



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/GRC/CO/16-19
14 September 2009

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventy-fifth session
3 - 28 August 2009

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on
the Elimination of Racial Discrimination**

GREECE

1. The Committee considered the combined sixteenth to nineteenth periodic reports of Greece, submitted in a single document (CERD/C/GRC/19), at its 1944th and 1945th meetings (CERD/C/SR.1944 and 1945), held on 10 and 11 August 2009. At its 1963rd meeting (CERD/C/SR.1963), held on 24 August 2009, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party report, the replies to the list of issues, as well as the supplementary information provided orally by the delegation. The Committee found it encouraging that the delegation replied frankly and constructively to the questions and comments raised by Committee members. The Committee welcomes the high quality of the State party's report, which is in line with the Committee's guidelines.

B. Positive aspects

3. The Committee welcomes the adoption of Law 3304/2005 on the "Implementation of the principle of equal treatment regardless of race or national origin, religion or other beliefs, disability, age or sexual orientation" in 2005.

4. The Committee welcomes the amendment of paragraph 3 of article 79 of the Criminal Code in 2008, which provides that the commission of an offence motivated by ethnic, racial or religious hatred constitutes an aggravating circumstance.
5. The Committee welcomes the establishment of the Committee for Equal Treatment and the new responsibilities assumed by the Greek Ombudsman for the promotion of the principle of equal treatment in the public sector.
6. The Committee welcomes the “Integrated Action Program for the social integration of Greek Roma” and the Law of 2005 for the integration of third-country nationals legally residing in the Hellenic territory, and acknowledges the importance of the special measures and other positive steps already taken.
7. The Committee welcomes the recent ratification by the State party of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the ratification of both Optional Protocols to the Convention on the rights of the Child.

C. Concerns and recommendations

8. The Committee takes note of the explanation by the State party of the reason why only Greek citizens belonging to the Muslim minority in Thrace, as determined by the Treaty of Lausanne of 1923, fall within the scope of the term “minority”, and are recognized as such.
The Committee, referring to its general recommendation No. 8 (1990) concerning the interpretation and application of article 1, paragraphs 1 and 4 of the Convention, and recalling its general recommendation No. 20 (1996) on article 5 of the Convention, calls upon the State party to ensure the non-discriminatory implementation of each of the rights and freedoms referred to in article 5 of the Convention for all groups within the scope of the Convention. The Committee recommends that the State party conduct research with a view to effectively assessing and evaluating the incidence of racial discrimination in the country, with particular focus on discrimination based on national or ethnic origin, and take targeted measures to eliminate such discrimination.
9. The Committee notes that the Muslim minority of Thrace is composed of Turkish, Pomak and Roma ethnic groups, and that the Government wishes to ensure their right to use their own languages.
The Committee asks the State party to include in its next report information on measures taken to protect the human rights of these groups and their right to identity.
10. The Committee is concerned that the State party is not effectively implementing legal provisions aimed at eliminating racial discrimination and in particular those relating to prosecution and punishment of racially motivated crimes.

The Committee calls upon the State party to ensure the effective implementation of all legal provisions aimed at eliminating racial discrimination and that racially motivated crimes are effectively prosecuted and punished. The Committee further requests the State party to provide in its next report updated information concerning the application by courts of criminal law provisions punishing acts of racial discrimination, such as those contained in Law 927/1979. Such information should include the number and nature of cases brought, convictions obtained and sentences imposed, and any restitution or other remedies provided to victims of such acts.

11. The Committee is concerned about reports on the propagation by certain organizations and media outlets of racist stereotypes and hate comments against persons belonging to different ethnic and racial groups.

The Committee recommends that the State party take effective measures to penalize organizations and media outlets that are guilty of such acts. It further recommends that the State party concretely ban Neo-Nazi groups from its territory and take more effective measures to promote tolerance towards persons of different ethnic origins.

12. The Committee is concerned about reported cases of ill-treatment of asylum-seekers and illegal immigrants, including unaccompanied children.

The Committee recommends that the State party take more effective measures necessary to treat asylum-seekers humanely and to reduce as much as possible the period of detention of asylum-seekers, in particular children.

13. The Committee notes with concern information on cases of ill-treatment and excessive use of force by Greek police against persons belonging to vulnerable groups, in particular the Roma.

With reference to general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee encourages the State party to take further measures to combat the abuse of authority and to prevent the ill-treatment of people belonging to different racial and ethnic groups by the police, to ensure that such acts are effectively prosecuted and punished by the judicial authorities, and to integrate more members of the Roma community into the police.

14. Bearing in mind the intersectionality between ethnicity and religion, the Committee is concerned about information on certain specific difficulties encountered by Muslims belonging to different ethnic groups to practice their religion.

The Committee recalls the State party's obligation to ensure that all persons enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin, in accordance with article 5 (d) of the Convention.

15. The Committee is concerned about the obstacles encountered by some ethnic groups in exercising the freedom of association, and in this regard takes note of information on the forced dissolution and refusal to register some associations including words such as “minority”, “Turkish” or “Macedonian”, as well as of the explanation for such refusal.

The Committee recommends that the State party adopt measures to ensure the effective enjoyment by persons belonging to every community or group of their right to freedom of association and of their cultural rights, including the use of mother languages.

16. While acknowledging the important special measures already adopted for the social integration of the Roma, the Committee is concerned about obstacles encountered by Roma persons with regard to access to work, housing, health care and education.

The Committee recommends that the State party undertake an evaluation of the results of the “Integrated Action Program for the social integration of Greek Roma” in consultation with the respective communities, and adopt adequate measures to effectively improve the living conditions of the Roma, in accordance with article 5 of the Convention and general recommendation No. 27 (2000) on discrimination against the Roma.

17. The Committee is concerned about the alleged limited access to quality minority education for the Turkish speaking minority in Western Thrace.

The Committee recommends that the State party improve the quality of education for the vulnerable ethnic groups and the Muslim minority, including through the training of teachers belonging to these groups, to ensure that there is a sufficient number of secondary schools, and to create pre-schools that teach in the mother tongue of their students.

18. The Committee notes the sharing of competence between the Office of the Ombudsman, the Committee for Equal Treatment and the Labour Inspectorate (para. 253 of the State party’s report).

As the Office of the Ombudsman is the only independent body, the Committee recommends that the State party consider giving it overall powers to receive complaints of racial discrimination, while cooperating with the other bodies when examining them.

19. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

20. The Committee recommends that the State party take into account the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State

party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

21. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

22. The Committee encourages the State party to consider making the optional declaration provided for in article 14 of the Convention.

23. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolution 61/148, in which it strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

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

25. Noting that the State Party submitted its core document in 2002, the Committee encourages the State Party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.4).

26. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 12 and 13 above.

27. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 10, 11 and 18 and requests that the State party provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

28. The Committee recommends that the State party submit its combined twentieth and twenty-first periodic reports in a single document, due on 18 July 2013, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.
