio owners has been established at 100,000 EUR for radio stations broadcasting news (this requirement also applies to regions with at least 100,000 inhabitants and no more than 150,00 inhabitants, although they are some of the poorest in Greece) and 60,000 EUR for those broadcasting music; 2) radios are required to broadcast for 24 hours regardless of their programming. Moreover, according to the Greek authorities, Article 8 paragraph 14b (vi) provides that radio stations operating in regions with less than 100,000 inhabitants are obliged to employ at least 5 staff members, if they broadcast news, while radio stations broadcasting music, in the same regions, are obliged to employ at least 3 staff members.[108] In July 2007, Miklos Haraszti, the OSCE Representative on Freedom of the Media expressed concern about this law, stating that "OSCE commitments regarding pluralism of views require that all communities have access to the flow of information and can contribute to it. Every government has a responsibility to facilitate respect and inclusiveness"[109]. Some representatives from the Muslim minority in Western Thrace have also expressed criticism of the above mentioned provisions.

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[107] See, "Discrimination in Various Fields" above.

[108] See, Articles 8 10) (a), 13 a) as well as 14 a) and b) respectively.

[109] See, Press release, New radio licensing law in Greece restricts minority media, says OSCE media freedom watchdog, Vienna, 27 July 2007, http://www.osce.org/fom/item_1_25793.html?print=1

184. *ECRI recommends that the Greek authorities review Law 3592/2007 to ensure that it is in accordance with international standards on media pluralism and the free flow of information.*

INTERIM FOLLOW-UP RECOMMENDATIONS

The three specific recommendations for which ECRI requests priority implementation from the authorities of Greece are the following:

- ECRI recommends that the Greek authorities ensure that the Ombudsman is empowered to provide aid and assistance to victims, including legal aid, as recommended in its General Policy Recommendation No.2 on specialised bodies for combating racism, xenophobia, antisemitism and intolerance at national level. ECRI also recommends that the delay within which individuals may file a complaint before the Ombudsman after learning of the administration's illegal action or failure to act be extended to at least a year, inter alia, in order to encourage victims to file complaints to this body. ECRI further recommends that the Greek authorities take measures to raise public awareness of the role of the Ombudsman in implementing Law 3304/2005.

- ECRI strongly recommends the creation of more systematic and long-term mechanisms for monitoring and evaluating the implementation of the Integrated Action Plan in order to assess results and make any necessary adjustments. ECRI recommends that Roma representatives be involved in this process

- ECRI urges the Greek authorities to address any structural problems within the administration which continue to slow down the process for issuing and renewing residence permits and to separate this question from the requirement of revenue stamps.

A process of interim follow-up for these three recommendations will be conducted by ECRI no later than two years following the publication of this report.

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